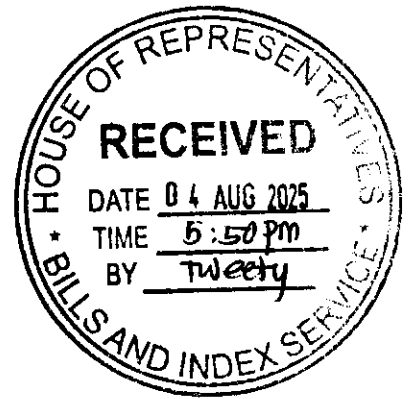




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2999

Introduced by **REPRESENTATIVE JONATHAN KEITH T. FLORES**

EXPLANATORY NOTE

Republic Act No. 11641, enacted on December 30, 2021, created the Department of Migrant Workers (DMW) as the lead agency tasked with safeguarding the rights and welfare of Overseas Filipino Workers (OFWs). By consolidating various government offices concerned with labor migration, the DMW aims to provide a more responsive and coordinated approach to the challenges faced by OFWs. However, despite this institutional reform, a critical gap remains in the resolution of labor disputes and monetary claims involving OFWs.

Currently, such cases are handled by the National Labor Relations Commission (NLRC), which also manages domestic labor disputes. With the NLRC processing over 30,000 cases annually, OFW-related claims often face delays, leaving workers in limbo—especially those who must return abroad to sustain their livelihoods. This bottleneck underscores the need for a specialized body that can prioritize and expedite the resolution of OFW grievances.

The proposed Migrant Workers Relations Commission (MWRC), a quasi-judicial agency attached to the DMW, is designed to address this gap. Composed of commissioners, arbiters, and mediators with judicial-equivalent ranks, the MWRC will focus exclusively on OFW cases. Its structure ensures legal rigor and operational flexibility, with appointments based on merit and tenure extending up to age 65, or 70 upon presidential extension. By streamlining dispute resolution and reinforcing the DMW's mandate, the MWRC will serve as a vital mechanism for justice and protection for the country's modern-day heroes.

Given the compelling need to safeguard the rights and welfare of our migrant workers, the timely enactment of this measure is earnestly recommended.

JONATHAN KEITH T. FLORES
Representative, Second District, Bukidnon



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HOUSE BILL NO. 2999

Introduced by **REPRESENTATIVE JONATHAN KEITH T. FLORES**

AN ACT
CREATING THE MIGRANT WORKER RELATIONS COMMISSION, DEFINING ITS
MANDATE, POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR

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 “*Migrant Worker Relations Commission Act*”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to:

- a) Promote the preferential use of voluntary modes of settling disputes and provide an adequate administrative machinery for the speedy, inexpensive, and expeditious settlement of labor or industrial disputes for Overseas Filipino Workers, and to provide an adequate administrative machinery for the speedy, inexpensive, and expeditious settlement of labor or industrial disputes for Overseas Filipino Workers;
- b) Afford full protection to labor, local and overseas, organized, and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide inexpensive, adequate, and timely social, economic, and legal services to Filipino migrant workers;
- c) Provide free access to the courts and quasi-judicial bodies and adequate legal assistance which shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed Filipinos overseas, in general, and Filipino migrant workers, in particular, are adequately protected and safeguarded; and
- d) Afford all protections to workers against all schemes employed by unscrupulous individuals who exploits said workers by charging exorbitant fees when representing them in a labor dispute, thereby leaving very little of what the worker rightfully deserves.

SEC. 3. *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 synonymous with "Overseas Filipino Worker";
- b) *Employer* refers to any person acting in the interest of an employer, directly or indirectly. The term shall not include any labor organization or any of its officers or agents except when acting as employer;
- c) *Commission* refers to the Migrant Worker Relations Commission (MWRCOM); and
- d) *Private Recruitment/Manning Agency* refers to any person, company, institution, agency, or organization which, not being the employer of the Filipino migrant worker, acts as an intermediary for the purpose of procuring employment for Filipino migrant worker or supplying Filipino migrant workers for an employer in another State with a view of deriving either directly or indirectly any pecuniary or other material advantage from either the employer or worker.

