

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

**EIGHTEENTH CONGRESS
First Regular Session**

House Bill No. 6059



Introduced by **Hon. RONNIE L. ONG**

EXPLANATORY NOTE

The public uproar in 2018 following the deaths of our Overseas Filipino Workers (OFWs) in Kuwait, including Joanna Demafelis who was discovered in a freezer in an abandoned apartment, led to many demands culminating in our government signing an agreement with Kuwait for the protection of our OFWs and the recognition of their rights.

But the abuses did not stop. Just days before this 2020 New Year, Jeanelyn Villavende was killed by her employer. Reports show that she was beaten heavily and was even raped, a fact that was not initially reflected on the autopsy report in Kuwait.

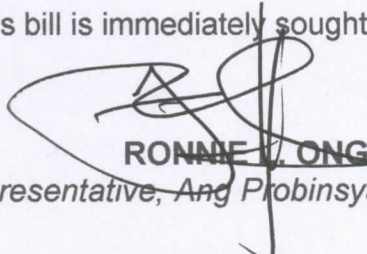
Killing Jeanelyn is unforgiveable. But what is equally unacceptable is the fact that there could have been a way to spare Jeanelyn's life. Reports show that Jeanelyn, working for a few months already with her employer, had repeatedly called for help. As early as September 2019, Jeanelyn already complained to her recruitment agency of maltreatment and underpayment of salary by her employer. She also asked the agency to repatriate her. But the recruitment agency failed to act.

We also have the POEA, the Overseas Labor Office, Filipino Resource Center and the OWWA, all mandated to serve and protect our OFWs, but not one received or was able to monitor Jeanelyn's complaint; hence, no help was given. This inaction is glaring considering the large concentration of OFWs in Kuwait and the prevailing records of deaths and abuses in the said host country.

In a nutshell, what Jeanelyn's case highlighted is the deplorable fact that there is no urgency for our frontline government agencies and stakeholders to monitor and respond to incidents and emergencies involving our OFWs. Even with a Department created for OFWs, such passiveness may still be the norm among our public officers.

This is the gap that this bill wants to address. It provides an active monitoring and urgent response mechanism to address incidents and emergencies endangering the life, limb and liberty of our OFWs and to instill that consciousness among our frontline government agencies and stakeholders, under pain of administrative and criminal penalty, in order to prevent future cases of OFWs being abused, raped or killed.

In view of the foregoing, approval of this bill is immediately sought.


RONNIE L. ONG

Representative, Ang Probinsyano Party-list

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House Bill No. _____

Introduced by Hon. RONNIE L. ONG

AN ACT PRESCRIBING AN ACTIVE MONITORING AND URGENT RESPONSE MECHANISM BY THE GOVERNMENT TO PREVENT THE KILLING, RAPE AND OTHER ABUSES COMMITTED AGAINST OVERSEAS FILIPINO WORKERS AND PROVIDING PENALTIES THEREFOR

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

Section 1. Short Title. This Act shall be known as the "OFW Abuse Prevention" Act.

SEC. 2. Declaration of Policy. The State upholds the dignity and fundamental human rights and freedoms of its citizens both in the country and overseas. It shall endeavor to afford them protection and promote their welfare, regardless of their location.

The State also recognizes the inherent value of the lives of our Overseas Filipino Workers (OFWs), their sacrifice for the well-being of their families and their significant contribution to the country's economic growth and national development.

Toward this end, the State shall provide an urgent response mechanism to address incidents and emergencies endangering the life, limb and liberty of our OFWs and to instill that consciousness among our frontline government agencies and stakeholders in order to prevent future cases of OFWs being abused, raped or killed.

SEC. 3. Coverage. This Act shall protect all OFWs or migrant workers, regardless of their employment status, including their dependents.

SEC. 4. Active Monitoring and Urgent Response by Local Recruitment Agencies. When an information is obtained by a recruitment agency, in the conduct of its regular monitoring or otherwise, or a complaint is brought to its attention, whether by the concerned OFW or a third party, and such information or complaint pertains to past or present physical abuse or maltreatment, sexual assault or harassment, death threats and other incidents endangering the life, limb and liberty of the concerned OFW, or to situations where OFWs are in imminent danger of physical or sexual harm, the concerned recruitment agency shall treat the said information or complaint with

extreme urgency and must coordinate the same with concerned government agencies the soonest possible time, without delay.

The concerned recruitment agency shall also endeavor to verify and immediately act on such complaints and actively monitor the same, with due regard to the sensitivity of the information acquired, in coordination with concerned government agencies.

While the foregoing information or complaint must be prioritized, nothing in this Act prevents the recruitment agencies from actively monitoring and urgently responding to all other concerns of OFWs they deploy.

