

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

TWENTIETH (20th) CONGRESS
FIRST REGULAR SESSION

House Bill No. **2063**



Introduced by
Rep. ROBERT NAZAL

AN ACT
AMENDING REPUBLIC ACT NO. 10022, OTHERWISE KNOWN AS "AN ACT
AMENDING REPUBLIC ACT NO. 8042," BY IMPOSING CRIMINAL LIABILITY ON
FOREIGN EMPLOYERS AND RECRUITMENT AGENCIES WHO COMMIT OR
ENABLE ACTS OF ABUSE, VIOLENCE, OR OTHER GRAVE OFFENSES AGAINST
OVERSEAS FILIPINO WORKERS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Overseas Filipino Workers (OFWs) are widely regarded as the modern-day heroes of the Philippine economy, with their remittances fueling local development and sustaining millions of families. However, behind these contributions lies a troubling reality: many OFWs continue to suffer grave abuses at the hands of their foreign employers. These include, but are not limited to, physical assault, sexual violence, psychological trauma, overwork, wage theft, and even death. The international nature of these abuses, often committed beyond Philippine jurisdiction, places Filipino workers at an alarming disadvantage when it comes to seeking redress and justice.

While Republic Act No. 8042, or the "Migrant Workers and Overseas Filipinos Act of 1995," and its amendment under Republic Act No. 10022 were landmark pieces of legislation at the time of their passage, they have proven insufficient in addressing the modern complexities of OFW protection, particularly in cases where abuse occurs overseas. Although these laws penalize illegal recruitment and require protective mechanisms, they fall short of imposing direct and express criminal liability on foreign employers, many of whom continue to violate the dignity and rights of our workers with impunity.

Recent cases such as those of Joanna Demafelis (found dead in a freezer in Kuwait), Jeanelyn Villavende (beaten and sexually assaulted by her employer), and other anonymous OFWs who quietly perish under inhumane conditions, have highlighted this legislative gap. These cases not only shocked the nation but revealed a painful truth:

even when evidence of abuse is clear, and employers are identified, Philippine law is often powerless to hold them criminally accountable due to jurisdictional hurdles and diplomatic complications.

In addition, licensed recruitment agencies in the Philippines, the very entities entrusted with ensuring the safety and suitability of job placements, have, in some instances, failed to vet employers or ignored clear red flags. Worse, some have knowingly facilitated employment with abusive employers for profit. Yet, current laws do not sufficiently hold these agencies criminally liable for such misconduct.

This bill, therefore, seeks to:

- A. Impose criminal penalties on foreign employers who inflict or enable harm against OFWs;
- B. Penalize recruitment agencies who knowingly or negligently deploy workers into abusive situations;
- C. Affirm the principle of joint and several (solidary) liability, ensuring that victims and their families can claim justice, both criminally and civilly, regardless of who facilitated the abuse. This principle of joint and several liability (JSL) is essential to ensure that no responsible party escapes accountability—whether by direct action or by complicity.

However, the application of JSL also presents challenges. These include:

- A. Difficulties in enforcing joint liability across international jurisdictions;
- B. Unclear coordination between Philippine and host country legal systems;
- C. Risk of local agencies exploiting legal gray areas to shift blame solely onto foreign employers;
- D. Limited awareness and understanding of JSL among OFWs and their families, hindering their access to legal remedies.

These implementation issues underscore the need for stronger legal mechanisms, clearer regulatory guidelines, and cross-border cooperation to operationalize JSL meaningfully. Despite these concerns, enshrining JSL remains vital to ensure accountability and deterrence.

The measure is rooted in both domestic constitutional mandates and international standards, including the Universal Declaration of Human Rights, the ILO Migrant Workers Convention, and the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.

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


Rep. ROBERT NAZAL
Bagong Henerasyon Party-List

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

SECTION 1. SHORT TITLE.

This Act shall be known as the "OFW Protection Against Employer Abuse Act."

SECTION 2. DECLARATION OF POLICY.

The State affirms its unwavering commitment to uphold the dignity, human rights, and welfare of Overseas Filipino Workers (OFWs), as enshrined in the 1987 Constitution. It is the declared policy of the government to afford full protection to labor, local and overseas, and to promote the welfare and safety of Filipinos working abroad.

