

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

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **8951**



Introduced by Representative Ron P. Salo

EXPLANATORY NOTE

The role of Filipino Migrant Workers (FMWs) is indispensable in the growth and development of the Philippines. Through their unwavering commitment, remittances, and sacrifices, they make a significant contribution to the country's economy. Despite the unique challenges and vulnerabilities they encounter while working abroad, their dedication and perseverance remain unparalleled, often at a considerable personal cost.

This proposal seeks to institutionalize a Magna Carta for Filipino Migrant Workers in order to provide comprehensive protection and promote their rights in accordance with international conventions, existing laws, and the Constitution of the Republic of the Philippines.

The importance of this proposed law is underscored by the declaration of policies outlined in Republic Act No. 8042, as amended, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995." This law affirms the State's commitment to protect the rights and promote the welfare of all Filipino migrant workers, regardless of their place of origin or type of work. It recognizes their invaluable role in the economic development of the country and affirms the need to ensure their protection against exploitation and abuse. Furthermore, Republic Act No. 11641, or the law creating the Department of Migrant Workers, bolsters the State's commitment to safeguard the welfare of migrant workers by establishing a dedicated government agency for their protection.

This proposed legislation aims to codify all the protections afforded by existing laws to come up with a comprehensive framework that addresses the needs and concerns of our Filipino migrant workers. It shall serve as a vital piece of legislation that enhances the protection, welfare, and empowerment of our FMWs, as it recognizes their distinct circumstances and vulnerabilities.

To ensure that Filipino migrant workers are truly empowered, there are three important facets to this proposed legislation that bear emphasis:

First, this proposed measure aims to provide for a fundamental and encompassing framework that focuses on the State's promotion, protection, and

fulfilment of the rights of Filipino Migrant Workers. By codifying their rights, we lay down clear State duties and obligations along these same rights.

Second, the Magna Carta shall educate migrant workers of the rights that they can readily claim, thereby empowering them with information and awareness.

On the other hand, while the proposed law seeks to inform Filipino Migrant Workers of their rights, it also specifies their responsibilities toward their families, fellowmen, and our beloved nation. By clarifying their roles and obligations, and not only their rights, we also empower them to become proactive contributors to the well-being of their families, communities, and our country.

Third, this proposed law shall go beyond a mere litany of rights, or a comprehensive acknowledgment of obligations, responsibilities, and entitlements. It shall define the intertwined relationship and cooperation between and among all stakeholders in the industry in order to ensure that the rights of our migrant workers are protected and promoted, and the roles and responsibilities of other stakeholders. Indeed, in any type of relationship, whether personal or organizational, clarity of roles and responsibilities of the parties improves communication and facilitates smoother interaction.

As such, the proposed legislation summarizes the roles and obligations of various agencies of the government that are charged with protecting their rights and ensuring their safety. This is consistent with the concept of *parens patriae* where the state assumes the role of a good parent of a family in protecting its citizenry. But it is equally important that said organs of the government specifically know their roles, lest it lead to duplication of functions, and the migrant workers that the government is trying to serve end up unnecessarily burdened.

The proposed legislation includes provisions on the obligations of recruitment agencies in promoting fair and ethical recruitment practices, in guaranteeing just and humane working conditions, and safeguarding the rights of Filipino migrant workers to receive adequate wages, benefits, and social protection. It also includes mechanisms for legal assistance, repatriation, and access to healthcare services, and repatriation.

Hence, the Magna Carta of Filipino Migrant Workers is essential in order to harmonize and strengthen the existing legal framework for the protection of our OFWs. By providing comprehensive protection, promoting their welfare, and upholding their rights, we aim to empower our Filipino migrant workers and ensure their safe, smooth, and dignified journey as they contribute to the development of our nation.

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



RON P. SALO
KABAYAN Party List

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AN ACT
INSTITUTING THE MAGNA CARTA OF FILIPINO MIGRANT WORKERS

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

SECTION 1. Short Title. – This Act shall be known as the "Magna Carta of Filipino Migrant Workers."