SEC. 4. *The Migrant Worker Relations Commission.* – There is hereby created a Migrant Workers Relations Commission, which shall have jurisdiction over all cases involving Filipino migrant workers, both land-based and sea-based, to the exclusion of all other courts, tribunals, or other quasi-judicial bodies, and regardless of whether the Filipino migrant workers have or do not have a collective bargaining agreement, specifically those involving:

- a) Claims arising from a standard employment contract or its supplementary agreements by any of the parties involved in such contract;
- b) Enforcement of settlements or compromise agreements pursuant to Sections 22 and 23 of this Act when there is non-compliance by any of the parties; and
- c) Claims for damages, such as moral, exemplary, nominal, and attorney's fees.

SEC. 5. *Composition.* – The Commission shall be composed of a Chairman and eight (8) Commissioners, Migrant Worker Arbiters, and Conciliators-Mediators in its Arbitration Branches.

The Commission shall have three (3) Divisions, each composed of three (3) Commissioners. Each Division shall be headed by a Presiding Commissioner who shall come from the public sector, one (1) Commissioner from among the nominees of the migrant workers, and one (1) Commissioner from the nominees of the private recruitment and manning agencies. The Chairman shall be the Presiding Commissioner of the First Division, and the other two (2) members appointed from the public sector shall be the Presiding Commissioner of the Second and Third Division, respectively. Those from the public sector shall come from the recommendees of the Secretary of the Department of Migrant Workers.

Upon assumption into office, the Commissioners shall divest and/or disassociate themselves of any affiliation with or interest in the federation or association of migrant workers or private recruitment or manning agencies to which they belong.

The Commission shall be attached to the Department Migrant Workers (DMW) for policy coordination.

SEC. 6. *Commission En Banc and Divisions of the Commission.* – The Commission shall sit *en banc* for the following purposes:

- a) Promulgate rules and regulations governing the hearing and disposition of cases before any of its divisions and regional branches;
- b) Formulate policies to facilitate its administration and operations;
- c) Hear and impose disciplinary actions, including removal, over any of its officials or employees, except for the migrant worker arbiters or conciliator-mediator. For the migrant worker arbiters or conciliator-mediator, the maximum penalty that may be imposed by the Commission *en banc* shall be six (6) months. Removal of migrant worker arbiters or conciliator-mediator is vested with the Secretary of the DMW;
- d) Approve or amend its organizational structure, including its required personnel;
- e) Create or abolish offices within the Commission;
- f) Approve its requested budget with the Department of Budget and Management;
- g) Allow cases within the jurisdiction of one division to be heard and decided by another division, subject to their docket capacity and without imposing undue burden on litigants;
- h) Adopt measures to effectively prevent Ambulance Chasing activities, as defined, and provided in Republic Act No. 10706 (Seafarer's Protection Act); and
- i) Such other functions that are aligned with its powers under Section 7 of this Act.

The exercise of the Commission's adjudicatory and all other powers, functions, and duties shall be through its divisions. The First Division shall handle land-based cases; the Second Division shall handle sea-based cases; and the Third Division shall handle either sea-based or land-based cases depending on the number of cases being filed with the Commission.

SEC. 7. *Commission, Migrant Worker Arbiters and Conciliators-Mediators.* – The Commission shall have:

- a) Exclusive appellate jurisdiction over all cases decided by the migrant worker arbiters following the prescribed process and periods under Section 24 of this Act;
- b) Exclusive appellate jurisdiction over all cases decided pursuant to the provisions on dispute resolutions of collective bargaining agreements of the parties as provided under Section 23 of this Act;
- c) Original jurisdiction over disputes involving migrant workers when national interest requires, as certified by the DMW Secretary; and
- d) Original jurisdiction over disputes involving migrant workers when national interest requires and specifically referred by the President of the Philippines.

The Migrant worker arbiters shall have original and exclusive jurisdiction to hear and decide the cases involving Filipino migrant workers within sixty (60) calendar days from the submission of the case by the parties for decision, without extension, after the proceedings from the Conciliator-mediator.

Consistent with Section 23 of this Act, the Conciliator-Mediator shall first hear the case and endeavor to reach a settlement among the parties, regardless whether or not the Filipino migrant worker is covered by a collective bargaining agreement.

