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237
NOT TO BE TAKEN OUT OF
THE BILLS AND INDEX DIVISION

HOUSE OF REPRESENTATIVES

H. No. 14314

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BAGATSING (A.), ENRILE, FUENTESELLA, LIBAN, LACSON,
DIAZ (R.), PAYUMO, RAMIREZ, RECTO, AND DRAGON, PER
COMMITTEE REPORT NO. 1037

AN ACT PROVIDING A MAGNA CARTA OF OVERSEAS
FILIPINOS

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

1 SECTION 1. *Short Title.* - This Act shall be known as the
2 "Magna Carta of Overseas Filipinos."

3 TITLE I

4 GENERAL PROVISIONS

5 SEC. 2. *Declaration of Policies.* - The State recognizes the
6 crucial role and important contributions of overseas Filipinos in the

1 task of nation-building and national development.

2 It is the declared policy of the State to promote the welfare
3 and protect the rights of all overseas Filipinos. The State shall also
4 encourage their active participation in its economic and social life
5 through the granting of appropriate incentives to them.

6 To promote the welfare of overseas Filipinos, in particular the
7 overseas Filipino workers, the State shall make a periodic review of
8 the government's overseas employment program with the end in
9 view of balancing economic demands and the protection of its
10 nationals. In the pursuit of this policy and when the national
11 interest so requires, the State defends and upholds the national
12 dignity.

13 To further promote the welfare of overseas Filipino workers,
14 the State shall consistently pursue policies and programs that
15 provide adequate economic opportunities, particularly the
16 generation of jobs and the provision of livelihood opportunities for
17 returning overseas Filipino workers.

18 To enhance the capability of the State to provide protection
19 to overseas Filipino workers, the State shall institute mechanisms
20 and safeguards and conduct diplomatic initiatives to protect them
21 from abuses and unjust and unfair treatment in foreign lands.
22 Recognizing that the protection of overseas Filipino workers starts
23 within its territory, the State shall pursue with vigilance, persistence

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1 and determination its fight against illegal recruitment activities and
2 provide stiff penalties for the commission thereof.

3 SEC. 3. *Definition of Terms.* - For purposes of this Act, the
4 term:

5 (a) "*Government*" - means the Government of the Republic of
6 the Philippines.

7 (b) "*President*" - means the President of the Republic of the
8 Philippines.

9 (c) "*Government Agency*" - means any executive branch of the
10 Philippine Government, or any corporation owned or controlled by
11 the Government of the Republic of the Philippines.

12 (d) "*Overseas Filipinos*" - refers to all Filipinos abroad such as
13 professionals, those travelling on business, trainees, workers,
14 tourists, students, scholars and immigrants.

15 (e) "*Overseas Filipino Workers*" - refers to all Filipinos who are
16 to be engaged, are engaged or have been engaged in a remunerated
17 activity in another State.

18 (f) "*Philippine Authorities*" - refers to officers of the various
19 government agencies and entities concerned and responsible in the
20 promotion of the welfare of overseas Filipinos as well as in
21 implementing the provisions of this Act.

22 (g) "*Filipino Expatriates*" - includes former Filipinos who have
23 been naturalized in foreign lands.

TITLE II

PROTECTION OF RIGHTS

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SEC. 4. *Policy on the Deployment of Overseas Filipino Workers.*

- It is the policy of the State to deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection and the rights of overseas Filipino workers:

(a) The country has existing labor and social laws protecting the rights of migrant workers;

(b) It is a signatory to multilateral conventions, declarations or resolutions relating to the protection of migrant labor workers;

(c) It has concluded a bilateral agreement or arrangement with the Government protecting the rights of overseas Filipino workers; and

(d) It is taking positive, concrete measures to protect the rights of migrant workers.

In the pursuit of the above policy, the government shall undertake the necessary initiatives such as promoting acceptance or adherence of countries hosting overseas Filipino workers to multilateral conventions, declarations or resolutions pertaining to the protection of migrant workers' rights and initiating the conduct of bilateral negotiations with the end in view of concluding bilateral

1 agreements or arrangements which protect overseas Filipino
2 workers' rights.

