



DEPARTMENT ORDER NO. 04
Series of 2023

**GUIDELINES ON THE IMPLEMENTATION OF THE
AGARANG KALINGA AT SAKLOLO PARA SA MGA OFW NA
NANGANGAILANGAN (AKSYON) FUND**

WHEREAS, pursuant to Section 2 of Republic Act No. 11641, otherwise known as the Department of Migrant Workers Act, the duty of the State to protect the rights and promote the welfare of Overseas Filipino Workers (OFWs) and their families is affirmed by ensuring the provision of timely and responsive services to address their needs regardless of their legal status.

WHEREAS, Section 14 of the Department of Migrant Workers Act established the Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund to provide legal and other forms of assistance to OFWs.

WHEREAS, the Secretary of the Department of Migrant Workers is vested with the authority and responsibility to administer and manage the AKSYON Fund and issue guidelines for the proper and efficient utilization thereof.

WHEREAS, extensive consultations with relevant stakeholders have been conducted to gather adequate inputs in the formulation of the guidelines and support the effective implementation and efficient use of the AKSYON Fund.

WHEREAS, the DMW shall coordinate closely with the Department of Foreign Affairs (DFA) for the provision of legal and other forms of assistance to OFWs in areas without an established Migrant Workers Office.

WHEREFORE, this Guidelines is hereby issued to ensure the proper and efficient utilization of the AKSYON Fund. The Guidelines provides for the coverage, availment procedures and administrative mechanisms to carry out the assistance to Overseas Filipino Workers (OFWs) at Foreign Service Posts (FSPs) where the Migrant Workers Offices (MWOs) have been established and staffed.



ARTICLE I COVERAGE

All OFWs, whether land-based or sea-based, documented or undocumented, regardless of immigration status, who need medical, financial, psycho-social, legal, rescue, repatriation assistance, or any other kind of analogous interventions, including the transport of human remains are entitled to avail of the benefits or assistance provided for by the AKSYON Fund. The next kin of OFWs in distress or families left behind as defined herein can also avail of humanitarian assistance through the AKSYON Fund.

ARTICLE II DEFINITION OF TERMS

For the purpose of this Guidelines, the following terms are hereby defined as –

1. **AKSYON Fund** – refers to the Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund or the fund created under Section 14 of R.A. No. 11641 to provide legal, medical, financial, and other forms of assistance to Overseas Filipino Workers, including repatriation, shipment of remains, evacuation, rescue and any other analogous intervention to protect the rights and promote the welfare of Filipino migrant workers.
2. **Department** – refers to the Department of Migrant Workers and its regional, provincial or field offices and Migrant Workers Offices.
3. **Employer**- refers to a person, partnership or corporation that directly signs an employment contract and employs and pays salaries and benefits of workers, as well as repatriates hired Overseas Filipino Workers. It may also refer to the Foreign Placement Agency (FPA) or the principal.
4. **Families left behind** – refers to the next of kin of OFWs in distress.
5. **FPA** – refers to a Foreign Placement Agency for land-based workers, which is any single proprietor, partnership or corporation duly-licensed in the host country to engage in the recruitment of foreign workers for placement with their clients.
6. **Legal assistance** – refers to MWOs' assistance to OFWs, including but not limited to hiring or engagement of lawyers, payment of attorney's fees, appearance fees and other related fees, litigation expenses, posting of bail, immigration fees, penalties and fines as stated in the decisions/orders of the court and other appropriate agencies of the host country, and payment of other penalties and incidental expenses as imposed by the host country.
7. **LMA** – refers to a Licensed Manning Agency for sea-based workers.