SEC. 2. Declaration of Policy. – The State acknowledges the right of every Filipino to better their lives through employment opportunities in the Philippines or abroad. Hence, it is the duty of the State to protect the rights and promote the welfare of Filipinos who choose to seek employment opportunities abroad by safeguarding their rights, securing the best possible conditions of work that uphold their dignity, and establishing policies and programs that ensure their welfare and protection before they are deployed abroad, while abroad, and upon their return to the Philippines.

The State does not promote overseas employment as a means to economic growth and national development and shall continuously endeavor to make overseas work a choice and not a necessity. As such, the State shall educate every Filipino who choose to work abroad in order to be able to make intelligent decisions before deployment, during deployment, and upon his or her return from abroad. The State shall also institute measures that will strengthen the domestic labor market to encourage Filipinos to stay and contribute to nation-building, as well as for the effective reintegration of every Filipino Migrant Worker.

SEC. 3. Objectives. – The objectives of this Act are as follows:

- a. Empower migrant workers to make informed decisions on their career and their overseas journey;
- b. Codify the rights and protections of migrant workers as expressed in international instruments and domestic laws of the Philippines;
- c. Specify the obligations of migrant workers toward their families, communities, and the country; and
- d. Strengthen accountability of both the public and the private sectors in the deployment of Filipino Migrant Workers.

SEC. 4. Coverage. – This Act shall cover all Filipino Migrant Workers, both land-based and sea-based, or to a Filipino citizen employed abroad, whether documented or non-documented, but excluding permanent residents, immigrants, or those awaiting naturalization, recognition, or admission.

SEC. 5. Definition of Terms. – As used in this Act, the following terms shall mean:

- a. “Filipino Migrant Worker” refers to a Filipino who is to be engaged, is engaged, or has been engaged in a remunerated activity in a country of which the said person is not an immigrant, citizen, or a permanent resident of, or is not awaiting naturalization, recognition, or admission, whether land-based or sea-based regardless of status; excluding a Filipino engaged under a government-recognized exchange visitor program for cultural and educational purposes. For purposes of this Act, a person engaged in remunerated activity covers a person who has been contracted for overseas employment but has yet to leave the Philippines, regardless of status, and includes “Overseas Contract Workers”. This term is interchangeable with “Overseas Filipino Worker”;
- b. “Land-based migrant worker” refers to overseas contract workers who are working onshore in a foreign country and are hired either by direct hiring of an employer abroad, or through the assistance of the DMW, or through a private and licensed recruitment agency. They may have returned to the Philippines for a vacation (annual or emergency leave), or have transferred to other employers, or were rehired by their former employer;
- c. “Sea-based migrant worker” refers to a Filipino migrant worker who is engaged in employment in any capacity on board a merchant marine vessel plying international waters or other sea-based craft of similar category. For purposes of this Act, it shall include fishers onboard commercial fishing vessels on international waters or as defined under relevant maritime conventions, cruise ship personnel, yacht crew, those serving on mobile offshore and drilling units in the high seas, and other persons similarly situated;
- d. “Migrant worker,” as used in this Act, refers to a Filipino Migrant Worker, whether land-based or sea-based;
- e. “Foreign Principals (FP)” refers to an employer or foreign principal indirectly engaging the services of an OFW, including foreign recruitment agencies (FRA);
- f. “Philippine Recruitment Agency (PRA)” refers to any person, partnership, or corporation duly authorized by the DMW to engage in the recruitment and placement of workers for overseas employment;

- g. "Manning agency" refers to refers to any person, partnership or corporation duly licensed by the DMW to recruit and deploy seafarers for maritime employment;
- h. "Agency" refers to either the PRA or Manning agency;
- i. "Employer" refers primarily to the direct employer of the migrant worker abroad. For purposes of monitoring and accountability as required by this Act, employer may refer to the direct employer or FP;
- j. "State of employment" refers to state or country where the migrant worker is to be engaged, is engaged, or has been engaged in a remunerated activity, as the case may be;
- k. "State of origin" refers to the Philippines; and
- l. "Point of hire" refers to the place indicated in the contract of employment which shall be the basis for determining commencement and termination of contract; Provided, that in cases where no place is indicated in the contract, the point of hire shall be the port of departure from the Philippines.