3 SEC. 5. - *Report to Congress.* - In order to inform the
4 Philippine Congress on the implementation of the policy enunciated
5 in Section 4 hereof, the Department of Foreign Affairs and the
6 Department of Labor and Employment shall submit to the said
7 body a semi-annual report of Philippine foreign posts located in
8 countries hosting Filipino overseas workers. The report shall
9 include, but not be limited, to the following information:

- 10 (a) Working conditions of Filipino overseas workers;
- 11 (b) Problems encountered by Filipino overseas workers
12 including violations of their rights;
- 13 (c) Initiatives/actions taken by the Philippine foreign posts to
14 address the problems of overseas Filipino workers;
- 15 (d) Changes in labor laws and policies of host countries; and
- 16 (e) Status of negotiations on bilateral labor agreements
17 between the Philippines and the host country, if any.

18 SEC. 6. *Termination or Ban on Deployment.* - Notwithstanding
19 the provisions of Section 4 hereof, the government, in pursuit of the
20 national interest or when public safety or public welfare so requires,
21 may, at any time, terminate or impose a ban on the deployment of
22 overseas Filipino workers.

23 SEC. 7. *Powers, Duties and Functions of Government Agencies*

1 *in the Protection of Filipino Nationals Abroad.* - The following
2 government agencies shall perform the following to promote the
3 welfare and protect the rights of overseas Filipinos:

4 (a) Department of Foreign Affairs - The Department,
5 through its home office or foreign posts, shall take appropriate
6 action or make representation with the foreign authority concerned
7 whenever necessary to protect the rights of overseas Filipinos and
8 extend immediate assistance including the repatriation of distressed
9 or beleaguered overseas Filipinos.

10 (b) Department of Labor and Employment - The Department
11 shall see to it that labor and social welfare laws in the foreign
12 country are fairly applied to overseas Filipinos including the grant of
13 legal assistance and the referral to proper medical centers or
14 hospitals of those Filipinos needing medical or hospitalization
15 services.

16 (b.1) Philippine Overseas Employment Administration - The
17 Administration shall regulate private sector participation in the
18 recruitment and overseas placement of workers by setting up a
19 licensing and registration system. It shall also formulate and
20 implement, in coordination with appropriate entities concerned,
21 when necessary, a system for promoting and monitoring the
22 overseas employment of Filipino workers taking into consideration
23 their welfare and the domestic manpower requirements as well as

1 exercise original and exclusive jurisdiction to hear and decide all
2 claims arising out of an employer-employee relationship or by virtue
3 of any law or contract involving Filipino workers for overseas
4 employment including disciplinary cases.

5 (b.2) Overseas Workers Welfare Administration - The
6 Welfare Officer or in his absence, the Coordinating Officer shall
7 provide the overseas Filipino worker and his family all the
8 assistance they may need in the enforcement of contractual
9 obligations by agencies or entities and/or by their principals. In the
10 performance of this function, he shall make representation and may
11 call on the agencies or entities concerned to conferences or
12 conciliation meetings for the purpose of settling the complaints or
13 problems brought to his attention.

14 In coordination with the Department of Foreign Affairs, the
15 repatriation of the overseas Filipino workers shall also be a primary
16 responsibility of the OWWA.

17 SEC. 8. *Institutionalization of the Country-Team Approach.* -
18 In the performance of their functions to protect the rights and
19 promote the welfare of overseas Filipinos, the Department of
20 Foreign Affairs, the Department of Labor and Employment, the
21 Philippine Overseas Employment Administration and the Overseas
22 Workers Welfare Administration shall adopt the country-team
23 approach as provided in Executive Order No. 74.

1 Under the country-team approach, all officers,
2 representatives and personnel of the Philippine government posted
3 abroad regardless of their mother agencies shall, on a per country
4 basis, act as one country-team with a mission under the leadership
5 of the ambassador. In this regard, the ambassador may
6 recommend to the Secretary of the Department of Foreign Affairs
7 the recall of officers, representatives and personnel of the
8 Philippine government posted abroad for acts inimical to the
9 national interest such as, but not limited to, failure to provide the
10 necessary services to protect the rights of overseas Filipinos.

