

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS

First Regular Session

HOUSE BILL NO. **1439**



Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

EXPLANATORY NOTE

On 30 December 2021, Republic Act (R.A.) No. 11641 creating the Department of Migrant Workers (DMW) was signed into law. R.A. No. 11641 endeavors to protect the rights and promote the welfare of Overseas Filipino Workers (OFWs) and their families by providing timely and responsive services to address their needs regardless of legal status. One of the objectives of R.A. 11641 is to provide legal assistance to OFWs in need. The bar examinations conducted annually allows for the admission of at least a thousand new lawyers to the profession with some graduating as scholars. These newly-minted lawyer-scholars may be tapped by the DMW to fulfill its mandate of providing free legal assistance to OFWs. As such, this representation finds it proper to encourage new lawyers to provide free legal service for OFWs.

As of 2020, there are an estimated 1.77 million OFWs according to the Philippine Statistics Office. The DMW seeks to protect these OFWs by providing assistance to them whenever needed. Young and eager new lawyers can be tapped in the efforts to protect and promote the welfare of OFWs. The proposed law herein seeks to enable law schools and the DMW to adopt systems that will allow and encourage new lawyers to become active in providing free legal assistance to OFWs.

At this point, it is elucidating to highlight that Section 18, Article II of the 1987 Constitution provides that the State affirms labor as a primary social economic force and that it shall protect the rights of the workers and promote their welfare. Further, Section 3, Article XIII of our fundamental law also mandates that the State shall afford full protection to labor, local or overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

For the Filipino people, the approval of the foregoing bill is earnestly being sought.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a flourish.

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HOUSE BILL NO. **1439**

Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

**AN ACT ENCOURAGING NEW LAWYER-SCHOLARS TO PROVIDE
FREE LEGAL SERVICES TO OVERSEAS FILIPINO WORKERS
UNDER THE DEPARTMENT OF MIGRANT WORKERS, AMENDING
REPUBLIC ACT (R.A) NO. 11641, OTHERWISE KNOWN AS THE
"DEPARTMENT OF MIGRANT WORKERS ACT,"
AND FOR OTHER PURPOSES**

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

SECTION 1. Section 9 of R.A. 11641 is hereby amended to read as follows:

"Section 9. Structure of the Department. - The Secretary shall be assisted by no more than four (4) Undersecretaries and by the Assistant Secretaries provided under this Act. The Secretary shall have the authority to assess and evaluate, and on the basis of which, transfer, delineate, reassign, or reorganize the functional areas or responsibilities of each office as he or she may deem necessary.

The following offices are hereby created, each to be headed by an Undersecretary and assisted by other officers and staff:

(b) Office of the Undersecretary for Foreign Employment and Welfare Services. The Office of the Undersecretary for Foreign Employment and Welfare Services shall take over the functions of the POEA Deputy Administrator for Employment and Welfare. It shall also subsume all the functions of the Office of the Undersecretary for Migrant Workers' Affairs (OUMWA) under the DFA. It shall have the following additional functions:

- (1) Advise and assist the Secretary in the formulation of the Department's overall long-term and short-term plans and programs on overseas employment;
- (2) Undertake program and policy coordination with the OWWA;

- (3) Provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs, and members of their families, including; but not limited to, assistance to nationals (ATN) and other services, without prejudice to reimbursement by the responsible principal employer or recruitment or manning agency, in accordance with law;
- (4) Administer the AKSYON Fund provided under Section 14 hereof and authorize disbursements therefrom in accordance with this Act;
- (5) Ensure effective coordination and cooperation with other government agencies and the Philippine Foreign Service Posts in the provision of legal assistance and other ATN services utilizing the AKSYON Fund;
- (6) Tap the assistance of the Integrated Bar of the Philippines, other bar associations, legal experts on labor, migration, and human rights laws, reputable law firms, civil society organizations, and the private sector, as appropriate, to complement government services and resources to provide legal and other forms of assistance to OFWs in distress;
- (7) COORDINATE WITH DIFFERENT LAW SCHOOLS, AS IDENTIFIED BY THE DEPARTMENT, TO CRAFT PROGRAMS ENCOURAGING THEIR SCHOLARS AFTER BECOMING FULL-FLEDGED LAWYERS TO PROVIDE FREE LEGAL ASSISTANCE TO OFWS IN NEED;**
- (8) Manage and supervise the Migrant Workers Office as created under Section 15 of this Act;
- (9) Develop and monitor the implementation of a full-cycle national reintegration program under Section 17 of this Act;
- (10) Exercise control and supervision over the Assistant Secretary heading each of the following: (i) Welfare and Employment Office; (ii) Pre-Employment Service Office; and (il) the National Reintegration Center for OFWs (NRCO) as provided under Section 17 of this Act;
- (11) Perform such other functions as may be provided by law or assigned by the Secretary.

SECTION 2. *Separability Clause.* - If any portion or provision of this Act is declared void and unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 3. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,