

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 9450



Introduced by Representative KAREN HOPE F. GARCIA

EXPLANATORY NOTE

The 1987 Philippine Constitution expressly enshrines the State's commitment to afford full protection to labor, both local and overseas. In fulfilling this mandate, the Philippine government has long institutionalized mechanisms for legal and consular support through the Legal Assistance Fund (LAF) and the Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund.

However, despite these mechanisms, the delivery of justice is often hindered by bureaucratic limitations, funding inflexibility, and procurement laws that delay the hiring of foreign legal representation during critical times of crisis.

Currently, Overseas Filipino Workers (OFWs) frequently face legal and judicial challenges abroad. These range from investigation and detention to arrest and indictment, and are often without the benefit of immediate legal assistance. As emphasized in our own Constitutional tenets, any person under investigation for the commission of an offense has the fundamental right to be informed of their right to remain silent and to have competent and independent counsel. When our OFWs are subjected to foreign custodial investigations, the lack of immediate, culturally sensitive, and language-appropriate legal counsel puts them at a severe systemic disadvantage. Funding flexibility alone is inherently reactive. What is currently lacking in our legal assistance framework is a proactive and systemic first-response mechanism.

This proposed measure, the "Overseas Filipino Protection and Legal Assistance Enhancement Act," adopts the vital funding expansions proposed in existing measures, while introducing two unique, groundbreaking provisions:

1. **The Establishment of a Global Network of Retained Foreign Legal Counsels.** Instead of scrambling to procure foreign lawyers only after an OFW is arrested, the Department of Foreign Affairs (DFA) and the Department of Migrant Workers (DMW) shall be mandated to pre-vet and retain a standing network of foreign law firms in countries with high OFW populations.
2. **A 24/7 Overseas Legal Crisis Hotline.** A dedicated, round-the-clock hotline manned by Philippine legal officers who can provide immediate, preliminary legal advice (such as the translation of their right against self-incrimination) while the retained foreign counsel is being dispatched.

By marrying expanded financial flexibility with a proactive network of pre-retained legal defenders, this Act ensures that the Philippine government's promise of protection is not just a constitutional ideal, but a highly operational, real-time reality for our modern-day heroes.

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



Rep. KAREN HOPE F. GARCIA
3rd District, Province of Cebu

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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, ESTABLISHING A GLOBAL NETWORK OF RETAINED LEGAL COUNSELS AND A 24/7 LEGAL CRISIS HOTLINE, 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 the House of Representatives of the Philippines in Congress assembled:

CHAPTER I
GENERAL PROVISIONS

Section 1. *Short Title.* - This Act shall be known as the "Overseas Filipino Protection and Legal Assistance Enhancement Act."

Section 2. *Amendment of the Uses of the Legal Assistance Fund.* 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 to provide legal AND CONSULAR ASSISTANCE services to OTHER overseas Filipinos in accordance with the guidelines, criteria and procedures TO BE promulgated BY THE DFA. The expenditures to be charged against the LEGAL ASSISTANCE Fund shall include the fees for the foreign lawyers to be hired to represent OVERSEAS FILIPINOS 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 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 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 Reform Act 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 3. Amendment of the AKSYON Fund. 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 SHALL BE ADMINISTERED BY THE DEPARTMENT OF MIGRANT WORKERS (DMW) AS THE LEAD AGENCY FOR THE PROVISION OF IMMEDIATE LEGAL, FINANCIAL, AND WELFARE ASSISTANCE TO OFWS.

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 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 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 WHEN CIRCUMSTANCES WARRANT URGENT ACTION, SHALL BE EXEMPT FROM THE COVERAGE OF REPUBLIC ACT NO. 9184 OR THE GOVERNMENT PROCUREMENT REFORM ACT.

Section 5. *Establishment of a Global Network of Retained Foreign Legal Counsels.* To ensure that the constitutional right to competent and independent counsel is universally afforded to Filipinos abroad from the exact moment of custodial investigation, the DFA and the DMW shall jointly establish a "Global Network of Retained Foreign Legal Counsels."

The DFA and DMW are hereby authorized to enter into standing retainer agreements with reputable foreign law firms and legal practitioners in countries with a high concentration of Overseas Filipinos and OFWs. These retained counsels shall act as designated first-responders to immediately represent Filipinos during sudden police raids, arrests, and preliminary investigations, bypassing the delays of ad-hoc procurement.

- The following shall serve as the Minimum Standards for Accreditation and Hiring:
- (a) Proven expertise in criminal, labor, or immigration law in the host country;
 - (b) Good standing with the relevant bar or legal authority;
 - (c) Demonstrated experience in handling cases involving foreign nationals;

- (d) Capacity to provide immediate response within a reasonable time frame;
- (e) No record of professional misconduct or human rights violations;
- (f) Ability to coordinate with Philippine diplomatic and migrant offices.

The DMW shall maintain a review and audit mechanism to ensure quality, accountability, and cost-efficiency of legal services rendered. Retained counsels shall act as first responders during arrests, detention, or investigations, ensuring immediate legal representation without procurement delays.

Furthermore, the DMW shall establish a performance monitoring system to evaluate retained counsels based on responsiveness, case outcomes, ethical compliance, and client feedback. Retainer agreements shall include termination clauses for non-performance, negligence, or misconduct.

Section 6. *Establishment of a 24/7 Overseas Legal Assistance and Crisis Hotline.* The DMW, in coordination with the DFA, shall establish a 24/7 digital and telephonic Overseas Legal Crisis Hotline. The hotline shall be manned by Philippine-licensed lawyers and trained paralegals who shall provide immediate, remote preliminary legal advice to distressed OFWs.

When an OFW is subjected to a foreign custodial investigation, the Hotline Legal Officers shall be responsible for:

- (a) Immediately dispatching the nearest retained foreign legal counsel from the Global Network;
- (b) Translating and explaining fundamental rights, such as the right to remain silent and the right against self-incrimination, to the detained OFW; and
- (c) Providing real-time updates and psychosocial support coordination to the OFW's family in the Philippines.

Section 7. *Implementing Rules and Regulations.* Within ninety (90) days from the effectivity of this Act, the Department of Migrant Workers, as the lead agency, in consultation with the Department of Foreign Affairs, shall promulgate the necessary implementing rules and regulations to ensure the effective enforcement of this Act.

Section 8. *Appropriations.* The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the Department of Migrant Workers and the Department of Foreign Affairs.

Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

Section 9. *Separability Clause.* If any provision of this Act is declared unconstitutional or invalid, the remaining provisions shall continue to be in full force and effect.

Section 10. *Repealing Clause.* All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 11. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,