

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session



COMMITTEE REPORT NO. 837

Submitted by the Committees on Overseas Workers Affairs on AUG 23 2018

Re : HOUSE BILL NO. 1700

Recommending its approval without amendment

Sponsors : Representatives Jesulito "Jess" A. Manalo and Tom S. Villarin

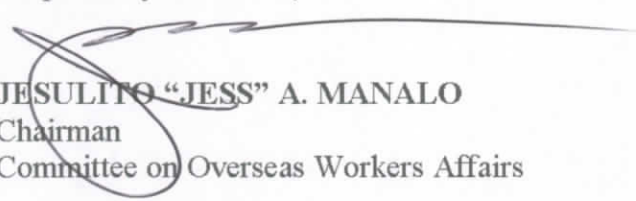
Madam Speaker:

The Committee on Overseas Workers Affairs to which was referred House Bill No. 1700, introduced by Rep. Tom S. Villarin, entitled:

AN ACT GRANTING THE OVERSEAS FILIPINO WORKERS THE RIGHT TO EQUAL PROTECTION ON MONEY CLAIMS, AMENDING FOR THE PURPOSE THE FIFTH PARAGRAPH OF SECTION 10 OF REPUBLIC ACT NO. 8042, AS AMENDED BY REPUBLIC ACT NO. 10022

has considered the same and recommends its approval without amendment, with Representatives Tom S. Villarin, Jesulito "Jess" A. Manalo, Mariano Michael M. Velarde Jr., Sabiniano S. Canama, Raymond Democrito C. Mendoza, Aniceto "John" D. Bertiz III, Scott Davies S. Lanete, Aurelio "Dong" D. Gonzales Jr., Rose Marie "Baby" J. Arenas, Cheryl P. Deloso-Montalla, Angelina "Helen" DL Tan, Estrellita B. Suansing, Raul V. Del Mar, Micaela S. Violago, Peter John D. Calderon, Orestes T. Salon, Jose "Pingping" I. Tejada, Francisco G. Datol Jr., Julieta R. Cortuna and Fernando V. Gonzalez as authors thereof.

Respectfully submitted,


JESULITO "JESS" A. MANALO
Chairman
Committee on Overseas Workers Affairs

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1700

Introduced by AKBAYAN Representative Tomasito S. Villarin

AN ACT
GRANTING THE OVERSEAS FILIPINO OVRKERS THE RIGHT TO EQUAL
PROTECTION ON MONEY CLAIMS, AMENDING FOR THE PURPOSE THE
FIFTH PARAGRAPH OF SECTION 10 OF REPUBLIC ACT NO. 8042, AS
AMENDED BY REPUBLIC ACT NO. 10022

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

SECTION 1. The fifth paragraph of Section 10 of Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995", as amended by Republic Act No. 10022, is hereby further amended to read as follows:

"SEC. 10. Money Claims. - x x x

"x x x

"x x x

"x x x

"In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, or any unauthorized deductions from the migrant worker's salary, the worker shall be entitled to the full reimbursement of his placement fee and the deductions made with interest at twelve percent (12%) per annum, plus his salaries for the unexpired portion of his employment contract [or for three (3) months for every year of the unexpired term, whichever is less].

"x x x."

SEC. 2. All laws, presidential decrees, issuances, executive orders, letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

House of Representatives
Committee Affairs Department

FACT SHEET

House Bill No. 1700

**AN ACT GRANTING THE OVERSEAS FILIPINO WORKERS
THE RIGHT TO EQUAL PROTECTION ON MONEY CLAIMS,
AMENDING FOR THE PURPOSE THE FIFTH PARAGRAPH
OF SECTION 10 OF REPUBLIC ACT NO. 8042,
AS AMENDED BY REPUBLIC ACT NO. 10022**

Introduced by: **REPRESENTATIVE TOM S. VILLARIN**

Committee Referral: **COMMITTEE ON OVERSEAS WORKERS AFFAIRS**

Committee Chairperson: **REPRESENTATIVE JESULITO A. MANALO**

OBJECTIVE:

- To grant overseas Filipino workers the right to equal protection of the law on money claims

KEY PROVISION:

- Repeals the clause "or for three (3) months for every year of the unexpired term, whichever is less", under paragraph 5 of section 10, Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act, as amended by Republic Act No. 10022. The Supreme Court found the phrase unconstitutional (Antonio M. Serrano vs. Gallant Maritime Services, Inc. and Marlow Navigation Co., Inc. G.R. No. 167614, March 24, 2009) in that, "in the computation of the monetary benefits of fixed-term employees who are legally discharged, it imposes a 3-month cap on the claim of OFWs with an unexpired portion of one year or more in their contracts, but none on the claims of other OFWs or local workers with fixed term employment. The subject-clause singles out one classification of OFWs and burdens it with a peculiar disadvantage..." Thus, Section 10 shall now read as follows:

"In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, or any unauthorized deductions from the migrant worker's salary, the worker shall be entitled to the full reimbursement of his placement fee and the deductions made with interest at twelve percent (12%)

per annum, plus his salaries for the unexpired portion of his employment contract."

RELATED LAW:

- Republic Act No. 8042, or the "Migrant Workers and Overseas Filipinos Act of 1995", as amended by Republic Act No. 10022