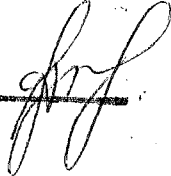


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

04 JUN 20 P 1 55

SENATE

RECEIVED BY: 

S.B. No. 158

Introduced by SENATOR LUISA "LOI" P. EJERCITO ESTRADA

EXPLANATORY NOTE

Deregulation appears to be the buzzword in today's economic and socio-political arena. In fact, it is singled out as the key element in maximizing the potentials of a free market economy, under democratic setting and conditions.


Certainly, deregulation, as not a few experts have pointed out, should be pursued extensively for too much state regulation stifles economic growth as it discourages private sector participation in economic initiatives. Regulation, they say, is among the major reasons for the country's failure to attract major investments both here and abroad.

Unfortunately, the benefits of deregulation could not fully be realized and actualized in our country. Given the flaws in our legal and political systems, private enterprises use deregulation instead as a means ironically to monopolize instead of liberalize, and abuse instead of encourage growth of industries.

Such is the case of our overseas employment recruitment industry. With the enactment of R.A. 8042, a.k.a. the "Migrant Workers and Overseas Filipinos Act of 1995," providing for deregulation as a matter of policy, noting that migration of workers should strictly be a matter between the worker and his foreign employers, many of our overseas employees have been abused and made to go through unjust labor conditions. While it may - albeit no reliable empirical data could confirm this - have resulted into intensified recruitment of Filipino workers as more and more foreign companies are encouraged to hire locals on account of less government interference, deregulation has crippled the government in terms of providing ample protection to our employees against any possible form of labor abuse.

In order to address this issue, the proposed measure aims to abolish deregulation in the area of overseas employment and provide instead a reasonable amount of government regulation in order to guarantee that our overseas employees are at all times protected, their welfare upheld and their interests promoted.

Hence, immediate passage of this proposed measure is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P1:55

SENATE

S.B. No. 158

RECEIVED BY: 

Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

AN ACT

STRENGTHENING THE REGULATORY FUNCTIONS OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA) AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress Assembled:

SECTION 1. Section 23, paragraph (b.1) of Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995" is hereby amended to read as follows:

"(b.1) Philippine Overseas Employment Administration - [Subject to deregulation and phase-out as provided under sections 29 and 30, herein] The Administration shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also 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 their welfare and the domestic manpower requirements."

SEC. 2. Section 29 of the same law is hereby repealed.

"[Sec. 29. Comprehensive Deregulation Plan on Recruitment Activities.- Pursuant to a progressive policy of deregulation whereby the migration of workers becomes strictly a matter between the worker and his foreign employer, the DOLE, within one (1) year from the effectivity of this Act, is hereby mandated to formulate a five-year comprehensive deregulation plan on recruitment activities taking into account labor market trends, economic conditions of the country and emerging circumstances which may effect the welfare of migrant workers.]

SEC. 3. Section 30 of the same law is hereby repealed.

"[Sec. 30. Gradual phase-out of Regulatory Functions Within a period of five (5) years from the effectivity of this Act, the DOLE shall phase-out the regulatory functions of the POEA pursuant to the objectives of deregulation.]"

SEC. 4. All laws, orders, issuances, rules or regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 5. This Act shall take effect within fifteen (15) days after its publications in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,