

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **5055**



Introduced by: **REP. SALVADOR A. PLEYTO, SR.**

EXPLANATORY NOTE

The Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042) is a landmark Philippine law that was enacted to provide a higher standard of protection and promotion of the welfare of Filipino migrant workers, their families, and other Overseas Filipinos in distress. The law was a direct response to the plight of overseas Filipino workers (OFWs) and the need for a comprehensive legal framework to govern their overseas employment.

The Migrant Workers Act was amended by Republic Act No. 10022 to address gaps and weaknesses in the original law, particularly in light of new challenges and issues faced by OFWs. This amendment sought to further strengthen the protection of migrant workers.

It increased the penalties for illegal recruitment and other offenses against migrant workers. The amendment mandated the establishment of Migrant Workers Resource Centers in all Philippine embassies and consulates in countries with a large number of OFWs. These centers provide services like legal assistance, counseling, and temporary shelter.

The amendment also introduced the principle of joint and several liability, holding both the local recruitment agency and its foreign principal responsible for any claims arising from the employment contract. It expanded the coverage of the law to include other Overseas Filipinos in distress, such as tourists and students who may need assistance.

This proposed amendatory bill aims to address emerging issues like online recruitment scams, the need for enhanced mental health support for OFWs, and more robust mechanisms for prosecuting abusers.

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



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AN ACT FURTHER AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED, TO FURTHER IMPROVE THE STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES, AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES

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

Section 1. Paragraphs (e) of Section 2 of Republic Act. No. 8042, as amended, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," is hereby further amended to read as follows:

"(e) Free access to the courts and quasi-judicial bodies and adequate legal assistance 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 overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/documented or irregular/undocumented, are adequately protected and safeguarded. THOSE FILIPINOS, WHETHER THEY ARE IMMIGRANTS IN OTHER COUNTRIES OR NOT, AND WHETHER THEY ARE REGULAR/DOCUMENTED OR IRREGULAR/UNDOCUMENTED, AS LONG AS THEY ARE STILL CITIZENS OF THE PHILIPPINES, AND ARE BEING TRAFFICKED OR TRADED LIKE MERE COMMODITIES, SHALL ENJOY THE FULL ASSISTANCE AND PROTECTION, AND RESCUE, AND RE-INTEGRATION, IF NECESSARY, BY THE STATE, INCLUDING BUT NOT LIMITED TO, ALL THE LAW ENFORCEMENT AGENCIES OF THE PHILIPPINES, ALL AGENCIES OF THE PHILIPPINE GOVERNMENT WITH UNIFORMED AND/OR ARMED PERSONNEL INCLUDING THE NATIONAL BUREAU OF INVESTIGATION AND THE BUREAU OF IMMIGRATION, AMONG OTHERS, THE DEPARTMENT OF

FOREIGN AFFAIRS, THE DEPARTMENT OF MIGRANT WORKERS AND THE OVERSEAS WORKERS WELFARE ADMINISTRATION."

Sec. 2. Section 3, paragraph (a) of Republic Act No. 8042, as amended, is hereby further amended to read as follows:

"(a) "Overseas Filipino worker" OR "OFW" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas; to be used interchangeably with migrant worker. THIS TERM SHALL APPLY, NOT ONLY TO THIS ACT, BUT TO ALL LAWS REGARDING OR RELATING TO OVERSEAS FILIPINO WORKERS, INCLUDING TO ALL OVERSEAS FILIPINO FISHERFOLKS OR FISHERPERSONS, WHEN NOT IN CONFLICT WITH THIS LAW OR ANY OTHER LAWS ON 'OFWs' AS DEFINED IN THIS LAW AND ALL OTHER LAWS INVOLVING OFWs, RECOGNIZING THE FACT THAT OVERSEAS FILIPINO FISHERFOLKS OR FISHERPERSONS ARE ALSO FILIPINO CITIZENS, TOO, WHO LIKEWISE NEED THE IMMEDIATE PROTECTION OF THE STATE PENDING THE ENACTMENT INTO LAW OF A MAGNA CARTA OF OVERSEAS FILIPINO FISHERFOLKS OR FISHERPERSONS."