SEC. 8. *Powers of the Commission.* – The Commission shall have the power and authority:

- a) To promulgate rules and regulations governing the hearing and disposition of cases before it and its regional branches, as well as those pertaining to its internal functions and such rules and regulations as may be necessary to carry out the purposes of this Act;
- b) To administer oaths, summon the parties to a controversy, issue *subpoenas* requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, statement of accounts, agreements, and others as may be material to a just determination of the matter under investigation, and to testify in any investigation or hearing conducted in pursuance of this Act;
- c) To hear and decide controversies within their jurisdiction; and
- d) To hold any person in contempt directly or indirectly and impose appropriate penalties therefor in accordance with law.

A person found guilty of misbehavior in the presence of or near the Chairman, any member of the Commission, or any Migrant Worker Arbiter or Conciliator-Mediator, which obstructs or interrupts the proceedings, shows disrespect to officials, involves offensive behavior toward others, refuses to be sworn, answer as a witness, or subscribe to an affidavit or deposition when lawfully required, may be summarily adjudged in direct contempt and may face fines or penalties as determined by the Commission. The person adjudged in direct contempt by a Migrant worker arbiter or Conciliator-mediator may appeal to the Commission and the execution of the judgment shall be suspended pending the resolution of the appeal upon the filing by such person of a bond. Judgement of the Commission on direct contempt is immediately executory and unappealable.

Indirect contempt shall be dealt with by the Commission in the manner prescribed under Rule 71 of the Revised Rules of Court.

SEC. 9. *Appointment, Qualifications, and Tenure.* – The Chairman and other Commissioners must be members of the Philippine Bar with at least fifteen (15) years of experience in the practice of law in the Philippines, or in a public position requiring Philippine Bar membership. They should have at least five (5) years of experience or exposure in the field of migrant workers' labor relations. They shall be of known competence, probity, and integrity.

The President of the Philippines shall appoint the Chairman, the Presiding Commissioners of the Divisions, and other Commissioners from a list of at least five (5) recommendations submitted by the Secretary of the DMW for each vacancy. The Secretary of the DMW shall nominate those representing the public sector. The Secretary shall also recommend at least five (5) from the nominees from the migrant workers' sector and the private recruitment and manning agencies. Appointment to any vacancy in a specific division shall be chosen solely from the nominees of the sector that nominated the predecessor.

The Migrant worker arbiters must be members of the Philippine Bar with at least ten (10) years of experience in the practice of law in the Philippines, or in a public position requiring Philippine Bar membership. They should have at least five (5) years of experience or exposure in the field of migrant workers' labor relations. They shall be of known competence, probity, and integrity. The Migrant worker arbiters shall be appointed by the Secretary of the DMW.

The Conciliators-mediators must be members of the Philippine Bar with at least five (5) years of experience in the practice of law in the Philippines or in a public position requiring Philippine Bar membership. They should have at least three (3) years of experience or exposure in the field of migrant workers' labor relations, as well as expertise or training and accreditation in the field of conciliation and mediation. They shall be of known competence, probity, and integrity. The Conciliators-mediators shall also be appointed by the Secretary of the DMW.

All appointees, including the Chairman, other Commissioners, Migrant Worker Arbiters, and Conciliators-Mediators, shall hold office during good behavior until they reach the age of sixty-

five (65) years. However, the President of the Republic of the Philippines may extend their services up to the maximum age of seventy (70) years upon the recommendation of the Commission *en banc*, with concurrence of the Secretary of the Department of Migrant Worker.

No person involved in the business of recruitment and deployment of OFWs shall be appointed Commissioner, Migrant Worker Arbiter, or Conciliator-Mediator of the Commission. This prohibition shall likewise apply to relatives of such persons up to the fourth degree of consanguinity or affinity.

SEC. 10. *Salaries, Benefits, and Emoluments.* – The Chairman of the Commission shall have an annual salary and shall be entitled to the same allowances and benefits as those with the rank of Salary Grade 29 (SG-29).

The Presiding Commissioner and members of the Commission shall have an annual salary and shall be entitled to the same allowances and benefits as those with the rank of Salary Grade 28 (SG-28).

The Migrant worker arbiters shall have an annual salary and shall be entitled to the same allowances and benefits as those with the rank of Salary Grade 27 (SG-27).

The Conciliators-Mediators shall have an annual salary and shall be entitled to the same allowances and benefits as those with the rank of Salary Grade 26 (SG-26).

