

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



Senate
Office of the Secretary

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SENATE
P. S. R. No. 484

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Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON PROTECTING THE FILIPINO LABOR FORCE FOR THE OPENING OF THE ASEAN LABOR MARKET ON 2015, CONSIDERING THE REPORTED PRESENCE OF ILLEGAL CHINESE MIGRANT WORKERS IN THE PHILIPPINES

WHEREAS, the Constitution, Article 2, Section 18 provides: "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare";

WHEREAS, the Constitution, Article 12, Section 12 provides further: "The State shall promote the preferential use of Filipino labor, domestic materials and locally produced goods, and adopt measures that help make them competitive";

WHEREAS, the Constitution, Article 13, Section 3, paragraph 1 also provides: "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all";

WHEREAS, on 31 December 2013, the *Manila Bulletin* reported that according to the National Statistics Office, the unemployment rate in 2013 was estimated at 7.3 percent translating to 3 million unemployed Filipinos;

WHEREAS, among the three million unemployed, a substantial percentage of jobless skilled workers could fill in technical position and manual labor in the construction industry;

WHEREAS, on 3 February 2014, the *Philippine Star* reported a statement from Trade Union Congress of the Philippines (TUCP) Executive Vice President Gerard Seno, which alleged the strong presence of thousands of Chinese workers in construction sites in Bataan and Batangas in 2013;

WHEREAS, Seno clarified that the TUCP, the country's largest labor group, is not entirely against the entry of foreign workers to the country, and supports the proposal of the DOLE to ease the rules on entry of foreign workers to address manpower shortages;

WHEREAS, Seno reportedly said that the TUCP is not telling them (foreign workers) that they are unwelcome, and is just advising them to go through the regular process so that they can also be protected if it is proven that no Filipino workers are qualified to the position they are applying for;

WHEREAS, Seno reportedly warned that the apparent unregulated entry of foreign workers may further worsen when the establishment of an ASEAN economic community takes effect on 2015;

WHEREAS, according to the report, the ASEAN economic community will pave the way for free movement of professionals in 10 ASEAN countries, but Seno said Filipino workers are still unprepared to compete with foreign workers;

WHEREAS, according to Seno, the TUCP has received information that the country's construction industry is still not ready for the ASEAN economic community;

WHEREAS, Seno also claimed that the Department of Labor and Employment maintained that the government is making the necessary preparations to ensure Filipino professionals are prepared for the opening of the ASEAN labor market;


WHEREAS, these undocumented illegal Chinese workers that enter the Philippines without work permit compete with unemployed Filipino domestic laborers in their homeland;

WHEREAS, the Labor Code of the Philippines under Book 1, Title 2, Article 40 on Employment of Non-Resident Aliens provides: "Any alien seeking admission to the Philippines for employment purposes and any domestic or foreign employer who desires to engage an alien for employment in the Philippines shall obtain an employment permit from the Department of Labor";

WHEREAS, the entry of foreign workers without valid working permit violates both our Constitution and the Labor Code of the Philippines;

WHEREFORE, BE IT RESOLVED BY THE PHILIPPINE SENATE to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on protecting the Filipino labor force for the opening of the ASEAN labor market on 2015, considering the reported presence of illegal Chinese migrant workers in the Philippines.

Adopted,


MIRIAM DEFENSOR SANTIAGO

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