

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



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SENATE  
P. S. R. No. 749

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID  
OF LEGISLATION, ON 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 three million unemployed Filipinos;

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

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

WHEREAS, it was alleged that the number of illegal Chinese workers in the Philippines reached thousands;

WHEREAS, Seno reportedly said that there are millions of jobless Filipinos and that he suspected that the Chinese workers only left the country after the Department of Labor and Employment ordered an investigation;

WHEREAS, Seno reportedly noted that the Chinese workers appeared to have entered the country illegally through the backdoor and did not go through regular procedures;

WHEREAS, Seno claimed that the apparent unregulated entry of foreign workers may worsen when the establishment of an ASEAN economic community takes effect next year;

WHEREAS, Seno likewise alleged that the TUCP has received information that our country's construction industry is still not yet ready for the economic community;

WHEREAS, the report also said that according to Seno, TUCP is not against the entry of foreign workers; however, the organization want these foreigners to go through the regular channels;

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 permits violates both our Constitution and the Labor Code of the Philippines;

WHEREAS, these undocumented illegal Chinese workers that enter the Philippines compete with unemployed Filipino domestic laborers in our homeland;

WHEREAS, it is thus imperative for the government to ensure that Filipinos are prioritized in the country's labor market, such that harsher penalties and stricter measures should be imposed on companies that circumvent the law on hiring illegal aliens;

WHEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, by the Philippine Senate, to direct the proper Senate committee to conduct an inquiry in aid of legislation, on the reported presence of illegal Chinese migrant workers in the Philippines.

Adopted,

*act*   
MIRIAM DEFENSOR SANTIAGO

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