SEC. 11. *Removal from Office.* – The President of the Philippines shall have the power to remove the Chairman, Presiding Commissioners, and other Commissioners from office in accordance with the causes as provided by law.

Similarly, the Secretary of the DMW shall have the power to remove Migrant worker arbiters and Conciliators-Mediators from office in accordance with the causes as provided by law.

For other officers and employees, excluding Commission Attorneys and other co-terminous officials and employees who serve co-terminously with their respective Commissioners, the Commission has the power to effect their removal in compliance with the Civil Service Rules and the causes prescribed by law.

Disciplinary actions, including removal over Commission Attorneys and other co-terminous officials and employees are vested with the Commissioner concerned.

SEC. 12. *Office of the Executive Director.* – The Chairman, aided by the Executive Director, shall have exclusive administrative supervision over the Commission and its regional branches and all its personnel, including the Migrant worker arbiters and the Conciliators-Mediators. In case of absence or incapacity of the Chairman, the Presiding Commissioner of the Second Division and then that of the Third Division, shall be the Acting Chairman, in that order.

The Commission, when sitting *en banc*, shall be assisted by the same Executive Director, and, when acting through Divisions, by the Deputy Director of each division.

The Office of the Executive Director shall be in charge of the administrative and day-to-day operations of the Commission. The Office of the Executive Director shall also be in charge of receiving cases filed, and assigning them to the Migrant worker arbiters, Conciliators-Mediators, and the respective divisions, monitor execution of judgments, and manage appeals, as well as ensure that the cases and appeals are acted within the periods prescribed under Sec. 24 of this Act. The Office of the Executive Director shall also manage the transfer of cases from one Migrant worker arbiter to another when circumstances warrant.

Moreover, the Office of the Executive Director shall also recommend the transfer, suspension, or removal of Migrant worker arbiters, Conciliators-Mediators, and other officials and employees of the Commission. The Secretary of the DMW shall be furnished a copy of such recommendation for transfer, suspension, or removal. The Commission may endorse the

recommendation on the removal of a Migrant worker arbiter or Conciliator - Mediator to the Secretary of the DMW, who may also, *motu proprio*, act on the recommendation furnished by the Executive Director.

The Executive Director and the three (3) Deputy Directors of the divisions shall have expertise in management or public administration with at least ten (10) years of experience. They shall be of known competence, probity, and integrity. The Executive Director shall have an annual salary and shall be entitled to the same allowances and benefits as those with the rank of Salary Grade 27 (SG-27). The Deputy Directors shall have annual salaries and shall be entitled to the same allowances and benefits as those with the rank of Salary Grade 26 (SG-26).

The Executive Director and the Deputy Directors shall be appointed by the Secretary of the DMW upon recommendation of the Commission.

SEC. 13. *Office of the Commission Internal Auditor.* – The Office of the Commission Internal Auditor shall be established to check, monitor, and report possible abuses, controversies, or anomalies in the proceedings before the Migrant worker arbiter or Conciliator-Mediator, possible unconscionable or exorbitant awards by the Migrant worker arbiter or the Conciliator-Mediator, any irregular process by any of the Commission's offices, or any irregular or illegal acts of any of the Commission's officials or employees.

The Office of the Commission Internal Auditor shall also investigate and report allegations of corruption of officers of the Commission upon instruction of the Commission. It may also receive, investigate, and report complaints from the public or the stakeholders.

The Office of the Commission Internal Auditor shall directly report its findings and recommendations to the Commission, which shall act on the matter within thirty (30) days from receipt thereof.

Moreover, the Office of the Commission Internal Auditor shall conduct an annual assessment of the operational efficiency and effectiveness of the Commission's offices and units. The results of these assessments, including the appropriate recommendations, shall be reported to the Commission for its appropriate action, including the implementation by the Executive Director of the recommendations.

The Commission Internal Auditor may be an expert in law, management, public administration, accounting, labor relations or other analogous fields, and must have at least five (5) years of experience. They shall be of known competence, probity, and integrity.

The Commission Internal Auditor shall be appointed by the Secretary of the DMW upon recommendation of the Commission and shall have annual salary and shall be entitled to the same allowances and benefits as those with the rank of Salary Grade 27 (SG 27).