11 Upon receipt of the recommendation of the ambassador, the
12 Secretary of the Department of Foreign Affairs shall, in the case of
13 officers, representatives and personnel of other departments,
14 endorse such recommendation to the department secretary
15 concerned for appropriate action. Pending investigation by an
16 appropriate body in the Philippines, the person recommended for
17 recall may be placed under preventive suspension by the
18 ambassador.

19 In host countries where there are Philippine consulates, such
20 consulates shall also constitute part of the country-team under the
21 leadership of the ambassador.

22 In the implementation of the country-team approach, visiting
23 Philippine congressional delegations shall be provided full support

1 and information.

2 SEC. 9. *Establishment of Overseas Filipino Resource Centers.* -

3 Overseas Filipino Resource Centers shall be established in
4 countries where there are vast concentration of Filipino migrants.

5 The Center shall be a source of the following services for overseas
6 Filipinos:

7 (a) Program to promote social integration, adjustment such
8 as post-arrival orientation, settlement, advisory services, community
9 networking, and activities for social interaction;

10 (b) Counseling and legal services;

11 (c) Training and skills upgrading;

12 (d) Information and education services or programs;

13 (e) Welfare assistance;

14 (f) Orientation programs for returning migrants; and

15 (g) Monitoring of daily situations, circumstances and activities
16 affecting overseas Filipinos.

17 The establishment and operations of the Center shall be a
18 joint undertaking of the various Philippine government agencies. It
19 shall have a counterpart 24-hour information and assistance center
20 at the Department of Foreign Affairs to ensure a continuous
21 network and coordinative mechanism at the home office.

22 SEC. 10. *Operation of the Center.* - The Overseas Filipino
23 Resource Center shall be under the administrative jurisdiction of

1 the Philippine Embassy and may be housed within the Philippine
2 Embassy or Consulate premises. It may also be established in
3 areas where there are vast concentration of overseas Filipinos, in
4 accordance with the prescribed policies of the host country. It shall
5 be staffed by the service attaches or officers who represent other
6 Philippine government agencies abroad. The assistance of
7 volunteer groups may be enlisted if necessary.

8 The Commission on Filipino Overseas may designate service
9 attaches or representatives to areas where Overseas Filipino
10 Resource Centers may be established or where there are major
11 concentration of Filipino migrants, other than those provided in
12 Executive Order No. 938.

13 SEC. 11. *Establishment of a Shared Government Information*
14 *System for Migration.* - An inter-agency committee composed of the
15 Commission on Filipinos Overseas, Department of Labor and
16 Employment, Philippine Overseas Employment Administration,
17 Overseas Workers Welfare Administration, Department of
18 Tourism, Bureau of Immigration, National Statistics Office, and the
19 National Bureau of Investigation shall be established with the aim
20 of implementing a shared government information system for
21 migration. The inter-agency committee shall initially make
22 available to itself the information contained in existing data
23 bases/files. The second phase shall involve linkaging of computer

1 facilities in order to allow free-flow data exchanges and sharing
2 among concerned agencies.

3 The inter-agency committee shall convene to identify existing
4 data bases which shall be declassified and shared among member
5 agencies. These shared databases shall initially include, but not
6 be limited to the following information:

7 (a) Masterlists of Filipino migrants/overseas contract
8 workers/tourists by country/state of destination;

9 (b) Masterlists of departing/arriving Filipinos;

10 (c) Statistical profile on Filipino migrants/overseas Filipino
11 workers/tourists;

12 (d) Blacklisted foreigners/undesirable aliens;

13 (e) Legal mandates;

14 (f) Programs and services for various clientele; and

15 (g) Listing of overseas posts which may render assistance to
16 Filipino nationals.

17 The Commission on Filipino Overseas is further tasked to
18 ensure that the established information systems would consolidate
19 data outputs from the concerned agencies that monitor levels of
20 migration to and from the country.

