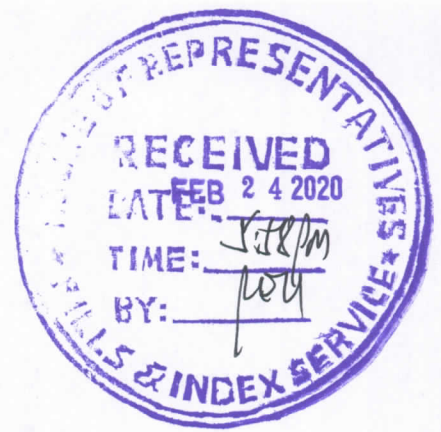


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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HOUSE OF REPRESENTATIVES
H.B. No. 6381

Introduced by **Representative TEODORICO "NONONG" T. HARESCO, JR.**

EXPLANATORY NOTE

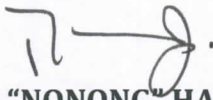
The Legal Assistance Fund (LAF), run by the legal assistant for migrant workers of the Department of Foreign Affairs, exist to cover assistance costs to help distressed Filipino migrants with repatriation, shipment of remains, hospitalization, temporary accommodation, food and basic supplies, and other similar expenses.

In 2018, with 95.04% utilization rate, the ₱200 million LAF assisted a total of 3,735 overseas Filipinos. With the same funding in 2019, from January to July, 3,728 overseas Filipinos benefitted from the LAF. Expenditures for the LAF include professional and legal fees for foreign lawyers who represent OFWs facing charges, bail bonds to secure the temporary release of individuals detained, and other fees to include public information campaign, media notices, translation and medical fees.

Republic Act No. 8042, or the "Migrant Workers and Overseas Filipinos Act of 1995", established the Legal Assistance Fund for migrant workers in order to protect and promote the rights and welfare of Filipino migrant workers. However, the Omnibus Rules and Regulations Implementing Republic Act No. 8042, as amended, limited its application through the provision of a specific set of instances for the utilization of the Legal Assistance Fund.

It is in this light that this bill seeks to bolster the scope of use of the LAF to include the time of the commencement of the complaint all the way to the trial proper until the execution of judgment up to all levels of appeal a distressed Filipino migrant worker can avail.

In view of the foregoing, the earnest passage of this bill is sought.


TEODORICO "NONONG" HARESCO, JR.
Representative

HOUSE OF REPRESENTATIVES
H.B. No. 6381

Introduced by **Representative TEODORICO “NONONG” T. HARESCO, JR.**

AN ACT
EXPANDING THE USE OF LEGAL ASSISTANCE FUND, AMENDING FOR THE
PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8042, AS AMENDED,
OTHERWISE KNOWN AS THE “MIGRANT WORKERS AND OVERSEAS
FILIPINOS ACT OF 1995”, AS AMENDED

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

SECTION 1. Section 26 of Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995,” as amended by Republic Act No. 10022, is hereby amended to read as follow:

“SEC. 26. Uses of Legal Assistance Fund. – The Legal Assistance Fund created under the preceding section shall be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress in accordance with the guidelines, criteria and procedures promulgated in accordance with Section 24(a) hereof. The expenditures to be charged against the Fund shall include the fees for foreign lawyers to be hired by the [Legal Assistant] OFFICE OF THE UNDERSECRETARY for Migrant Workers Affairs to represent migrant workers facing charges or in filing cases against erring or abusive employers AND OTHER OFFENDERS abroad, bail bonds to secure the temporary release OF MIGRANT WORKERS AND OVERSEAS FILIPINOS IN DISTRESS, and other litigation expenses;

PROVIDED, THAT THE LEGAL ASSISTANCE FUND SHALL, AT ALL TIMES, BE MADE IMMEDIATELY AVAILABLE FOR MIGRANT WORKERS FACING CHARGES ABROAD FROM THE TIME OF THE COMMENCEMENT OF THE COMPLAINT, ACTION OR SIMILAR PROCEEDING, ALL THE WAY TO THE TRIAL PROPER UNTIL THE EXECUTION OF JUDGMENT AND AT ALL LEVELS OF APPEAL;

1 [Provided, That] At the end of every year, the Department of Foreign Affairs shall include
2 in its report to Congress, as provided for under Section 33 of this Act, the status of the
3 Legal Assistance Fund, including the expenditures from the said fund duly audited by the
4 Commission on Audit (COA);
5

6 Provided, further, That the hiring of foreign legal counsels, when circumstances warrant
7 urgent action, shall be exempt from the coverage of Republic Act No. 9184 or the
8 Government Procurement Act."
9

10 **SECTION 2. *Repealing Clause.*** – Any law, presidential decree or issuance, executive order,
11 letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby
12 repealed or modified accordingly.
13

14 **SECTION 3. *Effectivity Clause.*** – This Act shall take effect within fifteen (15) days after its
15 publication in the Official Gazette or in at least two (2) newspapers of general circulation,
16 whichever comes earlier.
17

18 Approved,