



Republic of the Philippines
Department of Finance
INSURANCE COMMISSION
1071 United Nations Avenue
Manila

**REPATRIATION INSURANCE OF THE
MIGRANT WORKERS FROM LIBYA**

The Insurance Commission (Commission) addresses the issue of whether or not the repatriation cost of the migrant workers repatriated from Libya may be covered by the Compulsory Insurance Coverage for Agency-Hired Overseas Filipino Workers (OFW) under Republic Act (RA) No. 10022.

Below are the applicable laws and discussion that will help clarify the issue.

Republic Act No. 10022, Section 23, (d):

“Repatriation cost of the worker when his/her employment is **terminated without any valid cause**, including the transport of his/her personal belongings. In case of death, the insurance provider shall arrange and pay for the repatriation or return of the worker’s remains.”

The Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act, Rule XVI, Section 1 (d):

“Repatriation cost of the worker when his/her employment is **terminated by the employer without any valid cause, or by the employee with just cause**, including the transport of his/her personal belongings.”

The Insurance Guidelines on Rule XVI of the Omnibus Rules and Regulations, Guideline VII (d):

“Repatriation cost of the worker when his/her employment is **terminated by the employer without any valid cause, or by the employee with just cause**, including the transport of his/her personal belongings.”

Labor Code of the Philippines

Art. 285. Termination by employee.

a) x x x

b) An employee may put an end to the relationship without serving any notice on the employer for any of the following just causes:

1. Serious insult by the employer or his representative on the honor and person of the employee;
2. Inhuman and unbearable treatment accorded the employee by the employer or his representative;

3. Commission of a crime or offense by the employer or his representative against the person of the employee or any of the immediate members of his family; and

4. **Other causes analogous to any of the foregoing.**

Based on the above provisions of the law, the Commission resolved that the repatriation cost for the OFWs from Libya is not covered by the compulsory insurance coverage.

For the insurance coverage to respond, the repatriation must be due to termination of employment by the employer without any valid cause or by the employee with just cause.

This is not the case, however, for the OFWS from Libya since the termination of their employment is due to the heavy fighting between rival militias which prompted the Philippine government to call for their mandatory repatriation. The insurance policy contract does not expressly cover this situation. Furthermore, this cause for repatriation is not contemplated under the coverage of RA 10022.

First of all, it is a not a termination caused by the employer without a valid cause. In addition, if the employment was terminated by the employee, it is not considered as the "just cause" intended by the law. Article 285 (b) of the Labor Code of the Philippines enumerated the instances where the employee may terminate with just causes his/her employment with the employer. These instances clearly pertain to an employer-employee relationship where the employer commit unjust acts giving the employee justifiable reasons to terminate the employment. "**Other causes analogous to any of the foregoing**" should be of the same nature as those enumerated in article 285 (b) of the Labor Code, that is, it should be within an employer-employee relationship and the employer committed acts which are unjust or harmful to the employee. In this case, the political unrest and unsafe conditions in Libya which caused the termination of employment are extraneous matters beyond an employer-employee relationship. Hence, the resulting repatriation cannot be covered in the Compulsory Insurance Coverage for Migrant Workers.

It was agreed by the majority of the concerned insurance providers that they are willing to offer, as financial assistance, the minimum amount of P5,000, however, it shall be considered as an isolated case.


EMMANUEL F. DOOC
Insurance Commissioner