

ESTABLISHMENT OF AN OWWA LEGAL ASSISTANCE FUND (LAF) FOR OVERSEAS FILIPINO WORKERS

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In the interest of the service and in view of the need to enhance the delivery of programs and services to clients, an OWWA Legal Assistance Fund (LAF) is hereby established and the following guidelines shall apply in the utilization and disbursement of the Fund:

A. Nature of the Program

The OWWA LAF shall serve as a counterpart to the existing legal assistance fund administered by the Department of Foreign Affairs (DFA) through the Office of Undersecretary for Migrant Workers. The Fund shall cover expenses for welfare cases managed/pursued/filed by the Overseas Welfare Officers at the Philippine Overseas Labor Offices (POLOs) at worksites that shall require the services of a legal officer and other services attendant to the resolution of the case.

To avoid overlap with cases filed by the Assistance to Nationals Unit of the Philippine Embassy, the thrust on the utilization of this LAF shall be towards effecting offensive strategy in pursuing justice for the Overseas Filipino Worker.

B. Objectives

The OWWA LAF aims to ensure the provision of free legal services to Overseas Filipino Workers (OFWs) on-site. It is specifically designed to provide the necessary logistical support to pursue cases filed at the appropriate judiciary institutions in the worksite.

C. Program Coverage

The OWWA LAF shall cover cases involving OWWA active members on-site, which are elevated to the proper courts after all administrative remedies have been exhausted. It may also cover criminal cases where the OFW is the complainant.

Workers' cases with criminal component and covered by the DFA LAF, shall be endorsed to the Assistance to the National Unit (ANU) of the Philippine Mission for proper disposition.

The OWWA Legal Assistance Fund shall be used exclusively to provide the following assistance:

- a. Fee for a competent private foreign counsel providing legal service not to exceed US Dollars 3,000.00 (US\$3,000.00) per case, provided that labor cases involving two or more workers against the same employer shall be considered one case;
- b. Court fees not exceeding US DOLLAR 500.00 (US\$500.00) per case;
- c. Charges and other reasonable litigation expenses, not to exceed US Dollar 3,000.00 (US\$3,000.00) per case;
- d. Travelling expenses of case officers traveling outside its post of origin, including reasonable transportation expenses, per diems and hotel expenses in accordance with the UN daily subsistence allowance and or actual

expenses incurred, subject to existing rules and regulations;

e. Actual cost of communication expenses in connection with legal assistance cases;

f. In case of recovery, the total amount spent shall be reimbursed from the proceeds/ judgment money, but not to exceed 30% of the total award or the proceeds of amicable settlement, if applicable.

D. Mechanics of Implementation

The following procedures shall be followed for the use of the Fund:

1. The Welfare Officer shall request for approval of the release of the amount needed for the case. The following documents shall be attached to the request.

a. Case History/documentation;

b. Certification from the POLO that administrative remedies have been exhausted, to include the access to pro-bono legal services, Shariah lawyer or lawyer charging on contingent cases and that case is meritorious.

2. The request shall be endorsed by the Head of the POLO to the OWWA Head Office for evaluation.

3. The request shall be evaluated by the Legal Staff at the OWWA Head office which shall recommend appropriate action to the Administrator.

4. For requests found to be meritorious, funds shall be released to the Welfare Officer for proper disbursements, subject to the usual accounting and auditing procedures.

5. In all cases, the recovery of legal fees shall be included in the total compensation/damages that will be claimed from a damage suit filed by the worker.

E. Budgetary Allocation

An initial amount of TEN MILLION PESOS (Php 10,000.000.00) has been allocated for the Program which will be released on staggered basis or on “need basis” and shall be replenished when necessary.

F. Effectivity

This MOI takes effect immediately.

(SGD.) CARMELITA S. DIMZON

Administrator

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