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Senate of the Secretary

First Regular Session

23 MAR 20 P12:32

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SENATE

Committee Report No.  $\underline{56}$ 

Prepared and submitted by the Committees on Migrant Workers; and Foreign Relations on <a href="MAR 2 0 2023">MAR 2 0 2023</a>.

Re: Speech of Sen. Jinggoy Ejercito Estrada on the case of Jullebee Ranara, and P.S. Resolution No. 448

Recommending the Adoption of this Report and the Implementation of Its Recommendations

Sponsor: Senator Raffy Tulfo

#### MR. PRESIDENT:

The Committees on Migrant Workers and Foreign Relations, to which were referred the Privilege Speech of Sen. Jinggoy Ejercito Estrada delivered last 25 January 2023, on the tragic murder of Jullebee Ranara, a 35-year-old OFW based in Kuwait, *entitled*:

"Malupit na Sinapit sa Kuwait";

## and P.S. Resolution No. 448, authored by Sen. Tulfo, entitled:

## "RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY IN AID OF LEGISLATION TO REVISIT, RE-EXAMINE AND REVIEW THE EXISTING BILATERAL AGREEMENT AND STANDARD EMPLOYMENT CONTRACT GOVERNING OFWS IN KUWAIT, WITH THE END VIEW OF ESTABLISHING STRICTER POLICIES, PREVENTIVE MEASURES AND APPLICABLE SANCTIONS OR BAN IN THE DEPLOYMENT OF OFWS IN KUWAIT."

have considered the same and have the honor to submit this Report to the Senate and adopt recommendations contained therein.

## Respectfully submitted:

Chairpersons:

**SEN. IMEE R. MARCOS**Committee on Foreign Relations

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**SEN. RAFFY T. TULFO**Committee on Migrant Workers

Vice-Chairpersons:

SEN. JINGGOY EJERCITO ESTRADA

Committee on Migrant Workers Member, Committee on Foreign Relations

SEN. CHRISTOPHER LAWRENCE T. GO
Committee on Migrant Workers

Member, Committee on Foreign Relations

SEN. FRANCIS "TOI" N. TOLENTINO

Committee on Foreign Relations

Member, Committee on Migrant Workers

Members:

SEN. CYNTHIA A. VILLAR

Committee on Foreign Relations

**SEN. MARIA LOURDES NANCY S. BINAY** 

Committee on Migrant Workers Committee on Foreign Relations Committee on Foreign Relations

**SEN. GRACE POE** Committee on Foreign Relations

**ESCUDERO** 

SEN. FRANCIS "CHIZ" G.

Committee on Foreign Relations

SEN. RAMON BÖNG REVILLA, JR.

Committee on Migrant Workers Committee on Foreign Relations

**SEN. SONNY ANGARA** 

Committee on Migrant Workers Committee on Foreign Relations

SEN. ALAN PETER "Compañero" S. **CAYETANO** 

Committee on Migrant Workers

SEN. JOSEPH VICTOR G. EJERCITO

Committee on Migrant Workers Committee on Foreign Relations

AND AMMEDI SEN. RONALD "Bato" DELA ROSA

MAY INFERPELATE

Committee on Migrant Workers Committee on Foreign Relations

SEN. MANUEL "Lito" M. LAPID Committee on Migrant Workers Committee on Foreign Relations

SEN. ROBINHOOD C. PADILLA

Committee on Migrant Workers Committees on Foreign Relations SEN. WIN GATCHALIAN

Committee on Foreign Relations

SEN. RAMON BONG REVILLA, JR.

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SEA. GRACE POE

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SEN. SONNY ANGARA

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Committee on Foreign Relations

# SEN. ALAN PETER "Compañero" S. CAYETANO

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Committee on Migrant Workers Committee on Foreign Relations

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Committee on Migrant Workers Committee on Foreign Relations

SEN. ROBINHOOD C. PADILLA

Committee on Migrant Workers Committees on Foreign Relations

## **SEN. PIA S. CAYETANO**

Committee on Migrant Workers

#### **SEN. MARK VILLAR**

Committee on Migrant Workers Committee on Foreign Relations

SEN. RISA HONTIVEROS

Committee on Migrant Worker

Committee on Migrant Workers Committee on Foreign Relations

will interpellate.

