

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



HOUSE OF REPRESENTATIVES

5097

House Bill No. _____

Introduced by Representative VICTOR A. YAP

EXPLANATORY NOTE

One of the main contributors to the Philippine economy are the remittances of Overseas Filipino Workers (OFWs). According to the latest data of the Philippine Statistics Authority (PSA), there are around 2.3 million OFWs abroad during the period of April to September 2018.¹ In the same year, OFW remittances amounted to 1.6 trillion pesos or approximately 25% of the national budget. Therefore, ensuring the stability of employment of our OFWs are paramount to the economic development of the nation.

Article XIII, Section 3 of the 1987 Constitution mandates the State to afford full protection of labor whether local or overseas. In executing this policy, Republic Act No. 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, as well as R.A. No. 10022 amending the original law, were enacted to establish measures to further improve the standard of protection guaranteed to our OFWs.

The abovementioned laws provide for legal assistance to our OFWs undergoing administrative and judicial proceedings abroad. However, these laws have excluded the consideration for the availability of legal assistance at all levels of legal proceedings which are vital to the continuous service and employment of our OFWs. Thus, it is in the best interest of the State to secure the well-being of our OFWs distressed by tedious legal proceedings abroad by ensuring that there will be a free legal assistance fund available at all times and at all levels of appeal for migrant workers facing charges abroad.

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



VICTOR A. YAP

Representative, 2nd District of Tarlac

¹Data retrieved at <https://psa.gov.ph/content/total-number-ofws-estimated-23-million-results-2018-survey-overseas-filipinos> on 18 September 2019.

HOUSE OF REPRESENTATIVES

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AN ACT
EXPANDING THE USE OF LEGAL ASSISTANCE FUND, AMENDING FOR THE
PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS
THE "MIGRANT WORKERS AND OVERSEAS FILIPINO S ACT OF 1995", AS
AMENDED, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Title.** - Section 26 of Republic Act No. 8042, otherwise known as
2 the "Migrant Workers and Overseas Filipinos Act of 1995", as amended, is hereby further
3 amended to read as follows:

4
5 “SEC. 26. Uses of the Legal Assistance Fund. - The Legal Assistance
6 Fund created under the preceding section shall be used exclusively to provide
7 legal services to migrant workers and overseas Filipinos in distress in accordance
8 with the guidelines, criteria and procedures promulgated in accordance with
9 Section 24 (a) hereof. The expenditures to be charged against the Fund shall
10 include the fees for the foreign lawyers to be hired by the Legal Assistant for
11 Migrant Workers Affairs to represent migrant workers facing charges or in filing
12 cases against erring or abusive employers abroad, bail bonds to secure the
13 temporary releases and other litigation expenses; **PROVIDED, THAT THE**
14 **LEGAL ASSISTANCE FUND SHALL AT ALL TIMES BE MADE**
15 **AVAILABLE AT THE TIME OF THE ARREST OR CHARGING ALL**
16 **THE WAY TO THE TRIAL PROPER AND AT ALL LEVELS OF**
17 **APPEAL FOR MIGRANT WORKERS FACING CHARGES ABROAD;**
18 Provided, That at the end of every year, the Department of Foreign Affairs shall
19 include in its report to Congress, as provided for under Section 33 of this Act,
20 the status of the Legal Assistance Fund, including the expenditures from the said
21 fund duly audited by the Commission on Audit (COA); Provided, further, That
22 the hiring of foreign legal counsels, when circumstances warrant urgent action,
23 shall be exempt from the coverage of Republic Act No. 9184 or the Government
24 Procurement Act.”

25
26 **SEC. 2. Repealing Clause.** - Any law, presidential decree or issuance,
27 executive order, letter of instruction, rule or regulation inconsistent with the provisions of
28 this Act is hereby repealed or modified accordingly.

29
30 **SEC. 3. Effectivity.** -This Act shall take effect fifteen (15) days following its
31 complete publication in a newspaper of general circulation.

32
33 *Approved,*