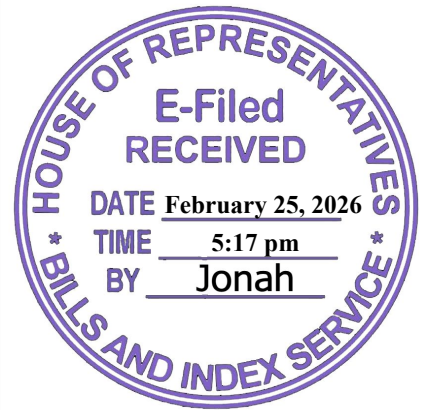




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 8101



Introduced by Representatives JOCELYN P. TULFO and RALPH WENDEL P. TULFO

AN ACT
TO STRENGTHEN THE MECHANISM FOR THE IMMEDIATE SETTLEMENT OF
MONETARY CLAIMS OF OVERSEAS FILIPINO WORKERS, MANDATING THE
PRIMARY LIABILITY OF LOCAL RECRUITMENT AGENCIES AND ESTABLISHING
AN ELECTRONIC FILING PORTAL, AMENDING FOR THIS PURPOSE REPUBLIC
ACT NO. 8042, AS AMENDED, AND OTHER PERTINENT LAWS

EXPLANATORY NOTE

The **Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act No. 8042, as amended by R.A. 10022)** and the **Labor Code of the Philippines** establish a framework of joint and several liability, holding both the foreign employer and the local recruitment agency (LRA) responsible for the claims of Overseas Filipino Workers (OFWs). Despite this robust legal protection, a significant implementation gap persists. OFWs who are victims of illegal dismissal, contract violation, or non-payment of wages face a protracted, complex, and often futile claims process. The primary obstacle is the practical difficulty of enforcing judgments against foreign employers who are outside Philippine jurisdiction, leaving financially vulnerable workers waiting for years without redress while LRAs, who are within easy reach of our legal system, often avoid immediate financial responsibility.

This bill directly addresses this systemic failure by amending **R.A. 8042** and other relevant laws to create a more direct, expedited, and accessible claims mechanism. It reinforces the doctrine of **joint and solidary liability** by mandating that the LRA, as the domestic agent of the foreign principal, becomes the primary and immediate source of payment for validated OFW claims. The legal principle of ***lex loci contractus***—that the law of the place where the contract is made governs—firmly supports this approach, as OFW employment contracts are perfected and approved in the Philippines under Philippine law.

The solution proposed is twofold. First, it streamlines liability by requiring LRAs to pay validated claims for unpaid wages and benefits within a strict **15-calendar-day period** upon the OFW's submission of sufficient evidence. The LRA's recourse is to subsequently collect the amount from the foreign employer, a burden that rightly belongs to them as parties to the agency agreement, rather than being borne by the worker. Second, it mandates the **Department of Migrant Workers (DMW)** to establish, operate, and maintain a centralized, secure, and accessible **Electronic Overseas Filipino Worker Claims Portal**. This digital platform will standardize and simplify the filing

process, allow for online submission of evidence, provide real-time tracking of claim status, and ensure transparency for all stakeholders.

By shifting the immediate financial burden to the accessible domestic entity and leveraging technology to reduce bureaucratic barriers, this bill operationalizes the constitutional mandate to afford full protection to labor, local and overseas, and ensures that the dignity and economic rights of our modern-day heroes are upheld without undue delay.

