



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

Twentieth Congress
First Regular Session

HOUSE BILL NO. **4251**



Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez, and Jude A. Acidre

AN ACT

EXPANDING THE USE OF THE LEGAL ASSISTANCE FUND AND THE AGARANG KALINGA AT SAKLOLO PARA SA MGA OFWS NA NANGANGAILANGAN (AKSYON) FUND, AMENDING FOR THE PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE “MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995”, AS AMENDED, AND SECTION 14 OF REPUBLIC ACT NO. 11641, OTHERWISE KNOWN AS THE “DEPARTMENT OF MIGRANT WORKERS ACT”

EXPLANATORY NOTE

The Philippine government recognizes the invaluable contributions of Overseas Filipino Workers (OFWs) and affirms its constitutional mandate to afford full protection to labor, local and overseas. Despite their critical role in sustaining the national economy, OFWs often face legal and judicial challenges abroad—ranging from investigation, detention, arrest, indictment, to prosecution—often without the benefit of immediate legal assistance or representation.

The 1987 Philippine Constitution enshrines the State’s commitment to afford full protection to labor, local and overseas. In line with this policy, the Philippine government continues to pursue measures that safeguard the rights and welfare of Overseas Filipino Workers (OFWs), who remain vulnerable to legal, labor, and criminal challenges abroad.

This bill seeks to institutionalize and strengthen the availability of the Legal Assistance Fund (LAF) and the *Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan* (AKSYON) Fund, ensuring that they are accessible to OFWs from the moment of investigation, detention, arrest, or indictment, through trial and at all levels of appeal. Legal representation during these critical stages is vital in protecting the rights of OFWs, particularly in jurisdictions where they face systemic disadvantages.

Significantly, this proposed measure expands the coverage of the LAF to include the filing of labor complaints against abusive or erring employers, as well as criminal actions against other individuals in receiving countries. This broader scope reflects the evolving nature of threats faced by OFWs—not just from foreign legal systems, but also from exploitative employment conditions and third-party actors.

Moreover, this measure seeks to clearly delineate the mandates of the Department of Foreign Affairs (DFA) and the Department of Migrant Workers (DMW) in providing legal assistance to overseas Filipinos. While the primary function of legal representation remains with the DFA, consistent with existing law, the DMW is tasked with coordinating and ensuring timely and effective delivery of such assistance, pursuant to its mandate under Republic Act No. 11641. This delineation promotes efficient inter-agency collaboration and avoids duplication of efforts in assisting distressed OFWs.

This bill was previously filed by Representative Christian Tell A. Yap, Rep. Teodorico T. Haresco, Jr., and Rep. Ron P. Salo in the Nineteenth Congress, where it was primarily referred to the Committee on Overseas Workers Affairs and was approved on third and final reading by the House of Representatives.

In view of the foregoing, approval of this bill is earnestly requested.



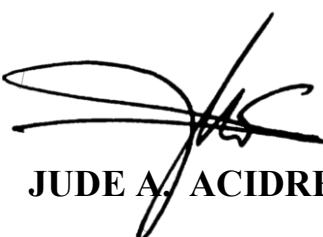
FERDINAND MARTIN G. ROMUALDEZ



YEDDA MARIE K. ROMUALDEZ



ANDREW JULIAN K. ROMUALDEZ



JUDE A. ACIDRE



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ACT OF 1995," AS AMENDED, AND SECTION 14 OF REPUBLIC ACT
NO. 11641, OTHERWISE KNOWN AS THE "DEPARTMENT OF
MIGRANT WORKERS ACT"

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

SECTION 1. Section 26 of Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," as amended, is hereby further amended to read as follows:

*"SEC. 26. Uses of the Legal Assistance Fund. – The Legal Assistance Fund created under the preceding section, **WHICH HAS BEEN RETAINED BY THE DEPARTMENT OF FOREIGN AFFAIRS (DFA) PURSUANT TO SECTION 14 OF REPUBLIC***

