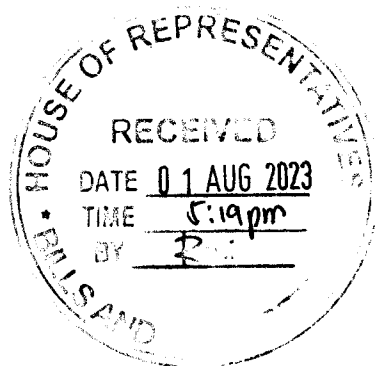




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 8698

Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

“Modern Day Heroes” is the term we use to describe our Overseas Filipino Workers (OFWs). Even though outside the Philippine territory, they contribute to the economic growth of the country through their remittances. Their personal sacrifice of working abroad in the hopes of giving their family a more decent life makes them the *BAGONG BAYANI NG BANSANG PILIPINAS*.

The Migrant Workers and Overseas Filipinos Act of 1995¹ was enacted for the purpose, among others, of breathing life to the constitutional mandate of affording full protection to labor, local and overseas. In March 2009, the Supreme Court *en banc* in *Serrano vs. Gallant Maritime Services*² declared as unconstitutional the fifth paragraph Section 10 of the Act as it violates the equal protection clause and the due process clause provided by the Constitution. The pertinent provision reads as follows:

In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, the workers shall be entitled to the full reimbursement of his placement fee with interest of twelve percent (12%) per annum, **plus his salaries for the unexpired portion of his employment contract or for three (3) months for every year of the unexpired term, whichever is less.** [Emphasis supplied]

In July 2009, however, Republic Act No. 10022 was promulgated amending the Migrant Workers and Overseas Filipinos Act of 1995, but reinstating the previously declared unconstitutional portion of the Act in the *Serrano* case.

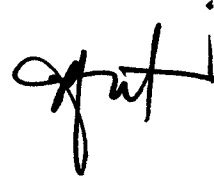
This bill seeks to affirm the mandate of the constitution to afford full protection to labor, local and overseas, by removing the sub-layer of discrimination among OFWs that is, those who are illegally dismissed, regardless of contract duration, will be entitled to their salaries

¹ Republic Act No. 8042

² *Serrano v. Gallant Maritime Services, Inc.*, 601 Phil. 245, 302 and 304 (2009) [Per J. Austria-Martinez, *En Banc*]

for the entire unexpired portion or for three months of salary for every year of unexpired portion of the employment contract, whichever is higher.

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

A handwritten signature in black ink, appearing to be "Guti", with a small dot above the final letter.



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HOUSE BILL NO. 8698

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AN ACT
AMENDING SECTION 7 OF REPUBLIC ACT NO. 10022 AND FURTHER
REMOVING THE SUB-LAYER OF DISCRIMINATION AMONG OVERSEAS
FILIPINO WORKERS IN TERMS OF MONEY CLAIMS

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

1 **Section 1.** The sixth paragraph of Section 7 of Republic Act No. 10022 is hereby
2 amended to read as follows:

3
4 "In case of termination of overseas employment without just, valid or authorized
5 cause as defined by law or contract, or any unauthorized deductions from the
6 migrant worker's salary, the worker shall be entitled to the full reimbursement of
7 his placement fee and the deductions made with interest at twelve percent (12%)
8 per annum, plus his salaries for the unexpired portion of his employment contract
9 or for three (3) months for every year of the unexpired term, whichever is higher.

10
11 **Section 2.** This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or in a newspaper of general circulation.

Approved,