SEC. 6. Migrant Workers' Freedoms and Guarantees. – Migrant workers shall have the following freedoms and guarantees:

- a. Right against slavery and forced labor;
- b. Right against torture, and other cruel, inhumane, and degrading acts;
- c. Right to freedom of expression, thought, conscience, and religion;
- d. Right to liberty and security; and
- e. Right to privacy.

SEC. 7. Migrant Workers' Employment and Social Rights. – Migrant workers shall have the right to:

- a. To be treated with respect and dignity;
- b. To be accorded not lower than the minimum standards and protection stipulated in the standard employment contract;
- c. Safe and secure workplace;
- d. Fair terms and conditions of employment;
- e. Decent working and living conditions;
- f. Health protection, medical care, welfare measures, and other forms of social protections consistent with relevant laws;
- g. Membership in a retirement or pension plan as may be provided by law;
- h. To join or establish organizations, associations with fellow Filipinos in their state of employment, or unions in the Philippines;
- i. Participate in the meetings, discussions, or dialogues with the Philippine Embassy, Consulate, or Migrant Workers Office (MWO) on their concerns;

- j. Access to communication;
- k. Choose remunerated activity;
- l. To be trained for the remunerated activity;
- m. To possess and hold their personal documents, including their passports; and
- n. Own personal property.

SEC. 8. Migrant Workers' Right to Information. – Employers, concerned government agencies, and other entities engaged in the recruitment and placement of Filipino migrant workers shall provide relevant information, including the terms and conditions of employment and company policies affecting migrant workers. This right shall include:

- a. The access of migrant worker to relevant information affecting the terms and conditions of his or her employment;
- b. Information on the laws, norms, traditions, culture, and beliefs in the state of employment;
- c. Right of information of migrant worker's family on the condition of the migrant worker; and
- d. Public consultation on matters affecting his or her rights and welfare.

SEC. 9. Migrant Workers' Right to Redress. – Migrant workers shall have the following rights to address and resolve their complaints, disputes, grievances, and controversies, as well as on cases filed against them abroad, and on cases in domestic courts filed in relation to their employment as a migrant worker:

- a. Right to free legal representation both abroad and in the Philippines;
- b. Right to an appropriate grievance mechanism;
- c. Right to a speedy resolution of his or her case; and
- d. Right to be protected from acts of ambulance chasing.

SEC. 10. Migrant Workers' Right Against Discrimination. – Migrant workers shall not be discriminated against by reason of race, sex, religion, age, or political opinion. Career opportunities shall be promoted and appropriate working and living conditions shall be guaranteed equally among male and female migrant workers.

For this purpose, the DMW, Department of Foreign Affairs (DFA), and other relevant government agencies shall endeavor to ensure that migrant workers shall be given the right to equal protection of the laws of the state of employment's nationals in relation to the following:

- a. Employment opportunities;
- b. Employment conditions and other labor standards; and
- c. Other related employment terms.

SEC. 11. Right to Consular Assistance and Diplomatic Services. – Migrant workers and their families shall have the right to receive immediate consular assistance and diplomatic services from the Philippine Government, embassies, or consular offices.

SEC. 12. Right to Repatriation. – Migrant workers shall have the right to be repatriated to the state of origin under the circumstances stated under Sections 15, 16, and 17 of this Act.

SEC. 13. Obligations and Responsibilities of Filipino Migrant Worker. – A Filipino Migrant Worker shall have the following obligations and responsibilities:

