

**EIGHTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**

First Regular Session



Senate
Office of the Secretary

SENATE
S.B. NO. 872

'19 AUG -6 P3:47

Introduced by Senator Maria Lourdes Nancy S. Binay

RECEIVED BY

AN ACT

**EXPANDING THE COVERAGE OF THE LEGAL ASSISTANCE FUND,
AMENDING FOR THE PURPOSE SECTION 26 OF REPUBLIC ACT NO.
8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND
OVERSEAS FILIPINOS ACT OF 1995", AS AMENDED**

EXPLANATORY NOTE

Article XIII, Section 3 of the 1987 Philippine Constitution provides:

"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."

Article II, Section 18 of the 1987 Philippine Constitution provides:

"The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."

Overseas Filipino Workers are considered as modern day heroes because of their hard work abroad so that they can provide for their families and loved ones. While the sacrifice and contributions of OFWs are recognized by our country, the protection of our Filipino migrant workers abroad remains inadequate.

According to the Philippine Statistics Authority (PSA), the number of OFWs who worked abroad at anytime during the period of April to September 2018 was estimated at 2.3 million where 96.2 percent are Overseas Contract Workers

(OCWs) or have existing work contracts. The remaining 3.8 percent, worked overseas without a contract.

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.

This bill seeks to expand the coverage of the Legal Assistance Fund to provide a higher standard of safety and to promote the welfare of migrant workers and their families.

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


MARIA LOURDES NANCY S. BINAY
Senator

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

1 Section 1. *Amendment.* – Section 26 of Republic Act No. 8042, otherwise
2 known as the "Migrant Workers and Overseas Filipinos Act of 1995", as amended
3 by Republic Act No. 10022, is hereby amended to read as follows:

4
5 "SEC. 26. Uses of the Legal Assistance Fund. – The Legal
6 Assistance Fund created under the preceding section shall be
7 used exclusively to provide legal services to migrant workers and
8 overseas Filipinos in distress in accordance with the guidelines,
9 criteria and procedures promulgated in accordance with Section
10 24(a) hereof. The expenditures to be charged against the Fund
11 shall include the fees for foreign lawyers to be hired by the Legal
12 Assistant for Migrant Workers Affairs to represent migrant
13 workers facing charges or in filing cases against erring or abusive
14 employers abroad, bail bonds to secure the temporary release
15 and other litigation expenses;

1 PROVIDED, THAT THE LEGAL ASSISTANCE FUND SHALL
2 AT ALL TIMES BE MADE AVAILABLE AT THE TIME OF THE
3 ARREST OR CHARGING ALL THE WAY TO THE TRIAL PROPER
4 AND AT ALL LEVELS OF APPEAL FOR MIGRANT WORKERS
5 FACING CHARGES WITH THE PRESCRIBED PENALTY OF LIFE
6 IMPRISONMENT OR DEATH;

7 Provided, That at the end of every year, the Department
8 of Foreign Affairs shall include in its report to Congress, as
9 provided for under Section 33 of this Act, the status of the Legal
10 Assistance Fund, including the expenditures from the said fund
11 duly audited by the Commission on Audit (COA);

12 Provided, further, That the hiring of foreign legal counsels,
13 when circumstances warrant urgent action, shall be exempt from
14 the coverage of Republic Act No. 9184 or the Government
15 Procurement Act.”

16
17 Sec. 2. *Repealing Clause.* – All laws, orders, issuances, rules and
18 regulations or part thereof inconsistent with the provisions of this Act are hereby
19 repealed, amended or modified accordingly.

20
21 Sec. 3. *Effectivity Clause.* – This Act shall take effect within fifteen (15)
22 days after its publication in the Official Gazette or in at least two (2) newspapers
23 of general circulation, whichever comes earlier.

Approved,