




'22 OCT 25 P2 :28

SENATE
S. No. 1415

RECEIVED BY: 

Introduced by Senator MARK A. VILLAR

**AN ACT
PROVIDING FOR AN ASSISTANCE FUND FOR OVERSEAS FILIPINO
WORKERS, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The 1987 Philippine Constitution, Article XIII, Section 3, provides that:

The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

Moreover, under Article II, Section 18, to wit:

The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

Meanwhile, the Implementing Rules and Regulations of Republic Act No. 10022 defined "Overseas Filipino in distress" as an Overseas Filipino who has a medical, psychosocial assistance problem requiring treatment, hospitalization, counselling, legal representation or any other kind of intervention with the authorities in the country where he or she is found.

The latest Philippine Statistics Authority (PSA) report¹ states that the number of Overseas Filipino Workers (OFWs) working abroad from April to September 2020

¹ Philippine Statistics Authority. (2022, March 7). Retrieved October 5, 2022, from <https://psa.gov.ph/content/2020-overseas-filipino-workers-final-results>

was estimated at 1.77 Million while Overseas Contract Workers (OCWs) comprised 96.4 percent or equivalent to 1.71 Million of the total OFWs during the same period. Other OFWs who worked abroad without working visa or work permits such as tourist, visitor, student, medical, and other types of non-immigrant visas but were presently employed and working full time in other countries had 3.6 percent share.

Recently, POEA Administrator Bernard Olalia, in an interview² lamented that their agency receives an average of 6,000 repatriation requests every year for reason of contract violations, physical, psychological, and verbal violence. However, from 2021 to date, thousands are requesting repatriation by reason of “end of contract”, stressing that some have nowhere to go, especially because of travel restrictions in the past two years.

The fact that the Overseas Filipino workers in distress and the very existence of Overseas Filipino victims of violence have been increasing over the years is very alarming. Yet, we cannot guarantee when will this problem cease. This is the reason why a law that primarily sets an automatic appropriation for a Special Assistance Fund for distressed Overseas Filipino Workers, separate and distinct from the expenditure program of the newly instituted Department of Migrant Workers (DMW), is needed to provide an extra layer of protection and redress to our modern-day heroes.

I could not stress enough the sacrifices of our modern-day heroes in order to uplift the lives of their families in the same manner that they escalate our economy through remittances. With this in mind, the passage of this bill is earnestly sought.



MARK A. VILLAR

² Peña, K. D. (2022, September 17). *As OFWs' SOS calls mount, 24/7 help line activated, promise of better PH jobs awaited*. INQUIRER.net. Retrieved October 5, 2022, from <https://newsinfo.inquirer.net/1665529/as-ofws-sos-calls-mount-24-7-help-line-activated-promise-of-better-ph-jobs-awaited>

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



'22 OCT 25 P2 :28

SENATE
S. No. 1415

RECEIVED BY: _____

Introduced by Senator MARK A. VILLAR

AN ACT
PROVIDING FOR AN ASSISTANCE FUND FOR OVERSEAS FILIPINO
WORKERS, 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 “Overseas Filipino
2 Workers in Distress Act of 2022.”

3 Sec. 2. *Declaration of Policy.* – Consistent with the State’s policy of according
4 full protection to labor, whether local or overseas. It shall be the State’s duty to provide
5 a layer of protection to the Overseas Filipino Workers (OFWs) who are forced to seek
6 employment abroad in order to provide for their respective families. The State has the
7 duty to provide protection to the OFWs without distinction, covering both documented
8 and undocumented Filipino workers.

9 Further, Section 29, Article VI of the 1987 Philippine Constitution provides that
10 no money shall be paid by the Treasury except in pursuance of an appropriation made
11 by law.

12 Sec. 3. *Creation of Fund.* – A Special Assistance Fund, in the form of an
13 automatic appropriation, for Overseas Filipino Workers in Distress, in the amount of
14 Five Hundred Million Pesos (P500,000,000.00) is hereby created. The fund shall be
15 utilized for the following purposes:

16 (a) Repatriation

- 1 (b) Medical expenses, hospitalization, and purchase of medicine in the form of
2 vouchers for six (6) months from arrival;
3 (c) Migration fees for overstaying Filipinos;
4 (d) Basic necessities of OFWs caught in emergencies or are detained.

5 Provided, that at least thirty (30%) of the total fund shall be allotted to
6 provide monetary support, in the form of a lump sum payment not in excess of Fifty
7 Thousand Pesos (Php 50,000.00) for each recipient, to be given to overseas workers
8 who have been the victims of abuse from their employers, or those who have been
9 repatriated from host countries due to natural or man-made calamities.

10 *Sec. 4. Transparency.* – In the utilization of the Fund, the principles of
11 accountability and transparency must be fully observed. As such, every Filipino citizen
12 has a right to, and shall, on request, be given access to any information pertinent to
13 this law, when such information is under the control or in the possession of any
14 government agency involved in the implementation of this law. Government agencies
15 involved in the implementation of this law shall maintain appropriate records of their
16 actions under this law, particularly with regard to the disbursements of funds and the
17 identity of recipients.

18 *Sec. 5. Implementing Agencies and Rules.* – The Overseas Workers
19 Welfare Administration (OWWA) is hereby tasked to implement this Act, and shall
20 coordinate with and be supported by the Department of Labor and Employment, and
21 the Department of Foreign Affairs. The abovementioned agencies, in consultation with
22 the Department of Budget and Management and representatives of the private sector,
23 and recognized overseas labor organizations, shall issue the necessary implementing
24 rules and regulations to implement the provisions of this Act within ninety (90) days
25 after its effectivity.

26 *Sec. 6. Appropriations.* – The fund needed to initially implement the
27 provisions of this Act must be sourced primarily from the General Appropriations Act.
28 This law shall be in the form of an automatic appropriations that shall be programmed
29 annually, without regard to the budget proposal or approved appropriations of the
30 Department of Migrant Workers (DMW).

31 *Sec. 7. Separability Clause.* – If any provision of this Act is declared
32 unconstitutional, the same shall not affect the validity and effectivity of the other
33 provisions hereof.

1 *Sec. 8. Repealing Clause.* – All laws, executive orders, presidential decrees,
2 presidential proclamations, rules and regulations or parts thereof inconsistent with the
3 provisions of this Act are hereby repealed or modified accordingly.

4 *Sec. 9. Effectivity Clause.* – This Act shall take effect fifteen (15) days from
5 its publication in the Official Gazette or at least two (2) national newspapers of general
6 circulation.

Approved.