8. **LRA** – refers to a Private Recruitment Agency or Licensed Manning Agency.
9. **MWO**– refers to the Migrant Workers Office or the overseas operating arm of the Department.
10. **MW Officer** – refers to the Head of the Migrant Workers Office.
11. **MWOOSB** – refers to the Migrant Workers Offices Operations Support Bureau.
12. **MW Staff Officer** – refers to the duly-hired or duly-engaged personnel of the MWO tasked to provide welfare and protection services to the OFWs.
13. **Overseas Filipino Worker (OFW)** – refers to a Filipino who is to be engaged, is engaged, or has been engaged in remunerated activity in a country of which he or she is not an immigrant, citizen, or permanent resident or is not awaiting naturalization, recognition, or admission, whether land-based or sea-based regardless of status; excluding a Filipino engaged under a government-recognized exchange visitor program for cultural and educational purposes. For purposes of this Guidelines, a person engaged in remunerated activity covers a person who has been contracted for overseas employment but has yet to leave the Philippines, regardless of status, and includes "Overseas Contract Workers". The term "OFW" is synonymous to "Migrant Worker".
14. **OFWs in distress** – refers to an Overseas Filipino Worker, whether land-based or sea-based, documented or undocumented, regardless of immigration status, who has a medical, psychosocial, or legal problem, or is experiencing abuse or exploitation, such as victims of illegal recruitment and/or trafficking in persons, or whose human rights are being violated, or is in a country in actual or potential war, civil unrest, pandemic or other analogous circumstances and situations, and requires medical treatment, hospitalization, counseling, legal representation, rescue, food and accommodation, repatriation, or any other kind of analogous intervention, including the repatriation of human remains.
15. **OFWs with Pending Cases** – refers to OFWs who have pending cases before judicial, quasi-judicial bodies, tribunals, or offices at the host country, including but not limited to labor disputes or problems, immigration problems, cases of exploitation and other crimes.
16. **OWWA** – refers to the Overseas Workers Welfare Administration and its regional, provincial or field offices.
17. **PRA** – refers to a Philippine Recruitment Agency for land-based workers.
18. **Principal** – refers to the employer or to a person, partnership or corporation engaging and employing seafarers through a licensed manning agency.



19. **Regional Offices**- refers to the Department's regional, provincial, or field offices in the different administrative regions of the country.
20. **Request for Assistance** – refers to legal, medical, repatriation and other forms of assistance for OFWs in distress from the OFW himself or herself, families left behind, other government agencies, non-government organizations, media and other social platforms, OFW advocates, civil society organizations, Filipino community leaders and/or organizations, among others.
21. **Seafarer** – refers to an OFW who is engaged in employment in any capacity on board a merchant marine vessel plying international waters or other sea-based craft of similar category. For purpose of this Guidelines, it shall include fishers onboard commercial fishing vessels on international waters or as defined under relevant maritime conventions, and shall also include cruise ship personnel, yacht crew, those serving on mobile off-shore and drilling units in the high seas, and other persons similarly situated.

ARTICLE III FUND ADMINISTRATION

The Fund shall be administered by the Undersecretary for Foreign Employment and Welfare Services pursuant to Section 9b(4) of RA 11641. As Fund Administrator, the Undersecretary shall authorize disbursements from the Fund upon recommendation of the concerned Head of the Migrant Workers Office (MWO) and/or upon endorsement of the Secretary.

The approved amount of assistance may be released in full or in tranches based on the recommendations of the concerned Head of MWO for all assistance at post, or of the Fund Administrator in the case of financial assistance to children/families of distressed OFWs in the Philippines.

ARTICLE IV FORMS AND SCOPE OF ASSISTANCE

Section 1. Forms of Assistance. The Fund shall provide legal and other forms of assistance to OFWs as mandated by Section 14, RA 11641. These forms of assistance include:

- a. **Legal assistance** to any OFW in distress, who is a party to a civil, criminal, labor or other dispute at the host country and who is unable to engage the services of a private counsel in a country where there is no system of legal aid or public defenders nor access to counsel de officio or any lawyer provided by the host government.



The MWO shall be authorized to retain the services of a lawyer or law firm and shall determine the authorized amount of legal fees, scope of services and other pertinent matters relative to the legal representation for and in behalf of the OFWs in distress.

Legal assistance may be in the form of referral or networking with lawyers, non-government organizations, and other service centers. The MWO is authorized to enter into partnership agreements in the provision of legal assistance.

