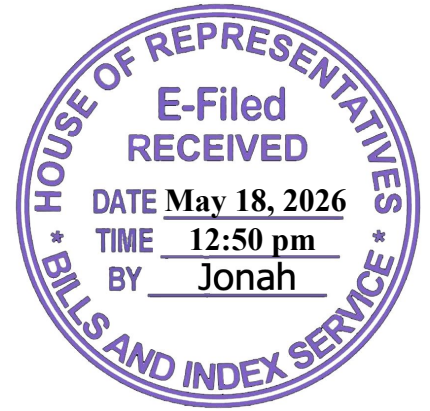


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9290



Introduced by:

HON. CHRISTOPHERSON "COCO" M. YAP

AN ACT
STRENGTHENING THE PROHIBITION AGAINST ILLEGAL WITHHOLDING OF
PHILIPPINE PASSPORTS, PARTICULARLY OF OVERSEAS FILIPINO WORKERS,
PROVIDING FOR ENFORCEMENT MECHANISMS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

A Philippine passport is not just a travel document, it is a lifeline for Overseas Filipino Workers (OFWs). It allows them to move freely, seek help from Philippine authorities, leave abusive employers, and return home safely. Yet many OFWs and job applicants still face a common abuse: their passports are taken or withheld by recruiters, agencies, or employers. This practice traps them, limits their freedom, and makes them more vulnerable to exploitation.

Our laws already make it clear that a passport belongs to the Philippine government and must never be taken by private individuals or companies. It is illegal to confiscate or use a passport as collateral for a loan or obligation, and such acts can lead to serious penalties. The courts have also recognized that withholding passports is a form of coercion and is often linked to illegal recruitment and even human trafficking.

This bill strengthens these existing protections by making it easier to report cases of passport withholding and ensuring faster action to help victims recover their documents. It promotes better coordination among government agencies so that affected workers can quickly get assistance. It also reinforces the rule that passports must never be used as leverage for debt or control, and that those who commit such acts will be held accountable under the law.

At its core, this measure protects the dignity, freedom, and safety of Filipino workers. A passport should never be used as a tool to control or abuse our citizens. By passing this bill, we take a stronger stand against exploitation and ensure that OFWs are protected wherever they are. In view of the foregoing, the immediate passage of this bill is earnestly sought.

In view of the foregoing, **ug sa ngalan sa SERBISYONG TINUORAY**, the undersigned respectfully requests the immediate passage of this measure.


CHRISTOPHERSON "COCO" M. YAP
Representative, Second District of Southern Leyte

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AN ACT

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*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 “*Illegal Withholding of
Passport (OFW Protection) Act.*”

SECTION 2. Declaration of Policy. — It is the policy of the State to protect the rights
and promote the welfare of all Filipinos, especially Overseas Filipino Workers
(OFWs) and applicant workers, and to prevent coercion and abuse committed
through the illegal confiscation, retention, or withholding of Philippine passports and
travel documents.

Consistent with the New Philippine Passport Act, a Philippine passport is issued by
the State through the Department of Foreign Affairs (DFA), and its unlawful
withholding undermines personal liberty, mobility, and protection of migrant
workers.

SECTION 3. Definition of Terms. — As used in this Act, the following terms shall
mean:

- (a) ***“Overseas Filipino Worker (OFW) or Migrant Worker”*** refers to a person who is engaged, or has been engaged, in a remunerated activity in a State of which he or she is not a citizen, including those on board sea-going vessels, consistent with the Migrant Workers and Overseas Filipinos Act.
- (b) ***“Applicant worker”*** refers to a person who is in the process of applying for overseas employment, including those undergoing documentation, placement, or deployment processing.
- (c) ***“Passport”*** refers to any valid Philippine passport issued by the DFA.
- (d) ***“Without legal authority”*** means without authority granted by law, by lawful order of a competent court, or by lawful order/requirement of the DFA or other competent government authority expressly authorized by law.

SECTION 4. Prohibited Act; Relation to Existing Offenses. —

- (a) **Illegal Withholding of Passport.** Any person or entity who, without legal authority, confiscates, retains, or withholds any Philippine passport issued by the DFA, including the passport of an OFW or an Applicant Worker, shall be liable under this Act.
- (b) **No diminution of liability for illegal recruitment and related offenses.** The withholding or denial of passports or travel documents from applicant workers before departure for monetary or financial considerations, or for any other reasons other than those authorized under the Labor Code and its implementing rules and regulations, shall continue to constitute illegal recruitment under the Migrant Workers and Overseas Filipinos Act.
- (c) **Without prejudice clause.** Prosecution under this Act shall be without prejudice to prosecution under RA 11983 (2024), RA 8042 (1995) as amended by RA 10022 (2010), and other applicable laws.

SECTION 5. Penalties. —

- (a) **Basic penalty.** Any person or entity found guilty of Illegal Withholding of Passport shall suffer the penalty of imprisonment of not less than twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not

less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00), consistent with the New Philippine Passport Act.

- (b) **Public officers.** If the offender is a public officer or employee, he or she shall, in addition to the penalties in subsection (a), suffer the accessory penalties provided by law, including administrative liability, without prejudice to dismissal and disqualification pursuant to applicable civil service rules.
- (c) **Juridical entities.** If the offender is a corporation, partnership, association, or other juridical entity, the officers who **authorized, directed, knowingly permitted, or participated** in the act shall be criminally liable. Regulatory consequences (including cancellation of license/accreditation where applicable) shall be referred to the proper government agency.
- (d) **Aliens.** If the offender is an alien, he or she shall, after service of sentence, be subject to deportation in accordance with immigration laws.

SECTION 6. Reporting, Complaint, and Assistance Mechanism. —

- (a) Any person with personal knowledge of a violation may file a complaint with the Office of the Prosecutor, the DOJ, the Philippine National Police (PNP), the National Bureau of Investigation (NBI), or Philippine foreign service posts for endorsement to the proper authorities.
- (b) Government agencies concerned shall provide a mechanism for OFWs and applicant workers to report illegal withholding and obtain assistance for the recovery of passports.

SECTION 7. Extraterritorial Application; Venue. —

- (a) This Act shall apply to offenses committed within the Philippines. It shall likewise apply to offenses committed outside the Philippines when the offender is a Filipino, or when the victim is a Filipino passport holder and the offender is found in the Philippines, subject to the Constitution, applicable treaties, and generally accepted principles of international law.
- (b) When the offense is committed outside the Philippines, the criminal action may be instituted in the Regional Trial Court (RTC) of:

- (1) the place where the offender is arrested or found in the Philippines; or
- (2) the place where the victim resides; or
- (3) Metro Manila, at the option of the public prosecutor, when venue cannot be reasonably determined.
- (4) No double jeopardy for the same conduct. No prosecution shall be commenced under this Act when the accused has been finally convicted or acquitted by a court of competent jurisdiction for the same act that constitutes the offense, consistent with constitutional protections.

SECTION 8. Implementing Rules and Regulations. — Within ninety (90) days from effectivity, the DOJ, DFA, DOLE, and the Department of Migrant Workers (if applicable), shall issue the necessary rules to operationalize reporting, assistance, referral, and coordination for prosecution, consistent with this Act and RA 11983 (2024).

SECTION 9. Separability Clause. — If any provision of this Act is declared invalid or unconstitutional, other provisions not affected shall remain in full force and effect.

SECTION 10. Repealing Clause. — All laws, rules, and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 11. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,