

16  
NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



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SENATE  
S. No. 969

RECEIVED BY: 

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Introduced by Senator Grace Poe

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**AN ACT  
TO FURTHER ASSIST FILIPINO MIGRANT WORKERS, AMENDING  
FOR THE PURPOSE SECTION 10 OF REPUBLIC ACT NO. 8042, AS  
AMENDED**

EXPLANATORY NOTE

The 1987 Philippine Constitution is clear in its guarantee that “[t]he State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.”<sup>1</sup> Said Constitutional provision serves as the lamp post of government protection to Filipino human resources including the Overseas Filipino workers (OFWs). This policy measure is a social legislation for the OFWs.

Many Filipinos believe that overseas employment is the way to financial security. Being an OFW carries with it the challenge of being alone in a foreign land and missing important events in the lives of their loved ones back home in exchange for a high-paying job. Because of their desire to provide a better future for their children, however, they are left with no choice but to endure the hardships of working abroad with the uncertainty of the dangers they may have to face; and the changes in their family that they may have to adapt to.

As per the September 2015 Survey on OFWs conducted by the Philippine Statistics Authority, the number of OFWs is estimated at 2.4

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<sup>1</sup> Article XIII, Section 3, first paragraph.

Million.<sup>2</sup> These OFWs are the modern day heroes of our country as they have helped cushion our economy from the effects of global financial crisis through their billion-dollar remittances each year; and it is what keeps our economy afloat. Not all of our OFWs, however, are fortunate in seeking jobs abroad. Some OFWs end up being recruited illegally while some are promised jobs that are non-existent.

It is the State's duty to protect our modern day heroes and not treat them as export commodity and as means to sustain economic growth. The sacrifices our OFWs make in their hope of enjoying the fruits of their hard-earned labor when they come home should not be taken for granted.

This bill seeks to amend the existing law, Republic Act No. 8042, or the "*Migrant Workers Act of 1995*", in order to provide equal protection for our OFWs. The amendment would be, that in cases of termination of overseas employment without just, valid or authorized cause as defined by law or contract, an OFW shall be entitled to the full reimbursement of his/her placement fee plus reasonable interest rate and that the Department of Labor and Employment (DOLE) shall be the main steward for OFWs and shall provide a comprehensive assistance program to our OFWs.

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



GRACE POE

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<sup>2</sup> Philippine Statistics Authority. "Total Number of OFWs Estimated at 2.4 million" Retrieved from <https://psa.gov.ph/content/total-number-ofws-estimated-24-million-results-2015-survey-overseas-filipinos-0>

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

1 Section 1. The fifth paragraph of Section 10 of Republic Act No. 8042,  
2 otherwise known as the "*Migrant Workers and Overseas Filipino Act*", as  
3 amended by Republic Act. No. 10022, is hereby amended by repealing the  
4 clause" or for Three (3) months every year of the unexpired term, whichever  
5 is less", to read as follows:

6 "Section 10. Money Claims. – Notwithstanding any provision of  
7 law to the contrary, the Labor Arbiters of the National Labor Relations  
8 Commission (NLRC) shall have the original and exclusive jurisdiction to  
9 hear and decide, within ninety (90) calendar days after filing of the  
10 complaint, the claims arising out of an employer-employee relationship  
11 or by virtue of any law or contract involving Filipino workers for  
12 overseas deployment including claims for actual, moral, exemplary and  
13 other forms of damages.

14 The liability of the principal/employer and the  
15 recruitment/placement agency for any and all claims under this section  
16 shall be joint and several. These provisions shall be incorporated in the  
17 contract for overseas employment and shall be a condition precedent  
18 for its approval. The performance bond to be filed by the

1 recruitment/placement agency, as provided by law, shall be  
2 answerable for all money claims or damages that may be awarded to  
3 the workers. If the recruitment/placement agency is a juridical being,  
4 the corporate officers and directors and partners as the case may be,  
5 shall themselves be jointly and solidarily liable with the corporation or  
6 partnership for the aforesaid claims and damages.

7 Such liabilities shall continue during the entire period or duration  
8 of the employment contract and shall not be affected by any  
9 substitution, amendment or modification made locally or in a foreign  
10 country of the said contract.

11 Any compromise/amicable settlement or voluntary agreement  
12 on money claims inclusive of damages under this section shall be paid  
13 within four (4) months from the approval of the settlement by the  
14 appropriate authority.

15 In case of termination of overseas employment without just,  
16 valid or authorized cause as defined by law or contract, the workers  
17 shall be entitled to the full reimbursement of his placement fee with  
18 interest of twelve percent (12%) per annum, plus his salaries for the  
19 unexpired portion of his employment contract [~~or for three (3) months~~  
20 ~~for every year of the unexpired term, whichever is less.~~] **PROVIDED**  
21 **THAT THE DEPARTMENT OF LABOR AND EMPLOYMENT AND**  
22 **ITS ATTACHED AGENCIES SHALL PROVIDE NEW SKILL**  
23 **TRAININGS, RE-TRAINING PROGRAMS, LIVELIHOOD AND**  
24 **TECHNOLOGY ASSISTANCE, SEMINARS FOR MICRO-FINANCE**  
25 **ASSISTANCE, AND SIMILAR OPPORTUNITIES FOR**  
26 **RETURNING OVERSEAS FILIPINO WORKERS.**

27 Non-compliance with the mandatory periods for resolutions of  
28 cases provided under this section shall subject the responsible officials  
29 to any or all of the following penalties:

30 (a) The salary of any such official who fails to render his  
31 decision or resolutions within the prescribed period shall be, or caused  
32 to be, withheld until the said official complies therewith;

1 (b) Suspension for not more than ninety (90) days; or

2 (c) Dismissal from the service with disqualifications to hold any  
3 appointive public office for five (5) years.

4 Provided, however, that the penalties herein provided shall be  
5 without prejudice to any liability which any such official may have  
6 incurred under other existing laws or rules and regulations as a  
7 consequence of violating the provisions of this paragraph.

8 *Sec. 2. Repealing Clause.* – All laws, rules and regulation, orders,  
9 circulars and memoranda inconsistent with this Act are hereby repealed or  
10 modified accordingly.

11 *Sec. 3. Effectivity.* – This Act shall take effect fifteen (15) days after its  
12 publication in a newspaper of general circulation.

Approved,