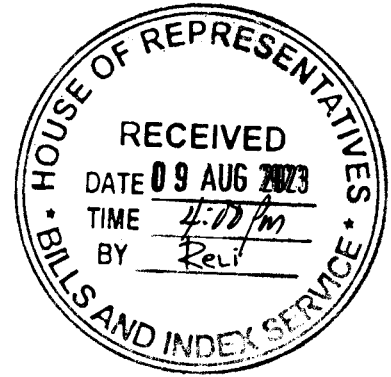




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Nineteenth Congress

Second Regular Session

House Bill No. 8827

Introduced by :

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

EXPLANATORY NOTE

Republic Act No. 10706, also known as the 'Seafarers Protection Act' defines and prohibits 'ambulance chasing' as the 'act of soliciting personally or through an agent, from seafarers, or their heirs, the pursuit of any claim against their employers for the purpose of recovery of monetary claim or benefit, including legal interest, arising from accident, illness or death in exchange of an amount of fee which shall be retained or deducted from the monetary claim or benefit granted or awarded to the seafarers or their heirs'.

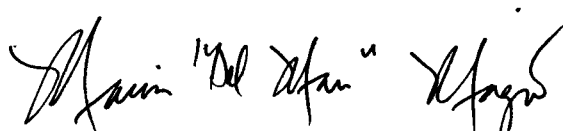
While the law allows a maximum of ten percent (10%) of the compensation or benefit awarded to the seafarer, or his heirs, as fees for the services of the person who appears or represents them in the proceedings, unscrupulous ambulance chasers actually charge exorbitant fees ranging from fifty to seventy percent (50%-70%) of the total compensation award, leaving almost nothing to the seafarer or his heirs to make use of.

This bill seeks to mandate the Department of Migrant Workers (DMW) to provide free legal assistance to seafarers, or their heirs, in all stages of their claims in proper proceedings for monetary award and other benefits arising from employment-related accident, illness or death. However, seafarers, or their heirs, may still opt to acquire the services of private counsel for the same purpose, but in accordance with RA 10706.

The over-arching objective of the proposed measure is to insulate our seafarers from ambulance chasers who exploit their financial difficulties in pursuing their cause of action. For funding purposes, the the *Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan* (AKSYON) Fund established in Section 14 of Republic Act No. 10706, otherwise known as the 'Department of Migrant Workers Act', shall be utilized for the delivery of the legal assistance contemplated in the bill

The true evil of ambulance chasing, when conscienceless lawyers persuade unwitting seafarers injured on the job to seek large settlements for even minor injuries, lies in its destructive effect of driving shipping companies to seek sailors elsewhere, thus depriving seafarers of prospective employment opportunities. Added to the fact that most of the money paid for claims only ends up in the pockets of unscrupulous lawyers. Providing seafarers free legal assistance by the government in these situations will put them out of reach of ambulance chasers.

For the foregoing reasons, the immediate consideration and approval of this bill is earnestly urged.



HON. MARISSA 'DEL MAR' P. MAGSINO



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House Bill No. 8827

Introduced by :

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

AN ACT
MANDATING THE DEPARTMENT OF MIGRANT WORKERS TO PROVIDE
FREE LEGAL ASSISTANCE TO SEAFARERS, OR THEIR HEIRS, IN THE
PURSUIT AND RECOVERY OF MONETARY CLAIMS OR BENEFITS
ARISING FROM EMPLOYMENT-RELATED ACCIDENT, ILLNESS OR
DEATH, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10706,
OTHERWISE KNOWN AS THE 'SEAFARERS PROTECTION ACT'

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

Section 1. Declaration of Policy – It shall be the policy of the State to protect Filipino seafarers from unscrupulous individuals who take advantage of their plight and fall victims to an unfair scheme where ambulance chasers charge exorbitant fees with the promise of huge monetary award in their pursuit and recovery of monetary claims or benefits arising from employment-related accidents, illnesses or death. Towards this end, the State shall provide free legal assistance to claimant-seafarers to insulate them from ambulance chasers who exploit the seafarers' financial difficulties in pursuing their cause of action.

Section 2. A new Section 5 is hereby added to Republic Act No. 10706, or 'An Act Protecting Seafarers Against Ambulance Chasing and Imposition of Excessive Fees, and Providing Penalties Therefor', to read as follows:

SECTION 5. *PROVISION OF FREE LEGAL ASSISTANCE* – THE DEPARTMENT OF MIGRANT WORKERS SHALL PROVIDE FREE LEGAL ASSISTANCE TO SEAFARERS, OR THEIR HEIRS, IN ALL STAGES OF THEIR CLAIMS IN PROPER PROCEEDINGS FOR MONETARY AWARD AND OTHER BENEFITS, INCLUDING LEGAL INTEREST, ARISING FROM EMPLOYMENT-RELATED ACCIDENT, ILLNESS OR DEATH.

NOTHING IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT SEAFARERS, OR THEIR HEIRS, FROM ACQUIRING THE SERVICES OF PRIVATE COUNSEL FOR THE PURPOSE AS AN OPTION IN ACCORDANCE WITH THIS ACT.

Section 3. Sections 5 to 8 of Republic Act No. 10706 are hereby renumbered accordingly.

Section 4. *Funding Source* - The amount needed for the implementation of this Act shall be taken from the current year's appropriation for the *Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan* (AKSYON) Fund established in Section 14 of Republic Act No. 10706, otherwise known as the 'Department of Migrant Workers Act'.

Section 5. *Implementing Rules and Regulations* – Within sixty (60) days from the approval of this Act, the Department of Migrant Workers, in coordination with the Maritime Industry Authority, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 6. *Repealing Clause.* — All laws, decrees, orders, and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 7. *Effectivity Clause* — This Act shall take effect fifteen (15) days after its complete publication in in a newspaper of general circulation.

Approved.