



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11146



Introduced by
HON. ATTY. GERVILLE “JINKY BITRICS” R. LUISTRO

AN ACT
GRANTING THE OVERSEAS FILIPINO WORKERS THE RIGHT TO EQUAL
PROTECTION ON MONEY CLAIMS, AMENDING FOR THE PURPOSE THE FIFTH
PARAGRAPH OF SECTION 10 OF REPUBLIC ACT NO. 8042, AS AMENDED BY
REPUBLIC ACT NO. 10022, OTHERWISE KNOWN AS THE “MIGRANT WORKERS
AND OVERSEAS FILIPINOS ACT OF 1995”

EXPLANATORY NOTE

The 1987 Constitution guarantees the right of every individual to due process and equal protection under the law. Furthermore, it mandates that the State provide full protection to the rights and welfare of all members of the labor force, including overseas Filipino workers (OFWs), particularly in instances of unlawful termination and in claims for unpaid wages corresponding to the unexpired portion of their employment contracts.

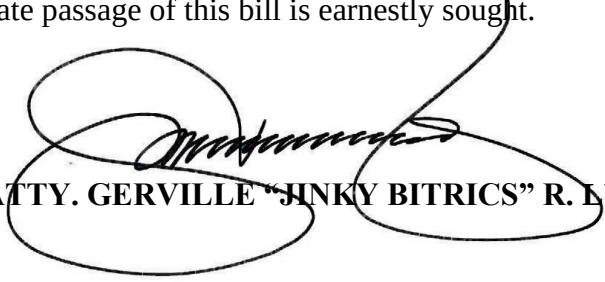
In line with this constitutional directive, the Supreme Court has consistently held in numerous rulings that, in cases of illegal dismissal, OFWs are entitled to receive their salaries for the remaining term of their contracts.

However, a specific category of OFWs remains excluded from this entitlement: those who are illegally dismissed with one year or more left on their contracts. This exclusion constitutes an unjust restriction on their ability to exercise a fundamental right—the right to claim unpaid wages for the unexpired portion of their employment contracts—and places an undue burden on this particular group, operating to their unreasonable disadvantage.

This bill seeks to amend paragraph 5 of Section 10 of RA 8042 as amended by RA 10022 by deleting the phrase 'or for three (3) months for every year of unexpired term, whichever is less', to extend the protection to the aforementioned group of OFWs being characterized.

This proposed measure is an adoption of House Bill No. 5988 principally authored by AKBAYAN Partylist Representatives Walden Bello and Ibarra “Barry” M. Gutierrez III, which was passed on Third Reading in the 16th Congress but regrettably was not passed into law.

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



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

Section 1. The fifth paragraph of Section 10 of Republic Act No. 8042, otherwise known as the 'Migrant Workers and Overseas Filipinos Act of 1995', as amended by Republic Act No. 10022, is hereby further amended to read as follows:

'Section 10. Money Claims. – x x x

x x x

x x x

x x x

In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, or any unauthorized deductions from the migrant worker's salary, the worker shall be entitled to the full reimbursement of his placement

fee and the deductions made with interest at 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]~~.

Section 2. *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.

Section 3. *Effectivity.* This Act shall take effect fifteen (30) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.