SEC. 14. *Commission Attorneys.* – The Commission and its three (3) divisions shall be assisted by Commission Attorneys in its appellate and adjudicatory functions whose term shall be co-terminous with the Commissioners with whom they are assigned.

The Commission Attorneys shall be members of the Philippine Bar with at least one-year experience or exposure in the field of overseas employment labor-management relations. They shall be of known competence, probity, and integrity. They shall receive annual salaries and shall be entitled to the same allowances and benefits as those with the rank of Salary Grade 25 (SG-25). There shall be as many Commission Attorneys as may be necessary for the effective and efficient operation of the Commission but in no case more than three assigned to the Office of the Chairman and each Commissioner.

No Migrant worker arbiter or Conciliator-Mediator shall be assigned to perform the functions of the Commission Attorney nor detailed to any office of any Commissioner.

SEC. 15. *Headquarters, Branches and Provincial Extension Units.* – The Commission and its three (3) divisions shall have their main offices in the National Capital Region, but the second and third divisions may hold their offices in Visayas or Mindanao, respectively upon conditions set by the Commission *en banc*. The Commission shall establish as many regional branches, sub-regional branches, or provincial extension units as necessary upon approval by the Department of Budget and Management.

There shall be as many Migrant worker arbiters or Conciliators-Mediators as may be necessary for the effective and efficient operation of the Commission as may be approved by the Department of Budget and Management.

SEC. 16. *Judgments and Resolutions of the Commission.* – A division of the Commission shall render judgment or resolution only upon the concurrence of two (2) Commissioners. In the absence of the required membership for a division to reach a decision, the Chairman shall designate necessary additional Commissioners from other divisions.

Before rendering a judgment or resolution on any case, the division shall engage in mandatory consultation, presided by the Presiding Commissioner. The consultation process shall be certified by the Presiding Commissioner, and the certification shall be attached to the case record and served to all parties.

SEC. 17. *Execution of Judgments, Orders, or Awards.* – Except for monetary awards as provided in Section 20 (d) and (e), all judgments, orders, or awards shall be immediately executory upon its finality in accordance with the periods provided in Sec. 24 of this Act.

The pertinent provisions of the Magna Carta of Filipino Seafarers concerning cases of seafarers shall be applicable.

SEC. 18. *Appeals to the Commission.* – Judgments, awards, or orders of the Migrant worker arbiter are final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt of such judgments, awards, or orders. Such appeal may be entertained only on any of the following grounds:

- a) If there is *prima facie* evidence of abuse of discretion on the part of the Migrant worker arbiter;
- b) If the judgment, order, or award was secured through fraud or coercion, including graft and corruption;
- c) If made purely on questions of law; and
- d) If serious errors in the findings of facts are raised would cause grave or irreparable damage or injury to the appellant. In case of a judgment involving a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Commission in the amount equivalent to the monetary award in the judgment appealed from. To discourage frivolous or dilatory appeals, the Commission or the Migrant worker arbiter shall impose reasonable penalty, including fines or censures, upon the erring parties.

In all cases, the appellant shall furnish a copy of the memorandum of appeal to the other party who shall file an answer not later than ten (10) calendar days from receipt thereof. The Commission shall decide all cases within ninety (90) calendar days from receipt of the answer of the appellee. The judgment of the Commission shall be final and immediately executory, taking into account the requirement under Section 19 of this Act, after receipt thereof by the parties. Any law enforcement agency may be deputized by the Commission in the enforcement of judgments, awards, or orders.

SEC. 19. *Appeals from the Judgments, Awards, or Orders of the Commission.* – Judgments, awards, or orders of the Commission shall be appealable to the Court of Appeals in accordance with Sec. 9 (3) of Batas Pambansa Blg. 129, as amended otherwise known as the Judiciary Reorganization Act of 1980.

SEC. 20. *Execution of Judgment and Monetary Award.* – The decision by the Migrant Worker Arbiter, or the Commission granting a monetary award, must state the specific amounts for the payment of the following:

- a) Any salary or wage;
- b) Any statutory monetary and welfare benefits;
- c) Any undisputed amount, which is admitted by a party to be legally due to the other party;
- d) Any disputed amount determined to be legally due the Filipino migrant worker; and
- e) Damages, including moral damages, exemplary damages, nominal damages, attorney's fees, and other similar awards.