Ex-Officio Members:

**SEN. LOREN LEGARDA** 

President Pro-Tempore

**SEN. JOEL VILLANUEVA** 

Majority Leader

SEN. AQUILINO "Koko" L. PIMENTEL III

Minority Leader

HON. JUAN MIGUEL F. ZUBIRI Senate President Senate of the Philippines Pasay City

Prie S. Cayrans will amend

Committee on Migrant Workers

SEN. MARK VILLAR

Committee on Migrant Workers Committee on Foreign Relations

SEN. RISA HONTIVEROS

Committee on Migrant Workers Committee on Foreign Relations

Ex-Officio Members:

SEN. LOREN LEGARDA
President Pro-Tempore

SEN. JOEL VILLANUEVA
Majority Leader

SEN. AQUILINO "Koko" L. PIMENTEL III
Minority Leader

HON. JUAN MIGUEL F. ZUBIRI Senate President Senate of the Philippines Pasay City

#### I. PREFATORY STATEMENT

On 25 January 2023, Senator Estrada delivered a Privilege Speech on the tragic murder of Jullebee Rana, a 35-year-old OFW based in Kuwait, entitled, "*Malupit na Sinapit sa Kuwait*".

On the same date, the Senate referred the Privilege Speech and the interpellations thereto to the Committees on Migrant Workers and Foreign Relations.

On 8 February 2023, P.S Resolution No. 448, authored by Senator Tulfo, was referred by the Senate in Plenary to the Committees on Migrant Workers and Foreign Relations.

The Resolution calls for an inquiry to revisit, re-examine and review the existing bilateral agreement and standard employment contract governing OFWs in Kuwait, with the end view of establishing stricter policies, preventive measures and applicable sanctions or ban in the deployment of OFWs in Kuwait.

#### II. COMMITTEES' ACTION

The Committees held a joint public hearing on 8 February 2023. The following were physically present during the hearing, and served as resource persons:

- 1. USEC. MARIA ANTHONETTE C. VELASCO-ALLONES, Department of Migrant Workers (DMW)
- 2. USEC. BERNARD P. OLALIA, DMW
- 3. USEC. HANS LEO J. CACDAC, DMW
- 4. USEC. RABIN QUILALA, Anti-Red Tape Authority (ARTA)
- ADMINISTRATOR ARLANDO IGNACIO, Overseas Workers Welfare Administration (OWWA)
- 6. ASEC. PAUL RAYMUND CORTES, Department of Foreign Affairs (DFA)

- 7. ASEC. JEFFREY IAN C. DY, Department of Information and Communications
  Technology (DICT)
- 8. MR. MARK JAMES EVANGELISTA, Department of Budget and Management (DBM)
- 9. MS. ALICIA B. DEVULGADO, President, Overseas Placement Association of the Philippines (OPAP)
- 10.MR. OSCAR T. GARCIA, Director/Auditor, Philippine Association of Service Exporters Inc. (PASEI)
- 11.MS. RACHEL MAE RUCAS, President/General Manager, Catalist Int'l.

  Manpower Services Co.
- 12. ATTY. DAVID CASTILLON, Legal Counsel, Catalist Int'l Manpower Services Co.

Resource persons from DFA were also present, virtually, during the said hearing:

- 13. UNDERSECRETARY EDUARDO DE VEGA
- 14. ASSISTANT DIRECTOR LORENZO JUNGCO
- 15. CDA JOSE CABRERA III

## III. ISSUES

The Privilege Speech of Senator Estrada and P.S. Resolution No. 448 filed by Senator Tulfo both highlight similar issues related to Overseas Filipino Worker (OFW) Jullebee Cabilis Ranara, 35-year old, deployed to Kuwait on 11 July 2022 by her Philippine Recruitment Agency (PRA) Catalist International Manpower Services, and counterpart Foreign Recruitment Agency (FRA) Platinum International Office for the Recruitment of Domestic Manpower, for Direct Employer (DE) Owayed Juhaish Methel Alazmi. Last 21 January 2023, her charred remains were found in a desert in Kuwait, perpetuated allegedly by the 17-year old son of her employer:

 that justice should be served to Ranara given that there is an existing bilateral labor agreement (BLA) with the government of Kuwait that supposedly gives protection to OFWs, and to provide legal assistance to workers concerning violation of labor contract or the existing domestic worker law;