Sec. 3. Section 5 of Republic Act No. 8042, as amended, is hereby further amended to read as follows:

"SEC. 5. Termination or Ban on Deployment. - Notwithstanding the provisions of Section 4 hereof, in pursuit of the national interest or when public welfare so requires, the POEA Governing Board, after consultation with the Department of Foreign Affairs, may, at any time, terminate or impose a ban on the deployment of migrant workers. ANY AND ALL BANS ON THE DEPLOYMENT OF MIGRANT WORKERS SHALL, AS FAR AS PRACTICABLE AND AS FAR AS POSSIBLE, NOT INCLUDE A TOTAL BAN ON A COUNTRY OR SEVERAL COUNTRIES AND SHALL , AS FAR AS PRACTICABLE AND AS FAR AS POSSIBLE, PUT UNDER BAN ONLY THE SPECIFIC EMPLOYER/S', ONLY THE SPECIFIC SHIP OF SHIPOWNER/S, ONLY THE RECRUITMENT AGENCY/IES' SPECIFIC FOREIGN EMPLOYER/S, ONLY THE MANNING AGENCY/IES SPECIFIC EMPLOYER/S AND/OR SHIPOWNER/S, THAT IS/ARE DIRECTLY GUILTY OR SUSPECTED OF BEING DIRECTLY GUILTY, WITH ENOUGH EVIDENCE, OF COMMITTING A GRAVE VIOLATION NECESSITATING THE IMPOSITION OF THE BAN."

Sec. 4. Section 6 (4) of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"(4) Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo health examinations

only from specifically designated medical clinics, institutions, entities or persons, except in the case of a seafarer whose medical examination cost is shouldered by the principal/shipowner. The decking practice, which requires an overseas Filipino worker to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed. THIS DECKING PRACTICE, DUE TO ADVANCES IN MODERN TECHNOLOGY, IS NOW RECOGNIZED UNDER THIS LAW AS IMPLEMENTABLE USING THE INTERNET AND OTHER MODERN MEANS, AND ALL THESE NEW AND OTHER MEANS OF ACHIEVING THE PURPOSE OF THE DECKING PRACTICE – WHICH IS TO EQUALLY DISTRIBUTE THE OFWs, IRRESPECTIVE IF THESE OFWs ARE LAND-BASED OR SEA-BASED – TO THE MEMBER-CLINICS OF AN ORGANIZATION OR ORGANIZATIONS, MONOPOLIES OR OLIGOPOLIES, IRRESPECTIVE IF THESE ORGANIZATION/S OR MONOPOLIES OR OLIGOPOLIES ARE OPERATING ABOVE-GROUND OR REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION (SEC) OR OPERATING UNDERGROUND SO THAT THE MEMBER-CLINICS CAN DENY THE EXISTENCE OF THE DECKING PRACTICE, SHALL LIKEWISE NOT BE ALLOWED. ANY AND ALL ADDITIONAL HEALTH EXAMINATIONS, ASIDE FROM THE BASIC ONES, TO FURTHER VERIFY THE HEALTH CONDITION OF AN OFW, IRRESPECTIVE IF THE OFW IS LAND-BASED OR SEA-BASED, BY, AMONG OTHERS, REQUIRING AN ADDITIONAL TEST OR MORE TESTS, WITHOUT FIRST ENSURING THAT AN ADDITIONAL TEST OR TESTS ARE INDEED ABSOLUTELY NEEDED, SHALL LIKEWISE NOT BE ALLOWED. HOWEVER, IF THIS ADDITIONAL TEST OR ADDITIONAL TESTS ARE STILL CONDUCTED, AND IT IS LATER ON REVEALED THAT THE OFW, WHETHER LAND-BASED OR SEA-BASED, DID NOT REALLY NEED THIS TEST OR TESTS, THE MEDICAL CLINIC THAT CONDUCTED THIS TEST OR TESTS SHALL BE LIABLE UNDER THIS PROVISION OF THE LAW AND SHALL IMMEDIATELY REIMBURSE THE OFW OF ALL THE COSTS AND EXPENSES RELATED TO THE CONDUCT OF THE SAID UNNEEDED ADDITIONAL TEST OR TESTS. THIS PROVISION IS WITHOUT PREJUDICE TO ANY AND ALL COURT DECISIONS GRANTING CIVIL CLAIMS FOR DAMAGES, ETC. TO THE OFW IF THE OFW HAS NOT BEEN TIMELY DEPLOYED DUE TO THIS ADDITIONAL TEST OR TESTS, EATING OR TAKING THE TIME OF THE OFW, THUS MAKING IT IMPOSSIBLE FOR THE OFW TO TAKE HIS FLIGHT TO HIS/HER COUNTRY OF DESTINATION ON TIME OR AS ORIGINALLY SCHEDULED;

