

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 5258

Introduced by REPRESENTATIVES ENRICO A. PINEDA and
MICHAEL ODYLON L. ROMERO, PhD.

EXPLANATORY NOTE

Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipino Act of 1995 was enacted in recognition of the contributions of Filipino migrant workers to our country's economy through their foreign currency remittances. In 2010, Republic Act no. 10022 was enacted during the Fourteenth Congress which improved the standard of protection and promotion of the welfare of our migrant workers, their families and overseas Filipinos in distress. Section 37-A of the said Act requires compulsory insurance for agency-hired workers at no cost to the worker. While the said provision is beneficial to our modern heroes, it was limited to agency-hired workers, while making it optional to other migrant workers who are re-hired and direct-hired, without the intervention of a recruitment or manning agency, including the government-to-government hired workers. This was specifically emphasized in the Implementing Rules and Regulation (IRR) of RA no. 10022 which was subsequently approved.

With only less than a decade of implementation of the said law, demands have been made that compulsory insurance coverage also include re-hires, directly-hired and government-to-government hired workers.

The vision of the said law is to ensure the safety and welfare of all our migrant workers. The POEA, together with the Governing Board, heeded the call and issued Governing Board Resolution No. 4, (s. 2018) requiring compulsory insurance for all migrant workers. However, the said Board Resolution was questioned to have no legal grounds for implementation. In view thereof, this bill seeks to ensure that such vision of RA no. 10022 be attained by providing specific provisions that will make insurance for all our migrant workers mandatory.

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


ENRICO A. PINEDA
1PACMAN

MICHAEL ODYLON L. ROMERO, PhD
1PACMAN

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5258

Introduced by REPRESENTATIVES ENRICO A. PINEDA and
MICHAEL ODYLON L. ROMERO, PhD.

**AN ACT EXPANDING THE COVERAGE OF COMPULSORY INSURANCE OF
OVERSEAS FILIPINO WORKERS, FUTURE AMENDING REPUBLIC ACT NO.
8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS
FILIPINO ACT OF 1995, AS AMENDED BY REPUBLIC ACT NO. 10022**

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

SECTION 1. Section 37-A of Republic Act No. 8042, as amended, is hereby further
amended to read as follows:

**"Section 37-A. Compulsory Insurance Agency-Hired Workers[.],
REHIRES, DIRECT HIRE AND GOVERNMENT TO
GOVERNMENT. In the addition to the performance bond to be filed
by the recruitment/manning agency under Section 10, each migrant
worker deployed by a recruitment/manning agency, REHIRED,
DIRECT HIRED AND GOVERNMENT-TO-GOVERNMENT
HIRED WORKER shall be covered by a compulsory insurance policy
which shall be secured [at no cost to the said worker] AS FOLLOWS:**

- (A) FOR AGENCY-HIRED WORKER, BY THE DEPLOYING
RECRUITMENT/MANNING AGENCY AT NO COST TO
THE WORKER;**
- (B) FOR THE BALIK-MANGGAGAWA OR REHIRE, BY THE
FOREIGN EMPLOYER AT NO COST TO THE WORKER;**
- (C) FOR THE DIRECT-HIRED WORKER, BY THE FOREIGN
EMPLOYER AT NO COST TO THE WORKER;**
- (D) FOR THE GOVERNMENT-TO-GOVERNMENT-HIRED
WORKER, BY THE FOREIGN EMPLOYER AT NO COST TO
THE WORKER;**

Such insurance policy shall be effective for the duration of the migrant
worker's employment contract and shall cover, at the minimum:

- (d) Repatriation cost of the worker when his/her employment is
terminated without any valid cause, including the transport of his/her

belongings. In case of death, the insurance provider shall arrange and pay for the repatriation or return of the worker's remains. The insurance provider shall also render any **AND ALL** assistance necessary in the transport including, but not limited to, locating a local licensed funeral home, mortuary or direct disposition facility to prepare the body for transport, completing all documentation, obtaining legal clearances, procuring consular services, [purchasing the minimally] **PROVIDING THE** necessary casket or air transport container, as well as transporting the remains including retrieval from site of death and delivery to the receiving funeral home;"

