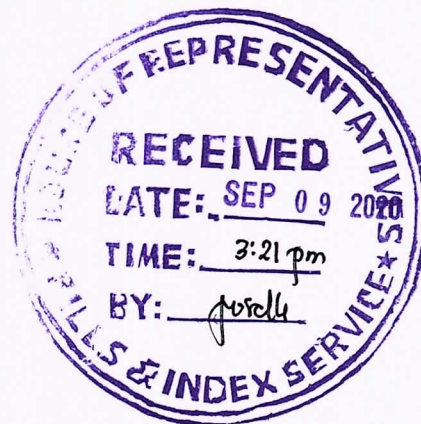




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 7626

Introduced by Representative Sharon S. Garin

EXPLANATORY NOTE

This bill seeks to provide additional protection and benefits to migrant workers and overseas Filipinos, amending for the purpose Republic Act (RA) No. 8042, as amended, otherwise known as the "*Migrant Workers and Overseas Filipinos Act of 1995*."

One of the State policies on labor enshrined in the 1987 Constitution is the protection of the rights of workers and the promotion of their welfare. This policy is strengthened by Section 3, Article XIII of the Constitution that requires the State to afford full protection to labor, local or overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

The migrant workers and overseas Filipinos deserve such not only because it is mandated by the Constitution but also because they keep the country's economy afloat through their remittances. In 2019 alone, the remittances from migrant workers and overseas Filipinos, our "*bagong bayani*," amounted to \$33.5 billion."

This bill proposes that the computation of monetary benefits of migrant workers and overseas Filipinos must be based on the unexpired portion of the contract if the employment is prematurely terminated without just, valid, or authorized cause. The current computation of the monetary benefits, which is not favorable to overseas Filipinos workers, is based on the unexpired portion of the employment contract or three (3) months for every year of the unexpired term, whichever is lower.

Moreover, the clause "or for three (3) months for every year of the unexpired term, whichever is less" was declared unconstitutional by the Supreme Court in the

case of *Serrano vs. Gallant Maritime Services, Inc.*, G.R. No. 167614, March 24, 2009 as violative of the right of overseas Filipinos to equal protection.

This measure also intends to expand the use of the Legal Assistance Fund for migrant workers and overseas Filipinos in distress to afford them full protection. Section 3, Rule IX of the Omnibus Rules and Regulations implementing RA 8042, as amended by RA 10022, provides that the Legal Assistance Fund may only be used in appeal cases when the penalty meted against an overseas Filipino is life imprisonment or death, or under meritorious circumstances.

Under this bill, the Legal Assistance Fund may be used for all litigation expenses from the commencement of the complaint until the case is resolved and settled with finality, including the litigation expenses for appeal. In this proposed measure, cases of overseas Filipinos may be appealed even if the meted penalty is less than life imprisonment or death and without the need to determine the existence of meritorious circumstances. This will lessen the anxiety and torment of overseas Filipinos in distress, knowing that they are fully supported by the government.

Another objective of this bill is to exempt the spouse and children of a migrant worker from paying travel tax and airport fee. Extending this benefit to the immediate families of the migrant workers is a welcome gesture of the government to show its appreciation for their valuable contributions in the economy of the country.

Finally, the effects of Coronavirus disease 2019 global pandemic that the migrant workers and overseas Filipinos are currently experiencing make the grant of additional protection and benefits more timely and urgent. Hence, this bill.

In view of the foregoing, the early passage of this bill is earnestly sought.



SHARON S. GARIN
AAMBIS-Owa Party-list



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HOUSE BILL NO. 7626

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AN ACT

PROVIDING ADDITIONAL PROTECTION AND BENEFITS TO MIGRANT WORKERS AND OVERSEAS FILIPINOS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8042, AS AMENDED, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 10 of Republic Act No. 8042, as amended, is hereby further amended to read as follows:

"SEC.10. *Money Claims.* – xxx.