Legal assistance shall include but shall not be limited to the following cases:

1. Those arising from an employer-employee dispute, immigration case, police case, or other analogous legal proceeding including, among others, an action for tort or civil damages, immigration detention, other detention by foreign government authorities or other legal proceedings necessary for the OFW in distress to enforce his or her right, protect his or her liberty, or seek redress for injury, as provided under the laws of the foreign host country, under international law or Philippine law;
 2. In criminal cases where the OFW in distress is charged with an offense punishable by death or life imprisonment;
 3. Trafficking in persons, while cases are pending, including assistance to their families, inclusive of reasonable costs for travel and expenses to and from countries or jurisdictions where trafficking occurs;
 4. In cases where both parties to a case are Filipinos, legal assistance shall be made available to the party who is on a prima facie basis aggrieved or has suffered an injustice, as may be evaluated and assessed by the MW Staff Officer or Welfare Officer and approved by the Migrant Worker Officer;
 5. Immigration cases for purposes of repatriation; and
 6. Other analogous cases subject to the evaluation and assessment of the MW Staff Officer and approval by the Migrant Worker Officer/Office of the Undersecretary for Foreign Employment and Welfare Services.
- b. Medical assistance** to OFWs in distress in connection with their examination, treatment, hospitalization, rehabilitation and repatriation;



- c. **Repatriation;**
- d. **Financial assistance** to the family and/or children of OFWs in distress with pending cases onsite, including families of victims of trafficking in persons;
- e. **Shipment and transport of human remains;**
- f. **Rescue and evacuation;** or
- g. Any other analogous intervention, including humanitarian assistance, to protect the rights, interests and welfare of the workers and their families who are living with the OFWs in distress at the host country, including families of victims of trafficking in persons during the pendency of such TIP cases.

ARTICLE V PROCEDURES FOR AVAILMENT

Section 2. Provision of Legal Assistance. The following procedures shall guide the provision of legal assistance to OFWs in distress.

a) Filing of application by OFWs in distress with the MWO

1. Filing of applications, inclusive of pertinent documents, may be done either in person or virtually, through email or through other forms of communication by the OFW in distress, with the MWO where the OFW is located.
2. The MW Staff Officer shall assess and evaluate the submitted application and submit his/her recommendation to the Migrant Worker Officer and the Undersecretary for Foreign Employment and Welfare Services within a period of three (3) days, unless the case of the OFW in distress requires extreme urgency.
3. Upon approval, the Migrant Worker Officer shall endorse the necessary legal assistance to the retained lawyer or law firm, and communicate the action taken to the requesting OFW in distress.
4. The accountable officer of the MWO shall prepare the necessary documentation for the payment of legal fees for approval by the Migrant Worker Officer.



b) Initiative by the MW Staff Officer

1. The MW Officer handling the case of an OFW in distress may recommend the provision of legal assistance to the Migrant Worker Officer. In applicable cases, the MW Staff Officer shall observe the guidelines on conciliation-mediation prior to such recommendation.
2. The period for evaluation by the MW Staff Officer shall be within three (3) days from receipt of the request for assistance (RFA), unless the case of an OFW in distress requires extreme urgent intervention.
3. Upon approval of the request, the Migrant Worker Officer in cases outside the Philippines or the Undersecretary for Foreign Employment and Welfare Services in cases within the Philippines, shall endorse the need for legal assistance to the retained lawyer or law firm, and communicate the action taken to the requesting OFW in distress.

c) Request for Assistance from Families Left Behind

1. Filing of requests for assistance may be done by the families left behind at the DMW or OWWA, either in person or through email or other forms of communication, inclusive of pertinent documents.
2. Within twenty-four (24) hours from receipt of the request for assistance, the DMW or OWWA officer shall transmit the request for assistance through official correspondence or email to the concerned MWO where the OFW in distress is located.
3. The period for evaluation by the MW Staff Officer shall be within three (3) days from receipt of the request for assistance (RFA), unless the case of an OFW in distress requires extreme urgent intervention.
4. Upon approval of the request, the Migrant Worker Officer in cases outside the Philippines and/or the Undersecretary for Foreign Employment and Welfare Services in cases within the Philippines, shall endorse the need for legal assistance to the retained lawyer or law firm, and communicate the action taken to the requesting OFW in distress.

d) Administration of Oath

To expedite the process in the preparation of supporting documents relative to the availment of the Fund for legal assistance, Migrant Worker Officers are authorized to administer oaths free of charge.