Sec. 5. Under Section 23 of Republic Act No. 8042, as amended, further amend Sub-section (c.4), (c.5) and (C.6) to read as follows:

" (c.4) Every Filipino migrant worker shall have the freedom to choose any of the DOH-accredited or DOH-operated clinics that will conduct his/her health examinations and that his or her rights as a patient are respected. The decking practice, which requires an overseas Filipino worker to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed. THIS DECKING

PRACTICE, DUE TO ADVANCES IN MODERN TECHNOLOGY, IS NOW RECOGNIZED UNDER THIS LAW AS IMPLEMENTABLE USING THE INTERNET AND OTHER MODERN MEANS, AND ALL THESE NEW AND OTHER MEANS OF ACHIEVING THE PURPOSE OF THE DECKING PRACTICE – WHICH IS TO EQUALLY DISTRIBUTE THE OFWs, IRRESPECTIVE IF THESE OFWs ARE LAND-BASED OR SEA-BASED – TO THE MEMBER-CLINICS OF AN ORGANIZATION OR ORGANIZATIONS, MONOPOLIES OR OLIGOPOLIES, IRRESPECTIVE IF THESE ORGANIZATION/S OR MONOPOLIES OR OLIGOPOLIES ARE OPERATING ABOVE-GROUND OR REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION (SEC) OR OPERATING UNDERGROUND SO THAT THE MEMBER-CLINICS CAN DENY THE EXISTENCE OF THE DECKING PRACTICE, SHALL LIKEWISE NOT BE ALLOWED.

" (c.5) Within a NON-EXTENDABLE period of three (3) years from the effectivity of this NEW Act AMENDING REPUBLIC ACT NO. 8042, all DOH regional and/or provincial hospitals shall STRICTLY establish and operate clinics that can be serve the health examination requirements of Filipino migrant workers to provide them easy access to such clinics all over the country and lessen their transportation and lodging expenses and

" (c.6) All DOH-accredited medical clinics, including the DOH-operated clinics, conducting health examinations for Filipino migrant workers shall STRICTLY observe the same standard operating procedures and shall comply with internationally-accepted standards in their operations to conform with the requirements of receiving countries or of foreign employers/principals.

"Any Foreign employer who does not honor the results of valid health examinations conducted by a DOH-accredited or DOH-operated clinic shall be temporarily disqualified from the participating in the overseas employment program, pursuant to POEA rules and regulations.

"In case an overseas Filipino worker is found to be not medically fit upon his/her immediate arrival in the country of destination, the medical clinic that conducted the health examination/s of such overseas Filipino worker shall pay for his or her repatriation back to the Philippines and the cost of deployment of such worker.

"Any government official or employee who violates any provision of this subsection shall STRICTLY be removed or dismissed from service with disqualification to hold any appointive public office for five(5) years. Such penalty is without prejudice to any other liability which he or she may have incurred under existing laws, rules, or regulations, WHICH SHALL STRICTLY BE IMPOSED ON HIM/HER.

