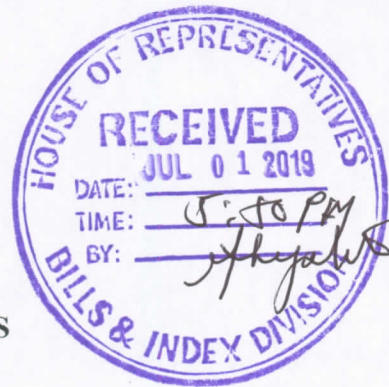




Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila



**EIGHTEENTH CONGRESS**  
**First Regular Session**

**House Bill No. 851**

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Introduced by **DIWA Party-list Representative Hon. Michael Edgar Y. Aglipay**

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**EXPLANATORY NOTE**

Repatriation for our OFWs entails a costly, complicated and long process. It involves paperwork, unfamiliar bureaucracy, repatriation expenses, and peculiar customs and traditions, which is aggravated by the fact that all these should be translated in a foreign language. While our existing law, the Republic Act 8042 or known as "Migrant Workers and Overseas Filipinos Act of 1995" prescribes how repatriation should be carried out, it does not simplify or expedite the process. Under Section 15 Republic Act 8042, when an OFW dies, falls ill, is laid off from a job or for some other similar cause is required to be repatriated, it is the recruitment agency who shall primarily be responsible and shall bear all costs of repatriation. While in cases of war, epidemics, disasters or calamities, natural or man-made, and other similar events, the OWWA, in coordination with appropriate agencies, shall undertake the repatriation of workers without prejudice to reimbursement by the responsible principal or recruitment agency, and in case the principal or recruitment agency cannot be identified, OWWA shall bear all costs relating to the repatriation of the OFW.

While the law provides repatriation remedy for our OFWs, it does not specify a definite period of time within which repatriation must be completed. In most cases, repatriation process could take months or even years giving rise to situations wherein pleas to return home are lost amidst bureaucratic red tape and procedural bottlenecks. In fact, despite the existing law on repatriation a looming number of distressed or stranded overseas Filipino migrant workers (OFW) in different parts of the world wait for months and even years before being repatriated.

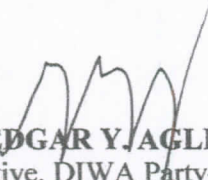
The duration for completing the repatriation process varies depending on the reason for repatriation or status of our OFWs. On top of this, we are unaccustomed to the varied repatriation requirements of different countries. However, I believe that we should not be tied down by the bureaucratic setbacks. I think if we will impose a deadline for the OWWA and DFA, they can expedite their process to ensure the immediate repatriation of our stranded, distressed or deceased migrant workers within a prescribed period. As to the diversified requirements from different countries, we can compel the embassies and consulates, being familiar with the laws and practices

in their host countries, to work on solutions to improve and fast-track the repatriation process. Providing for a specific period within which to complete the repatriation process will oblige these concerned agencies to ensure that requests for repatriation are processed and attended with the appropriate urgency.

I have to commend the efforts of our present administration to reach out to our OFWs and give assistance to provide an immediate solution to the long standing concerns involving the complicated and lengthy process of repatriation. But I must admit that the long accumulating queues of requests for repatriation require a permanent solution that is why I find it imperative to have a law that shall address the need to expedite the repatriation process of Filipino migrant workers.

This Bill, a re-filing of House Bill 674 of DIWA filed during the 17<sup>th</sup> Congress, which mandates the OWWA to ensure that the migrant worker is repatriated within fifteen (15) working days from the date that notice of approval is given to the requesting party and if the migrant worker is deceased, the repatriation shall be completed within thirty (30) working days. This law primarily aims to address the loopholes of our existing regulations and other obstacles to immediate repatriation.

I fervently hope that my fellow legislators will also find the urgency to approve this proposed measure and join my advocacy to alleviate the quandary of our modern day heroes.



**MICHAEL EDGAR Y. AGLIPAY**  
Representative, DIWA Party-list





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**AN ACT TO EXPEDITE THE PROCESS OF REPATRIATION OF FILIPINO  
MIGRANT WORKERS**

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

**SECTION 1. EXPEDITED REPATRIATION.** – The request for repatriation must be in writing, and may be made by the migrant worker, relatives of the migrant worker up to the second degree of consanguinity or affinity, non-government organizations or government offices. Such requests shall be resolved within the following periods:

(a) In all cases of repatriation which fall under the coverage of the first paragraph of Section 15 of Republic Act No. 8042 where the migrant worker is still alive, the Overseas Workers Welfare Administration (OWWA) must complete its evaluation of the written request for repatriation and inform the requesting party of its decision within five (5) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUs), or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the migrant worker concerned is repatriated within fifteen (15) working days from the date that notice of approval is given to the requesting party.

