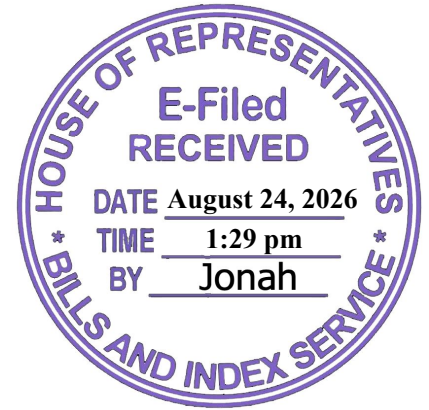


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 10870



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

It is the height of tragedy when Overseas Filipino Workers travel to foreign lands in search of opportunities, seeking to help uplift the lives of their family and countrymen, just to be met with grisly, violent deaths in the hands of a stranger. Joanna Demafelis, Jeanelyn Villavende, and Constanca Dayag are just Filipinos whose lives were untimely snuffed out.

More saddening is the fact that we are not at all helpless to provide our OFWs the necessary protections. We have had the Philippine Overseas Employment Administration (POEA), the Overseas Labor Office, Filipino Resource Center, and the Overseas Workers Welfare Administration (OWWA), most of which, exempting the OWWA, are now under the Department Of Migrant Workers (DMW), and all mandated to serve and protect our OFWs.

With their combined wealth of experience, resources, and connections inaction is unacceptable. And yet there are cases, such that of Jeanelyn Villavende, where complaints from OFWs regarding their safety are not promptly acted upon. This is even more timely, as areas of the globe with high concentrations of OFWs continue to grapple with warfare, geopolitical tensions, and other such economic uncertainties, leading to the further precarious situations our OFWs sometime find themselves in.

This is the gap that this bill seeks to address. It provides active monitoring and urgent response mechanism to address incidents and emergencies endangering the life, limb, and liberty of our OFWs and to instill that consciousness among our frontline government agencies and stakeholders, under pain of administrative and criminal penalty. This way, prevent future cases of OFWs being abused, raped or killed may be prevented.

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

A handwritten signature in black ink, appearing to read 'Alfred C. Delos Santos', is positioned above the printed name.

ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Party-List

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Introduced by **ANG PROBINSYANO**
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AN ACT
PRESCRIBING AN ACTIVE MONITORING AND URGENT RESPONSE
MECHANISM BY THE GOVERNMENT TO PREVENT THE KILLING, RAPE,
AND OTHER ABUSES COMMITTED AGAINST OVERSEAS FILIPINO
WORKERS AND PROVIDING PENALTIES THEREFOR

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 Abuse Prevention" Act.

SECTION. 2. *Declaration of Policy.* - The State upholds the dignity and fundamental human rights and freedoms of its citizens both in the country and overseas. It shall endeavor to afford them protection and promote their welfare, regardless of their location. The State also recognizes the inherent value of the lives of our Overseas Filipino Workers (OFWs), their sacrifice for the well-being of their families, and their significant contribution to the country's economic growth and national development. Toward this end, the State shall provide an urgent response mechanism to address incidents and emergencies endangering the life, limb, and liberty of our OFWs and to instill that consciousness among our frontline government agencies and stakeholders in order to prevent future cases of OFWs being abused, raped or killed.

SECTION. 3. *Coverage.* - This Act shall protect all OFWs or migrant workers, regardless of their employment status, including their dependents.

SECTION. 4. *Active Monitoring and Urgent Response by Local Recruitment Agencies.* - When information is obtained by a recruitment agency, in the conduct of its regular monitoring or otherwise, or a complaint is brought to its attention, whether by the concerned OFW or a third party, and such information

or complaint pertains to past or present physical abuse or maltreatment, sexual assault or harassment, death threats, and other incidents endangering the life, limb, and liberty of the concerned OFW, or to situations where OFWs are in imminent danger of physical or sexual harm, the concerned recruitment agency shall treat the said information or complaint with extreme urgency and must coordinate the same with concerned government agencies the soonest possible time, without delay. The concerned recruitment agency shall also endeavor to verify and immediately act on such complaints and actively monitor the same, with due regard to the sensitivity of the information acquired, in coordination with concerned government agencies. While the foregoing information or complaint must be prioritized, nothing in this Act prevents the recruitment agencies from actively monitoring and urgently responding to all other concerns of OFWs they deploy.