"xxx.

"xxx.

"xxx.

"In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, or any unauthorized deductions from the migrant worker's salary, the worker

19 shall be entitled to the full reimbursement of [his] **THE** placement fee
20 and the deductions made with interest at twelve percent (12%) *per*
21 *annum*, plus [his] **THE** salaries **OF THE WORKER** for the unexpired
22 portion of [his] **THE** employment contract [~~or for three (3) months for~~
23 ~~every year of the unexpired term, whichever is less~~]."

24 "xxx xxx xxx"

25 SEC. 2. Section 26 of the same Act, as amended, is hereby further amended
26 to read as follows:

27 "SEC. 26. *Uses of the Legal Assistance Fund.* – The Legal
28 Assistance Fund created under the preceding section [~~shall~~] **MUST** be
29 used exclusively to provide legal services to migrant workers and
30 overseas Filipinos in distress in accordance with the guidelines, criteria
31 and procedures promulgated in accordance with Section 24(a) hereof.
32 The [~~expenditures to be charged against the~~] **USES OF** Fund [~~shall~~]
33 include:

34 **(A)** [~~the fees~~] **FEES** for the foreign lawyers to be hired by
35 the Legal Assistant for Migrant Workers Affairs to represent migrant
36 workers **AND OVERSEAS FILIPINOS** facing charges or in filing
37 **LABOR AND CRIMINAL** cases against erring or abusive employers
38 **AND OTHER OFFENDERS** abroad[~~;~~];

39 **(B)** **PAYMENT OF** bail bonds to secure the temporary
40 release **OF MIGRANT WORKERS OR OVERSEAS FILIPINOS;**

41 (C) PAYMENT OF OTHER BONDS AS MAY BE
42 REQUIRED BY THE FOREIGN COURT OR TRIBUNAL WHERE
43 THE CASE IS PENDING; and

44 (D) ~~[either]~~ OTHER litigation expenses AS MAY BE
45 INCURRED FROM THE COMMENCEMENT OF THE COMPLAINT
46 UNTIL THE CASE IS RESOLVED AND SETTLED WITH
47 FINALITY, INCLUDING THE EXPENSES FOR APPEAL [:].

48 ~~[Provided, That at]~~ AT the end of every year, the Department
49 of Foreign Affairs shall include in its report to Congress, as provided
50 for under Section 33 of this Act, the status of, **AND THE EXPENSES**
51 **CHARGED AGAINST**, the Legal Assistance Fund ~~[, including the~~
52 ~~expenditures from the said fund]~~ **THAT ARE** duly audited by the
53 Commission on Audit (COA)[:]. ~~[Provided, further, That the]~~ **THE**
54 hiring of foreign legal counsels, when circumstances warrant urgent
55 action, shall be exempt from the coverage of Republic Act No. 9184,
56 ~~[or]~~ **OTHERWISE KNOWN AS** the "Government Procurement
57 **REFORM Act.**"

58 SEC. 3. Section 35 of the same Act, as amended, is also hereby amended to
59 read as follows:

60 "SEC. 35. *Exemption from Travel Tax, Documentary Stamp Tax*
61 *and Airport Fee.* – All laws to the contrary notwithstanding, the
62 migrant worker **AND OVERSEAS FILIPINO** ~~[shall be]~~ **INCLUDING**
63 **THEIR SPOUSE AND CHILDREN ARE** exempt from the payment

of travel tax and airport fee upon proper showing of proof of entitlement by the POEA.

The remittances of all overseas Filipino workers, upon showing of the same proof of entitlement by the overseas Filipino worker's beneficiary or recipient, [~~shall be~~] **ARE** exempt from the payment of documentary stamp tax."

SEC. 4. Within (90) days from the effectivity of this Act, the Secretary of Foreign Affairs and the Secretary of Labor and Employment shall issue the necessary rules and regulations for the for the effective implementation of this Act.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,