



HOUSE OF REPRESENTATIVES

H. No. 9462

BY REPRESENTATIVES VILLANUEVA, REVILLA (B.), MERCADO-REVILLA, REVILLA (R.J.), ROMUALDEZ (F.M.), ROMUALDEZ (Y.M.), ROMUALDEZ (A.J.), ACIDRE, NISAY, LAGBAS, DY (F.), MARCOS, CENIZA, SALVACION, BAUTISTA (J.M.), ISMULA, AQUINO, ELAGO, PLEYTO, CAGAS, SALCEDA, RAMA, DE LIMA AND BAUTISTA-LIM

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:

1 **SECTION 1.** Section 26 of Republic Act No. 8042, otherwise known as the
2 "Migrant Workers and Overseas Filipinos Act of 1995," as amended, is hereby further
3 amended to read as follows:
4

5 "SEC. 26. *Uses of the Legal Assistance Fund.* – The Legal
6 Assistance Fund created under the preceding section, **WHICH HAS**
7 **BEEN RETAINED BY THE DEPARTMENT OF FOREIGN AFFAIRS**
8 **(DFA) PURSUANT TO SECTION 14 OF REPUBLIC ACT NO. 11641,**
9 **OTHERWISE KNOWN AS THE 'DEPARTMENT OF MIGRANT**
10 **WORKERS ACT'**, shall be used [exclusively] to provide legal **AND**
11 **CONSULAR ASSISTANCE** services to [migrant workers and] overseas
12 Filipinos [in distress] in accordance with the guidelines, criteria and
13 procedures **TO BE** promulgated **BY THE DFA** [in accordance with
14 Section 24 (a) hereof]. The expenditures to be charged against the
15 **LEGAL ASSISTANCE** Fund shall include the fees for the foreign lawyers
16 to be hired [by the Legal Assistant for Migrant Workers Affairs] to
17 represent [migrant workers] **OVERSEAS FILIPINOS** facing charges,
18 **EXPENSES FOR THE** [or in] filing **OF LABOR AND/OR CRIMINAL**
19 cases against erring or abusive employers **AND OTHER OFFENDING**
20 **PERSONS** abroad, bail bonds to secure the temporary release of workers

1 under detention, court fees and charges and other litigation
2 expenses: **PROVIDED, THAT THE LEGAL ASSISTANCE FUND**
3 **SHALL, AT ALL TIMES, BE MADE AVAILABLE FROM THE TIME OF**
4 **THE INVESTIGATION, DETENTION, ARREST OR INDICTMENT OF**
5 **THE OVERSEAS FILIPINOS ALL THE WAY TO THE TRIAL PROPER,**
6 **AND AT ALL LEVELS OF APPEAL THEREAFTER:**
7 *Provided, FURTHER,* That at the end of every year, the Department of
8 Foreign Affairs shall include in its report to Congress, as provided for
9 under Section 33 of this Act, the status of the Legal Assistance Fund,
10 including the expenditures from the said fund duly audited by the
11 Commission on Audit (COA): *Provided, further***MORE,** That the hiring of
12 foreign legal counsels **AND RELEASES OF FUNDS FOR OTHER**
13 **EXPENSES RELATED TO THE IMPLEMENTATION OF THIS SECTION,**
14 when circumstances warrant urgent action, shall be exempt from the
15 coverage of Republic Act No. 9184 or the Government Procurement Act.
16

17 **THE ABOVEMENTIONED PROVISION SHALL SIMILARLY**
18 **APPLY TO THE UTILIZATION OF THE AGARANG KALINGA AT**
19 **SAKLOLO PARA SA MGA OFWS NA NANGANGAILANGAN**
20 **(AKSYON) FUND BY THE DEPARTMENT OF MIGRANT WORKERS**
21 **FOR CASES REQUIRING LEGAL ASSISTANCE, IN ACCORDANCE**
22 **WITH REPUBLIC ACT NO. 11641.**
23

24 **IN COUNTRIES AND TERRITORIES WHERE THERE ARE NO**
25 **MIGRANT WORKERS OFFICES YET, THE DFA SHALL EXTEND**
26 **LEGAL AND OTHER FORMS OF ASSISTANCE TO OFWS LOCATED**
27 **IN SAID AREAS."**
28