SECTION 3. To strengthen the application and enforceability of the joint and several liability (JSL) doctrine, a new paragraph is hereby inserted after the last paragraph of Section 6 of Republic Act No. 8042, as amended, to read as follows:

**"SECTION 7. ANY FOREIGN EMPLOYER OR PRINCIPAL, WHETHER
NATURAL OR JURIDICAL, WHO DIRECTLY INFLECTS OR ORDERS THE
INFLECTION OF PHYSICAL ABUSE, SEXUAL VIOLENCE,
PSYCHOLOGICAL HARM, HARASSMENT, INHUMANE WORKING**

CONDITIONS, OR ANY FORM OF CRUEL, DEGRADING, OR HUMILIATING TREATMENT UPON A FILIPINO MIGRANT WORKER SHALL BE HELD CRIMINALLY LIABLE.

SUCH ACTS SHALL BE PUNISHABLE WITH IMPRISONMENT OF TWELVE (12) YEARS AND ONE (1) DAY TO TWENTY (20) YEARS, AND A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (₱500,000) BUT NOT MORE THAN ONE MILLION PESOS (₱1,000,000).

IF THE OFFENSE RESULTS IN SERIOUS PHYSICAL INJURY, PERMANENT DISABILITY, RAPE, OR DEATH, THE PENALTY SHALL BE LIFE IMPRISONMENT AND A FINE OF NOT LESS THAN TWO MILLION PESOS (₱2,000,000).

IN ADDITION TO CRIMINAL LIABILITY, SUCH EMPLOYER OR PRINCIPAL SHALL BE PERMANENTLY DISQUALIFIED FROM HIRING FILIPINO WORKERS AND MAY BE SUBJECT TO INTERNATIONAL LEGAL ACTION THROUGH COOPERATION WITH THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) AND INTERNATIONAL TRIBUNALS, WHERE APPLICABLE.

LICENSED RECRUITMENT AGENCIES IN THE PHILIPPINES THAT ARE FOUND TO HAVE KNOWINGLY DEPLOYED OFWS TO ABUSIVE EMPLOYERS SHALL LIKEWISE BE SOLIDARILY LIABLE AND MAY FACE REVOCATION OF LICENSE, CRIMINAL PROSECUTION, AND CIVIL DAMAGES. THE PRINCIPLE OF JOINT AND SEVERAL LIABILITY (JSL) SHALL APPLY TO ENSURE THAT ALL FACILITATORS OF ABUSE, WHETHER FOREIGN OR DOMESTIC, ARE HELD ACCOUNTABLE TO THE FULLEST EXTENT OF BOTH CIVIL AND CRIMINAL LAW. TO FURTHER REINFORCE THIS DOCTRINE, ANY PARTY HELD JOINTLY AND SEVERALLY LIABLE SHALL NOT BE EXCUSED FROM RESPONSIBILITY BY VIRTUE OF THE LOCATION OF THE CRIME OR THE LACK OF DIRECT PHYSICAL INVOLVEMENT, SO LONG AS WILLFUL NEGLIGENCE, KNOWLEDGE OF RISK, OR FAILURE TO ACT ON PRIOR INCIDENTS CAN BE PROVEN. THIS PROVISION AIMS TO ELIMINATE LEGAL GAPS AND CLARIFY THAT SOLIDARY LIABILITY APPLIES NOT ONLY TO MONETARY DAMAGES BUT ALSO TO CRIMINAL LIABILITY AND PENALTIES UNDER THIS ACT."

SECTION 4. IMPLEMENTING RULES AND REGULATIONS.

The Department of Migrant Workers (DMW), in coordination with the Department of Foreign Affairs (DFA), Department of Justice (DOJ), and Overseas Workers Welfare Administration (OWWA), shall promulgate the necessary rules and regulations to implement the provisions of this Act within ninety (90) days from its

effectivity. These shall include operational guidelines on the enforcement of joint and several liability provisions for both civil and criminal accountability, and strategies to address the implementation issues identified.

SECTION 5. SEPARABILITY CLAUSE.

If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

SECTION 6. REPEALING CLAUSE.

All laws, executive orders, proclamations, rules, regulations, and other issuances or parts inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 7. EFFECTIVITY.

This Act shall take effect fifteen (15) days following its complete publication in the *Official Gazette* or a newspaper of general circulation.

Approved,