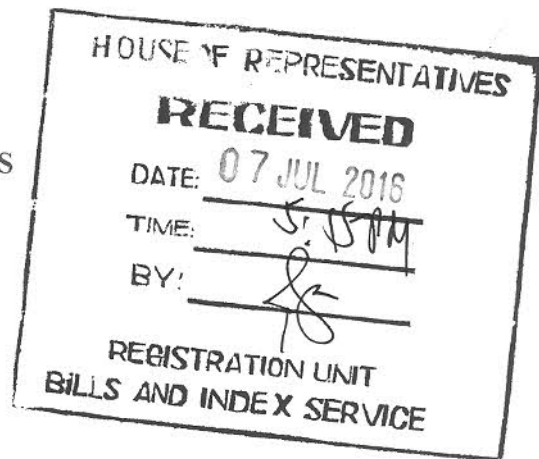


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

1301
House Bill No. _____



Introduced by ACTS-OFW Representative Aniceto R. Bertiz III

Explanatory Note

The phenomenon of migration is not new. Neither are the laws enacted to protect the interests of migrants or the Overseas Filipino Workers. Nevertheless, there has been no data on them which may be described as accurate.

Not that the government agencies concerned, or the non-government organizations which are looking into their welfare, are remiss in their pledged duties. All strive to get the true picture, so to speak.

One of the reasons for this lack of accurate data is the varying definitions provided by Republic Act No. 8042, amended by Republic Act No. 10022, and its Implementing Rules.

Republic Act No. 8042, amended by Republic Act No. 10022, provides:

“Sec. 3. Definitions. – For the purpose of this Act:

a) “Overseas Filipino worker” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas; to be used interchangeably with “migrant worker”.

b) *“Overseas Filipinos” refers to dependents of migrant workers and other Filipino nationals abroad who are in distress as mentioned in Sections 24 and 26 of this Act.”*

Clearly, this provision declares that for the purpose of this act, OFWs stand as a distinct group abroad, separated from the mass of Overseas Filipinos. However, Section 1 on Definition, Rule II of its Implementing Rules provides:

(hh) Overseas Filipinos – refer to migrant workers, other Filipino nationals and their dependents abroad.

(ii) Overseas Filipinos in distress - refers to an Overseas Filipino who has a medical, psycho-social or legal assistance problem requiring treatment, hospitalization, counseling, legal representation as specified in Rule IX of these Rules or any other kind of intervention with the authorities in the country where he or she is found.

(jj) Overseas Filipino Worker or Migrant Worker – refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas; A person to be engaged in a remunerated activity” refers to an applicant worker who has been promised or assured employment overseas”.

Further, the different government agencies concerned with the implementation of the laws on OFWs have different jurisdiction on different limited aspect of being an OFW. For example, The DFA’s concern is on OFWs in the workplace abroad; that of the NLRC, on the other hand, is on the employment of OFWs from the time a contract of overseas employment is signed and approved by POEA up to repatriation. The regular courts in their jurisdiction over the civil and criminal aspects of illegal recruitment focus on the recruitment aspect.

It is of no wonder there is a failure to concretely establish the “Shared Government Information System for Migration” which R.A. No. 8042 as amended, created.

To remedy this problem on lack of accurate data on OFWs, this bill institutes a system whereby each OFW is designated a lifetime number. The OFW lifetime number shall be indicated in the Identification Card to be issued by POEA upon the issuance of the first Overseas Employment Certificate or OEC to an OFW. Like the lifetime numbers of SSS or GSIS, this lifetime number shall be used as identification by the OFW in all his/her transactions involving overseas work.

With it, illegal recruitment can be reduced as "No OFW lifetime number" can readily be construed as 'no legality in the recruitment'.

Let this bill be passed into law soonest.



ANICETO R. BERTIZ III

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HOUSE OF REPRESENTATIVES
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SEVENTEENTH CONGRESS
FIRST REGULAR SESSION

House Bill No. **1301**

Introduced by ACTS-OFW Representative Aniceto R. Bertiz III

AN ACT INSTITUTIONALIZING A SYSTEM OF ONE LIFETIME IDENTIFICATION NUMBER FOR EACH OVERSEAS FILIPINO WORKER FOR THEIR EFFECTIVE MONITORING, PROPER IMPLEMENTATION OF LAWS AND RULES COVERING THEM, AND FOR THEIR ENHANCED PROTECTION, AMONG OTHERS.

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

Section 1. Title. - This law shall be called Overseas Filipino Workers Identification System

Section 2. The OFW Lifetime Number - Every Overseas Filipino Worker shall be assigned one OFW lifetime number by Philippine Overseas Employment Administration (POEA). Thereafter, every record involving the OFW shall be based on the OFW lifetime number, constantly updating it for every departure, arrival, change of employer and/or place of work, acquired upgraded skill, problems or successes encountered, among others.

The records shall be open only to the OFW or his/her family, unless otherwise provided by law.

Section 3. The OFW Identification Card. - POEA shall issue every OFW an OFW Identification card indicating the OFW lifetime number.

Section 4. Use of the OFW Lifetime Number.-The OFW shall use his lifetime

number in all his transactions involving overseas employment. All government agencies concerned shall correspondingly require all OFWs to use the OFW lifetime number for every transaction with them.

Section 5. *Implementing rules and Regulations.*- The departments and agencies charged with carrying out the provisions of this Act shall, within ninety (90) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

Section 6. *Separability Clause.* - If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

Section 7. *Repealing Clause.* - All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 8. *Effectivity Clause.*- This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,