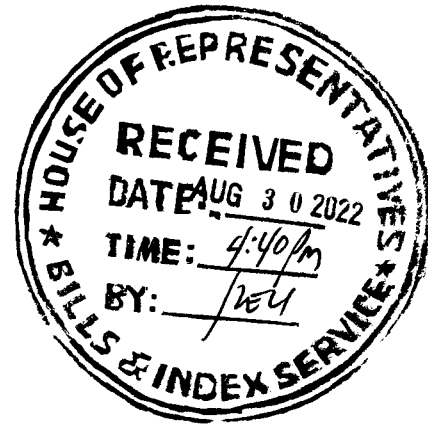




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Nineteenth Congress

First Regular Session

4256

House Bill No. _____

Introduced by:

HON. MARISSA 'DEL MAR' P. MAGSINO
ONE FILIPINOS WORLDWIDE (OFW) PARTYLIST

EXPLANATORY NOTE

Repatriation is the process of bringing back to the country distressed and stranded overseas Filipino workers (OFWs) who have been abused and maltreated, lost their jobs, suffering from serious illnesses, or their remains, from the host countries where they work. In some instances, it is carried out in the event of military or political upheavals, public health emergencies, or massive natural calamities occurring in countries where OFWs work requiring for their immediate rescue and transport back to the Philippines.

Repatriation of our OFWs is a costly undertaking. Section 15 of Republic Act No. 8042, as amended, requires that the repatriation of the worker, or his remains, and the transport of his personal belongings is the primary responsibility of the agency which recruited or deployed the worker overseas, and that all costs attendant thereto shall be borne by it, except when the termination of employment is due solely to the fault of the worker. On the other hand, the Overseas Workers Welfare Administration (OWWA) is tasked to undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, and other similar events, without prejudice to reimbursement by the responsible agency, if the same can be identified. In the case of a minor OFW, when discovered, the Department of Foreign Affairs (DFA) is directed to cause the mandatory repatriation of the subject minor

OFW. To defray the expenses of repatriation by the government, the law established an emergency repatriation fund for the purpose.

But the more problematic concern is that the process of repatriation is, not only complex, but as attested to by our OFWs' experiences, snail-paced in implementation and execution. There have been numerous accounts of stranded OFWs who fled from their abusive employers and are forced to seek refuge in rented shelters or encamp in alleys or other public places while waiting to be repatriated. The luckier ones find solace in half-way houses provided for by our embassies or consulates, if there are. The delay in their actual repatriation, whether due to bureaucratic red tape, lack of funding, or ineptitude or apathy of concerned government and consular officials, is of no greater moment than the fact the agonies of our suffering OFWs is unjustly prolonged. The same is true for families of OFWs left behind awaiting the return of the remains of their love ones while grieving.

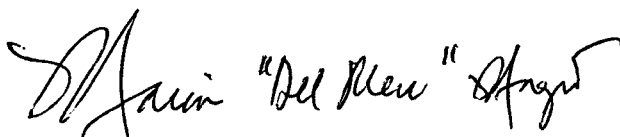
Admittedly, the duration for completing the repatriation process varies depending on the reason for repatriation and the circumstances of the OFWs concerned. But it cannot be sufficient justification to dispense with the need for time limits within which to complete the repatriation process. Providing for a specific time period for completion will oblige concerned government agencies to ensure that requests or directives for repatriation of OFWs are attended to and implemented with reasonable promptness.

This bill mandates that in all cases of repatriation as provided for in Republic Act No. 8042, the OWWA must complete its evaluation of the written request for repatriation and inform the requesting party of its decision within five (5) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUs), or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the migrant worker concerned is repatriated within fifteen (15) working days from the date that notice of approval is given to the requesting party, and within thirty (30) working days in the case of remains of a deceased OFW as the case may be.

In cases where the OFW to be repatriated is a minor, the requesting party must be informed of OWWA's decision within three (3) working days from the receipt of the written request, and if a need for repatriation is found, the same must be implemented within ten (10) working days from the date that notice of approval is given to the requesting party.

The enactment of this proposed measure will lessen the anguish and sufferings of our distressed and stranded OFWs while waiting for their repatriation, as well as allay the fears and reduce the anxiety of their love ones waiting back home.

For the foregoing reason, the immediate consideration and passage of this bill is earnestly urged.