Sec. 6. Section 26 of Republic Act No. 8042, 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 shall be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress in accordance with the guidelines, criteria, and procedures promulgated in accordance with Section 24 (a) hereof. The expenditures to be charged against the Fund shall include the fees for the foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing charges, INCLUDING CHARGES RELATED TO DEPORTATION AND ARRESTS FOR THE PURPOSE OF LATER DEPORTATION, OR IMPRISONMENT OR DETENTION BEFORE DEPORTATION, AND ACTUAL IMPRISONMENT OR DETENTION IN A THIRD COUNTRY, IN WHICH HE/SHE IS NOT AN UNDCOMENTED OR DOCUMENTED OFW, NOR AN IMMIGRANT NOR A CITIZEN OF, or in filing cases against erring or abusive employers abroad, bail bonds to secure the temporary releases and other litigation expenses: Provided, 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, That the hiring of foreign legal counsels, when circumstances warrant urgent action, shall be exempt from the coverage of Republic Act No. 9184 or the Government Procurement Act."

Sec. 7. Section 32 of Republic Act No. 8042, as amended, is hereby FURTHER amended to read as follows:

"SEC. 32. OWWA and other Boards; Additional Memberships. - Notwithstanding any provision of ANY NEW law to the contrary, the respective Boards of the POEA and the OWWA shall, in addition to their present composition, have three (3) members each who shall come from the women, sea-based and land-based sectors respectively, to be selected and nominated openly by the general membership of the sector being represented.

" The selection and nomination of the additional members from the women, sea-based and land-based sectors shall be governed by the following guidelines:

"(a) The OWWA shall launch a massive information campaign on the selection of nominees and provide for a system of consultative sessions for the certified leaders or representatives of the concerned sectors, at least three (3) times, within ninety (90) days before the boards shall be convened, for purposes of selection. The process shall be open, democratic and transparent;

"(b) Only non-government organizations that protect and promote the rights and welfare of overseas Filipino workers, duly registered with the appropriate Philippine government agency and in good standing as such, and in existence for at least three (3) years prior to the nomination

shall be qualified to nominate a representative for each sector to the Board;

"(c) The nominee must be at least twenty-five (25) years of age, able to read and write, and a migrant worker at the time of his or her nomination or was a migrant worker with at least three (3) years experience as such; and

"(d) A final list of all the nominees selected by the OWWA governing board, which shall consist of three(3) names for each sector to be represented, shall be submitted to the President and published in a newspaper of general circulation;

"Within thirty (30) days from the submission of the list, the President shall select and appoint from the list, the representatives to the OWWA governing board.

"The additional members shall have a term of three (3) years and shall be eligible for reappointment for another three (3) years. In case of vacancy, the President shall in accordance with the provisions of this Act, appoint a replacement who shall serve the unexpired term of his or her predecessor.

"Any executive issuances or orders issued that contravene the provisions of this section shall have no force and effect.

"All other government agencies and government-owned or controlled corporations which require at least one (1) representative from the overseas workers sector to their respective boards shall follow all the applicable provisions of this section."

Sec. 8. The first and last paragraph of Section 33 of Republic Act No. 8042, as amended, is hereby FURTHER amended to read as follows:

"SEC. 33. Report to Congress. - In order to inform the Philippine Congress on the implementation of the policy enunciated in Section 4 hereof, the Department of Foreign Affairs and the DMW shall submit separately to the said body a semi-annual report of Philippine foreign posts located in countries hosting Filipino migrant workers. The mid-year report covering the period January to June shall be submitted not later than October 31 of the same year while the year-end report covering the period July to December shall be submitted not later than May 31 of the following year. The report shall include, but shall not limited to, the following information:

" x x x

" Any officer of the government who fails to submit the report as stated in this section shall be subject to an administrative penalty of dismissal

from the service with disqualification to hold any appointive public office for five (5) years."

Sec. 9. Section 35 of Republic Act. No. 8042, as amended, is hereby further amended to read as follows:

SEC. 35. Exemption from Travel Tax Documentary Stamp and Airport Fee. - All laws to the contrary notwithstanding, the migrant workers shall be exempt from the payment of travel tax and airport-fee upon proper showing of proof entitlement by the POEA.