The portion of the decision awarding items (a), (b), or (c) above by the Commission shall be immediately executory even pending appeal or judicial review.

Pending an appeal or judicial review, a writ of execution on items (d) or (e) shall only be issued if the judgment obligee posts a sufficient bond to ensure the full restitution of those amounts and the bond shall be maintained by the obligee until final resolution of the appeal or judicial review: *Provided*, That in the event of the migrant worker ultimately prevails on appeal or judicial review, the losing party shall immediately reimburse the total amount paid by the Filipino migrant worker for the cost of the bond. However, if the migrant worker loses, no such reimbursement shall be made.

This Section shall be without prejudice to such rules as the Supreme Court may approve for the speedy resolution of decisions in voluntary or compulsory arbitration that are the subject of appeal or judicial review.

SEC. 21. *Flexibility in Proceedings.* – The Rules of Court shall be suppletory and not binding in any proceeding before the Commission or any of the Migrant worker arbiters. However, the proceedings shall ensure that the Commission, its members, and the Migrant worker arbiters shall employ all reasonable means to ascertain the facts promptly and impartially in each case, without undue emphasis on technicalities of law or procedure, in adherence to the principles of justice and due process.

In any proceedings before the Commission or any Migrant worker arbiter, it shall be the responsibility of the Chairman, Presiding Commissioner, Commissioner, or Migrant worker arbiter to maintain full control over the proceedings at all stages.

SEC. 22. *Prior Resort to Amicable Settlement.* – Notwithstanding any contrary provision of law, the Migrant worker arbiter shall exert all reasonable efforts to achieve an amicable settlement or compromise agreement of any labor dispute within their jurisdiction before referring the case for mandatory conciliation-mediation. The same principle applies to the Commission when exercising its original jurisdiction.

SEC. 23. *Mandatory Conciliation-Mediation.* – All cases falling within the jurisdiction of the Commission where no amicable settlement or compromise agreement is reached shall be subject to mandatory conciliation-mediation which shall cover all causes of action the complainant/s may have against the respondent/s. The Migrant worker arbiters shall entertain only endorsed or referred cases which have already undergone mandatory conciliation-mediation: *Provided*, That any or both parties involved in the dispute may pre-terminate the conciliation-mediation proceedings and

request referral or endorsement of the case to the Migrant worker arbiters, or if both parties so agree, refer the unresolved issue to voluntary arbitration. *Provided finally*, That any settlement or compromise agreement reached through mandatory conciliation-mediation shall have the effect of *res judicata* and shall dispose of the case with finality.

SEC. 24. *Process and Periods.* – Cases filed with the Commission shall have the following periods:

- a) The Executive Director shall, within five (5) days from the date of the filing, assign the case to a Migrant worker arbiter for amicable settlement;
- b) The Migrant worker arbiter shall, within ten (10) calendar days from the date of receipt from the Executive Director, try to amicably settle the dispute. The settlement or compromise agreement, if any, shall have the effect of *res judicata*. After the lapse of the ten (10) calendar days without reaching a settlement, the Migrant worker arbiter shall refer or endorse the case to the Conciliator-Mediator for mandatory conciliation-mediation. The Executive Director shall assign the case to a specific Conciliator-Mediator.
- c) The Conciliator-Mediator shall have thirty (30) calendar days upon receipt of the case from the Migrant worker arbiter to undergo mandatory conciliation-mediation. The settlement, if any, shall have the effect of *res judicata*. If no settlement is reached, the case shall be submitted to the handling Migrant worker arbiter for hearing and decision;
- d) The Migrant worker arbiter shall hear and decide the case within sixty (60) calendar days from submission by the Conciliator-Mediator;
- e) Judgments, awards, or orders of the Migrant worker arbiter are final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt of such judgments, awards, or orders;
- f) The Commission shall decide all cases within ninety (90) calendar days from receipt of the appealed judgment, order, or award of the Migrant worker arbiter to dispose of the case with finality; and
- g) Judgments, awards, or orders of the Commission shall be appealable to the Court of Appeals in accordance with Sec. 9 (3) of Batas Pambansa Blg. 129, as amended otherwise known as the Judiciary Reorganization Act of 1980.

In the cases mentioned herein, judgments, orders, and awards of the Commission shall be immediately executory, except for those mentioned in Section 20 (d) and (e) when subjected to appeal or judicial review.