21 TITLE III

22 DEVELOPMENT PROGRAM FOR OVERSEAS

23 FILIPINO WORKERS

1 SEC. 12. *Establishment of Re-placement and Monitoring*
 2 *Center.* - A Re-placement and Monitoring Center is hereby
 3 created in the Department of Labor and Employment for returning
 4 overseas Filipino workers which shall provide a mechanism for their
 5 reintegration into the Philippine society, serve as a promotion house
 6 for their local employment, and tap their skills and potentials for
 7 national development.

8 SEC. 13. *Functions.* - The Center shall provide the following
 9 services:

10 (a) Develop livelihood programs and projects for returning
 11 overseas Filipino workers in coordination with the private sector
 12 and concerned government agencies;

13 (b) Coordinate with appropriate private and government
 14 agencies in the promotion, development, re-placement and the full
 15 utilization of their potentials;

16 (c) Institute, in cooperation with other government agencies
 17 concerned, a computer-based information system on skilled
 18 overseas Filipino workers which shall be accessible to all local
 19 recruitment agencies and employers, both public and private; and

20 (d) Provide a periodic study and assessment of job
 21 opportunities for returning overseas Filipino workers.

TITLE IV

OVERSEAS REPRESENTATION IN CONGRESS

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3 SEC. 14. *Number of Representatives.* - Pursuant to Section 5

4 (2), Article VI of the Constitution and in line with the objective of

5 empowering overseas Filipinos to participate in the policy-making

6 process to address Filipino migrant concerns, two (2) sectoral

7 representatives for overseas Filipinos in the House of

8 Representatives shall be appointed by the President to promote

9 Filipino migrant interests and concerns.

TITLE V

OWNERSHIP OF LAND

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12 SEC. 15. *Constitutional Basis.* - Pursuant to Section XII of

13 the Constitution, a natural-born citizen of the Philippines who has

14 lost his Philippine citizenship may be a transferee of private land,

15 for use by him as his residence or for investment purposes subject

16 to the provisions of this Title.

17 SEC. 16. *Limitations in Area.* - Natural-born citizens of the

18 Philippines who lost their Philippine citizenship but otherwise have

19 the capacity to enter into a contract under Philippine laws may be a

20 transferee of a private land up to a maximum area of one thousand

21 (1,000) square meters, in the case of urban land, or one (1) hectare

22 in the case of rural land. The land may be used by him as his

1 residence or for investment purposes. For married couples, any one
2 of them may avail of the privilege herein granted provided that the
3 total area shall not exceed the maximum herein fixed.

4 SEC. 17. *Additional Limitations.* - A transferee may acquire
5 not more than two (2) lots located in different municipalities or
6 cities anywhere in the Philippines: *Provided*, That the total area
7 thereof shall not exceed the limits provided for in Section 16 of this
8 Title. A transferee who has already acquired urban land shall be
9 disqualified from acquiring rural land, and vice versa.

10 SEC. 18. *Documentary Requirements.* - In addition to the
11 requirements provided for in other laws for the registration of titles
12 to land, no private land shall be transferred under this Act, unless
13 the transferee shall submit to the Register of Deeds of the province
14 or city where the property is located, the following documents:

- 15 (a) Sworn statement showing the date and place of his birth;
- 16 (b) Names and addresses of his parents, of his spouse and
17 children, if any;
- 18 (c) The area, the location and the mode of acquisition of his
19 land holdings in the Philippines, if any;
- 20 (d) The date he lost his Philippine citizenship, the country to
21 which he is presently a citizen, including documentations; and
- 22 (e) Other information as may be required by law.

23 SEC. 19. *Modes of Acquisition.* - Transfer as a mode of

1 acquisition of private land under this Title refers to either voluntary
 2 or involuntary sale, devise, or donation. Involuntary sales shall
 3 include sales tax delinquency, foreclosures and executions of
 4 judgment.