(b) In all cases of repatriation which fall under the coverage of the first Paragraph of Section 15 of Republic Act No. 8042 where the migrant worker is deceased, the OWWA must complete its evaluation of the written report for repatriation and inform the requesting party of its decision within five (5) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUs) or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the body of the migrant worker concerned is repatriated within thirty (30) working days from the date that notice of approval is given to the requesting party. In all



cases of repatriation which fall under the coverage of the first paragraph of Section 15 of Republic Act No 8042 in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, the OWWA shall, without delay, undertake the repatriation of workers in the affected regions. The OWWA shall bear the costs and primary responsibility for this repatriation, without prejudice to reimbursement by the responsible principal or agency.

(c) In all cases of repatriation which fall under the coverage of Section 16 of Republic Act No. 8042, the OWWA must complete its evaluation of the written request for repatriation and inform the requesting party of its decision within three (3) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUS), or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the migrant worker concerned is repatriated within ten (10) working days from the date that notice of approval is given to the requesting party.

**SECTION 2. EMAIL REQUIREMENT: PENALTIES FOR UNRESPONSIVE AGENCIES.** - All licensed recruitment agencies must have at least one (1) current and active email address on record with the Philippine Overseas Employment Administration (POEA). It shall be the responsibility of the recruitment agency to keep the POEA updated as any changes in the aforementioned email address.

Failure of the recruitment agency to respond to any communication from the POEA concerning the repatriation of a migrant worker, sent to the agency's email address on record, within forty-eight hours, shall merit sanctions to be determined by the POEA within thirty (30) days from the effectivity of this Act; Provided, That an automated email reply, or a statement to the effect that the proper/appropriate official of the agency is unavailable, shall not constitute a reply under this Section.

**SECTION 3. PRE-EMPTIVE SUBMISSION TO THE DEPARTMENT OF FOREIGN AFFAIRS.** - Within ten (10) working days from the departure of the migrant worker from the Philippines, pursuant to employment facilitates by a local recruitment or placement agency, such agency shall submit to the Department of Foreign Affairs (DFA) one original copy of the Birth Certificate of the migrant worker and one certified true copy of the current passport of the migrant worker, which shall constitute part of the documentary requirements under Section 4 of this Act. The license of a recruitment/manning agency which fails to comply with this provision shall be suspended until it has fully complied with the same, without prejudice to any other sanctions that may be imposed by the POEA.

**SECTION 4. EXPEDITED REPLACEMENT OF DETAINED PASSPORTS.** - In situations wherein the passport of a migrant worker, who is subject to an approved request for repatriation as per Section 1 of this Act, has been detained by his/her employer or other party, without the consent of the migrant worker, the migrant worker shall be issued a new passport or travel document upon written request of the migrant worker, and under an expedited procedure to be jointly enacted by the OWWA, POEA, and DFA within sixty (60) days from the effectivity of this Act; Provided, that:

(a) No other pre-existing public or government issued document shall be required to be submitted, as the documents submitted under Section 3 of this Act shall be deemed sufficient;

(b) Any fees required shall be considered as part of the repatriation cost, to be shouldered by the principal, agency or OWWA as the case may be, subject to appropriate reimbursement;

(c) The evaluation of the written request for repatriation must be complete within fifteen (15) working days from the receipt of the written request by the appropriate agency/office as determined by the expedited procedure;

(d) Should the request be approved, the new passport or travel document must be issued to the migrant worker within fifteen (15) working days from such approval; and

(e) Such expedited rules shall be of uniform and shall apply to all Philippine embassies.

**SECTION 16. SEPARABILITY CLAUSE.**- If any provision of this Act or any part thereof, is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions.

**SECTION 17. REPEALING CLAUSE.** – All laws, decrees, rules and regulations, and executive orders contrary to or inconsistent with this Act, are hereby repealed or modified accordingly.

**SECTION 18. EFFECTIVITY.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,