


FOURTEENTH CONGRESS OF THE)
Republic of the Philippines)
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SENATE

RECEIVED BY: 

P.S. Resolution No. 1024

Introduced by Honorable Senator JINGGOY EJERCITO ESTRADA

A RESOLUTION DIRECTING THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, IN CONNECTION WITH THE PLIGHT OF THE WOKERS RECRUITED BY H.M.O. INTERNATIONAL HUMAN RESOURCES AND SML HUMAN RESOURCES INC.TO WORK FOR JASSIM DECORATION AND SERVICES COMPANY IN DOHA, QATAR ALLEGEDLY VICTIMS OF CONTRACT SUBSTITUTION BY THEIR EMPLOYER AND TO LOOK INTO THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA) IN ITS NEGLIGENCE TO CURTAIL THE PRACTICE OF CONTRACT SUBSTITUTION BY AGENCIES AND EMPLOYERS TO THE DETRIMENT OF THE OVERSEAS FILIPINO WORKERS

WHEREAS, it is the policy of the State to protect the rights of workers and promote their welfare as labor is the State's primary social economic force;

WHEREAS, Section 6 paragraph (i) of RA No. 8042, "Migrant Workers and Overseas Filipinos Act of 1995", defines illegal recruitment as acts "...including... to substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the DOLE...";

WHEREAS, Mr. Larry C. Canlas, from Candaba, Pampanga was recruited by the H.M.O. International Human Resources to work as tile setter in Doha, Qatar after paying P15,000 placement fee as down payment and to pay the P15,000 by salary deduction;

WHEREAS, on January 1, 2009, upon his arrival in Qatar, his employer, Jassim Decoration and Services Company brought him to another company, Mosaic Construction and Contracting Co. and informed him that his salary is per production basis contrary to the employment contract which indicates a QR 1,500 monthly salary;

WHEREAS, after two (2) weeks, he decided to stop working and he went to the Philippine Embassy and the Philippine Overseas Labor Office (POLO) to seek help regarding his employment status;

WHEREAS, he was advised report to the Ministry of Labor which decided to repatriate him back provided he shoulders his air ticket;

WHEREAS, on February 12, 2009, at the OWWA Office in Doha, Qatar he was made to sign a waiver that he will not file complaints against H.M.O. International Human Resources and he came home on April 10, 2009;

WHEREAS, Mr. Edwin D. Anonuevo from Batangas City, signed an employment contract which guarantees him a basic salary of US\$ 460 and this was reflected in his Overseas Employment Certificate (OEC) issued by the Philippine Overseas Employment Administration (POEA);

WHEREAS, he was instructed by H.M.O. International Human Resources, his recruiter that his placement fee costs P41,000 to be paid in installment basis and through salary deduction to be remitted through a bank designated by his recruiter;

WHEREAS, he was made to sign a job offer which indicated that his salary will be based on production and when he asked for a contract, his recruiter informed him that he will be given in Manila;

WHEREAS, the recruitment agency sent Mr. Anonuevo a PDOS and a PDOS certificate under Panorama Window Films as his employer and he will work as a plumber instead of tile setter and when he questioned this, he was told that this was the only way to expedite facilitation of his deployment;

WHEREAS, he left for Qatar on November 10, 2009 and upon arriving there, he asked for his contract but that he was informed by Jassim Decorations and Services Co. that there was no need as he has already signed a job offer;

WHEREAS, after a month in Qatar, he received on QR800 instead of US\$460 and a deduction of QR350 for food was taken from the QR800;

WHEREAS, Mr. Nelson M. Ebreo, from Mauban, Quezon is recruited by SML Human Resources Inc. and his employer in Qatar is ZAK International Qatar WLL which will pay him US\$430 per month;

WHEREAS, upon arrival in Doha, Qatar on November 11, 2008, he learned that his sponsor is Jassim Decorations and Services Co. and that his salary would be based on production;

WHEREAS, he was only paid QR800 per month instead of US\$430 contrary to what was stipulated in the OEC;

WHEREAS, because of this contract substitution, he decided to stop working and informed his employer that he wanted to go back to the Philippines and the latter told him that he can only go home upon payment of US\$1,000; otherwise, he would be imprisoned;

WHEREAS, he went to the Philippine Overseas Labor Office (POLO) and Overseas Workers Welfare Office Administration (OWWA) and he was made to sign a waiver that he cannot file complaints against his employer or agency and that his passport was turned over to the Criminal Investigation Department (CID);

WHEREAS, he was instructed to go through a deportation process and on April 9, 2009 he and other colleagues were deported to the Philippines.

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved that the Senate directs the Committee on Labor, Employment and Human Resources Development to conduct an inquiry, in aid of legislation, in connection with the plight of the workers recruited by H.M.O. International Human Resources and SML Human Resources Inc., to work for Jassim Decoration and Services Company in Doha, Qatar allegedly victims of contract substitution by their employer and to look into the Philippine Overseas Employment Administration (POEA) in its negligence to curtail the practice of contract substitution by agencies and employers to the detriment of the Overseas Filipino Workers.

Adopted,


JINGGOY EJERCITO ESTRADA
Senator