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



HON. JOCELYN P. TULFO
Representative, ACT-CIS PARTYLIST



HON. RALPH WENDEL P. TULFO
Representative, 2ND DISTRICT OF
QUEZON CITY



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

Twentieth Congress
First Regular Session

HOUSE BILL NO. **8101**

Introduced by **Representatives JOCELYN P. TULFO and RALPH WENDEL P. TULFO**

AN ACT
TO STRENGTHEN THE MECHANISM FOR THE IMMEDIATE SETTLEMENT OF
MONETARY CLAIMS OF OVERSEAS FILIPINO WORKERS, MANDATING THE
PRIMARY LIABILITY OF LOCAL RECRUITMENT AGENCIES AND ESTABLISHING
AN ELECTRONIC FILING PORTAL, AMENDING FOR THIS PURPOSE REPUBLIC
ACT NO. 8042, AS AMENDED, AND OTHER PERTINENT LAWS

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

SECTION 1. Short Title. – This Act shall be known as the “*OFW Claims Assurance Act of 2026.*”

SECTION 2. Declaration of Policy. – It is the declared policy of the State to afford full protection to labor, local and overseas, organized and unorganized, and to promote their well-being. The State shall guarantee the rights of all migrant workers to the immediate and effective settlement of claims arising from the violation of their employment contracts. Recognizing the joint and solidary liability of local recruitment agencies and their foreign principals, the State shall establish mechanisms to ensure that the more accessible local entity provides immediate financial relief to the aggrieved worker. The State shall further harness information and communications technology to provide a transparent, efficient, and accessible system for filing and monitoring claims, thereby upholding the dignity of every Overseas Filipino Worker as decreed by the Constitution and existing laws.

SECTION 3. Amendment to Section 10 of Republic Act No. 8042, as amended. – Section 10 of Republic Act No. 8042, as amended by Republic Act No. 10022, is hereby further amended to read as follows:

“SEC. 10. Money Claims, Immediate Liability of the Local Recruitment Agency, and Electronic Filing. – Notwithstanding any provision of law to the contrary, the liability of the local recruitment agency and the foreign employer for all claims arising out of an employment contract or by virtue of any law or regulation shall be joint and several. This provision shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval.

“(a) Primary and Immediate Liability of the Local Recruitment Agency. – In the enforcement of such liability, the local recruitment agency shall be primarily and

1 immediately liable for the payment of any and all monetary claims filed by the
2 Overseas Filipino Worker, including but not limited to unpaid salaries, overtime pay,
3 holiday pay, separation pay, and other benefits stipulated in the contract or
4 mandated by law.

5 **“(b) Summary Adjudication and Mandatory Payment.** – To ensure the swift
6 resolution of claims, the DMW shall observe an expedited summary procedure
7 through the Electronic Portal:

- 8 1. **Summary Procedure:** Upon the filing of a claim, the DMW shall, within
9 twenty-four (24) hours, issue an electronic summons to the local recruitment
10 agency, which shall then have a non-extendible period of five (5) calendar
11 days to file its response. Within five (5) calendar days from receipt of the
12 response or the expiration of the period to file one, the DMW shall issue a
13 **Summary Order of Payment** based on a preponderance of evidence.
- 14 2. **Period to Pay:** The local recruitment agency shall have a period of **fifteen**
15 **(15) calendar days** from receipt of the Summary Order of Payment to pay
16 the validated amount to the claimant-OFW.
- 17 3. **Non-Stay of Execution:** The filing of an appeal or any other petition shall
18 not stay the execution of this payment. In the event of an appeal, the amount
19 shall be paid by the agency and held in trust or escrow by the DMW. These
20 funds shall be released to the worker immediately upon affirmation of the
21 Order, or returned to the agency should the Order be reversed with finality.
22 Any willful failure to comply with the 15-day payment window shall be
23 deemed a waiver of the agency’s right to appeal and shall trigger the
24 immediate imposition of administrative sanctions provided under this Act.

25 **“(c) Subrogation and Indemnity.** – Payment by the local recruitment agency
26 under this section shall entitle it to a right of subrogation and indemnity against its
27 foreign principal for the full amount paid to the worker, including applicable interests
28 and costs. Any willful failure or refusal of the foreign principal to reimburse the local
29 recruitment agency shall be a ground for the suspension or cancellation of the
30 principal’s accreditation or license with the DMW.

