

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 1983

HOUSE OF REPRESENTATIVES	
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Introduced by Representatives HORACIO P. SUANSING, JR.
and ESTRELLITA B. SUANSING

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

EXPLANATORY NOTE

Repatriation¹ is the process of returning a person to his or her place of origin or citizenship. It may be voluntary or involuntary. Voluntary repatriation is the return of eligible persons to the country of origin or citizenship on the basis of freely expressed willingness to such return. Involuntary repatriation is the return of refugees, prisoners of war, or civil detainees to their country of origin under circumstances that leave no other viable alternatives.

Unlike expulsion and deportation which are actions of sovereign states, repatriation is defined as a personal right under specific conditions described in various international instruments, such as the Geneva Convention and Protocols.


At any rate, repatriation will still pose challenges to the person concerned. Problems such as but not limited to unrealized expectation, change in conditions and financial difficulty would be ever-present.

Since the subjects of repatriation are mainly the overseas Filipino workers or the so-called "modern-day heroes" of Philippine economy, their interests should be protected by way of expediting its process. That way, the person concerned and/or the requesting party would be able to start accepting the foregone conclusion in the form of repatriation.

In light of the principle enshrined in the 1987 Philippine Constitution, *to wit*:

"Section 3. 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". xxx

and the recognition ideally bestowed to our overseas Filipino workers as modern-day heroes of our economy, the approval of the bill is earnestly sought.


HON. HORACIO P. SUANSING, JR.
Representative
2nd District of Sultan Kudarat


HON. ESTRELLITA B. SUANSING
Representative
1st District of Nueva Ecija

¹ Perruchoud, Richard and Jillyanne Redpath-Cross (eds.), Glossary on Migration, Second Edition, International Organization for Migration, International Migration Law; Repatriation (wikipedia.org), viewed on June 2, 2016

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Be it enacted by the Senate and House of Representatives 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.

(c) 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.

(d) 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 to 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 5. REPEALING CLAUSE. - All laws, decrees, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

Approved.