

13TH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
1ST REGULAR SESSION

'04 JUN 30 P10:23

SENATE
S.B. No. **1184**

RECEIVED BY: 

INTRODUCED BY SENATOR RAMON B. MAGSAYSAY, JR.

EXPLANATORY NOTE

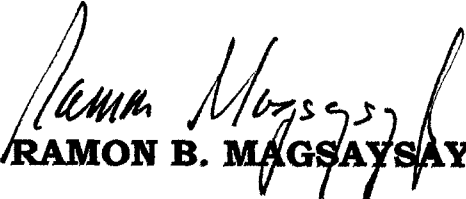
This Bill seeks to amend Section 29 and 30 of Republic Act No. 8042 otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995.

1995, Flor Contemplacion and Delia Maga were simple Filipinas whose zest in life is anchored on having a comfortable life for them and their respective children. The grim picture, however, of their demise were insignias that triggered a call for greater protection and humane treatment of our migrant workers. Responding to the strong public clamor, the Philippine Congress enacted Republic Act 8042 otherwise known as Migrant Workers and Overseas Filipinos Act of 1995, "An act to institute the Policies of Overseas Employment and establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, their Families and Overseas Filipinos in Distress and for other purposes."

The statute mandates under Section 29 and 30 thereof of five year comprehensive deregulation plan and that DOLE shall gradually phase-out the regulatory function of POEA within five years from the effectivity of the law pursuant to the objectives of deregulation.

The continuing rise of employment intermediaries worldwide, the present state of our economy, and the emerging circumstances which affect the welfare of migrant workers all tend to impede the progress of deregulatory. Noteworthy to mention are the consistent increase in the number of our countrymen working overseas, the feminization of the OFW sector, the upsurge of vulnerable skills overseas, the perennial problem of illegal recruitment, welfare case and recruitment violation as well as the seeming indifference of OFW's. Apparently, deregulation and the eventual phase-out of the regulatory function of POEA are matters that cannot be enclosed within a fixed frame but rather can only be undertaken cautiously and progressively in fitting with the circumstances of the times. It should be stressed that the bottom line of regulation is the promotion of the welfare of our OFW's. An untimely phase-out of the regulatory function of the POEA will constitute a virtual abandonment of OFW protection in contravention of the overall intention of RA 8042.

Based on these premises, the prompt approval of this bill is most earnestly sought.


RAMON B. MAGSAYSAY, JR.

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**AN ACT
AMENDING SECTION 29 AND 30 OF REPUBLIC ACT NO. 8042
OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS
FILIPINO ACT OF 1995**

*Be it enacted by the Senate and House of Representative of the Philippines
in congress assembled;*

Section 1. Section 29 of Republic Act No. 8042 is hereby amended
to read as follows;

*“Section 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) from the effectivity of this Act]
is hereby mandated to [formulate] **UNDERTAKE** a [five year]
comprehensive deregulation [plan on] of recruitment activities taking into
account labor market trends, economic conditions of the country, **HUMANE
PROTECTION AND CONDUCTIVE CONDITIONS FOR LABOR FOR LABOR
PROMOTION** and emerging circumstances which may affect the welfare of
migrant workers.*

Section 2. Section 30 of the Republic Act No. 8042 is hereby
amended to read as follows:

*Section 30. [Gradual Phase-out] **STREAMLINING** of regulatory
functions-[Within a period of five (5) years from the effectivity of this Act]
The DOLE shall streamline the regulatory functions of the POEA pursuant
to the objectives of deregulation.”*

Section 3. The Department of Labor and Employment in
coordination and consultation with the representatives of the recruitment
agencies representing the private sector and the Filipino contract
workers shall issue the necessary rules and regulation to effectively
implement the comprehensive deregulation of recruitment activities.

Section 4. Effectivity---This Act shall take effect fifteen (15) days
after its complete publication in the Official Gazette or in at least two (2)
newspapers of general circulation.

Approved