

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 3939**



Introduced by  
**HON. ALBERTO D. PACQUIAO** of the OFW Family Party-List

**EXPLANATORY NOTE**

This bill seeks to put into practice three (3) very important provisions of the Constitution to wit:

1. Section 18, Article II, which states: "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."
2. Section 3, (first paragraph), Article XIII, which states: "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."
3. Section 14, Article XIII, which states: "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation."

This bill adopts the declaration of basic policy of Republic Act No. 442 otherwise known as the Labor Code of the Philippines which states: "Article 3. DECLARATION OF BASIC POLICY. – The State shall afford protection to labor, promote full employment ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, securing of tenure, and just and humane conditions of work."

The Bill also seeks to particularize the general statement of Section 27 of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act which states in part that: "the protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of the dignity and fundamental rights and freedoms of the Filipino citizen abroad, in general, shall be the highest priority concerns of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts."

For a long time now, there is a general sentiment among members of the Filipino communities overseas as well as among families of OFWs in the home-front, about the gross inadequacy of the services of Philippine Embassies and Consulates-General, not only in logistics and financial resources but also in terms of gaping deficits in personal touch and humanitarian concern and caring from the Heads of Missions themselves to provide genuinely sincere assistance to distressed Filipinos overseas in violation of the above- cited Constitutional and statutory provisions.

Lately, this deficit was demonstrated more resoundingly by the accusations emanating from wards or runaway Filipino domestic helpers who sought shelter in the Embassies in Kuwait, Kingdom of Saudi Arabia and Jordan. Filipino community leaders say that no less than subordinates of the Ambassadors in the said posts, and an Ambassador himself in one post preyed on their wards instead of protecting them, such as demanding sexual favors from the wards in exchange for plane tickets for their safe return to their loved ones in the Philippines.

We take off our hats to those who came out openly to make their ordeal known to the public, but reports persist that this has become widespread and prevalent also in other posts aside from the three above-mentioned. However, most of the victims chose not to complain for fear that their husbands may not be able to cope with and/or understand their situation; or of shaming their families back home.

These irregularities could be averted in the future if the Ambassadors and Heads of Missions themselves, would, being representatives of the State, assume their *Parens Patriae* duties and responsibilities in providing protection not only to the runaways but to all Filipinos working or residing in their areas of responsibility. With the Ambassadors and Heads of Missions themselves personally spearheading all embassy efforts to protect or oversee the welfare of OFWs they will also be sending strong signals to Head of States or Governments of host states that the very bedrock and/or cornerstone of Philippine Foreign Policy is the protection and welfare of human beings, the Overseas Filipino Workers. And if foreign governments value our bilateral and diplomatic relations with them, they should see to it that our people are all treated fairly and well by all concerned during their sojourn to earn a living in host states.

The late Ambassador and Congressman Roy V. Señeres led by example in providing care and assistance to distressed Filipino workers and their families. It was in the 16<sup>th</sup> congress that he filed a bill requiring ambassadors, heads of mission and other officials to assume additional duties and responsibilities in order to enhance the care and protection that the state should provide for Filipinos working abroad.

This bill therefore seeks to require Ambassadors and Heads of Missions to assume their *Parens Patriae* duties and responsibilities.

In view of the foregoing, approval of this bill is most respectfully requested.

  
REP. ALBERT D. PACQUIAO  
OFW Family Party-list



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**AN ACT**  
**REQUIRING AMBASSADORS AND HEADS OF MISSION BEING**  
**REPRESENTATIVES OF THE STATE TO ASSUME THEIR PARENS PATRIAE**  
**DUTIES AND RESPONSIBILITIES IN PROVIDING PROTECTION TO OUR**  
**OVERSEAS FILIPINO WORKERS (OFWs) AND FOR OTHER PURPOSES**

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

1           SECTION 1. Title. – This Act shall be known and cited as the “Protection of  
2 Overseas Filipino Workers by the State as *Parents Patriae* Act of 2019.”  
3

4           SEC. 2. Declaration of Policy. – This Act is in furtherance of three (3) relevant  
5 provisions of the Constitution, to wit:  
6

7           1. Section 18, Article II, as State policy: “The State affirms labor as a primary social  
8 economic force. It shall protect the rights of workers and promote their welfare.”  
9

10          2. Section 3, Article XIII, provides that: “The State shall afford full protection to labor,  
11 local and overseas, organized and unorganized, and promote full employment and  
12 equality of employment opportunities for all.”  
13

14          3. Section 14, Article XIII, which provides that: the State shall protect working women  
15 by providing safe and healthful working conditions, taking into account their maternal  
16 functions, and such facilities and opportunities that will enhance their welfare and  
17 enable them to realize their full potential in the service of the nation.  
18

19          This Act further adopts the declaration of basic policy of Presidential Decree No. 442  
20 otherwise known as the Labor Code of the Philippines which states: “Article 3,  
21 **DECLARATION OF BASIC POLICY.** – The State shall afford protection to labor,  
22 promote full employment, ensure equal work opportunities regardless of sex, race or  
23 creed, and regulate the relations between workers and employers. The State shall  
24 assure the rights of workers to self-organization, collective bargaining, security of  
25 tenure, and just and humane conditions of work.”  
26

27          Furthermore, this Act takes into cognizance the provision of Section 2, Republic Act  
28 No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act,

1 which mandates that the "highest priority concern of the Secretary of Foreign Affairs  
2 and the Philippine Foreign Services shall be the protection and welfare of Filipinos  
3 overseas."