HON. MARISSA 'DEL MAR' P. MAGSINO



Republic of the Philippines
House of Representatives
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House Bill No. 4256

Introduced by :

HON. MARISSA 'DEL MAR' P. MAGSINO
ONE FILIPINOS WORLDWIDE (OFW) PARTYLIST

AN ACT
TO EXPEDITE THE PROCESS OF REPATRIATION OF FILIPINO
MIGRANT WORKERS

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

SECTION 1. Expedited Repatriation. – The request for repatriation must be in writing, and may be made by the migrant worker, relatives of the migrant worker up to the second degree of consanguinity or affinity, non-government organizations or government offices. Such requests shall be resolved within the following periods:

(a) In all cases of repatriation which fall under the coverage of the first paragraph of Section 15 of Republic Act No. 8042 where the migrant worker is still alive, the Overseas Workers Welfare Administration (OWWA) must complete its evaluation of the written request for repatriation and inform the requesting party of its decision within five (5) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUs), or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the migrant worker concerned is repatriated within fifteen (15) working days from the date that notice of approval is given to the requesting party.

(b) In all cases of repatriation which fall under the coverage of the first Paragraph of Section 15 of Republic Act No. 8042 where the migrant worker is deceased, the OWWA must complete its evaluation of the written report for repatriation and inform the requesting party of its decision within five (5) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUs) or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the body of the migrant worker concerned is repatriated within thirty (30) working days from the date that notice of approval is given to the requesting party. In all cases of repatriation which fall under the coverage of the first paragraph of Section 15 of Republic Act No 8042 in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, the OWWA shall, without delay, undertake the repatriation of workers in the affected regions. The OWWA shall bear the costs and primary responsibility for this repatriation, without prejudice to reimbursement by the responsible principal or agency.

(c) In all cases of repatriation which fall under the coverage of Section 16 of Republic Act No. 8042, the OWWA must complete its evaluation of the written request for repatriation and inform the requesting party of its decision within three (3) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUS), or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the migrant worker concerned is repatriated within ten (10) working days from the date that notice of approval is given to the requesting party.

(d) Failure on the part of any responsible employee or officer of the OWWA to comply with the preceding paragraphs shall merit sanctions, including but not limited to suspension from work without pay, to be determined in the rules and regulations to be promulgated in accordance with this Act.

SECTION 2. *Email Requirement: Penalties for Unresponsive Agencies.* -

All licensed recruitment agencies must have at least one (1) current and active email address on record with the Philippine Overseas Employment Administration (POEA). It shall be the responsibility of the recruitment agency to keep the POEA updated on any changes in the aforementioned email address.

Failure of the recruitment agency to respond to any communication from the POEA concerning the repatriation of a migrant worker, sent to the agency's email address on record, within forty-eight hours, shall merit sanctions to be

determined by the POEA in its rules and regulations to be promulgated in accordance with this Act; *Provided*, That an automated email reply, or a statement to the effect that the proper/appropriate official of the agency is unavailable, shall not constitute a reply under this Section.

SECTION 3. *Pre-Emptive Submission to the Department of Foreign Affairs.*

- Within ten (10) working days from the departure of the migrant worker from the Philippines, pursuant to employment facilitated by a local recruitment or placement agency, such agency shall submit to the Department of Foreign Affairs (DFA) one original copy of the Birth Certificate of the migrant worker and one certified true copy of the current passport of the migrant worker, which shall constitute part of the documentary requirements under Section 4 of this Act. The license of a recruitment/manning agency which fails to comply with this provision shall be suspended until it has fully complied with the same, without prejudice to any other sanctions that may be imposed by the POEA.

SECTION 4. *Expedited Replacement of Detained Passports.* – In situations wherein the passport of a migrant worker, who is subject to an approved request for repatriation pursuant to Section 1 of this Act, has been detained by his/her employer or other party, without the consent of the migrant worker, the migrant worker shall be issued a new passport or travel document upon written request of the migrant worker, and under an expedited procedure to be jointly promulgated by the OWWA, POEA, and DFA in accordance with this Act: *Provided*, that:

(a) No other pre-existing public or government issued document shall be required to be submitted, as the documents submitted under Section 3 of this Act shall be deemed sufficient;

(b) Any fees required shall be considered as part of the repatriation cost, to be shouldered by the principal, agency or OWWA as the case may be, subject to appropriate reimbursement;

(c) Upon approval of the request, the new passport or travel document must be issued to the migrant worker within fifteen (15) working days from such approval; and,

(d) Such expedited rules shall be of uniform and shall apply to all Philippine embassies.

(e) Any responsible public officer or employee who fails to comply with the provision of this Section shall be subject to administrative penalties to be determined in the rules and regulations to be promulgated pursuant to this Act.

SECTION 5. *Implementing Rules and Regulations* – Within sixty (60) days from the effectivity of this Act, the OWWA, the POEA and the DFA shall promulgate the rules and regulations necessary for the effective implementation of this Act.

SECTION 6. *Separability Clause*.- If any provision of this Act or any part thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

SECTION 7. *Repealing Clause*. – All laws, decrees, rules and regulations, and executive orders contrary to or inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 8. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.