The periods given to the Conciliator-Mediator or the Migrant worker arbiter may be extended by the Executive Director on meritorious grounds, but in no case shall exceed ten (10) days for the Conciliator-Mediator, or twenty (20) days for the Migrant worker arbiter.

The Commission may extend its own period on meritorious grounds, but in no case shall it extend beyond thirty (30) days.

In cases where there is a collective bargaining agreement (CBA) among the parties, the pertinent provisions of the CBA pertaining to dispute-resolution shall prevail. The parties may appeal the decision on voluntary arbitration to the Commission.

SEC. 25. *Appearances and Fees.* –

- a) Non-lawyers shall not appear before the Commission or any Migrant worker arbiter, except:

- 1) If they represent themselves; or
 - 2) If they represent their organization or members thereof.
- b) No negotiation fees or similar charges of any kind arising from any case involving the settlement of any case of Filipino migrant workers shall be imposed: *Provided, however,* That attorney's fees may be charged only in an amount to be agreed upon by the parties but in no case be more than 10% of the total claim or award, whichever is lower, and approved by the Migrant worker arbiters, taking into consideration the unreasonable fees charged by Ambulance Chasers, as defined and provided in Republic Act No. 10706 also known as the Seafarer's Protection Act: *Provided, finally,* That the provisions of R.A. No. 10706 shall apply to all OFWs whether land-based or sea-based. Any contract, agreement, or arrangement, whether verbal or in writing, providing for higher fees shall be null and void.

SEC. 26. *Prescription.* – Claims and other causes of action under this Act shall prescribe in three (3) years.

SEC. 27. *Docket Fees and Fines.* – The Commission may impose docket fees for each case filed: *Provided,* That the fees shall be kept minimal in order to ensure greater access to justice: *Provided further,* That indigents shall be exempt from paying docket fees upon presentation of a certificate of indigency or other proofs of their incapacity to pay the required fees.

The docket fees, along with the other fines imposed by the Commission consistent with the provisions of this Act, shall be retained by the Commission, and shall be allocated for the enhancement of employee welfare and the promotion of capacity building for the Migrant worker arbiters, Conciliators-Mediators, Commission Attorneys, and other officials and employees of the Commission.

SEC. 28. *Disqualifications.* – The Chairman, any of the Commissioners, any Migrant worker arbiters, Conciliator-Mediator or other officer or employee of the Commission shall not intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of the Commission. No person who has once served in the Commission in a permanent capacity, either as Chairman, Commissioner, or as Migrant worker arbiters thereof, shall be qualified to practice as counsel before the Commission for a period of one year from his separation therefrom for any cause.

SEC. 29. *Pending Cases to be Transferred to the Commission.* – All cases falling under the jurisdiction of the Commission as provided herein which are pending determination before the National Labor Relations Commission (NLRC) and the National Conciliation Mediation Board (NCMB) of the Department of Labor and Employment (DOLE) shall be transferred by the NLRC or by the NCMB to the Commission for final disposition thereof within one hundred eighty (180) days from the passage of this Act.

SEC. 30. *Structure and Staffing Pattern of the Commission.* – The Department of Migrant Workers, in consultation with the Civil Service Commission, shall prepare the organization structure of the of the Commission for approval of the DBM. Thereafter, after three (3) years from its constitution, the Commission, in consultation with the DMW and CSC, may propose to the DBM a restructuring of its existing organizational structure, as well as the creation of new offices or units therein.

SEC. 31. *Oversight Provision.* – 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 Commission shall submit to the Congressional Oversight Committee an annual report which shall indicate its accomplishments, statistics, observations, and recommendations, and other relevant information pertaining to the performance of the mandate of the Commission. It shall be submitted not later than June 1 of every year.

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. 32. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged out of any funds from the National Treasury not otherwise appropriated, for the office, salaries and the purchase of supplies and equipment necessary for the operation of the Commission herein established during the current fiscal year. Thereafter the funds necessary for the operation of the Commission shall be included in the General Appropriation Act.

SEC. 33. *Implementing Rules and Regulations.* – The DMW, in consultation with the DBM, the CSC, DOLE, and the NLRC, shall promulgate the implementing rules and regulations within ninety (90) days from the passage of this Act.

SEC. 34. *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. 35. *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. 36. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,