29 **SEC. 2.** Section 14 of Republic Act No. 11641, otherwise known as the
30 "Department of Migrant Workers Act," is hereby amended to read as follows:
31

32 *"SEC. 14. Agarang Kalinga at Saklolo para sa mga OFW na*
33 *Nangangailangan (AKSYON) Fund. – The Agarang Kalinga at Saklolo*
34 *para sa mga OFWs na Nangangailangan (AKSYON) Fund is hereby*
35 *established to provide legal and other forms of assistance to OFWs,*
36 *separate from the funds managed by the DFA. The DFA shall retain ATN*
37 *and Legal Assistance Funds for the benefit of other Filipinos overseas and*
38 *for consular assistance services. An appropriate amount shall initially be*
39 *provided for the AKSYON Fund in the General Appropriations Act of the*
40 *year following its enactment into law and an appropriate amount for every*
41 *year thereafter to provide assistance to OFWs at Foreign Service Posts*
42 *where MWO have been established and staffed.*
43

44 **THE EXPENDITURES CHARGEABLE AGAINST THE AKSYON**
45 **FUND SHALL INCLUDE THE FEES FOR THE FOREIGN LAWYERS TO**
46 **BE HIRED TO REPRESENT OFWS FACING CHARGES, EXPENSES**
47 **FOR THE FILING OF LABOR AND/OR CRIMINAL CASES AGAINST**
48 **ERRING OR ABUSIVE EMPLOYERS AND OTHER OFFENDING**
49 **PERSONS ABROAD, BAIL BONDS TO SECURE THE TEMPORARY**
50 **RELEASES AND OTHER LITIGATION EXPENSES: PROVIDED, THAT**

1 THE AKSYON FUND SHALL, AT ALL TIMES, BE MADE AVAILABLE
2 FROM THE TIME OF THE INVESTIGATION, DETENTION, ARREST OR
3 INDICTMENT OF THE OFWS ALL THE WAY TO THE TRIAL PROPER,
4 AND AT ALL LEVELS OF APPEAL THEREAFTER: *PROVIDED,*
5 *FURTHER,* THAT AT THE END OF EVERY YEAR, THE DEPARTMENT
6 OF MIGRANT WORKERS SHALL REPORT TO THE
7 CONGRESSIONAL OVERSIGHT COMMITTEE CREATED UNDER
8 SECTION 25 OF THIS ACT THE STATUS OF THE AKSYON FUND,
9 INCLUDING THE EXPENDITURES FROM THE SAID FUND DULY
10 AUDITED BY THE COMMISSION ON AUDIT (COA): *PROVIDED,*
11 *FURTHERMORE,* THAT THE HIRING OF FOREIGN LEGAL
12 COUNSELS AND RELEASES OF FUNDS FOR OTHER EXPENSES
13 RELATED TO THE IMPLEMENTATION OF THIS SECTION, WHEN
14 CIRCUMSTANCES WARRANT URGENT ACTION, SHALL BE
15 EXEMPT FROM THE COVERAGE OF REPUBLIC ACT NO. 9184 OR
16 THE GOVERNMENT PROCUREMENT REFORM ACT.

17
18 Within thirty (30) days from the promulgation of this Act, the
19 Secretary, in consultation with relevant stakeholders, shall issue the
20 necessary guidelines regarding the use of the AKSYON Fund.

21
22 A sufficient sum shall be appropriated to the DFA to perform
23 functions of the MWO in Foreign Service Posts where there is yet no such
24 office.”

25
26 **SEC. 3.** The Department of Foreign Affairs and the Department of Migrant
27 Workers shall, in consultation with the Overseas Workers Welfare Administration and
28 other stakeholders, within sixty (60) days after the effectivity of this Act, formulate the
29 necessary rules and regulations for its effective implementation.

30
31 **SEC. 4.** All laws, presidential decrees, orders, issuances, rules and regulations
32 or parts thereof inconsistent with the provisions of this Act are hereby repealed,
33 amended or modified accordingly.

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

Approved,