SECTION. 5. *Active Monitoring and Urgent Response by the Government.* - In coordination with the the Department of Migrant Workers (DMW), the Department of Foreign Affairs (DFA), through the concerned Embassies or Consulates, the Department of Labor and Employment (DOLE), through its Philippine Overseas Labor Offices (POLOs), and the Overseas Workers Welfare Administration (OWWA), shall assist OFWs in the following manner:

- a) DMW, DOLE, DFA, and OVWAA shall formulate and implement active monitoring and urgent response mechanism to protect OFWs from physical abuse or maltreatment, sexual assault or harassment, death threats and other incidents endangering their life, limb, and liberty. The said mechanism shall, among others:
 - i) Determine the point persons for receiving and monitoring such complaints and coordinating and conducting the urgent responses to such situations;
 - ii) Streamline existing processes and remove any barriers or excesses in immediately reporting, coordinating, or acting on the incidents and emergencies;
 - iii) Provide integrated or unified local and international hotlines, online platforms and other easy and immediate avenues for recruitment agencies, OFWs and third parties to immediately report and coordinate any incident or emergency;
 - iv) Include a speedy but thorough verification and investigation process; and
 - v) Respect the sovereignty of the host country and strengthen the commitment of and the linkage with its local enforcement authorities, foreign recruitment agencies and employers.
- b) In all pre-departure and on-site training and seminars, the DMW, DOLE, and OWWA shall regularly inform and reiterate to OFWs the said abuse prevention or emergency assistance mechanism, including the hotlines, online complaint platforms, location of shelters or safehouses, and tips on reporting and preventing abuses;

- c) DMW, DOLE, and OWWA shall actively monitor the conditions of OFWs, and strictly ensure participation and compliance of concerned recruitment agencies, in host countries with a large concentration of OFWs or with records or reports of maltreated, sexually assaulted or killed OFWs; and
- d) DMW, DOLE, and OWWA shall strive to instill institutional consciousness among its employees and partner stakeholders, especially those in charge of abuse prevention or emergency assistance for OFWs, on the urgency of responding to complaints of OFWs in life and death situations.

SECTION. 6. *OFW Shelters.* - The DMW, DOLE and OWWA, in coordination with the DFA, shall continue to create and operate centers and shelters abroad with the end goal of providing a safe house for distressed OFWs, including those who have run away or are rescued because of actual abuses or imminent harm, while waiting for government assistance, verification, investigation or repatriation, with due respect to legal protocols and processes of the host countries.

SECTION. 7. *Penalties.* - Without prejudice to other administrative, civil, and criminal sanctions as may be provided under existing laws, rules, and regulations, the following shall be punished under this Act:

- a) In cases of violation of Section 4 of this Act, and the concerned OFW subsequently suffered maltreatment or abuse, the license of the recruitment agency shall be automatically canceled or revoked. An additional administrative fine ranging from Two Hundred Thousand Pesos (PhP200,000) to Five Million Pesos (PhP5,000,000.00) shall be imposed upon the recruitment agency, depending on the gravity of injury done to the OFW.

In addition, the officer of the concerned recruitment agency, in charge of reporting and coordinating the incident and emergency involving the OFW, shall suffer the penalty of one (1) month to five (5) years imprisonment, upon the discretion of the court.

The DMW shall continue to have the power to promulgate and impose administrative penalties for the failure of recruitment agencies to monitor, report and coordinate the conditions of OFWs in cases not covered under Section 4 of this Act;

- b) Any public officer, who neglects to do his or her duty in terms of receiving, monitoring, coordinating or acting on complaints or information pursuant to the government mechanism provided for under Section 5 of this Act, and the concerned OFW subsequently suffered maltreatment or abuse, shall be liable to an administrative penalty of one (1) month suspension to dismissal from the service, and a fine equivalent to one (1) day to one (1) year salary, both depending on the gravity of injury done to the OFW.

- c) Any public officer who maliciously delays any report or action, refuses to perform his or her duty under this Act for the purpose of obtaining, directly or indirectly, any pecuniary or material benefit, or who conceals or falsifies documents or reports, whether or not the concerned OFW subsequently suffered maltreatment or abuse, shall be liable to a penalty of six (6) months to ten (10) years imprisonment, with the accessory penalty of suspension from public office to perpetual disqualification, both upon the discretion of the court.

SECTION. 8. *Implementing Rules and Regulations.* - The DMW, DOLE, OWWA, and DFA, in coordination with concerned stakeholders such as people's organizations, labor unions, and non-government organizations, shall formulate the implementing rules and regulations within ninety (90) days after the effectiveness of this Act.

SECTION. 9. *Suppletory Application.* - Republic Act No. 8042 or the Migrant Workers and Overseas Filipino Act of 1995, as amended by Republic Act Nos. 9422 and 10022, Presidential Decree No. 442 or the Labor Code of the Philippines, as amended, Republic Act No. 11641, and all other rules and regulations promulgated in relation thereto shall have suppletory application in cases not provided for under this Act with the end view of protecting OFWs from abuses.

SECTION 10. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SECTION. 11. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION. 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,