- 2. that despite repeated deployment bans<sup>1</sup> which resulted to negotiations and mutual agreement and adoption of BLAs, the most recent of which took effect in 2019, and is automatically renewed every four years until 2027, both governments still failed to shield OFWs from abusive employers;
- 3. that despite current reforms initiated by the newly created Department of Migrant Workers (DMW) under Secretary Susan "Toots" Ople, and mechanisms to effectively monitor the conditions of OFWs an effective method of screening of would-be employers are still lacking. The DMW, Department of Foreign Affairs (DFA), and other government agencies should improve and intensify their systems for monitoring, communicating, and in rendering support and immediate assistance to OFWs;
- 4. that the monitoring of OFWs is a shared responsibility of the public and private sector. Licensed recruitment agencies have the responsibility to ensure that the OFWs are treated properly by the employers and their family members;
- 5. that the quality of PRAs raises questions on their capacity and capability to monitor their deployed OFWs;
- 6. that there is a need to review the call for the abolition of the "kafala" system, similar to what have been undertaken in Bahrain and Qatar, and other forms of employment that have the same effect of limiting the protection that can be provided to the OFWs;
- 7. that the good image of OFWs should be promoted in the programs and social media campaigns of embassies and different agencies worldwide, uplifting the dignity particularly of Filipino household service workers (HSWs), with emphasis on addressing racial discrimination and the fight against gender-based violence; and
- 8. that there is need to revisit, re-examine and review the existing Bilateral Labor Agreement and Standard Employment Contract governing OFWs in Kuwait, with the end in view of establishing stricter policies, preventive measures and applicable sanctions of ban in the deployment of OFWs in Kuwait.

<sup>&</sup>lt;sup>1</sup> PSR 448 ....following the death of Joanna Demafelis, the government imposed a ban on the deployment of OFWs to Kuwait on February 2018, but shortly thereafter, it was lifted on May 16, 2018. Similarly, another ban was issued in February 2020 after the death of Jeanelyn Villavende. Subsequently, the ban was lifted after a month

#### IV. FACTS AND INFORMATION

The joint hearing conducted, the testimonies provided by the resource persons, and the documents submitted by and requested from government agencies and private groups, revealed:

## Targeted Deployment Ban

The Chair of the Committee on Migrant Workers, Senator Tulfo, expressed dismay over the contradictory stand of Secretary Ople of Department of Migrant Workers, on his recommendation to temporarily ban the deployment of overseas Filipino workers (OFWs) in the light of the murder of Ranara:<sup>2</sup>

"...It is unfortunate na hindi kami magkatugma ng boss mo, Secretary Toots Ople. I was expecting na iyong puso niya ay para sa mga OFWs because I thought mahaba iyong karanasan sa pagtutulong sa mga OFWs. Masama ang loob ko kay Secretary Toots Ople because when I declared noong nandoon, first day, first night, nandoon iyong family niya, hinintay naming iyong ataol, and I said, "I want a deployment ban," kinontra niya ako..."

The Chair sought an explanation from DMW Acting Secretary, Undersecretary Velasco-Allones to substantiate the opposition of the Secretary on his proposed ban of deployment to Kuwait. Undersecretary Velasco-Allones clarified and manifested that the Secretary did not contradict the recommendation of the Chair. She reported to the Committee that the Secretary has sent a fact-finding team to Kuwait to investigate and gather evidence and data in support of any recommendation that they will be submitting to the Chair. She added that Undersecretary Olalia has undertaken actions against the foreign recruitment agency (FRA) and Philippine recruitment agency (PRA) involved in the Ranara case.

<sup>&</sup>lt;sup>2</sup> Joint Public Hearing of the Committees on Migrant Workers; and Foreign Relations. 8 February 2023. TSN p.

Sen. Tulfo, however, was not convinced of the efforts of the Department upon learning that the team that will investigate the case just left the country, given that the remains of and all data about the case of Ranara, and all other previous reports on OFWs murdered in Kuwait that led to ban deployment before, have been in the possession of the Department.

