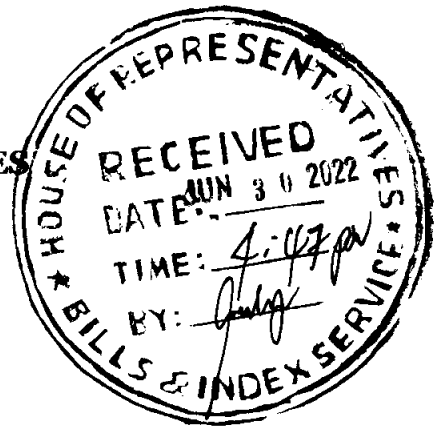


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. **366**



INTRODUCED BY REPRESENTATIVE MARISSA “DEL MAR” P. MAGSINO

AN ACT
TO STRENGTHEN HUMAN RIGHTS EDUCATION
AND THE SYSTEM OF LEGAL ASSISTANCE FOR MIGRANT WORKERS,
AMENDING FOR THE PURPOSE SECTION 23 OF
REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT
WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED

EXPLANATORY NOTE

Human rights have been at the front and center of the past decade. Many regarded it as an important element for human survival, while some have considered it as an expendable commodity that can be bargained away at the right argument. But through it all, one thing is certain: all of us have human rights which we must hold dear and sacred.

The Constitution is clear that the State must provide “legal measures for the protection of human rights of all persons within the Philippines, as well as Filipino residing abroad”, and “preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection.”

To whom does human rights belong to? It belongs equally to the rich and poor; and certainly not only to those who can afford lawyers to grandstand for them at the slightest provocation.

Many have failed to realize that the benefits and privileges we either enjoy or not enjoy, are highly dependent on the human rights that our neighbors and our government give respect and protection to. And because of this, we have become susceptible to abuse and exploitation.

Among the marginalized sectors who are often made vulnerable to transgressions of their human rights are the Overseas Filipino Workers (OFWs) who often just sign away their rights on the hope that their lives will soon become better. This is in absolute contravention of Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”, which has clearly stated that “[t]he existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated.”

Over the years, the need to earn a living has diluted the value of human rights. This has evidently opened the doors of abuse against OFWs – especially domestic employees who, by reason of their lack of knowledge and appreciation about human rights, have rendered them most defenseless against attacks.

The horror stories of Filipina domestic helpers whose bodies have turned black and blue at the hands of abusive employers have haunted the news. We have come across viral videos on social media of *yayas* in the Middle East begging to be rescued after having been splattered with scalding hot water. We all have heard stories of OFWs in Asia being starved for days on end because employers treat them like animals needing to respect nor protection.

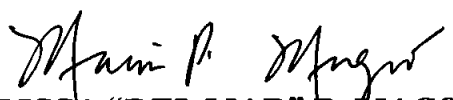
These are the abuses that this bill now seeks to prevent. Our OFWs have been subjected to the worst working conditions and inhumane treatment because around the world, cruel employers know that the weapon they can use against poverty-stricken people is their ignorance of the law. While Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipino Act of 1995”, has been around for decades, the abuses continue.

It cannot be denied that there are gaps in existing laws that permit the abuses to flourish unabated. And it starts with the State’s failure to integrate in the consciousness of OFWs the human rights that they all are entitled to. The lack of effective education and information drive has led many OFWs to accede to waivers that would sign away the rights and privileges they would otherwise have been entitled to and has led them to think that the abuses are fine as long as they are paid as stipulated in the contract.

This is where we must step in. The gaps which have been used to circumvent the laws must now be addressed. We must dress OFWs up with knowledge and equip them with know-how so that abuses will be minimized, if not fully eradicated.

The most salient feature of this measure is the amended of the Migrant Workers and Overseas Filipinos Act of 1995 by mandating the Commission on Human Rights to provide human rights education and legal assistance to OFWs. For these things cannot be merely entrusted to the inexperienced and unskilled who conduct seminars and training just for the sake of complying with requirements.