SEC. 5. Active Monitoring and Urgent Response by the Government. In coordination with the Department of Foreign Affairs (DFA), through the concerned Embassies or Consulates, the Department of Labor and Employment (DOLE), through its Philippine Overseas Labor Offices (POLOs), the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA), shall assist OFWs in the following manner:

- a) DOLE, POEA and OWWA shall formulate and implement an active monitoring and urgent response mechanism to protect OFWs from physical abuse or maltreatment, sexual assault or harassment, death threats and other incidents endangering their life, limb and liberty.

The said mechanism shall, among others:

1. Determine the point persons for receiving and monitoring such complaints and coordinating and conducting the urgent responses to such situations;
 2. Streamline existing processes and remove any barriers or excesses in immediately reporting, coordinating or acting on the incidents and emergencies;
 3. Provide integrated or unified local and international hotlines, online platforms and other easy and immediate avenues for recruitment agencies, OFWs and third parties to immediately report and coordinate any incident or emergency;
 4. Include a speedy but thorough verification and investigation process; and
 5. Respect the sovereignty of the host country and strengthen the commitment of and the linkage with its local enforcement authorities, foreign recruitment agencies and employers.
- b) In all pre-departure and on-site trainings and seminars, DOLE, POEA and OWWA shall regularly inform and reiterate to OFWs the said abuse prevention or emergency assistance mechanism, including the hotlines, online complaint platforms, location of shelters or safehouses and tips on reporting and preventing abuses.

- c) DOLE, POEA and OWWA shall actively monitor the conditions of OFWs, and strictly ensure participation and compliance of concerned recruitment agencies, in host countries with large concentration of OFWs or with records or reports of maltreated, sexually-assaulted or killed OFWs.
- d) DOLE, POEA and OWWA shall strive to instill institutional consciousness among its employees and partner stakeholders, especially those in charge of abuse prevention or emergency assistance for OFWs, on the urgency of responding to complaints of OFWs in life and death situations.

SEC. 6. OFW Shelters. The DOLE and OWWA, in coordination with the DFA, shall continue to create and operate centers and shelters abroad with the end goal of providing a safehouse for distressed OFWs, including those who have ran away or are rescued because of actual abuses or imminent harm, while waiting for government assistance, verification, investigation or repatriation, with due respect to legal protocols and processes of the host countries.

SEC. 7. Penalties. Without prejudice to other administrative, civil and criminal sanctions as may be provided under existing laws, rules and regulations, the following shall be punished under this Act:

- a) In cases of violation of Section 4 of this Act, and the concerned OFW subsequently suffered maltreatment or abuse, the license of the recruitment agency shall be automatically cancelled or revoked. An additional administrative fine ranging from Two Hundred Thousand Pesos (PhP200,000) to Five Million Pesos (PhP5,000,000.00) shall be imposed upon the recruitment agency, depending on the gravity of injury done to the OFW.

In addition, the officer of the concerned recruitment agency, in charge of reporting and coordinating the incident and emergency involving the OFW, shall suffer the penalty of one (1) month to five (5) years imprisonment, upon the discretion of the court.

The POEA shall continue to have the power to promulgate and impose administrative penalties for failure of recruitment agencies to monitor, report and coordinate the conditions of OFWs in cases not covered under Section 4 of this Act.

- b) Any public officer, who neglects to do his or her duty in terms of receiving, monitoring, coordinating or acting on complaints or information pursuant to the government mechanism provided for under Section 5 of this Act, and the concerned OFW subsequently suffered maltreatment or abuse, shall be liable to an administrative penalty of one (1) month suspension to dismissal from the service, and a fine equivalent to one (1) day to one (1) year salary, both depending on the gravity of injury done to the OFW.
- c) Any public officer who maliciously delay any report or action, refuses to perform his or her duty under this Act for the purpose of obtaining, directly or indirectly, any pecuniary or material benefit, or who conceals or falsifies documents or reports, whether or not the concerned OFW subsequently suffered maltreatment or abuse, shall be liable to a penalty of six (6) months to ten (10)

years imprisonment, with the accessory penalty of suspension from public office to perpetual disqualification, both upon the discretion of the court.

SEC. 8. *Implementing Rules and Regulations.* The DOLE, POEA, OWWA and DFA, in coordination with concerned stakeholders, shall formulate the implementing rules and regulations within sixty (60) days after the effectivity of this Act.

SEC. 9. *Suppletory Application.* Republic Act No. 8042 or the Migrant Workers and Overseas Filipino Act of 1995, as amended by Republic Act Nos. 9422 and 10022, Presidential Decree No. 442 or the Labor Code of the Philippines, as amended, and all other rules and regulations promulgated in relation thereto shall have suppletory application in cases not provided for under this Act with the end view of protecting OFWs from abuses.

SEC. 10. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 11. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 12. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,