- a. To go through approved and established legal and authorized process of the government for overseas employment;
- b. To comply with and observe the terms and conditions of the employment contract;
- c. To abide by lawful employer rules, policies and orders;
- d. To obey the laws of the state of employment;
- e. To study, learn, and act in conformity with the moral, ethical, and societal norms of the state of employment;
- f. To study, learn, and respect the norms, traditions, beliefs, and language of the state of employment;
- g. To ensure that he is equipped with the appropriate competency and qualifications for the remunerated activity that he applied for, including the necessary certifications and documents;
- h. To submit only authentic and genuine identification document, qualification credentials and certificates, at any stage of the overseas migration process;
- i. To inform his or her agency and his or her family of significant developments such as transfer of employment or workstation, sickness, maltreatment by the employer, abuses, or other similar significant events;
- j. To duly pay his or her contributions to social security and welfare services provided by the State, as well as his or her contributions to his or her unions, if any;
- k. To be physically, mentally, and psychologically prepared for working abroad;
- l. To be personally responsible for maintaining a healthy lifestyle;
- m. To validate information and critically assess and verify offers of employment overseas or other information relating to his or her employment;
- n. To maintain contact with his or her family and loved ones, and continue to comply with his or her family obligations, consistent with the provisions of the Family Code and other relevant laws;
- o. To live as a true ambassador of the Filipino people and the Philippines in the state or country of employment; and
- p. To ensure that he or she fully understands his or her rights, as well as his or her obligations as stated in this Act.

SEC. 14. Country-Specific Standard Employment Contracts. – The DMW shall craft country-specific standard employment contracts (CS SEC) for each state of employment which shall contain minimum terms and conditions specific and applicable to that state of employment. The CS SEC shall be prepared after thorough consultation with the concerned officials of the state of employment and shall ensure that the same is valid and enforceable therein.

The terms and conditions for employment of a migrant worker shall be set out or referred to in a clearly written and legally enforceable language and form. The CS SEC shall be agreed to by the migrant worker under conditions which ensure that the migrant worker has an opportunity to understand and review the terms and conditions in the agreement. The CS SEC shall incorporate any applicable collective bargaining agreements, if any.

The CS SEC shall be approved by the DMW and shall be observed in the employment of migrant workers deployed abroad.

The terms and conditions for employment to be provided in the CS SEC shall be regularly updated in consonance with the latest laws and developments in the state of employment, and other existing treaties and conventions governing migrant workers duly entered into by the Philippines.

Nothing herein prohibits the employer and the Filipino migrant worker to enter into a supplementary agreement, the provisions of which are consistent with the CS SEC, as well as the laws of the Philippines and state of employment.

SEC. 15. Repatriation. – Filipino migrant workers have a right to be repatriated at no cost to themselves. They are entitled to repatriation in the following circumstances:

- a. When the migrant workers' employment agreement expires while they are abroad;
- b. When the migrant workers' employment agreement is terminated:
 1. by the employer; or
 2. by the migrant worker for justified reasons.
- c. When the migrant workers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in specific circumstances.

In all cases of repatriation, the affected migrant worker shall be repatriated to the point of hire. However, in case of incapacity or death, the migrant worker or the remains shall be repatriated to the point of hire or the migrant worker's place of domicile at the option of the migrant worker or the migrant worker's next of kin. All costs related to the repatriation and transport of the personal effects and remains of the migrant worker, shall be borne by, or charged to the employer to expedite the repatriation without prior determination of the cause of repatriation or termination of the migrant worker's employment.

The repatriation expenses that shall be borne by or charged to the employer concerned shall include:

- a. Basic pay and related hotel and meal costs, if necessary, from the moment the migrant worker leaves the employer until he reaches the point of hire;
- b. Transportation charges, the normal mode of transport should be by air;

- c. Deployment cost of the principal; and
- d. Immigration fees, fines, and penalties.

However, in cases where the termination of employment is based on serious default of the migrant worker's employment obligations, or for just cause, or upon the request of the migrant worker, the cost of repatriation shall be for the account of the migrant worker unless the employment agreement provides otherwise.

The responsibility to provide for the repatriation costs shall be without prejudice to the right to civil, criminal, or other claims in accordance with law, particularly in cases of accident or death other than natural causes.

In case repatriation is undertaken by the government, whether by the Department of Foreign Affairs (DFA), DMW or OWWA, the employer, the agency, FRA or foreign principals, or the insurance company, shall immediately reimburse the appropriate government agency, without prejudice to any sanctions that may be imposed against the employer, agency or foreign principals, or the insurance company for any violation of its obligation to repatriate the migrant worker without justified, valid, or legal cause.