"The remittances of all overseas Filipino workers, upon showing of the same proof of entitlement by the overseas Filipino worker's beneficiary or recipient, shall be exempt from the payment of documentary stamp tax.

REMITTANCE TAXES OR TAXES ON REMITTANCES IMPOSED BY FOREIGN COUNTRIES AND/OR GOVERNMENTS ON OFWs AS DEFINED IN THIS ACT, INCLUDING ON FILIPINO IMMIGRANTS, SOMETIMES KNOWN AND CALLED AS GREEN-CARD HOLDERS, AND WHO ARE UNDER THE JURISDICTION OF THESE COUNTRIES AND/OR GOVERNMENTS, SHALL BE CONTESTED IN THE APPROPRIATE COURT/S OF THOSE COUNTRIES/GOVERNMENTS BY THE LOCAL/DOMESTIC LAWYERS ALLOWED TO PRACTICE LAW IN THOSE COUNTRIES AND/OR GOVERNMENTS AND WHICH LAWYERS ARE HIRED BY THE PHILIPPINE GOVERNMENT FOR SUCH ACTIVITY/TIES. LIKEWISE, WHILE PURSUING LEGAL ACTION/S IN APPROPRIATE COURT/S, THE PHILIPPINE GOVERNMENT SHALL AUTOMATICALLY NEGOTIATE WITH THESE FOREIGN COUNTRIES AND/OR GOVERNMENTS IMPOSING SUCH TAXES.

Sec. 10. The new Section 37-A of Republic Act No. 8042, as amended, is hereby further amended to read as follows:

"SEC. 37-A. Compulsory Insurance Coverage for Agency-Hired Workers. - In addition to the performance bond to be filed by the recruitment/manning agency under Section 10, each migrant worker deployed by a recruitment/manning agency shall be covered by a compulsory insurance policy which shall be secured at no cost to the said worker. Such insurance policy shall be effective for the duration of the migrant worker's employment, AND SHALL STILL BE IN EXISTENCE AND REQUIRED DESPITE OF ANY AND ALL NEW LAWS WITH PROVISIONS ON INSURANCE, BONDS, TEMPORARY PREVENTION OF RECEIVING BY ANY AND ALL KINDS OF MIGRANT OF WORKERS OF THEIR MONETARY CLAIMS DESPITE ALREADY WINNING THEIR RESPECTIVE CASES IN THE NLRC AND OTHER QUASI-JUDICIAL BODIES, and shall cover, at the minimum:

"(a) Accidental death, with at least Fifteen thousand United States dollars (US\$10,000.00) survivor's benefit payable to the migrant worker's beneficiaries;

"(c) Permanent total disablement, with at least Seven thousand five hundred United States dollars (US\$7,500.00) disability benefit payable to the migrant worker. The following disabilities shall be deemed permanent: total, complete loss of sight of both eyes; loss of two(2) limbs at or above the ankles or wrists; permanent complete paralysis of two (2) limbs; brain injury resulting to incurable imbecility or insanity;

"(d) Repatriation cost of the worker when his/her employment is terminated without any valid cause, including the transport of his or her personal belongings. In case of death, the insurance provider shall arrange and pay for the repatriation or return of the worker's remains. The insurance provider shall also render any assistance necessary in the transport including, but not limited to, locating a local licensed funeral home, mortuary or direct disposition facility to prepare the body for transport, completing all documentation, obtaining legal clearances, procuring consular services, providing necessary casket or air transport container, as well as transporting the remains including retrieval from site of death and delivery to the receiving funeral home;

"(e) Subsistence allowance benefit, with at least One hundred United States dollars (US\$100.00) Per month for a maximum of six (6) months for a migrant worker who is involved in a case or litigation for the protection of his/her rights in the receiving country;

"(f) Money claims arising from employer's liability which may be awarded or given to the worker in a judgment or settlement of his or her case in the NLRC. The insurance coverage for money claims shall be equivalent to at least three (3) months for every year of the migrant worker's employment contract;

