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S.B. No. 1233

(In Substitution of Senate Bill Nos. 230 and 872)

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Prepared by the Committees on Labor, Employment and Human Resources Development; and Foreign Relations with Senators Dela Rosa, Binay and Villanueva as authors thereof

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**AN ACT**

**EXPANDING THE USE OF THE 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**

**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 follows:

"SEC. 26. Uses of the 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, IN OBTAINING bail bonds to secure the temporary release OF MIGRANT WORKERS AND OVERSEAS FILIPINOS IN DISTRESS, AND OTHER KINDS OF BONDS REQUIRED BY THE FOREIGN COURT, AGENCY OR

1 TRIBUNAL WHERE THE CASE IS PENDING, and other litigation  
2 expenses.

3 IN ADDITION, EXPENDITURES FOR THE HIRING OF PARALEGALS  
4 IN ALL FOREIGN POSTS MAY ALSO BE CHARGED AGAINST THE  
5 FUND. SUCH PARALEGALS SHALL PROVIDE PARALEGAL  
6 SUPPORT, LANGUAGE TRANSLATION AND OTHER SERVICES TO  
7 OVERSEAS FILIPINOS AND MIGRANT WORKERS IN DISTRESS:  
8 PROVIDED, THAT SAID PARALEGAL SHALL BE PROFICIENT IN  
9 LOCAL LAWS, RULES AND PROCEDURES, AND HAVE EXTENSIVE  
10 KNOWLEDGE ON THE CUSTOMS AND TRADITIONS OF THE  
11 FOREIGN COUNTRY WHERE SUCH PARALEGAL IS ASSIGNED  
12 AND/OR HIRED. THE LEGAL ASSISTANCE FUND SHALL, AT ALL  
13 TIMES, BE IMMEDIATELY AVAILABLE TO ALL MIGRANT WORKERS  
14 AND OVERSEAS FILIPINOS IN DISTRESS WHO INITIATE OR WHO  
15 IS IMPEADED IN ANY TYPE OF CASE INITIATED IN THE FOREIGN  
16 POST, FROM THE TIME OF THE COMMENCEMENT OF THE  
17 COMPLAINT, ACTION OR SIMILAR PROCEEDING, AND IN ALL  
18 STAGES OF THE PROCEEDING UNTIL PROMULGATION AND  
19 EXECUTION OF JUDGMENT AND AT ALL LEVELS OF APPEAL.

20 [*Provided, That*] At the end of every year, the Department of Foreign  
21 Affairs shall include in its report to Congress, as provided for under  
22 Section 33 of this Act, the status of the Legal Assistance Fund, including  
23 the expenditures from the said fund duly audited by the Commission on  
24 Audit (COA): *Provided, further,* That the hiring of foreign legal counsels,  
25 when circumstances warrant urgent action, shall be exempt from the  
26 coverage of Republic Act No. 9184 or the Government Procurement Act."

27 **SEC. 2. Implementing Rules and Regulations.** – Within sixty (60) days from the  
28 approval of this Act, the Department of Foreign Affairs, in consultation with the  
29 Department of Labor and Employment, Overseas Workers Welfare Administration,

1 Philippine Overseas Employment Administration, Commission on Filipino Overseas,  
2 and other relevant government agencies and stakeholders, shall promulgate the  
3 implementing rules and regulations for the effective implementation of the provisions  
4 of this Act, and to ensure that the Legal Assistance Fund is immediately and at all  
5 times available to all migrant workers and Overseas Filipinos in distress in accordance  
6 with this Act. If practicable, the implementing rules and regulations may also authorize  
7 the Secretary of Foreign Affairs to delegate the authority to approve an expenditure  
8 chargeable to the Fund to the head of Post, subject to existing rules and regulations  
9 of the Commission on Audit (COA).

10 **SEC. 3. Repealing Clause.** – All laws, orders, issuances, rules and regulations or  
11 part thereof inconsistent with the provisions of this Act are hereby repealed, amended  
12 or modified accordingly.

13 **SEC. 4. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its  
14 publication in the *Official Gazette* or in at least two (2) newspapers of general  
15 circulation.

16 Approved,