SEC. 16. Repatriation Due to War or other Conflicts. – In times of war, armed conflict, or other situations that pose a threat to the safety and security of migrant workers, it shall be their inherent right to be repatriated to the point of hire. The State, through its relevant agencies, shall initiate and implement repatriation efforts in coordination and collaboration with other states, agencies, embassies, and consulates, and other organs both at home and abroad. It shall craft all the necessary guidelines and protocols in order to achieve the purpose of this section.

SEC. 17. Quarantine and Medical Expenses in Repatriation Due to Epidemics, Pandemics, or other Public Health Emergencies. – Before or during the process of repatriation of a migrant worker in times of epidemics, pandemics, or other public health emergencies, whether natural or man-made, the employer, the agency, or FRA or foreign principal, shall cover the following expenses until the migrant worker is considered duly repatriated to the point of hire:

- a. Medical care, board and lodging for periods spent by a migrant worker in quarantine or self-isolation, whether or not the migrant worker has symptoms or has been exposed to any infectious diseases, virus, or bacteria – until declared as free of any infection, virus, or ailment by the DOH Bureau of Quarantine or any DOH-accredited clinic; and
- b. Hospitalization and medical treatment when the migrant worker is sick or infected – until declared as fully recovered.

Thereafter, should the migrant worker need further quarantine or medical care, the expenses shall be covered by the OWWA from funds to be appropriated for this purpose.

SEC. 18. Reintegration. – The DMW and OWWA shall develop and implement a full-cycle and comprehensive national reintegration program for migrant workers,

which shall be embedded in all stages of migration for work beginning from pre-deployment, on-site during employment and upon return, whether voluntary or involuntary, through the National Reintegration Center for Overseas Filipino Workers (OFWs). The reintegration program shall cover the different dimensions of support needed by the migrant worker, such as economic, social, psychosocial, and cultural, including skills certification and recognition of equivalency for effective employment services, and shall ensure contribution to national development through investments and transfer of technology.

SEC. 19. Role of Government Agencies. – The following government agencies shall perform the following functions to promote the welfare and protect the rights of Filipino migrant workers:

- a. Department of Migrant Workers (DMW) – The DMW shall be the primary agency tasked with the implementation of this Act and pursuant to its mandate under Republic Act No. 11641, or the Department of Migrant Workers Act. As such, the DMW shall:
 1. Ensure the protection of the rights of migrant workers, and effective performance of their obligations;
 2. In coordination with the DFA, enter into appropriate agreements with host countries for the protection of Filipino migrant workers;
 3. Ensure regular coordination with their counterparts in the host government for the protection of our migrant workers, as well as with other department or offices of the Philippine Government;
 4. Adopt proactive measures for the greater protection of migrant workers and monitor their status;
 5. Provide free legal assistance to migrant workers while abroad, including cases the migrant workers filed against their employers, or to any case, whether criminal, civil or administrative, filed against them by any person;
 6. Adopt country-specific standard employment contracts in consultation with the concerned officials of the state of employment;
 7. Review the contracts of employment and the working conditions of migrant workers deployed to ensure that these comply with the prescribed standards;
 8. Adopt appropriate and calibrated responses on labor issues, and terminate, suspend, or impose a ban on the deployment of migrant workers, when necessary, in accordance with the procedure provided in Republic Act No. 8042 or the “Department of Migrant Workers Act;”
 9. Streamline, modernize, and expedite the process for the deployment of migrant workers and accreditation of agencies and FRAs or foreign principals;
 10. Inform and coordinate with the MWOs or Labor Attaches in states of employment regarding the particulars of an arriving migrant worker;
 11. Regulate licensing and other deployment related activities of agencies and issue guidelines on the implementation of self-regulation among the agencies;

