

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6778



Introduced by MARINO Party-list Representatives
SANDRO L. GONZALEZ
and **MACNELL M. LUSOTAN**

AN ACT
PROVIDING FOR THE DOMESTIC REPATRIATION OF MIGRANT WORKERS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE
KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF
1995", AS AMENDED, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The imposition of Community Quarantines and Lockdowns across the globe in response to the outbreak of the COVID-19 pandemic resulted in the shutdown of businesses and the lost of employment of Filipinos overseas. It also triggered the repatriation of tens of thousands of migrant workers more popularly known as Overseas Filipino Workers (OFWs).

Under Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended, the repatriation of a migrant worker and the transport of his personal belongings is the primary responsibility of the agency which recruited or deployed the worker overseas. All costs attendant to repatriation are shouldered by the agency concerned and/or its principal, save in instances when the termination of employment is due solely to the fault of the migrant worker. In cases of war, epidemic, disaster or calamities, natural or man-made, and other similar events, the Overseas Workers Welfare Administration (OWWA), in coordination with appropriate international agencies, undertake the repatriation of workers, without prejudice to reimbursement by the responsible principal or agency.

However, after the worker has been repatriated to the Philippines, the aforementioned law, including the POEA Rules on Overseas Employment of OFWs, are silent about the transport of the worker and his personal belongings back to his hometown despite the fact that a large number of OFWs came from the provinces.

We cannot ignore the fact that the repatriated OFW is longing to feel the warm embrace of his/her family after experiencing trauma due to a war, epidemic, disaster or calamities, or even physical or psychological abuse.

We must consider that in cases of repatriation, the OFW was not able to finish his contract and that most likely he has no savings to use to cover the costs of his transportation back to his family, thereby adding more suffering to his already miserable state.

In view of the foregoing, approval of this bill is most urgently and earnestly recommended.



SANDRO L. GONZALEZ

Representative
MARINO Party-list



MACNELL M. LUSOTAN

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

Section 1. Section 15 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"Section 15. REPATRIATION OF WORKERS; EMERGENCY REPATRIATION FUND. – The repatriation of the worker and the transport of his personal belongings to his hometown shall be the primary responsibility of the agency which recruited or deployed the worker overseas. All costs attendant to repatriation shall be borne by or charged to the agency concerned and/or its principal.

Likewise, the repatriation of remains and transport of the personal belongings of a deceased worker and all costs attendant thereto shall be borne by the principal and/or local agency. The duty and the right to decide on the place where the remains and belongings of a worker will be repatriated belong to his nearest relative in accordance with the order under article 294 of the Family Code. In case of descendants of the same degree, or of brothers and sisters, the oldest shall be preferred. In case of ascendants, the paternal shall have a better right. The State shall decide if the worker dies without any relative.

However, in cases where the termination of employment is due solely to the fault of the worker, the principal/employer or agency shall not in any manner be responsible for the repatriation of the former and/or his belongings.

The Overseas Workers Welfare Administration (OWWA) shall extend assistance to the worker whose termination of employment is due solely to his/her fault.

The OWWA, in coordination with appropriate international agencies, shall undertake the repatriation of workers who suffered physical/psychological maltreatment or sexual abuse in the course of the employment; or in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, without prejudice to reimbursement by the responsible principal or agency. However, in cases where the principal or recruitment agency cannot be identified, all costs attendant to repatriation shall be borne by the OWWA.

For these purposes, there is hereby created and established an emergency repatriation fund under the administration control and supervision of the OWWA, initially to consist of one hundred million pesos (P100,000,000.00), inclusive of outstanding balances. The OWWA may invest up to eighty percent (80%) of the fund in liquid stocks, government guaranteed bonds, and other debt instruments, subject to existing rules and regulations established by the Central Bank: Provided, That in no case shall the unavailability of funds on hand be a cause of the delay in the repatriation of any OFW.”

Section 2. *Implementing Rules and Regulations* – The Overseas Workers Welfare Administration, in consultation with the Department of Foreign Affairs, Department of Labor and Employment, Department of Social Welfare and Development, Department of Health, Philippine Overseas Employment Administration, and other relevant stakeholders, shall issue the necessary implementing rules and regulations in accordance with the provisions of this Act within sixty (60) days from the effectivity hereof.

Section 3. *Separability Clause* – If for any reason, any section, subsection, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Section 4. *Repealing Clause* – All laws, orders, decrees, letters of instruction, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, modified, or repealed accordingly.

Section 5. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,