

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



'22 JUL 14 AIO :42

SENATE

RECEIVED BY: \_\_\_\_\_

S. B. NO. 567

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Introduced by **SENATOR JOEL VILLANUEVA**

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**AN ACT PROVIDING FREE INSURANCE FOR COVERED APPLICANTS OF OVERSEAS EMPLOYMENT CERTIFICATES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

According to the Department of Labor and Employment (DOLE), there are 8,874,472 Overseas Filipino Workers (OFWs) living and working abroad, composed of 3.50 million documented workers, 3.80 million permanent migrants, and 1.58 million undocumented workers as of December 2020. This number presents a grim picture – this means that there are roughly one undocumented OFW for every two documented OFWs.

In fact, past experiences have shown us the difficulty of the situation of undocumented workers. For example, in 2018, news of Filipino truck drivers stationed at Padborg, Denmark surfaced. During the Senate hearing on this issue, the POEA admitted that the truck drivers were undocumented, unmonitored and were only given attention by the Embassy after media outlets informed the Embassy of their situation. Recently, the Bureau of Immigration discovered that some OFWs bring their respective family members with them abroad in order to make it appear that the travel is legitimately for vacation purposes, and would therefore only present tourist visas. However, the migrant would not return to the country.<sup>1</sup>

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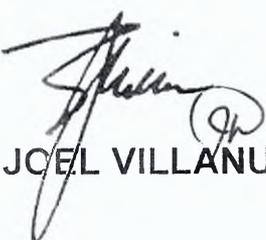
<sup>1</sup> Jun Ramirez, BI uncovers new ploy by undocumented OFWs to go abroad, March 24, 2022, accessible at [https://mb.com.ph/2022/03/24/bi-uncovers-new-ploy-by-undocumented\\_ofws-to-go-abroad/](https://mb.com.ph/2022/03/24/bi-uncovers-new-ploy-by-undocumented_ofws-to-go-abroad/) (last accessed July 7, 2022).

Under Republic Act No. 8042, as amended by Republic Act No. 10022, and its implementing rules and regulations, an Overseas Employment Certificate (OEC), issued by the Philippine Overseas Employment Authority (POEA), is a clearance issued to OFWs who exit from the Philippines for employment purposes. An OEC shall serve as a travel exit pass for OFWs at airports, as an exemption certificate from payment of travel tax and airport terminal fees, and as a guarantee that the OFW is covered by government protection.<sup>2</sup> However, this is sometimes seen as an additional task or requirement that occasionally hinders some OFWs to undergo the process of obtaining the same in pursuit of their overseas employment.

Nonetheless, in view of the importance of obtaining an OEC, there is a need to incentivize OFWs who do not go through the procedures as prescribed by the POEA, or as thereafter may be prescribed by the newly-created Department of Migrant Workers (DMW), or who have ceased to register their membership with OWWA after their initial deployment, or who have transferred to another country by way of third-country recruitment, to register with the POEA (or the DMW, once the DMW is fully operational), or with the Philippine Embassy or consular offices abroad and get their corresponding OECs. This step will help the government in properly monitoring OFWs, and to ensure that they are protected from human trafficking and abuses.

To this end, this bill seeks to give free insurance coverage to covered OFWs that apply for an overseas employment certificate. This bill incentivizes undocumented Filipino workers to acquire proper documentation in order to receive the benefits and protection guaranteed to them by the State, and to devise a system for the State to monitor its workers overseas, to ensure that the Filipino people would not have to grieve over another loved one who chose to risk his/her life to work abroad.

The immediate passage of this bill is earnestly sought.



**SENATOR JOEL VILLANUEVA**

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<sup>2</sup> Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022.

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FUNDS THEREFOR AND FOR OTHER PURPOSES**

*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 “Protektadong OFW  
2 Act.”  
3

4           **SEC. 2. Declaration of Policy.** – The State shall afford full protection to labor,  
5 local and overseas, organized and unorganized. Towards this end, the State shall provide  
6 adequate and timely social, legal, and economic services to Overseas Filipino Workers  
7 (OFWs). Pursuant to this, the State shall ensure that all OFWs are properly monitored  
8 and accounted for with due regard for their protection and welfare, and that they are  
9 incentivized to make themselves known to Philippine authorities abroad.

10  
11           **SEC. 3. Coverage.** – The benefits under this Act shall apply to applicants of  
12 overseas employment certificates (OECs); *Provided*, That the applicant-migrant worker is  
13 abroad; *Provided further*, That he/she has no prior record with the Philippine Overseas  
14 Employment Authority (POEA) and/or the Department of Migrant Workers (DMW), or if  
15 he/she has a prior record, is working in a vulnerable sector, as may be determined by the  
16 DMW.  
17

18           **SEC. 4. Benefits.** – Covered migrant workers, upon securing an overseas  
19 employment certificate from the DMW, the Philippine Embassy, or consular offices abroad,  
20 shall be given a free one-year insurance with the same or similar coverage as required  
21 under Republic Act No. 8042, as amended, otherwise known as the “Migrant Workers and  
22 Overseas Filipinos Act,” and Section 6(n) of Republic Act No. 11641, otherwise known as  
23 the “Department of Migrant Workers Act”;  
24

25           **SEC. 5. Funding.** – The payment for the premium of the insurance provided under  
26 this Act shall be funded partly by the budget of the DMW earmarked for the Agarang  
27 Kalinga at Saklolo Para sa mga OFW na Nangangailangan (AKSYON) Fund, budget of  
28 the DFA earmarked for Assistance to Nationals, and partly by the appropriations in the  
29 General Appropriations Act, as included in the budget of the DMW. For the first year of

1 the implementation of this Act, an initial amount of Thirty Million Pesos  
2 (Php30,000,000.00) is hereby appropriated. Thereafter, such amount necessary for its  
3 continued implementation shall be included in the annual General Appropriations Act.  
4

5 **SEC. 6. *Implementing Rules and Regulations.*** – The DMW, DFA, OWWA,  
6 Insurance Commission, and other relevant stakeholders, shall issue the implementing rule  
7 and regulations of this Act within sixty (60) days from the effectivity of this Act.  
8

9 To ensure the proper implementation of this Act, DMW and DFA shall establish a  
10 system that shall facilitate the processing and issuance of OECs abroad.  
11

12 **SEC. 7. *Separability Clause.*** – Any portion or provision of this Act that is declared  
13 unconstitutional or invalid shall not have the effect of nullifying other portions or provisions  
14 hereof as long as such remaining portions can still subsist and be given effect in their  
15 entirety.  
16

17 **SEC. 8. *Repealing Clause.*** – All laws, ordinances, decrees, executive orders,  
18 rules and regulations, other issuances or parts thereof, which are inconsistent with this  
19 Act are hereby repealed or modified accordingly.  
20

21 **SEC. 9. *Effectivity.*** – This Act shall take effect fifteen (15) days from its publication  
22 in the *Official Gazette* or in at least two (2) national newspapers of general circulation.  
23

24 Approved.  
25