XXX

[In addition to the above coverage, the insurance policy shall also include:]

"(g) Compassionate visit. When a migrant worker is hospitalized and has been confined for at least seven (7) consecutive days, [he] **THE MIGRANT WORKER** shall be entitled to a compassionate visit by one (1) family member or a requested individual. The insurance company shall pay for the transportation of the family member or requested individual to the major airport closest to the place of hospitalization of the worker **AND BACK TO THE PHILIPPINES**. It is, however, the responsibility of the family member or requested individual to meet all visa and travel document requirements;

(h) Medical evacuation. When an adequate medical facility is not available proximate to the migrant worker, as determined by the insurance company's physician and/or a consulting physician, evacuation **SHALL BE MADE TO THE NEAREST HOSPITAL OF ADEQUATE MEDICAL FACILITY** under appropriate medical supervision by the mode of transport necessary **WHICH** shall be undertaken by the insurance provider; and"

XXX

SECTION 2. The succeeding paragraphs after Section 37-A (i) is hereby amended to read as follows:

"Only reputable private insurance companies duly registered with the Insurance Commission (IC) , which are in existence and operational for at least [Five hundred million pesos (P500,000,000.00)] **ONE BILLION PESOS (P1,000,000,000.00)** to be determined by the IC, and with a current year certificate of authority shall be qualified to provide for the worker's insurance coverage. Insurance companies who have directors, partners, officers, employees or agents with relatives, within the fourth civil degree of consanguinity or affinity, who work or have interest in any of the licensed recruitment/manning agencies or in any of the government agencies involved in the overseas employment program shall be disqualified from providing this workers' insurance coverage.

The recruitment/manning agency **OR THE FOREIGN EMPLOYER**, shall have the right to choose from any of the qualified insurance

providers the company that will insure the migrant worker [it will deploy]. After procuring such insurance policy, the recruitment/manning agency **OR FOREIGN EMPLOYER** shall provide an authenticated copy thereof to the migrant worker. It shall then submit the certificate of insurance coverage of the migrant worker to POEA as a requirement for the issuance of an Overseas Employment Certificate (OEC) to the migrant worker. **IN FILING A CLAIM WITH THE INSURANCE PROVIDER, THE RECRUITMENT/MANNING AGENCY SHALL ASSIST THE OFW OR THE BENEFICIARY AND ENSURE THAT ALL INFORMATION AND DOCUMENTS IN THE CUSTODY OF THE AGENCY NECESSARY FOR THE CLAIM MUST BE READILY ACCESSIBLE TO THE CLAIMANT.** In the case of seafarers who are insured under policies issued by foreign insurance companies, the POEA shall accept certificates or other proofs of cover from recruitment/manning agencies: Provided, That the minimum coverage under sub-paragraphs (a) to (i) are included therein. * **WHEN THE PERSON OR ENTITY PAYING FOR THE INSURANCE IS THE FOREIGN EMPLOYER, THE FOREGOING DUTIES SHALL BE PERFORMED BY THE POEA.**

XXX

SECTION 3. Sub-paragraph 10 of Section 37-A is further amended and repealed:

[For migrant workers recruited by the POEA on a government-to-government arrangement, the POEA shall establish a foreign employers guarantee fund which shall be answerable to the workers' monetary claims arising from breach of contractual obligations. For migrant workers classified as rehires, name hires or direct hires, they may opt to be covered by this insurance coverage by requesting their foreign employers to pay for the cost of the insurance coverage or they may pay for the premium themselves. To protect the rights of these workers, the POEA shall provide them adequate legal assistance, including conciliation and mediation services, whether at home or abroad.]

XXX

SECTION 4. Repealing Clause. All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are repealed or modified accordingly.

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

Approved,