"In addition to the above coverage, the insurance policy shall also include:

"(g) Compassionate visit. When a migrant worker is hospitalized and has been confined for at least seven (7) consecutive days, he shall be entitled to a compassionate visit by one (1) family member or a requested individual. The insurance company shall pay for the transportation cost of the family member or requested individual to the major airport closest to the place of hospitalization of the worker. It is, however, the responsibility of the family member or requested individual to meet all visa and travel document requirements;

"(h) Medical evacuation. When an adequate medical facility is not available proximate to the migrant worker, as determined by the insurance company's physician and/or a consulting physician,

evacuation under appropriate medical supervision by the mode of transport necessary shall be undertaken by the insurance provider; and

"(i) Medical repatriation. When medically necessary as determined by the attending physician, repatriation under medical supervision to the migrant worker's residence shall be undertaken by the insurance provider at such time that the migrant worker is medically cleared for travel by commercial carrier. If the period to receive medical clearance to travel exceeds fourteen (14) days from the date of discharge from the hospital, an alternative appropriate mode of transportation, such as air ambulance, may be arranged. Medical and non-medical escorts may be provided when necessary.

"Only reputable private insurance companies duly registered with the Insurance Commission (IC) , which are in existence and operational for at least Five hundred million pesos (P500,000,000.00) to be determined by the IC, and with a current year certificate of authority shall be qualified to provide for the worker's insurance coverage. Insurance companies who have directors, partners, officers, employees or agents with relatives, within the fourth civil degree of consanguinity or affinity, who work or have interest in any of the licensed recruitment/manning agencies or in any of the government agencies involved in the overseas employment program shall be disqualified from providing this workers' insurance coverage.

"DESPITE OF THE OTHER LAWS ENACTED BEFORE OR HEREAFTER, The recruitment/manning agency shall STILL have the right to choose from any of the qualified insurance providers the company that will insure the migrant worker it will deploy. After procuring such insurance policy, the recruitment/manning agency shall provide an authenticated copy thereof to the migrant worker. It shall then submit the certificate of insurance coverage of the migrant worker to POEA as a requirement for the issuance of an Overseas Employment Certificate (OEC) to the migrant worker. In the case of seafarers who are insured under policies issued by foreign PRIVATE-FOR-PROFIT insurance companies/CORPORATIONS AND NOT MERE ASSOCIATIONS, the POEA shall accept certificates or other proofs of cover from recruitment/manning agencies: Provided, That the minimum coverage under sub-paragraphs (a) to (i) are included therein.

"LIKEWISE DESPITE OF THE OTHER LAWS ENACTED BEFORE OR HEREAFTER, Any person having a claim upon the policy issued pursuant to subparagraphs (a), (b), (c), (d) and (e) of this section shall STILL present to the insurance company concerned a written notice of claim together with pertinent supporting documents. The insurance company shall forthwith ascertain the truth and extent of the claim and make payment within ten (10) days from the filing of the notice of claim.

"FURTHERMORE, DESPITE OF THE OTHER LAWS ENACTED BEFORE OR HEREAFTER, Any claim arising from accidental death, natural

death or disablement under this section shall STILL be paid by the insurance company without any contest and without the necessity of providing fault or negligence of any kind on the part of the insured migrant worker: Provided, That the following documents, duly authenticated by the Philippine foreign posts, shall STILL be sufficient evidence to substantiate the claim:

"(1) Death Certificate - In case of natural or accidental death;

"(2) Police or Accident Report - In case of accidental death; and

"(3) Medical Certificate - In case of permanent disablement;

"For repatriation under subparagraph (d) hereof, a certification which states the reason/s for the termination of the migrant worker's employment and the need for his or her repatriation shall STILL be issued by the Philippine foreign post or the Philippine Overseas Labor Office (POLO) located in the receiving country.

"For subsistence allowance benefit under subparagraph (e), the concerned labor attaché or, in his absence, the embassy or consular official shall STILL issue a certification which states the name of the case, the names of the parties and the nature of the cause of action of the migrant worker.