Section 3. Medical Assistance and Repatriation of Physically or Mentally Ill OFWs in distress. The following procedures shall be followed in providing medical assistance to OFWs in distress and/or facilitate their repatriation when warranted.

1. The MW Staff Officer or Welfare Officer receives the request for medical assistance or repatriation of the physically or mentally ill OFW. The request may come from the OFW, NOK or other referring client, either in person, through email or other forms of communication.
2. The MW Staff Officer or Welfare Officer shall evaluate the request and report his or her recommendation to the Migrant Worker Officer within three (3) days from receipt of the RFA. The action taken shall be communicated accordingly to the requesting party.
3. Upon receipt of the report, the Migrant Worker Officer shall refer the OFW in distress to the appropriate medical institution for assistance and treatment. The MW Officer or Welfare Officer shall conduct hospital or home visitations and monitor the condition of the OFW in distress.
4. In the event that the LRA or employer will not shoulder the medical bills of the OFW in distress and in instances when the OFW in distress is no longer covered by mandatory insurance under Republic Act No. 8042, as amended by Republic Act No. 10022 and other applicable health insurance arrangements at the host country, or by a Collective Bargaining Agreement, or pursuant to the provisions of the Maritime Labor Convention, International Guidelines on Medical Repatriation, or Flag State or Port State regulations, the MW Staff Officer or Welfare Officer shall recommend that the said costs be charged to the AKSYON Fund.
5. Once a fit to travel clearance has been issued by the attending physician in the host country, the MW Staff Officer or Welfare Officer shall coordinate with the LRA or employer to facilitate the issuance of the exit visa, plane ticket and other expenses related to the medical repatriation of the OFW in distress, such as but not limited to oxygen installation, stretcher cases, medical escort and ambulance conduction.
6. In the event that the LRA or employer is uncooperative or refuses to shoulder the costs of the medical repatriation, the MW Staff Officer or Welfare Officer shall recommend to advance the said costs using the AKSYON Fund to the Migrant Worker Officer, for the latter's endorsement to the Undersecretary for Foreign Employment and Welfare Services, subject to reimbursement of the costs by the LRA or employer and the imposition of appropriate administrative sanctions against the LRA or employer before the DMW.
7. Any costs pertaining to medicine, use of medical devices or equipment, laboratory fees, and transportation going to and from the hospital onsite, and



related fees in connection with the post repatriation of physically or mentally ill OFW in distress shall be covered by the AKSYON Fund.

In the event that a physically or mentally ill and repatriated OFW in distress requires hospitalization in the Philippines, the OFW shall be endorsed to the Inter-Agency Medical Repatriation Assistance Program (MRAP) through the Department of Health (DOH).

Section 4. Regular Repatriation of OFW in distress with their personal effects

1. The MW Staff Officer or Welfare Officer receives the request for repatriation from the OFW in distress, the NOK or other referring client, either in person, through email or other forms of communication.
2. The MW Staff Officer or Welfare Officer shall evaluate the request and report his or her recommendation to the Migrant Worker Officer within three (3) days from receipt of the RFA, unless the case of the OFW in distress requires extreme urgency. The action taken shall be communicated accordingly to the requesting party.
3. Upon receipt of the report, the Migrant Worker Officer shall inform the LRA and employer on the request for repatriation in order to facilitate the processing of the required travel documents, such as the exit visa, immigration documents and plane ticket.
4. In the event that the LRA or employer is uncooperative or refuses to issue the required plane ticket or shoulder the costs of repatriation, the MW Staff Officer or Welfare Officer shall recommend to advance the said costs using the AKSYON Fund to the Migrant Worker Officer for endorsement to the Undersecretary for Foreign Employment and Welfare Services, subject to reimbursement of the costs by the LRA or employer and the imposition of appropriate administrative sanctions against the LRA or employer before the DMW.

Section 5. Transport of shipment of human remains of the OFW in distress

1. The MW Staff Officer or Welfare Officer receives the request for repatriation of the remains of the OFW in distress from the NOK or a referring party, either in person, through email or other forms of communication.
2. The MW Staff Officer or Welfare Officer shall evaluate the request and report his or her recommendation to the Migrant Worker Officer within three (3) days from receipt of the RFA. The action taken shall be communicated accordingly to the requesting party.