ACT NO. 11641, OTHERWISE KNOWN AS THE “DEPARTMENT OF MIGRANT WORKERS ACT”, shall be used [exclusively] to provide legal **AND CONSULAR ASSISTANCE** services to [migrant workers and] **OTHER** overseas Filipinos [in distress] in accordance with the guidelines, criteria and procedures **TO BE** promulgated **BY THE DFA** [in accordance with Section 24 (a) hereof]. The expenditures to be charged against the **LEGAL ASSISTANCE** Fund shall include the fees for the foreign lawyers to be hired [by the Legal Assistant for Migrant Workers Affairs] to represent [migrant workers] **OVERSEAS FILIPINOS** facing charges, **EXPENSES FOR THE** [or in] filing **OF LABOR AND/OR CRIMINAL** cases against erring or abusive employers **OR OTHER PERSONS** abroad, bail bonds to secure the temporary releases and other litigation expenses: ***PROVIDED, THAT THE LEGAL ASSISTANCE FUND SHALL, AT ALL TIMES, BE MADE AVAILABLE FROM THE TIME OF THE INVESTIGATION, DETENTION, ARREST OR INDICTMENT OF THE OVERSEAS FILIPINOS ALL THE WAY TO THE TRIAL PROPER, AND AT ALL LEVELS OF APPEAL THEREAFTER: Provided, FURTHER,*** That at the end of every year, the Department of Foreign Affairs shall include in its report to Congress, as provided for under Section 33 of this Act, the status of the Legal Assistance Fund, including the expenditures from the said fund duly audited by the Commission on Audit (COA): ***Provided, further*****MORE,** That the hiring of foreign legal counsels **AND OTHER RELEASES OF FUNDS FOR OTHER EXPENSES RELATED TO THE PROVISIONS OF THIS SECTION,** when circumstances warrant urgent action, shall be exempt from the

coverage of Republic Act No. 9184 or the Government Procurement Act.

THE ABOVEMENTIONED PROVISION SHALL SIMILARLY APPLY TO THE UTILIZATION OF THE AGARANG KALINGA AT SAKLOLO PARA SA MGA OFWS NA NANGANGAILANGAN (AKSYON) FUND BY THE DEPARTMENT OF MIGRANT WORKERS FOR CASES REQUIRING LEGAL ASSISTANCE, IN ACCORDANCE WITH REPUBLIC ACT NO. 11641.

IN COUNTRIES AND TERRITORIES WHERE THERE ARE NO MIGRANT WORKERS OFFICES YET, THE DFA SHALL EXTEND LEGAL AND OTHER FORMS OF ASSISTANCE TO OFWS LOCATED IN SAID AREAS.”

SECTION 2. Section 14 of Republic Act No. 11641, otherwise known as the “Department of Migrant Workers Act,” is hereby amended to read as follows:

“SEC. 14. *Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON) Fund.* – The Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund is hereby established to provide legal and other forms of assistance to OFWs, separate from the funds managed by the DFA. The DFA shall retain ATN and Legal Assistance Funds for the benefit of other Filipinos overseas and for consular assistance services. An appropriate amount shall initially be provided for the AKSYON Fund in the General Appropriations Act of the year following its enactment

into law and an appropriate amount for every year thereafter to provide assistance to OFWs at Foreign Service Posts where MWO have been established and staffed.

“THE EXPENDITURES TO BE CHARGED AGAINST THE AKSYON FUND SHALL INCLUDE THE FEES FOR THE FOREIGN LAWYERS TO BE HIRED TO REPRESENT OFWS FACING CHARGES, EXPENSES FOR THE FILING OF LABOR AND/OR CRIMINAL CASES AGAINST ERRING OR ABUSIVE EMPLOYERS OR OTHER PERSONS ABROAD, BAIL BONDS TO SECURE THE TEMPORARY RELEASES AND OTHER LITIGATION EXPENSES: *PROVIDED*, THAT THE AKSYON FUND SHALL, AT ALL TIMES, BE MADE AVAILABLE FROM THE TIME OF THE INVESTIGATION, DETENTION, ARREST OR INDICTMENT OF THE OFWS ALL THE WAY TO THE TRIAL PROPER, AND AT ALL LEVELS OF APPEAL THEREAFTER: *PROVIDED, FURTHER*, THAT AT THE END OF EVERY YEAR, THE DEPARTMENT OF MIGRANT WORKERS SHALL REPORT TO THE CONGRESSIONAL OVERSIGHT COMMITTEE CREATED UNDER SECTION 25 OF THIS ACT THE STATUS OF THE AKSYON FUND, INCLUDING THE EXPENDITURES FROM THE SAID FUND DULY AUDITED BY THE COMMISSION ON AUDIT (COA): *PROVIDED, FURTHERMORE*, THAT THE HIRING OF FOREIGN LEGAL COUNSELS AND OTHER RELEASES OF FUNDS FOR OTHER EXPENSES RELATED TO THE PROVISIONS OF THIS SECTION, WHEN CIRCUMSTANCES WARRANT

**URGENT ACTION, SHALL BE EXEMPT FROM THE
COVERAGE OF REPUBLIC ACT NO. 9184 OR THE
GOVERNMENT PROCUREMENT REFORM ACT.”**

Within thirty (30) days from the promulgation of this Act, the Secretary, in consultation with relevant stakeholders, shall issue the necessary guidelines regarding the use of the AKSYON Fund.

A sufficient sum shall be appropriated to the DFA to perform functions of the MWO in Foreign Service Posts where there is yet no such office.”

SECTION 3. The Department of Foreign Affairs and the Department of Migrant Workers shall, in consultation with the Overseas Workers Welfare Administration and other stakeholders, within sixty (60) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 4. All laws, presidential decrees, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 5. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,