12. Strengthen its monitoring of the compliance by the agencies with DMW's appropriate guidelines;
 13. Regulate licensing or accreditation of FRAs or foreign principals, and monitor their compliance through its MWOs or Labor Attaches in states of employment;
 14. Coordinate and secure the approval of states of employment for the establishment of shelter homes for distressed migrant workers;
 15. Establish mechanisms to strengthen self-regulation among agencies by accrediting organizations or associations of agencies, or unions of migrant workers, and ensuring that all agencies are members of any of the accredited organizations or associations of agencies pursuant to Section 20 of this Act;
 16. Undertake large-scale information dissemination campaigns to spread awareness to migrant workers already deployed, to be deployed, and to those planning to become migrant workers regarding their rights and obligations as provided in this Act in a language easily understood by Filipino migrant workers;
 17. Authorize and accredit qualified agencies and/or reputable and organizations to conduct their own country and employer-specific pre-departure orientation seminar (PDOS) which should include the rights and obligations of the migrant worker as stated in this Act;
 18. Adopt measures to protect both migrant workers and employers from acts of ambulance chasing, and from anti-State organizations; and
 19. Actively collaborate and participate with international organizations providing greater protection for the migrant workers; and
 20. Other functions that are necessary to carry out the objectives of this Act.
- b. Department of Foreign Affairs (DFA) – The DFA shall be the head of the one country team approach implemented by the Philippine Government. It shall ensure consistent coordination with the host government on the protection of the migrant workers. Through its home offices or foreign posts, the DFA shall give paramount importance to the safety and well-being of Filipino migrant workers, by providing adequate and timely intervention and assistance, such as representing their interests with foreign authorities concerned and assisting in their immediate repatriation when they are distressed or beleaguered, and other important consular services.
- c. Overseas Workers Welfare Administration (OWWA) – The OWWA, pursuant to its mandate, shall formulate and implement welfare programs for Filipino migrant workers and their families while they are deployed and upon their return. Further, it shall have the following tasks:
1. Ensure the awareness of the migrant workers and their families of its programs and other related governmental programs;
 2. Establish a One-Stop-Shop welfare center for migrant workers, which shall have representatives from government agencies that process or issue licenses, permits, clearances and other documents required by migrant workers. The welfare facilities or centers may also be

established in OWWA Regional Offices to complement its existing programs for OFWs;

3. Monitor the welfare of migrant workers in the state of employment;
 4. The OWWA shall also inform and coordinate with the barangays in all instances when a migrant worker residing in that barangay will be deployed or is being repatriated; and
 5. OWWA shall institute partnerships and linkages with civil society and religious groups to establish programs to ensure the welfare of the migrant workers' families left in the Philippines.
- d. Philippine Embassies and Consulates – The Philippine Embassies and Consulates shall provide consular services to Filipino Migrant Workers. They shall hold meetings, discussions, or dialogues to hear and solicit inputs or feedbacks from the migrant workers or their organizations or associations pertaining to their concerns in the state of employment.

In states or areas where there are no MWOs, the Philippine Embassies or Consulates shall provide the services of the MWO.

- e. Migrant Workers Office (MWO) – Migrant Workers Officers in states of employment shall have the following functions and duties:
1. Implement policies, rules and regulations of the DMW;
 2. Provide the necessary services to Filipino Migrant Workers for the protection and promotion of their welfare;
 3. Exercise appropriate regulatory powers on FRAs or foreign principals, in accordance with the laws of the host country;
 4. Verify and monitor the compliance of FRAs or foreign principals to their obligations and ensure that they are performing their functions for the protection and promotion of the rights and welfare of the Filipino Migrant Workers;
 5. In accordance with the guidelines issued by the DMW, provide free legal assistance to migrant workers while abroad, including cases the migrant workers filed against their employers, or to any case, whether criminal, civil or administrative, filed against them by any person;
 6. Assist and facilitate the creation of migrant worker associations or organizations;
 7. Hold meetings, discussions, or dialogues to hear and solicit inputs or feedbacks from the migrant workers or their organizations, or associations pertaining to their concerns in the state of employment; and
 8. Regularly visit migrant workers in shelter homes of host countries and detained migrant workers.
- f. Technical Education and Skills Development Authority (TESDA) – The TESDA shall, in partnership with the DMW, develop, establish, and implement non-degree courses and programs for migrant workers and other quality technical education and training programs for migrant workers who desire to learn new skills or enhance their existing skills.