3. After verifying the location and other conditions relative to the human remains of the OFW in distress, and after obtaining appropriate clearances from the host country, the MW Staff Officer or Welfare Officer shall coordinate with the LRA or employer and the NOK for the latter's submission of the letter of acceptance and other pertinent documents to the DMW.
4. The Migrant Worker Officer shall direct the LRA or employer to facilitate the repatriation of the human remains of the OFW in distress, including his or her personal effects and domestic transfer to the residence of the receiving NOK.
5. In the event that the LRA or employer is uncooperative or refuses to shoulder the costs of repatriation of human remains of the OFW in distress to the residence of the receiving NOK, including transport of his or her personal effects, the MW Staff Officer or Welfare Officer shall recommend to shoulder the costs of repatriation using the AKSYON Fund to the Migrant Worker Officer for endorsement to and to the Undersecretary for Foreign Employment and Welfare Services, subject to the reimbursement of costs from the LRA or employer, if applicable, and the imposition of appropriate administrative sanctions against the LRA or employer before the DMW.
6. The funeral, cremation and other related expenses pertaining to deceased OFWs in distress shall be charged to the AKSYON Fund.

Section 6. Financial assistance for families and/or children of OFWS in distress with pending cases onsite.

a. Qualifications and Procedure

Families and/or Children of OFWs in distress with pending cases onsite shall be provided financial assistance, subject to the following conditions:

1. The Financial Assistance shall be Ten Thousand Pesos (Php10,000.00) for one (1) child each from a qualified OFW in distress with a pending case onsite.
2. The beneficiary, who must be below 20 years of age at the time of the availment of the financial assistance, must be a child or dependent of the OFW in distress.
3. For funding purposes, all MWOs shall submit a master list of qualified dependents to the DMW for indorsement to the respective Regional Offices.
4. The Regional Offices shall evaluate the indorsed master list of qualified dependents together with other related documents and submit their recommendations to the Undersecretary for Foreign Employment and Welfare Services for approval.



5. The financial assistance payment shall be in the form of cash, check, or other allowable remittance channels.

ARTICLE VI MONITORING, EVALUATION AND REPORTORIAL REQUIREMENT

Section 7. Reporting. The MWOs shall submit daily reports on the number of processed and approved applications and the amounts of legal and other forms of assistance provided, among others, to the MWOOB.

Section 8. Monitoring and Evaluation. All reports shall be consolidated and evaluated by the MWOOB and shall be submitted to the Secretary of DMW through the Undersecretary for Foreign Employment and Welfare Services who shall provide a written report to the Secretary on the implementation of this Guidelines every thirty (30) days or as may be deemed necessary by the Secretary.

ARTICLE VII FUND SOURCE

The AKSYON Fund shall be sourced from the General Appropriations Act to provide assistance to OFWs in distress at Foreign Services Posts where MWOs have been established and staffed, subject to the usual accounting and auditing rules and regulations.

Every MWO shall be allocated a revolving fund from the AKSYON Fund to immediately address requests for assistance of OFWs in distress. In excess of the amount allocated, the Migrant worker Officer shall recommend approval of the additional funding to the DMW Secretary, through the Undersecretary for Foreign Employment and Welfare Services.

ARTICLE VIII RULE-MAKING AUTHORITY

The Secretary of the Department of Migrant Workers may, after due consultation with stakeholders, issue circulars or issuances to further elaborate or implement Section 14 of R.A. No. 11641.



**ARTICLE IX
MISCELLANEOUS PROVISIONS**

Section 9. Repealing Clause. All other laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Guidelines are hereby repealed or modified accordingly.

Section 10. Separability Clause. Should any provision herein be subsequently declared unconstitutional, the same shall not affect the validity or legality of the other provisions.

Section 11. Effectivity. This Guidelines shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation and the filing of three (3) certified copies with the University of the Philippines Law Center – Office of the National Administrative Register.

Approved this 27 day of FEBRUARY 2023.


MARIA SUSANA W. OPLE
Secretary

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