TITLE VI

6 TRANSFER OF SCIENCE AND TECHNOLOGY AND
 7 THE PRACTICE OF PROFESSIONS IN THE PHILIPPINES BY
 8 OVERSEAS FILIPINO PROFESSIONALS

9 SEC. 20. *Policy Declaration.* - Science and technology is
 10 essential in national development and progress. In pursuance of
 11 this objective, the government shall enlist the participation of
 12 overseas Filipinos, particularly high-level scientists, technologists
 13 and other professionals in various technical fields, and shall provide
 14 proper incentives and programs so as to secure their services in
 15 priority development areas of the public and private sectors, with
 16 the view of promoting information exchange and contributing to the
 17 modernization and industrialization of the country.

18 SEC. 21. *Incentives.* - Given the significance of upgrading
 19 technologies and the productivity of the people in pursuit of
 20 national economic development, the government shall develop and
 21 provide adequate incentives to Filipino expatriates whose expertise
 22 and training can play a vital role in the industrialization efforts of
 23 the country.

1 SEC. 22. *Implementation.* - The Department of Science and
 2 Technology and the Department of Foreign Affairs shall develop
 3 and implement appropriate measures to ensure attainment of the
 4 objectives of this Title, to include the *Balik Scientist Program* under
 5 Executive Order No. 130, as certified by the Department of Science
 6 and Technology.

7 SEC. 23. *Practice of Overseas Filipino Professionals in the*
 8 *Philippines.* - The Professional Regulation Commission may, upon
 9 recommendation of the concerned Professional Regulatory Board,
 10 authorize the registration without examination, and the issuance of
 11 a certificate of registration and a professional license to any Filipino
 12 whether or not he has lost his citizenship when he was overseas, who has
 13 been in the practice of his profession in a foreign country or state,
 14 subject to the provisions of this Title.

15 SEC. 24. *Qualifications.* - For the registration without
 16 examination and the issuance of a certificate of registration and a
 17 professional license under this Title, the applicant must submit
 18 proofs that:

- 19 (a) He is a Filipino, as shown by his birth certificate or his
 20 certificate of naturalization as a Filipino or other documentation as
 21 required, whether or not he has lost his Philippine citizenship when
 22 he went overseas;

- 23 (b) He is at least twenty-seven (27) years old;

1 (c) He is registered and a holder of a valid certificate of
 2 registration and/or a valid professional license to practice his
 3 profession issued by the government body concerned in a foreign
 4 country or state whose requirements for registration or licensing are
 5 substantially the same as those required and contemplated by the
 6 Philippine laws;

7 (d) He has been in the practice of his profession in the country
 8 or state mentioned in paragraph (c) of this Section for five (5) years
 9 immediately preceding his application; and

10 (e) He is a person of good moral character or values; and he
 11 has not been convicted of any crime nor sanctioned administratively
 12 by the body that regulates the practice of his profession.

13 SEC. 25. *Requirements.* - The applicant shall file an
 14 application under oath stating his personal circumstances, his
 15 intention to practice in the Philippines and the office address that
 16 he will be using, and his undertaking to abide by all regulations
 17 pertaining to the practice of the profession in the Philippines.

18 TITLE VII

19 GENERAL PROVISIONS

20 SEC. 26. *Appropriations.* - The amount necessary to carry
 21 out the provisions of this Act shall be included in the General
 22 Appropriations Act of the year following its enactment into law and
 23 thereafter.

1 SEC. 27. *Implementing Guidelines.* - All concerned
 2 departments and agencies, particularly the Department of Foreign
 3 Affairs, Department of Labor and Employment and its attached
 4 agencies, Department of Social Welfare and Development,
 5 Department of Science and Technology, National Economic and
 6 Development Authority, Department of Justice, Bureau of
 7 Immigration and Deportation, Department of Trade and Industry,
 8 Commission on Filipinos Overseas, and the Professional Regulation
 9 Commission shall, within ninety (90) days upon the effectivity of
 10 this Act, promulgate the necessary guidelines to put into effect the
 11 various purposes and provisions for the full implementation of this
 12 Act.

13 SEC. 28. *Repealing Clause.* - All laws which are inconsistent
 14 and contrary to the provisions of this Act are hereby repealed.

15 SEC. 29. *Effectivity.* - This Act shall take effect upon its
 16 approval.

Approved,

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