It shall ensure that the training conducted to migrant workers is compliant with international standards and considers the peculiarities of the specific country of deployment. It shall also ensure that the certificates being issued on the competency and qualifications of the migrant workers are internationally recognized. Further, it shall establish a system for the accreditation of competencies or skills, or work experiences acquired by migrant workers.

- g. National Labor Relations Commission (NLRC) – The NLRC shall, consistent with its mandate and jurisdiction under Presidential Decree No. 442, as amended, and other labor laws, adjudicate labor and management disputes involving migrant workers through compulsory arbitration or alternative modes of dispute resolution.
- h. Public Attorney's Office (PAO) – The PAO shall render, free of charge, legal representation, assistance, and counselling to migrant workers or their families in criminal, civil, labor, administrative and other quasi-judicial cases. The PAO may issue appropriate guidelines to ensure effective legal representation to migrant workers.
- i. Inter-Agency Council Against Trafficking (IACAT) – Pursuant to its functions under Republic Act No. 9208 or the "Anti-Trafficking in Persons Act of 2003," the IACAT shall ensure that Filipino migrant workers do not fall victim to acts of trafficking.
- j. Department of the Interior and Local Government (DILG) – The DILG, through the barangays, shall have the following duties:
 - 1. Keep a database of all migrant workers from their localities, which shall include the following information:
 - i. Dates of deployment to the state of employment and return to the Philippines of the migrant worker;
 - ii. the agencies and FRA or foreign principals of the migrant worker;
 - iii. Family members of the migrant worker; and
 - iv. Other relevant information.
 - 2. Coordinate with OWWA for the repatriation, if any, of a migrant worker residing in its locality;
 - 3. Coordinate and collaborate with the OWWA for the implementation of the OWWA's programs for the members of the family of the migrant worker; and
 - 4. Oversee the welfare of the members of the family of the migrant worker, particularly the minors, including their education.
- k. Bureau of Immigration (BI) – The Bureau of Immigration shall ensure that Filipino Migrant Workers are not unnecessarily burdened during their deployment to their state of employment, upon their return to the Philippines, or during their authorized leaves or vacations if their contracts have not yet

been terminated or expired. They shall ensure that all Filipino Migrant Workers are free from any act of harassment or extortion.

- l. Department of Health (DOH) – The DOH shall regulate the activities and operations of all clinics which conduct physical, optical, dental, psychological and other similar examinations, hereinafter referred to as health examinations, on Filipino migrant workers. The DOH shall determine and prescribe the nature of the health examination that shall be required of a migrant worker, ensuring that such examination will genuinely determine his or her state of health. The DOH shall likewise prescribe the contents of the medical certificate to ensure accuracy of the finding/s stated therein. The DOH shall ensure that its regulations are consistent with the relevant provisions of international conventions or treaties, including the STCW Convention, as amended, for the seafarers.
- m. Maritime Industry Authority (MARINA) – Specifically for the sea-based migrant workers, the MARINA shall ensure that the examination, licensing, and certification system for seafarers and ships are in accordance with the requirements prescribed under the STCW Convention, international agreements, other conventions relevant thereto, and other applicable laws, rules, and regulations. The MARINA shall also monitor and ensure that the ships are compliant with established standards and the shipboard training provided to cadets are compliant with the established curriculum.

Provided that, the DMW, MWOs, OWWA, DFA, DILG, and BI shall establish a system to harmonize, synergize, and share information pertaining to the Filipino migrant workers for a cohesive and coordinated programs and actions.

Unless otherwise provided in this Act, the mandate, power and function of all existing departments, agencies, or instrumentalities of the government, including government-owned and controlled corporations, shall remain and continue to be recognized in accordance with the law or order creating them.

