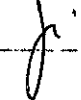


SIXTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session

15 APR 13 P5:35

Senate  
P.S. Resolution No. 1266

RECEIVED BY: 

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Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

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**RESOLUTION**

***DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY,  
IN AID OF LEGISLATION, ON THE DEATH PENALTY CASES INVOLVING OVERSEAS  
FILIPINO WORKERS AND THE DELAY IN THE DISPOSITION OF OVERSEAS-RELATED  
CASES, PARTICULARLY ILLEGAL RECRUITMENT AND TRAFFICKING***

**Whereas**, under Republic Act No. 8042 otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995, it is a declared policy of the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular. Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any persons by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, documented or undocumented, are adequately protected and safeguarded;

**Whereas**, in its effort to protect the overseas Filipino workers (OFWs), the Philippine government is committed to ensure accountability to and representation of migrant workers. According to the Department of Foreign Affairs, there are at least 805 Filipinos facing drug-related cases worldwide (as of September 2014). Most of the cases are in Asia at 341, 244 in the Middle East and Africa and 116 in the United States, and 104 in Europe;

**Whereas**, based on data by the DFA, 45 OFWs are on death row, but their death sentences are not yet final as the cases are on various stages of appeal. The common occurrence is they get arrested and undergo investigation and trial without any representation or legal counsel from the embassy. Because of this, they are deprived of due process and go straight to jail without any legal assistance or intervention from the Philippine government;

**Whereas**, from January 2011 to August 2012, only 196 OFWs have received help from the DFA's legal assistance fund and attributed this to the limitations under Sections 18 and 19 of Republic Act No. 10022 which amends the Migrant Workers and Overseas Filipinos Act of 1995." The Legal Assistance Fund shall be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress in accordance with the guidelines, criteria and procedures promulgated in accordance with the law. The expenditures to be charged against the Fund shall include the fees for the foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing charges or in filing cases against erring or abusive employers abroad, bail bonds to secure the temporary releases and other litigation expenses;

**Whereas**, funds for legal assistance for OFWs in distress have been slashed since 2010, even if at least P52 million in legal funds for OFs were unused since 2011. On the other hand, from 2010 to 2014, the average OFW remittances per year amount to \$22 billion according to the Bangko Sentral ng Pilipinas (BSP). Based on news reports, Foreign

Affairs Secretary Albert del Rosario said that only P7.8 million (\$174,000) of the P60-million legal assistance fund (\$1.34 million) (LAF) available for 2012 was utilized. The average annual combined budget of the DFA and Department of Labor and Employment (DOLE) for the protection of OFWs is only \$202 million. The annual budget allotted for the protection of OFWs is no even one percent of the total remittances they send each year;

**Whereas**, several studies had been conducted to address the problems of migrant workers. Countries of destination should consider providing technical and financial assistance in capacity-building projects. They also should consider developing mechanisms to protect the welfare of temporary workers by signing bilateral agreements or memorandums of understanding (MOUs) with countries of origin that explicitly address workers' protection. Although the Philippines has signed 12 bilateral agreements with destination countries, these MOUs and agreements are merely generalities and guidelines on migrant workers; they do not give bases for enforcing compliance on wages and other terms of employment<sup>1</sup>.

**Whereas**, there is a need to review the existing rules and regulations in order to protect migrant domestic workers. The government agencies concerned should be able to provide better recruitment regulation and improve the working conditions of the migrant workers. Moreover, it is crucial to provide legal aid and representation to distressed overseas Filipino workers. To this end, the government will be able to improve labor migration policies, administration and practices;

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved to direct the appropriate Senate committees to conduct an inquiry, in aid of legislation, on the death penalty cases involving overseas Filipino workers and the delay in the disposition of overseas-related cases, particularly Illegal Recruitment and Trafficking.

Adopted,



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<sup>1</sup> Stella P. Go, "Recent Trends in International Movements and Policies: The Philippines," Paper prepared for the Workshop on International Migration and Labour Markets in Asia, February 17, 2006, Japan Institute for Labour Policy and Training (JILPT), Tokyo, Japan, 5-6.