

THIRTEENTH CONGRESS OF
THE REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE
OFFICE OF THE SECRETARY

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SENATE 248
P.S. Res. No. _____

RECEIVED BY: _____

INTRODUCED BY HONORABLE MAR ROXAS

A RESOLUTION

URGING THE SENATE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN DEVELOPMENT, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE MANDATE OF OVERSEAS WORKERS WELFARE ADMINISTRATION (OWWA) IN EXTENDING THE BENEFITS AND SERVICES PROVIDED FOR UNDER OUR LAWS TO OVERSEAS FILIPINO WORKERS (OFWS), TO REVIEW THE IMPLEMENTATION OF THE SAME AND TO ENSURE THAT OWWA REMAINS TO BE RESPONSIVE TO THE NEEDS OF OFWS

WHEREAS, the 1987 Constitution, in Article II, Section 18, affirms labor as a primary social and economic force. It shall protect the rights of workers and promote their welfare;

WHEREAS, by virtue of Letter of Instructions No. 537 dated May 1, 1977, a Welfare and Training Fund for Overseas Workers was created to provide social and welfare services to Filipino overseas workers, including insurance coverage, social work assistance, legal assistance, placement assistance, cultural services, remittance services, and the like, to provide skills and career development services to Filipino overseas workers and their replacements in order to insure adequate supply of manpower for the national economy as well as for export, and to develop, support and finance specific projects for the benefit of Filipino overseas workers, among others;

WHEREAS, the Welfare and Training Fund shall come from contributions of overseas Filipino workers, donations and other contributions from employers served by the Bureau of Employment Services, Overseas Employment Development Board, and the National Seamen Board of the Department of Labor and Employment, and other donations, contributions, and other sources of income as may be determined by the Board of Trustees of the Fund;

WHEREAS, on May 1, 1980, Presidential Decree No. 1694 entitled "Organization and Administration of the Welfare Fund for Overseas Workers" was promulgated to formalize the operations of the LOI No. 537 into a comprehensive Welfare Fund;

WHEREAS, on January 30, 1987, Executive Order No. 126 reorganizing the Ministry of Labor and Employment and For Other Purposes renamed the Welfare Fund for Overseas Workers' Administration as the Overseas Workers' Welfare Administration;

WHEREAS, on June 7, 1995, the Migrant Workers and Overseas Filipinos Act of 1995 was approved, which mandates the Overseas Workers Welfare Administration to provide the Filipino migrant worker and his family all the assistance they may need in the enforcement of contractual obligations by agencies or entities and/or by their principals;

WHEREAS, under the same law, the Welfare Fund finances the following:

1. Emergency Repatriation Fund for the repatriation of the worker and the transport of his personal belongings in cases of war, epidemic, disasters or calamities natural or man-made, and other similar events
2. Migrant Workers Loan Guarantee Fund as a guarantee fund in favor of participating government financial institutions which grants pre-departure loan and family assistance loan to migrant workers
3. Part of the Legal Assistance Fund for legal services to migrant workers and overseas Filipinos in distress, including the fees for hiring foreign lawyers to represent migrant workers facing charges abroad, bail bonds to secure temporary release of workers under detention, court fees and charges and other litigation expenses;

WHEREAS, on September 19, 2003, the Board of Trustees of OWWA promulgated Resolution No. 038 to provide guidelines on matters concerning OWWA membership and its coverage, collection of contributions, and availment of benefits;

WHEREAS, under the said Board Resolution, for a membership contribution of US\$25.00, an OWWA member-OFW is entitled to the following services and benefits over and above the provisions of the employment contract, offer of employers, or the laws of the receiving country:

1. Life Insurance for the duration of his employment contract in the amount of P100,000 for natural death and P200,000 for accidental death
2. Total Disability Benefit in the amount of P100,000
3. Burial Benefit in the amount of P20,000
4. Pre-departure loan
5. Family assistance loan
6. Skills-for Employment Scholarship Program for a member of his/her beneficiary
7. Education for Development Scholarship Program for baccalaureate courses
8. Seafarer's Upgrading Program for seamen
9. Repatriation Program
10. Reintegration Program
11. Workers On-Site Assistance

WHEREAS, under the same Board Resolution, OWWA, as a membership welfare institution, confined its clientele to its members who became such by enrollment upon processing of contract at the POEA, or by voluntary registration at job-sites overseas, and provided that such membership shall be effective upon payment of membership contribution until expiration of the employment contract, or in case of voluntary members who register on-site, not to exceed two (2) years;


WHEREAS, a logical consequence of the OWWA Omnibus Policies is that it creates a distinction between members and non-members, distorts the proper implementation of the original purpose for which the Welfare Fund has been created and creates a situation where by virtue of the expiration of the period set forth by OWWA, a contributing member can no longer avail of the benefits it was supposed to receive;

WHEREAS, there is a need to examine the legal basis for which OWWA limited the period for which it is to provide benefits and services to an OFW during the duration of the latter's employment contract, and to assess the effectivity of its

stewardship of the Welfare Fund to promote and protect the rights and welfare of overseas Filipino workers;

WHEREAS, there is a need to review the mandate of OWWA to overseas Filipino workers and look into the relevance of the same in view of the pervasiveness of the problems and threats faced by overseas Filipino workers;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to urge the Senate Committee on Labor, Employment and Human Development, to conduct an inquiry, in aid of legislation, into the mandate of Overseas Workers Welfare Administration (OWWA) in extending the benefits and services provided for under our laws to overseas Filipino workers, (OFWs) to review the implementation of the same and to ensure that OWWA remains to be responsive to the needs of OFWs;


MAR Roxas
Senator
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