

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 5784

Introduced by CIBAC Party-List Representative
HON. EDUARDO “BRO. EDDIE” C. VILLANUEVA

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

EXPLANATORY NOTE

According to the Department of Labor and Employment (DOLE), there are 8,874,472 Overseas Filipino Workers (OFWs) living and working abroad, composed of 3.50 million documented workers, 3.80 million permanent migrants, and 1.58 million undocumented workers as of December 2020. This number presents a grim picture – this means that there are roughly one undocumented OFW for every two documented OFWs.

In fact, past experiences have shown us the difficulty of the situation of undocumented workers. For example, in 2018, news of Filipino truck drivers stationed at Padborg, Denmark surfaced. During the Senate hearing on this issue, the POEA admitted that the truck drivers were undocumented, unmonitored and were only given attention by the Embassy after media outlets informed the Embassy of their situation. Recently, the Bureau of Immigration discovered that some OFWs bring their respective family members with them abroad in order to make it appear that the travel is legitimately for vacation purposes, and would therefore only present tourist visas. However, the migrant would not return to the country.¹

¹ Jun Ramirez, BI uncovers new ploy by undocumented OFWs to go abroad, March 24, 2022, *accessible at* <https://mb.com.ph/2022/03/24/bi-uncovers-new-ploy-by-undocumented-ofws-to-go-abroad/> (last accessed July 7, 2022).

Under Republic Act No. 8042, as amended by Republic Act No. 10022, and its implementing rules and regulations, an Overseas Employment Certificate (OEC), issued by the Philippine Overseas Employment Authority (POEA), is a clearance issued to OFWs who exit from the Philippines for employment purposes. An OEC shall serve as a travel exit pass for OFWs at airports, as an exemption certificate from payment of travel tax and airport terminal fees, and as a guarantee that the OFW is covered by government protection.² However, this is sometimes seen as an additional task or requirement that occasionally hinders some OFWs to undergo the process of obtaining the same in pursuit of their overseas employment.

Nonetheless, in view of the importance of obtaining an OEC, there is a need to incentivize OFWs who do not go through the procedures as prescribed by the POEA, or as thereafter may be prescribed by the newly-created Department of Migrant Workers (DMW), or who have ceased to register their membership with OWWA after their initial deployment, or who have transferred to another country by way of third-country recruitment, to register with the POEA (or the DMW, once the DMW is fully operational), or with the Philippine Embassy or consular offices abroad and get their corresponding OECs. This step will help the government in properly monitoring OFWs, and to ensure that they are protected from human trafficking and abuses.

To this end, this bill seeks to give free insurance coverage to covered OFWs that apply for an overseas employment certificate. This bill incentivizes undocumented Filipino workers to acquire proper documentation in order to receive the benefits and protection guaranteed to them by the State, and to devise a system for the State to monitor its workers overseas, to ensure that the Filipino people would not have to grieve over another loved one who chose to risk his/her life to work abroad.

The immediate passage of this bill is earnestly sought.



HON. EDUARDO “BRO. EDDIE” C. VILLANUEVA

² Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022.

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

3
4 **SECTION 1. *Short Title.*** – This Act shall be known as the
5 “Protektadong OFW Act.”

6
7 **SEC. 2. *Declaration of Policy.*** – The State shall afford full
8 protection to labor, local and overseas, organized and unorganized.
9 Towards this end, the State shall provide adequate and timely social,
10 legal, and economic services to Overseas Filipino Workers (OFWs).
11 Pursuant to this, the State shall ensure that all OFWs are properly
12 monitored and accounted for with due regard for their protection and
13 welfare, and that they are incentivized to make themselves known to
14 Philippine authorities abroad.

15
16 **SEC. 3. *Coverage.*** – The benefits under this Act shall apply to
17 applicants of overseas employment certificates (OECs); *Provided*, That
18 the applicant-migrant worker is abroad; *Provided further*, That he/she has
19 no prior record with the Philippine Overseas Employment Authority
20 (POEA) and/or the Department of Migrant Workers (DMW), or if he/she
21 has a prior record, is working in a vulnerable sector, as may be determined
22 by the DMW.

1
2 **SEC. 4. *Benefits.*** – Covered migrant workers, upon securing an
3 overseas employment certificate from the DMW, the Philippine Embassy,
4 or consular offices abroad, shall be given a free one-year insurance with
5 the same or similar coverage as required under Republic Act No. 8042,
6 as amended, otherwise known as the “Migrant Workers and Overseas
7 Filipinos Act,” and Section 6(n) of Republic Act No. 11641, otherwise
8 known as the “Department of Migrant Workers Act”;
9

10 **SEC. 5. *Funding.*** – The payment for the premium of the insurance
11 provided under this Act shall be funded partly by the budget of the DMW
12 earmarked for the Agarang Kalinga at Saklolo Para sa mga OFW na
13 Nangangailangan (AKSYON) Fund, budget of the DFA earmarked for
14 Assistance to Nationals, and partly by the appropriations in the General
15 Appropriations Act, as included in the budget of the DMW. For the first
16 year of the implementation of this Act, an initial amount of Thirty Million
17 Pesos (Php30,000,000.00) is hereby appropriated. Thereafter, such
18 amount necessary for its continued implementation shall be included in
19 the annual General Appropriations Act.
20

21 **SEC. 6. *Implementing Rules and Regulations.*** – The DMW, DFA,
22 OWWA, Insurance Commission, and other relevant stakeholders, shall
23 issue the implementing rule and regulations of this Act within sixty (60)
24 days from the effectivity of this Act.
25

26 To ensure the proper implementation of this Act, DMW and DFA
27 shall establish a system that shall facilitate the processing and issuance
28 of OECs abroad.
29

30 **SEC. 7. *Separability Clause.*** – Any portion or provision of this Act
31 that is declared unconstitutional or invalid shall not have the effect of
32 nullifying other portions or provisions hereof as long as such remaining
33 portions can still subsist and be given effect in their entirety.
34

35 **SEC. 8. *Repealing Clause.*** – All laws, ordinances, decrees,
36 executive orders, rules and regulations, other issuances or parts thereof,
37 which are inconsistent with this Act are hereby repealed or modified
38 accordingly.
39

40 **SEC. 9. *Effectivity.*** – This Act shall take effect fifteen (15) days
41 from its publication in the *Official Gazette* or in at least two (2) national
42 newspapers of general circulation.
43