4  
5 SEC. 3. Definition of Terms. – As used in this Act, the following terms shall be  
6 defined as:

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8 a). "Overseas Filipino Worker" shall refer to a person who is to be engaged, is  
9 engaged or has been engaged in a remunerated activity in a state of which he or she  
10 is not a citizen, or on board a vessel navigating the foreign seas other than a  
11 government ship used for military or non-commercial purposes, or on an installation  
12 located offshore or on the high seas; to used interchangeably with migrant worker;

13  
14 b). "Host Country" refers to a country or state where overseas Filipinos are  
15 located or found;

16  
17 c). "OFW in Distress" is a worker, regardless of membership status, who is in  
18 urgent need of assistance at post;

19  
20 d). "Legal Resident" means a person who has obtained permanent residency  
21 status in accordance with the laws of the host country;

22  
23 e) "Parens Patriae" refers to the government, or any other authority, regarded  
24 as the legal protector of citizens unable to protect themselves, or the principle that  
25 political authority carries with it the responsibility for protection of citizens.

26  
27 SEC. 4. *Parens Patriae* Duties and Responsibilities – every Ambassador or  
28 Chief of Mission, as the case may be, shall assume, being representatives of the  
29 State, his *Parens Patriae* duties and responsibilities. As such, he shall, in addition to  
30 his existing functions, perform and discharge the following:

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32 a). He shall personally visit jailed OFWs or migrant workers and provide them  
33 with legal and other forms of assistance;

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35 b). He shall personally attend to the problems of runaway housemaids, giving  
36 them words of comfort and assurances of his protection and support;

37  
38 c). He shall personally visit OFWs or migrant workers who are sick or injured  
39 and confined in hospitals or in their homes and provide them with appropriate  
40 assistance;

41  
42 d). He shall personally visit stranded seamen, provide them with food, legal  
43 and other forms of assistance;

44  
45 e). He shall communicate directly with the families of all the above and inform  
46 them of their conditions, furnishing the Department of Foreign Affairs of his reports;

47  
48 f). In case of a jailed Filipino especially one undergoing trial which might entail  
49 a life or death sentence, he must verify the background of the accused Filipino by  
50 communicating with his parents, school teachers, the Mayor and/or Barangay  
51 Chairman of his place of residence and request from them sworn certificates of good



1 moral character or clean police records and in the process help facilitate submission  
2 of said certificates and records to the foreign court having jurisdiction over the jailed  
3 Filipino for whatever probative value they may provide  
4

5 g). He must befriend and pay regular visits to the host country's Secretaries of  
6 Labor, Justice, and Interior, and Foreign Affairs including the Chief Justice, the Court  
7 Administrator, the Chief of Immigration and the Chief of Police;  
8

9 h). He must communicate with the Department of Social Welfare and  
10 Development (DSWD), the Overseas Workers Welfare Administration (OWWA), and  
11 the Department of Labor and Employment (DOLE) in order to inquire into the status  
12 of the family of all of the above distressed OFWs and to request food and/or financial  
13 assistance for them while their situations remain unsolved;  
14

15 i). He may delegate some of the above duties to his consuls or labor attaches  
16 and welfare officers if the cases are too numerous for him to personally handle but  
17 as a gauge of his job performance he should report to his home office his substantial  
18 compliance with the above personally.  
19

20 SEC. 5. Highest Priority Concern of the Philippine Foreign Service. – All  
21 Ambassadors and Heads of Mission shall remind themselves and comply at all times  
22 with the mandate of Section 27 of Republic Act No. 8042 that the highest priority  
23 concerns of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts  
24 shall be the protection and the promotion of the welfare of Filipinos overseas, in  
25 particular, and the protection of their dignity, fundamental rights and freedom in  
26 general. Being the highest priority concerns, it is veritably the very cornerstone or  
27 bedrock of Philippine Foreign Policy. As such there is no better way to convey this to  
28 the host country with the Ambassador and/or Chief of Mission himself personally  
29 discharging the duties as provided in Section 4 hereof. The message that he should  
30 be able to convey should be loud and clear that if the host country values our  
31 bilateral diplomatic relations or would want to strengthen them, it should see to it that  
32 all concerned treat our people justly, humanely, fairly and with respect.  
33

34 SEC. 6. Penal Clause. – Non-compliance with any of the duties enumerated  
35 under Section 4 hereof, shall cause the recall of the Ambassador or Head of Mission,  
36 as the case may be and after due process, his disqualification to hold any position in  
37 the Department of Foreign Affairs (DFA) and the Foreign Service without prejudice to  
38 any case that may be filed against him for dereliction of duty.  
39

40 SEC. 8. Repealing Clause. - All laws, decrees, executive orders, issuances,  
41 rules and regulations which may be inconsistent with any of the provisions of this  
42 Act, are hereby deemed repealed, amended or modified accordingly.  
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44 SEC. 9. Effectivity. - This Act shall take effect fifteen (15) days after its  
45 complete publication in two (2) newspapers of general circulation.  
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47 Approved,  
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