



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

Nineteenth Congress

Second Regular Session

House Bill No. **9388**



Introduced by:
HON. MARISSA "DEL MAR" MAGSINO
OFW PARTYLIST

EXPLANATORY NOTE

Section 15 of Republic Act No. 8042, or the 'Migrant Workers and Overseas Filipinos Act', as amended, mandates the Overseas Workers Welfare Administration (OWWA), in coordination with appropriate international agencies, to undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, as well as the mandatory repatriation of underage migrant workers, without prejudice to reimbursement by the responsible principal or agency. The law also authorizes the OWWA to pay repatriation-related expenses, such as fines or penalties, subject to such guidelines as the OWWA Board of Trustees may prescribe. For these purposes, an Emergency Repatriation Fund (ERF) is established under the administrative control and supervision of the OWWA, initially consisting of One Hundred Million Pesos (P100,000,000.00), inclusive of outstanding balances.

For 2021, the Commission on Audit (COA) reported that the OWWA utilized 99.99% of its ₱17.3 billion ERF for the accommodation, transportation, financial assistance, and other COVID-19 incidental expenses of the repatriated OFWs. As of the 1st quarter of 2022, the OWWA disclosed that more than 900,000 Overseas Filipino Workers (OFWs) who have been affected by the coronavirus disease (COVID-19) pandemic have been repatriated.

With the COVID-19 wave subsiding globally, there is now a resurgence in the deployment of OFWs to other countries, and in the reverse, a slowdown in pandemic-related OFW repatriation activities. Consequently, the ERF has stabilized and began

accruing balances. For 2024, the OWWA reports an ERF balance of P 9.7 billion. A funding resource that could stay not fully utilized for the time being.

Meanwhile, in the current repatriation system, a recurring issue involves the availability and accessibility of temporary shelters or *Bahay Kalingas* in host countries intended for distressed OFWs as temporary sanctuaries, particularly while awaiting repatriation. Existing ones are reportedly often congested resulting to unsafe and inhuman living conditions. In some instances, the government is even forced to rent facilities for the purpose. As reported by the Department on Migrant Workers (DMW), there are currently 24 migrant workers' temporary shelters worldwide, 14 of which are in the Middle East.

Moreover, repatriated OFWs need half-way houses to stay while in transit to their respective home towns and residences, which can also be utilized as quarantine facilities in times of global pandemics. Temporary shelters abroad and half-way houses in the country for repatriated OFWs can save the government expenses for hotels and other commercial accommodations, while providing OFWs decent comfort and safety during their stay in said facilities.

It is for these reasons that the OWWA should be allowed greater flexibility in the utilization of the ERF, particularly for the establishment of temporary shelters abroad and half-way houses in the country in line with its repatriation mandate, as an option, and in coordination with other government agencies concerned, subject to availability of funds.

This bill seeks to provide the statutory authority for the purpose.



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AN ACT
EXPANDING THE PURPOSES FOR THE UTILIZATION OF THE EMERGENCY
REPATRIATION FUND UNDER REPUBLIC ACT NO. 8042, AS AMENDED, OTHERWISE
KNOWN AS THE 'MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT'

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

Section 1. Section 15 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

Section. 15. Repatriation of Workers; Emergency Repatriation Fund. – The repatriation of the worker and the transport of his personal belongings shall be the primary responsibility of the agency which recruited or deployed the worker overseas. All costs attendant to repatriation shall be borne by or charged to the agency concerned and/or its principal. Likewise, the repatriation of remains and transport of the personal belongings of a deceased worker and all costs attendant thereto shall be borne by the principal and/or local agency. However, in cases where the termination of employment is due solely to the fault of the worker, the principal/employer or agency shall not in any manner be responsible for the repatriation of the former and/or his belongings.

The Overseas Workers Welfare Administration (OWWA), in coordination with appropriate international agencies, shall undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or agency. However, in cases where the principal or recruitment agency cannot be identified, all costs attendant to repatriation shall be borne by the OWWA.

For these purposes, there is hereby created and established an emergency repatriation fund under the administration control and supervision of the OWWA, initially to consist of one hundred million pesos (P100,000,000.00), inclusive of outstanding balances.

THE EMERGENCY REPATRIATION FUND AS HERewith CONSTITUTED, MAY ALSO BE UTILIZED FOR THE ESTABLISHMENT OF OFW TEMPORARY SHELTERS IN THE HOST COUNTRIES IN COORDINATION WITH THE MIGRANT WORKERS OFFICE (MWO) OF THE DEPARTMENT OF MIGRANT WORKERS (DMW) IN ACCORDANCE WITH REPUBLIC ACT NO. 11641 AND HALF-WAY HOUSES IN THE COUNTRY, SUBJECT TO AVAILABILITY OF FUNDS AND GUIDELINES AS THE OWWA BOARD OF TRUSTEES MAY PRESCRIBE PURSUANT TO REPUBLIC ACT NO. 10801.

Section 2. 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 3. This Act shall take effect fifteen (15) days after its complete publication in in a newspaper of general circulation.

Approved.