


'16 AUG 30 P 4:49

SENATE

P.S. Resolution No. 115

RECEIVED BY: 

Introduced by **Senator Cynthia A. Villar**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RECENTLY ADOPTED SCHEME OF REQUIRING FILIPINO APPLICANTS FOR EMPLOYMENT IN THE STATE OF KUWAIT TO UNDERGO MEDICAL EXAMINATION CONDUCTED EXCLUSIVELY THROUGH WINSTON Q8 CERTIFICATIONS SOLUTIONS, INC. (WINSTON Q8) AS PRE-REQUISITE FOR THE GRANT OF WORK VISA BY THE EMBASSY OF THE STATE OF KUWAIT IN THE PHILIPPINES, WHICH NOT ONLY EXPOSES OVERSEAS FILIPINO WORKERS TO ARBITRARY AND EXORBITANT EXPENSES BUT ALSO CONTRAVENES THE PROVISIONS OF THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED.

WHEREAS, according to Article XIII, Section 3 of the Philippines Constitution, it is a policy of the State to "*afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all;*"

WHEREAS, pursuant to the above-quoted constitutional provision, the State must see to it that those pursuing employment abroad are afforded full protection against unscrupulous entities or practices that make foreign employment inaccessible or too expensive for most Filipinos;

WHEREAS, the Philippines has an estimated 140,000 Overseas Filipino Workers (OFWs) in Kuwait, employed in various occupations;

WHEREAS, in 2014, based on the most recent Philippine Statistics Authority (PSA) survey results, around 70,000 OFWs were deployed to Kuwait to include professionals, skilled workers, and household service workers;

WHEREAS, on 8 August 2016, a new scheme was adopted requiring all Filipino job applicants desiring to work in Kuwait to undergo medical screening or tests to be exclusively conducted through Winston Q8 Certifications Solutions, Inc. (WINSTON Q8), which is a company organized under Philippine law, as a pre-requisite to grant of work visa by the Embassy of Kuwait;

WHEREAS, under this new scheme handled by WINSTON Q8, applicants for employment in Kuwait could only go to any of the seven (7) WINTON Q8-accredited medical clinics all located within Metro Manila, which means that applicants residing outside Metro Manila, especially in the Visayas and Mindanao, are being

discriminated as they are made to unduly endure the hardship and to bear high travel cost of going to Metro Manila instead of availing of the services of nearby Department of Health (DOH)-accredited medical clinics that could competently and efficiently administer medical screening;

WHEREAS, Filipino applicants have to shell out approximately P8,400.00 for their medical examination fees under the new WINSTON Q8 scheme, which is more than triple the standard amount of P2,580.00 being charged by existing medical clinics as regulated by the DOH¹;

WHEREAS, this new WINSTON Q8 scheme is perceived as an anti-OFW practice as it sets a bad precedent because other authorities, in processing the work and travel documents of OFWs being deployed to their respective countries, might follow this new model of *"creating their own cartel of medical clinics"*²;

WHEREAS, this WINSTON Q8 scheme is in direct contravention of Section 6, Republic Act (RA) No. 8042, as amended by RA No. 10022 or the "Migrant Workers and Overseas Filipinos Act of 1995", which in part provides:

"In addition to the acts enumerated above, it shall also be unlawful for any person or entity to commit the following prohibited acts:

- x x x -

"(4) Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo health examinations only from specifically designated medical clinics, institutions, entities or persons, except in the case of a seafarer whose medical examination cost is shouldered by the principal/shipowner; [emphasis supplied]

WHEREAS, WINSTON Q8 scheme likewise contravenes Section 23 of the "Migrant Workers and Overseas Filipinos Act of 1995", as amended, which expressly gave the DOH a role in the promotion of the welfare and protection of the rights of migrant workers and the duty to ensure that:

" (c.1) The fees for the health examinations are regulated, regularly monitored and duly published to ensure that the said fees are reasonable and not exorbitant;

" (c.2) The Filipino migrant worker shall only be required to undergo health examinations when there is reasonable certainty that he or she will be hired and deployed to the jobsite and only those health examinations which are absolutely necessary for the type of job applied for

¹ <http://www.rappler.com/move-ph/balikbayan/143135-winston-medical-screening-kuwait-ofws>
² *Ibid.*

or those specifically required by the foreign employer shall be conducted;

"(c.3) No group or groups of medical clinics shall have a monopoly of exclusively conducting health examinations on migrant workers for certain receiving countries;

"(c.4) Every Filipino migrant worker shall have the freedom to choose any of the DOH-accredited or DOH-operated clinics that will conduct his/her health examinations and that his or her rights as a patient are respected. The decking practice, which requires an overseas Filipino worker to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed";

- x x x – [emphasis supplied]

WHEREAS, a Senate inquiry is necessary in order to determine the correct government protocols to be established, possibly through legislation, that will protect Filipinos desiring to work abroad from being taken advantage of by entities that wish to profit from OFW applicants;

WHEREAS, it is also urgent to hold this inquiry in view of the current impasse where licensed recruitment agencies risk having their licenses suspended or cancelled by the POEA if they refer job applicants for employment in Kuwait to WINSTON Q8 exclusively for medical examination as doing so clearly violates Philippine law;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the recently adopted scheme of requiring Filipino applicants for overseas employment in the State of Kuwait to undergo medical examination conducted exclusively through Winston Q8 Certifications Solutions, Inc. (WINSTON Q8) as prerequisite for the grant of work visa by the Embassy of the State of Kuwait in the Philippines, which not only exposes the Overseas Filipino Workers to arbitrary and exorbitant expenses but also contravenes the provisions of Republic Act No. 8042, as amended by Republic Act No. 10022, or the *Migrant Workers And Overseas Filipinos Act of 1995*.

Adopted,



CYNTHIA A. VILLAR