31 **“(d) Electronic Overseas Filipino Worker Claims Portal.** – To ensure a swift,
32 transparent, and accessible claims process, the Department of Migrant Workers
33 (DMW) is hereby mandated to establish, operate, and maintain a
34 centralized Electronic Overseas Filipino Worker Claims Portal within one hundred
35 eighty (180) days from the effectivity of this Act.

- 36 • (1) The Portal shall serve as the primary and mandatory electronic
37 platform for the filing, processing, and monitoring of all monetary and
38 benefits claims by OFWs against their local recruitment agencies and/or
39 foreign employers.
- 40 • (2) It shall allow OFWs or their duly authorized representatives to securely
41 file claims, upload supporting documents, receive official notifications, and
42 track the real-time status of their claims online.
- 43 • (3) The Portal shall be designed to be accessible, user-friendly, and
44 available in major Philippine languages. The DMW shall ensure adequate
45 public information campaigns and technical support for its use.
- 46 • (4) All local recruitment agencies shall be required to register with the Portal
47 and to use it for all communications related to claims filed against them. The
48 DMW shall issue implementing rules and regulations governing the technical
49 specifications, data privacy, and security protocols of the Portal.”

SECTION 4. Evidentiary Standards and Summary Nature of Proceedings. – For purposes of Section 10(b) of R.A. 8042, as amended, the proceedings for the recovery of monetary claims through the **Electronic OFW Claims Portal** shall be summary in nature. **“Sufficient evidence”** shall be determined based on the preponderance of evidence and shall include, but not be limited to:

- a) A duly notarized affidavit of the claimant;
- b) Digital or physical copies of the employment contract duly authenticated by the DMW or the Migrant Workers Office (MWO);
- c) Electronic Evidence: Screenshots of mobile messages (e.g., WhatsApp, Messenger, Viber), emails, or other digital communications between the worker and the agency or foreign principal, pursuant to the *Rules on Electronic Evidence* (A.M. No. 01-7-01-SC);
- d) Proof of underpayment or non-payment, such as bank statements, remittance slips, or payslips;
- e) Reports, incident logs, or certifications issued by the MWO or the relevant Philippine Embassy/Consulate.

The DMW shall ensure that the Portal allows for the seamless uploading of these formats. The technical rules of evidence used in courts of law shall not be strictly applied, provided that the essential requirements of due process are met through a summary opportunity for the local recruitment agency to submit a counter-affidavit within five (5) calendar days from electronic notification.

SECTION 5. Administrative Sanctions and Protection Against Fraud. – Any local recruitment agency which fails or refuses to comply with a Final Order of Payment under Section 10(b) of R.A. 8042, as amended, without a valid Temporary Restraining Order (TRO) from a court of competent jurisdiction, shall be subject to the following administrative penalties:

- **First Offense:** A fine of not less than One Hundred Thousand Pesos (PhP100,000.00) and the immediate suspension of its license to recruit and deploy workers for a period of six (6) months.
- **Second Offense:** Permanent cancellation of its license to operate and perpetual disqualification of its officers and directors from engaging in the business of recruitment.

SECTION 5-A. Sanctions for Fraudulent Claims. – Any person who, with intent to defraud, submits false documents or makes untruthful statements in the Electronic OFW Claims Portal shall be liable for Perjury under the Revised Penal Code and shall be perpetually barred from filing claims under this Act, without prejudice to other criminal and civil liabilities.

SECTION 6. Appropriations. – The amount necessary for the initial development, implementation, and maintenance of the Electronic Overseas Filipino Worker Claims Portal shall be charged against the current fiscal year’s appropriation of the Department of Migrant Workers. Thereafter, such sums as may be necessary for its continued operation and enhancement shall be included in the annual General Appropriations Act.

SECTION 7. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 8. Repealing Clause. – All laws, presidential decrees, executive orders, issuances, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

1 **SECTION 9. Effectivity.** – This Act shall take effect fifteen (15) days after its complete
2 publication in the Official Gazette or in at least two (2) newspapers of general circulation.
3 *Approved,*