In view of the foregoing, approval of this measure is earnestly sought.


MARISSA “DEL MAR” P. MAGSINO

1 (d.1) Provide a venue for the POEA, other concerned government
2 agencies and non-governmental organizations to conduct PEOS to their
3 constituents on a regular basis;

4 (d.2) Establish overseas Filipino worker help desk or kiosk in their
5 localities with the objective of providing current information to their
6 constituents on all the processes and aspects of overseas employment.
7 Such desk or kiosk shall, as far as practicable, be fully computerized
8 and shall be linked to the database of all concerned government
9 agencies, particularly the POEA for its updated lists of overseas job
10 orders and licenses recruitment agencies in good standing.

11 **(E) COMMISSION ON HUMAN RIGHTS. – THE COMMISSION**
12 **ON HUMAN RIGHTS (CHR) SHALL DEVELOP AND MONITOR**
13 **A HUMAN RIGHTS EDUCATION PROGRAM FOR OVERSEAS**
14 **FILIPINO WORKERS, IN LINE WITH ITS FUNCTION TO**
15 **ESTABLISH A CONTINUING PROGRAM OF RESEARCH,**
16 **EDUCATION, AND INFORMATION TO ENHANCE RESPECT**
17 **FOR THE PRIMACY OF HUMAN RIGHTS. IN PARTNERSHIP**
18 **WITH THE POEA, THE DFA, THE DOLE AND OTHER**
19 **CONCERNED GOVERNMENT AGENCIES. THE PROGRAM**
20 **WILL SUPPLEMENT THE PRE-DEPARTURE AND THE POST-**
21 **ARRIVAL ORIENTATION SEMINARS BY INTEGRATING**
22 **HUMAN RIGHTS EDUCATION IN THE AGENCIES’**
23 **RESPECTIVE PROGRAMS.**

24 **THE CHR, AS GENDER OMBUD, SHALL ALSO PROMOTE THE**
25 **PRIMACY OF HUMAN RIGHTS OF WOMEN AND PERSON**
26 **WITH DIVERSE SEXUAL ORIENTATION OR GENDER**
27 **IDENTITY THROUGH RESEARCH, EDUCATION, AND**
28 **INFORMATION.**

29 **LIKEWISE, THE OFFICIAL MISSION ABROAD, INCLUDING**
30 **EMBASSIES AND CONSULATE, ARE HEREBY MANDATED TO**

1 **ACTIVELY INVOLVE THE CHR IN THEIR SYSTEM AND**
2 **PROVISION OF LEGAL ASSISTANCE TO OUR MIGRANT**
3 **WORKERS. ON ITS PART, AND IN COORDINATION WITH THE**
4 **CONCERNED UNIT AND PERSONNEL OF OUR MISSION**
5 **ABROAD, THE CHR SHALL EXERT UTMOST EFFORTS TO**
6 **FULFILL ITS CONSTITUTIONAL MANDATE OF PROVIDING**
7 **FOR PREVENTIVE MEASURES AND LEGAL AND ASSISTANCE**
8 **TO THE WORKERS WHO ARE IN NEED OF PROTECTION OR**
9 **REDRESS FROM ABUSES AND VIOLATIONS OF HUMAN**
10 **RIGHTS.”**

11 Sec. 2. *Repealing Clause*– Any law, presidential decree or issuance, executive
12 order, letter of instruction, rule of regulation inconsistent with the provisions of this
13 Act is hereby repealed or modified accordingly.

14 Sec. 3. *Separability Clause*.– If, for any reason, any section or provision of this
15 Act is held unconstitutional or invalid, the other sections or provisions hereof shall
16 not be affected and thereby remain in full force and effect.

17 Sec. 4. *Effectivity Clause*. – This Act shall take effect fifteen (15) days
18 following its publication in the Official Gazette or in two (2) newspapers of general
19 circulation in the Philippines.

 Approved,