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SENATE

P.S. Resolution No. 1025

RECEIVED BY: 

Introduced by Honorable Senator JINGGOY EJERCITO ESTRADA

A RESOLUTION DIRECTING THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES MANAGEMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, IN CONNECTION WITH THE PLIGHT OF THE FIFTY (50) OVERSEAS FILIPINO WORKERS (OFWs) IN LIBYA, ALLEGEDLY VICTIMS OF CONTRACT SUBSTITUTION AND LABOR MALPRACTICES BY THEIR EMPLOYER AND THE APPARENT NEGLIGENCE BY THE LABOR ATTACHE AND WELFARE OFFICER, AND RECOMMEND MEASURES THEREOF INCLUDING THE CANCELLATION OF THE LICENSE OF THE RECRUITMENT AGENCIES INVOLVED AND THE RECALL OF THE LABOR ATTACHE AND WELFARE OFFICER GUILTY OF NEGLIGENCE

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 2 paragraph (b) of RA No. 8042, "Migrant Workers and Overseas Filipinos Act of 1995", states that it is the policy of the state "to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment for all. Toward this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers;

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, Section 23 of RA 8042 mandates the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA), respectively, to extend immediate assistance including repatriation of distressed or beleaguered migrant workers, to see to it that labor and social welfare laws in the foreign countries are fairly applied to migrant workers, and to formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration and their welfare and the domestic human resource requirements;

WHEREAS, on March 14, 2009, Migrante-Middle East received a letter from fifty (50) OFWs deployed in Libya complaining of contract substitution and labor malpractices, such as poor living conditions, inhumane and prison-like treatment by their employer – the M/s CIFI World;

WHEREAS, the said OFWs allege that before their departure at the Ninoy Aquino International Airport (NAIA), they were forced by their respective recruitment agencies to sign new contracts stipulating a salary of US\$300 for 12 hours a day, 6 days a week work – departure from the original contract of US\$ 420 for 8 hours a day, 6 days a week work;

WHEREAS, upon receipt of the complaints, Migrante-Middle East sent a letter to the respective recruitment agencies of the complainants demanding action on the complaints; such letter was copy furnished to Labor Attache Nasser Mustafa, POEA Administrator and DOLE Secretary;

WHEREAS, on March 28, 2009, Labor Attache Nasser Mustafa and Welfare Officer Robert Baccig, both assigned in Libya, met with the complainants and representatives of the respondent employer - M/s CIFI World;

WHEREAS, the complainants allege that the Labor Attache and the Welfare Officer only served as spokespersons of the respondent employer, defending the stipulations of the substitute contracts and completely neglecting their duties to protect the rights of the OFWs;

WHEREAS, aside from the fifty (50) complaining OFWs, forty nine (49) other OFWs in Libya have run away from their respective employers with some lodging similar complaints to the Office of the Labor Attache Mustafa and Welfare Officer Baccig; and thirteen (13) of the 49 runaway OFWs have been repatriated;

WHEREAS, Sharikat Al-Saide International Manpower Services deploys most of the more than three hundred (300) OFWs of M/s CIFI World in Libya, and should therefore be called to answer the complaints of the OFWs

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved that the Senate directs the Committee on Labor, Employment and Human Resources Management to conduct an inquiry, in aid of legislation, in connection with the plight of the fifty (50) Overseas Filipino Workers (OFWs) in Libya, allegedly victims of contract substitution and labor malpractices by their employer and their apparent neglect by the Labor Attache and Welfare Officer, and recommend measures thereof including the cancellation of the license of the recruitment agencies involved and the recall of the Labor Atache and Welfare Officer guilty of negligence.

Adopted,


JINGGOY EJERCITO ESTRADA
Senator