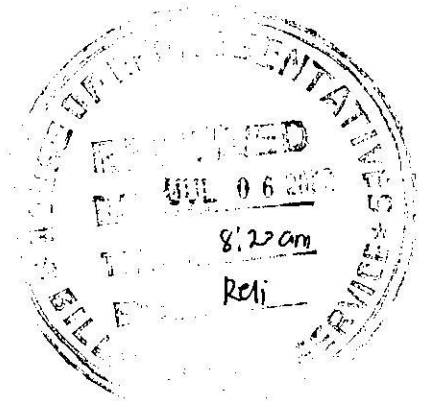


HOUSE OF REPRESENTATIVES

House Bill No. 1350



Introduced by Representative Christian Tell A. Yap

Republic Act No. 8042 (R.A. 8042), also known as the "Migrant Workers and Overseas Filipinos Act of 1995", was enacted to protect and promote the rights and welfare of Filipino migrant workers. One of the policies it sets out under the Declaration of Policies in Section 2 restates the Constitutional provision on the State's duty and responsibility to protect labor. In line with these policies, Sections 25 to 26 of the same Act put forth the establishment of a legal assistance fund for migrant workers. The use of the legal assistance fund under section 26 was further amended in Republic Act 10022 by exempting from the Government Procurement Act the hiring of foreign legal counsels when circumstances warrant urgent action.

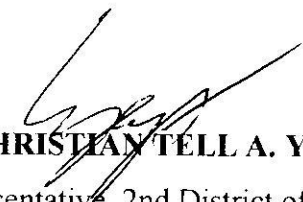
While the language of the law appears to have expanded the use of the legal assistance fund by exempting it from the coverage of procurement laws in urgent cases warranting the hiring of foreign legal counsels, the Omnibus Rules and Regulations Implementing R.A. No. 8042, as amended, seems to have limited its application by providing a specific set of instances wherein the Legal Assistance Fund may be accessed.

The limiting language of the Omnibus Rules and Regulations makes the Legal Assistance Fund accessible only upon the absence of a counsel de officio or court-appointed lawyer or, at all instances, upon conviction and the penalty meted is life imprisonment or death. Other than these two instances, access to it is not mandatory and may only be under meritorious circumstances as determined by the Undersecretary for Migrant Workers Affairs.

The absurdity of such guidelines has led to some of our OFWs facing criminal charges to either a.) entrust their fates in the hands of foreign counsels de officio or court-appointed lawyers who most likely cannot sufficiently communicate to the OFWs in distress the charges that the latter are facing in a language that the OFWs know; or, worse, b.) be left to fend off for themselves completely without competent legal assistance at the time of their arrest all the way to trial proper -a crucial period where legal assistance is most needed.

It is incumbent on the State that an enabling mechanism be installed to guaranty that the rights and interest of distressed migrant workers and overseas Filipinos, documented and undocumented, be protected and safeguarded. The bill seeks to institute a higher standard of safety and promotion of the welfare of migrant workers and their families, thru the expansion of the coverage of the Legal Assistance Fund.

In view of the foregoing reasons, the approval of the bill is earnestly sought.



CHRISTIAN TELL A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 1350

Introduced by Representative CHRISTIAN TELL A. YAP

AN ACT
EXPANDING THE USE OF LEGAL ASSISTANCE FUND, AMENDING FOR THE
PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE
“MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995,” AS AMENDED

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

SECTION 1. Section 26 of Republic Act No. 8042, otherwise known as the “Migrant
Workers and Overseas Filipinos Act of 1995,” as amended, is hereby further amended to read as
follows:

“SEC. 26. *Uses of the Legal Assistance Fund.* The Legal Assistance Fund created under the
preceding section shall be used exclusively to provide legal services to migrant workers and
overseas Filipinos [in distress] in accordance with the guidelines, criteria and procedures
promulgated in accordance with Section 24 (a) hereof. The expenditures to be charged against
the Fund shall include the fees for the foreign lawyers to be hired by the Legal Assistant for
Migrant Workers Affairs to represent migrant workers **OR OVERSEAS FILIPINOS** facing
charges, **EXPENSES FOR THE** [or in] filing **OF LABOR AND/OR CRIMINAL** cases
against erring or abusive employers **OR OTHER PERSONS** abroad, bail bonds to secure the
temporary releases and other litigation expenses: **PROVIDED, THAT THE LEGAL
ASSISTANCE FUND SHALL, AT ALL TIMES, BE MADE AVAILABLE FROM THE
TIME OF THE INVESTIGATION, DETENTION, ARREST, CHARGING OR
INDICTMENT OF THE MIGRANT WORKER OR OVERSEAS FILIPINO ALL THE
WAY TO THE TRIAL PROPER, AND AT ALL LEVELS OF APPEAL
THEREAFTER:** *Provided,* That at the end of every year, the Department of Foreign Affairs
shall include in its report to Congress, as provided for under Section 33 of this Act, the status
of the Legal Assistance Fund, including the expenditures from the said fund duly audited by
the Commission on Audit (COA): *Provided further,* That the hiring of foreign legal counsels
**AND OTHER RELEASES OF FUNDS FOR OTHER EXPENSES RELATED TO THE
PROVISIONS OF THIS SECTION,** when circumstances warrant urgent action, shall be
exempt from the coverage of Republic Act No. 9184 or the Government Procurement Act.”

1

2 **SEC. 2.** - All laws, presidential decrees, orders, issuances, rules and regulations or parts
3 thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified
4 accordingly.

5

6 **SEC. 3.** - This Act shall take effect fifteen (15) days after its complete publication in the
7 Official Gazette or in two (2) newspapers of general circulation in the Philippines.

Approved.