



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
1st Regular Session

HOUSE BILL NO. 7416



Introduced by **REPRESENTATIVE JENNIFER A. LAGBAS**

EXPLANATORY NOTE

Overseas Filipino Workers (OFWs) face legal vulnerabilities abroad, from contractual disputes and labor exploitation to criminal accusations, often without immediate access to legal representation. Delays in assistance can result in detention, wrongful convictions, or irreversible harm.

This bill seeks to strengthen and expand the use of both the Legal Assistance Fund of the Department of Foreign Affairs and the Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund of the Department of Migrant Workers. The amendments ensure that these funds may be used promptly and flexibly for legal representation, filing of labor or criminal cases, bail bonds, and other urgent litigation expenses.

The measure also guarantees access to assistance from the point of investigation up to all levels of appeal, and exempts urgent hiring of foreign counsel from procurement restrictions to prevent delays.

By expanding allowable uses and strengthening coordination, this bill enhances the government's capacity to protect OFWs and all overseas Filipinos facing legal threats abroad.

It is respectfully noted that a counterpart measure was approved on Third Reading during the 19th Congress.

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


HON. JENNIFER A. LAGBAS
Representative
First District, Misamis Oriental



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HOUSE BILL NO. 7416

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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”

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, 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 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.”

SEC. 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.”

SEC. 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.

SEC. 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.

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

Approved,