"For the payment of money claims under subparagraph (f), the following rules shall STILL govern:

"(1) After a decision has become final and executor or a settlement/compromise agreement has been reached between the parties at the NLRC, an order shall STILL be released mandating the respondent recruitment/manning agency to pay the amount adjudged or agreed upon within thirty (30) days;

"(2) The recruitment/manning agency shall then STILL immediately file a notice of claim with its insurance provider for the amount of liability insured, attaching therewith a copy of the decision or compromise agreement;

"(3) Within ten (10) days from the filing of notice of claim, the insurance company shall STILL make payment to the recruitment/manning agency the amount adjudged or agreed upon, or the amount of liability insured, whichever is lower. After receiving the insurance payment, the recruitment/manning agency shall STILL immediately pay the migrant worker's claim in full, taking into account that in case the amount of insurance coverage is insufficient to satisfy the amount adjudged or agreed upon, it is STILL liable to pay the balance thereof;

"(4) In case the insurance company fails to make payment within ten (10) days from the filing of the claim, the recruitment/ manning agency

shall STILL pay the amount adjudged or agreed upon within the remaining days of the thirty (30)-day period, as provided in the first subparagraph hereof;

"(5) If the worker's claim was not settled within the aforesaid thirty (30)-day period, the recruitment/manning agency's performance bond or escrow deposit WHICH ARE ALL STILL REQUIRED, shall STILL be forthwith garnished to satisfy the migrant worker's claim;

"(6) The provision of compulsory worker's insurance under this section shall STILL not affect the joint and solidary liability of the foreign employer and the recruitment/manning agency under Section 10;

"(7) Lawyers for the insurance companies, unless the latter is impleaded, shall STILL be prohibited to appear before the NLRC in money claims cases under this section.

"Any question or dispute in the enforcement of any insurance policy issued under this section shall STILL be brought before the IC for mediation or adjudication.

"In case it is shown by substantial evidence before the POEA that the migrant worker who was deployed by a licensed recruitment/manning agency has paid for the premium or the cost of the insurance coverage or that the said insurance coverage was used as basis by the recruitment/manning agency to claim any additional fee from the migrant worker, the said licensed recruitment/manning agency shall STILL lose its license and all its directors, partners, proprietors, officers and employees shall STILL be perpetually disqualified from engaging in the business of recruitment of overseas workers. Such penalty is STILL without prejudice to any other liability which such persons may have incurred under existing laws, rules or regulations.

"For migrant workers recruited by the POEA on a government-to-government arrangement, the POEA shall STILL establish AND STILL MAINTAIN a foreign employers guarantee fund which shall STILL be answerable to the workers' monetary claims arising from breach of contractual obligations. For migrant workers classified as rehires, name hires or direct hires, they may STILL opt to be covered by this insurance coverage by requesting their foreign employers to pay for the cost of the insurance coverage or they may STILL pay for the premium themselves. To protect the rights of these workers, the POEA shall STILL provide them adequate legal assistance, including conciliation and mediation services, whether at home or abroad.

"At the end of every year, the Department of Labor and Employment and the IC shall STILL STRICTLY jointly make an assessment of the performance of all insurance providers, based upon the report of the NLRC and the DMW on their respective interactions and experiences with the insurance companies, and they shall STILL have the authority

to ban or blacklist such insurance companies which are known to be evasive or not responsive to the legitimate claims of migrant workers. The DMW shall STILL STRICTLY include such assessment in its year-end report to Congress.

"For purposes of this section, the Department of Labor and Employment, IC, NLRC and the DMW, in consultation with the recruitment/manning agencies and legitimate non-government organizations advocating the rights and welfare of overseas Filipino workers, shall formulate the NEW necessary implementing rules and regulations ON THESE AFOREMENTIONED MATTERS HEREIN.

"The foregoing provisions on compulsory insurance coverage shall STILL be subject to automatic review through BOTH the Oversight Committees ON THE DMW ACT AND ON THIS NEW AMENDATORY ACT ON REPUBLIC ACT NO. 8042 immediately after three (3) years from the effectivity of this NEW Act in order to determine its efficacy in favor of the covered overseas Filipino workers and the compliance by recruitment/manning agencies and insurance companies, without prejudice to an earlier review if necessary and warranted for the purpose of modifying, amending and/or repealing these subject provisions.

