EXPLANATORY NOTE

Article XIII, Section 3 of the Constitution provides that the State shall afford full protection to labor, local and overseas, organized and unorganized. Thus, Republic Act No. 8042 or the “Migrant Workers and Overseas Filipinos Act” was enacted to mandate the State in upholding the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular. Towards this end, the State shall provide adequate and timely social, legal and economic services to Overseas Filipino Workers (OFWs) as well as ensure that this sector is properly monitored and accounted for, with due regard for their protection and welfare.

According to the Department of Labor and Employment (DOLE), personal remittances of OFWs increased from $31.288 billion in 2017 to $32.213 billion in 2018. This equates to 1.6 trillion pesos which is approximately 25% of the national budget. Up to June 2019, $16.252 billion has been remitted and may shoot up to more than $32 billion. Therefore, ensuring the protection and security of all our OFWs, documented or undocumented, are not only necessary for their safety as citizens but also to be able to sustain the growth of our national economy.

Furthermore, the latest data of the Philippine Statistics Authority (PSA) shows that there are around 2.3 million OFWs abroad during the period of April to September 2018. However, of this number, only about 1,315,584 are members of and accounted for by the Overseas Workers Welfare Administration (OWWA) for the year 2018. Evidently, this disparity undermines the capacity of the State to protect the welfare of our undocumented OFWs.

This proposed measure seeks to incentivize undocumented OFWs by letting them register and apply for their Overseas Employment Certificates (OCE) in the Philippine Overseas Employment Authority (POEA) or with the Philippine Embassy abroad to which, in return, free insurance will be provided by the State. Through this bill, the State will not only improve its capabilities in protecting all our OFWs but also provide additional benefits for this vulnerable sector who undertakes tremendous risks in working overseas.

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

VICTOR A. YAP
Representative, 2nd District of Tarlac
HOUSE OF REPRESENTATIVES

House Bill No. 4690

Introduced by Representative Victor A. Yap

AN ACT
PROVIDING FREE INSURANCE FOR COVERED APPLICANTS OF OVERSEAS EMPLOYMENT CERTIFICATES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION. 1. Declaration of Policies. - The State shall afford full protection to labor, local and overseas, organized and unorganized. Towards this end, the State shall provide adequate and timely social, legal and economic services to overseas Filipinos workers. Pursuant to this, the State shall ensure that all overseas Filipino workers are properly monitored and accounted for with due regard for their protection and welfare, and that overseas Filipino workers are incentivized to make themselves known to Philippine authorities abroad.

SEC. 2. Coverage. - The benefits under this Act shall apply to applicants of overseas employment certificates (OECs); Provided, That the applicant-migrant worker is abroad; Provided further, That he/she has no prior record with the Philippine Overseas Employment Authority (POEA), or if he/she has a prior record, is working in a vulnerable sector, as may be determined by the POEA in consultation with relevant government agencies and other stakeholders.

SEC. 3. Benefits. - Covered migrant workers shall, upon securing an overseas employment certificate from the POEA or the Philippine Embassy or consular offices abroad shall be given a free one-year insurance with the same or similar coverage as required under Republic Act No. 8042, as amended, otherwise known as the “Migrant Workers and Overseas Filipinos Act.”

SEC. 4. Funding. - The payment for the premium of the insurance provided under this Act shall be funded partly by the budget of the Department of Foreign Affairs (DFA) earmarked for the Assistance to Nationals and partly by the appropriations in the General Appropriations
Act as included in the budget of the POEA. For the first year of the implementation of this Act, an initial amount of Thirty Million Pesos (P30,000,000.00) is hereby appropriated. Thereafter, such amount necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC. 5. Implementing Rules and Regulations. - The Department of Labor and Employment (DOLE). DFA, POEA, OWWA. Insurance Commission and other relevant stakeholders, shall issue the implementing rule and regulations of this Act within sixty (60) days from the effectivity of this Act.

To ensure the proper implementation of this Act, DOLE. POEA and DFA shall establish a system that shall facilitate the processing and issuance of OECs abroad.

SEC. 6. Separability Clause. - If any part or provision of this Act is held unconstitutional or invalid, the other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 7. Repealing Clause. - All laws, executive orders, presidential decrees, rules and regulations or parts thereof contrary to or inconsistent with any provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 8. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,