SEC. 20. Role of the Philippine Recruitment and Manning Agencies. – Both the agencies and FRAs or foreign principals are considered partners of the State in ensuring the welfare and protection of Filipino migrant workers. For this purpose, they shall have the following tasks:

- a. Ensure lawful and ethical recruitment processes;
- b. Ensure that Filipino migrant workers are equipped with the appropriate competencies, qualifications, and certifications before their deployment;
- c. Ensure that the migrant worker fully understands the contents of the provisions of his or her contract of employment before departure to the state of employment;
- d. Ensure that Filipino migrant workers to be deployed are informed of, and understand their rights and obligations before deployment;
- e. Educate the migrant worker on the laws, norms, traditions, culture, beliefs and language of the state of employment;

- f. Monitor the status and welfare of deployed Filipino migrant workers recruited and deployed through their agencies;
- g. Ensure that the migrant worker is adequately covered by appropriate insurance; and
- h. Police and regulate their own ranks and ensure compliance with the laws, rules, and regulations.

Further, the agencies shall organize and integrate themselves into a national association or organization for the purpose of strengthening self-regulation and monitoring to ensure that every agency shall comply with all pertinent laws, rules, and regulations. The national organization shall be accredited by the DMW.

All accredited agencies shall be required and automatically become a member of this national association or organization. Membership in this integrated organization or association shall be required for the continuing validity of their license issued by the DMW.

Nonetheless, the agencies may continue with their other associations or organizations or form new associations or organizations.

SEC. 21. Accountability and Liability of Recruitment Agencies. – Recruitment Agencies shall be responsible and accountable for all their deployed Filipino Migrant Workers and shall be jointly liable with the employers for violation of the terms and conditions of the CS SEC and supplementary agreements, if any.

This accountability over the Filipino Migrant Worker ends upon the return or repatriation of the Filipino Migrant Worker at the point of hire; *Provided that* its liability is not extinguished in cases of violations of the CS SEC or its supplementary agreements by employer, the agencies or FRA or foreign principals that occur while the Filipino Migrant Worker is deployed.

This accountability also ends when the Filipino Migrant Worker voluntarily leaves his or her employment to return to the Philippines, or to work in other countries, or to transfer to other employers unless this was initiated by the agencies or FRA or foreign principals.

SEC. 22. Prescription. – Cases or causes of action under this Act or under the CS SEC or supplementary agreements shall prescribe in three (3) years.

SEC. 23. Congressional Oversight Committee. – There is hereby created a Congressional Oversight Committee to monitor the implementation of this Act, composed of five (5) members from the Senate and five (5) members from the House of Representatives. The Oversight Committee shall be co-chaired by the Chairperson of the Senate Committee on Migrant Workers and the Chairperson of the House of Representatives Committee on Overseas Workers Affairs. The other members of the Oversight Committee from the Senate and the House of Representatives, with at least one (1) member from the Minority from each chamber, shall be designated by the Senate President and Speaker of House of Representatives, respectively.

The Congressional Oversight Committee shall conduct periodic review of the provisions of this Act every five (5) years and shall recommend the necessary amendments of this Act, if warranted.

SEC. 24. *Application to Sea-based Migrant Workers.* – When a Magna Carta of Seafarers or any other similar law is passed, this Act shall apply suppletorily to sea-based migrant workers.

SEC. 25. *Non-diminution of Benefits.* – All rights, privileges and benefits previously enjoyed by Filipino Migrant Workers before the effectivity of this Act, including those set forth in Presidential Decree No. 442, as amended, and Republic Act No. 8042, as amended, shall continue to be recognized and shall not be diminished.

SEC. 26. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the departments and agencies concerned. Thereafter, the amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 27. *Implementing Rules and Regulations.* – The DMW shall, in coordination with the DFA, DOLE, OWWA, TESDA, PAO, BI, DILG, and IACAT and upon consultation with relevant stakeholders, promulgate the necessary rules and regulations to implement the provisions of this Act within ninety (90) days after its effectivity.

SEC. 28. *Separability Clause.* – If, for any reason, any section, clause, or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

SEC. 29. *Repealing Clause.* – All laws, presidential decrees, issuances, executive orders, letters of instruction, rules, or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 30. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.