Sec. 11. A new Section 37-B of Republic Act No. 8042, as amended, is hereby further amended to read as follows:

"Sec. 37-B. Congressional Oversight Committee. - There is hereby created a Joint Congressional Oversight Committee ON THIS NEW AMENDATORY ACT TO REPUBLIC ACT NO. 8042 composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the chairpersons of the Senate Committee on MIGRANT WORKERS and the House of Representatives Committee on Overseas Workers Affairs. The Oversight Committee shall have the following duties and functions:

"(a) To set the guidelines and overall framework to monitor and ensure the proper implementation of Republic Act No. 8042, as amended, as well as all programs, projects and activities related to overseas employment;

"(b) To ensure transparency and require the submission of reports from concerned government agencies on the conduct of programs, projects and policies relating to the implementation of Republic Act No. 8042, as amended;

"(c) To approve the budget for the programs of the Oversight Committee and all disbursements therefrom, including compensation of all personnel;

"(d) To submit periodic reports to the President of the Philippines and Congress on the implementation of the provisions of Republic Act No. 8042, as amended;

"(e) To determine weaknesses in the law and recommend the necessary remedial legislation or executive measures; and

"(f) To perform such other duties, functions and responsibilities as may be necessary to attain its objectives.

"The Oversight Committee shall adopt its internal rules of procedure, conduct hearings and receive testimonies, reports, and technical advice, invite or summon by subpoena ad testificandum any public official or private citizen to testify before it, or require any person by subpoena duces tecum documents or other materials as it may require consistent with the provisions of Republic Act No. 8042, as amended.

"The Oversight Committee shall organize its staff and technical panel, and appoint such personnel, whether on secondment from the Senate and the House of Representatives or on temporary, contractual, or on consultancy, and determine their compensation subject to applicable civil service laws, rules and regulations with a view to ensuring a competent and efficient secretariat.

"The members of the Oversight Committee shall not receive additional compensation, allowances or emoluments for services rendered thereto except traveling, extraordinary and other necessary expenses to attain its goals and objectives.

"The Oversight Committee shall exist for a period of ten (10) years from the effectivity of this NEW AMENDATORY Act TO REPUBLIC ACT NO. 8042 and may be extended by a MERE joint resolution AND NOT A LAW."

Sec. 12. Implementing Rules and Regulations. - The departments and agencies charged with carrying out the provisions of this Act, except as otherwise provided herein, in consultation with the Senate Committee on MIGRANT WORKERS and the House of Representatives Committee on Overseas Workers Affairs, shall, within sixty (60) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

Sec. 13. Funding. - The departments, agencies, instrumentalities, bureaus, offices and government-owned and controlled corporations charged with carrying out the provisions of this Act shall include in their respective programs the implementation of this Act, the funding of which shall be included in the General Appropriations Act. The Congressional Oversight Committee on Overseas Workers Affairs shall have the sum of Fifty million pesos (P50,000,000.00), half of which shall be charged against the current appropriations of the Senate while the other half shall be charged against the

current appropriations of the House of Representatives, to carry out its powers and functions for its initial operations and for fiscal years wherein the General Appropriations Act is reenacted and no provision for its continued operation is included in such Act. Thereafter, such amount necessary for its continued operations shall be included in the annual General Appropriations Act.

Sec. 14. General Provision. – All references to the POEA and/or the DOLE in Republic Act No. 8042, and other new laws, when in conflict with the current laws, shall automatically mean as referring to the DMW, except in cases wherein the DOLE still has jurisdiction like the NLRC, NCMB, etc.

Sec. 15. Separability Clause. - If, for any reason, any portion of this Act is declared unconstitutional or invalid, the same shall not affect the validity of the other provisions not affected thereby.

Sec. 16. Repealing Clause. - All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 17. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,