Undersecretary Velasco-Allones reported to the Committee that Secretary Ople is agreeable to a targeted ban, particularly to newly-hired household workers bound for Kuwait. Based on their data, she cited that those who had been employed numerous times, and have travelled and worked back in Kuwait are already very familiar with their employer and the culture of Kuwait. She conveyed to the Committee that the Secretary is agreeable to imposing immediate deployment ban on newly-hired as household workers:

"...Ang bulto po ng ating mga problema na nagkakaroon po ng pagmaltrato ay nandoon po sa mga new hires na umaalis, sir. Kaya ito po ang sabi ni Secretary Toots na in the immediate, ito iyong ating i-ban muna habang mag pag-uusap pong magaganap."<sup>3</sup>

## Call for Public Apology

Sen. Tulfo also reiterated his call for the Kuwait government to issue a public apology to the Filipino people, for all the recurring cases of abuse, maltreatment and murder committed against OFWs:

"Even the Kuwaiti government. That's why I was asking for them for a public apology. I was asking from them to apologize to the Filipino people. Some will say, "Why would the Kuwait government apologize to the Filipino people?" Ito po ang masasabi ko. Kung minsan lang po, may nangyari sa isang OFW natin na inabuso o

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<sup>&</sup>lt;sup>3</sup> Ibid. p. 18

pinatay, masakit yan pero pikit-mata, kagat-labi, ika nga palalampasin namin. Kung pangalawang beses, medyo magagalit na tayo. Pero kung tatlo, apat, lima, dosedosena na ang nasasaktan, nabubugbog, namomolestiya, nare-rape, et cetera, et cetera, et cetera, et cetera, et cetera, et think it's about time that the Kuwaiti government should really apologize because that means they are not doing anything to address this problem. Na dapat sila mismo, on their part kinakausap iyong mga ahensya nila doon para siguraduhin na hindi na mauulit ito, iyong pang-aabuso sa ating mga OFWs. They need us more than we need them, hindi po ba? Huwag po nating ipakita na tayo ay patay-gutom. Na takot tayong magkaroon ng deployment ban, baka magugutom tayo rito. No. We have to give our OFWs dignity, dignidad, na sana magkaroon sila ng respeto sa atin. Kasi kung ganito po, nagdi-dilly dally tao, takot tayo na pag nagkaroon ng deployment ban baka magalit sila. Hindi po. Ang tingin ko lang dito, kaya takot siguro -sorry kung mga tatamaan — baka may pinoprotektahan tayo rito. Sino ang pinoprotektahan natin kung takot tayo? Hindi ba?

Usec. Olalia informed the body that the Kuwaiti government has sent an official communication, thru the embassy, to the family of Ranara expressing its condolences, apology and assurance that justice would be served. However, Sen. Tulfo reminded the Undersecretary that the Kuwaiti government should instead apologize to the Filipino people, and not just to the relatives of Ranara:

"So, maybe you can go back to the Ambassador of Kuwait to issue an apology to the OFWs – not only to the relatives, but to the OFWs. Kasi, sir, hindi lang iyong pamilya ni Ms. Ranara ang nasaktan dito, maging ang lahat ng kapwa niya OFWs sa buong mundo. Do you believe me? Sa buong mundo. Even non-OFWs, masama ang loob. So, ang apology in place, kahit papaano, makakagaan ng damdamin ng mga Pilipino."

On the absence of public apology from the government of Kuwait called by Sen. Tulfo, Senator Tolentino imparted to the Committee that he will be receiving a huge

<sup>&</sup>lt;sup>4</sup> Ibid. p. 15

<sup>&</sup>lt;sup>5</sup> Ibid. p. 22

delegation from the European Union, and that he would impress upon them the issue of state-tolerated activities of human rights violations against our OFWs:

"I am studying the various memorandum of understanding between the Philippines, UAE, Jordan and all the countries wherein our OFWs are present. And I look at it from the perspective of what is hounding our country right now. Week after next week, Mr. Chairman, for the record, I will be receiving a huge delegation from the European Union. These are the people who are continuously hounding us as regards human rights violations. I am saying this because it appears right from the very start, not just this case, but the other cases as well, it would appear that we are the human rights victims. We are not the violators..."

## <u>Pre-Conditions for Foreign Employers</u>

Aside from deployment ban, Sen. Tulfo also suggested to the DMW to require prospective foreign employers to undergo neuropsychiatric exam, as well as the entire household, and to submit a police clearance. He also proposed the conduct of preengagement seminars for the employers, regarding the culture and tradition of Filipinos that they ought to respect. He also encouraged the creation of associations of OFW employers and OFWs who would regularly meet to identify imminent problems that can be resolved immediately and disseminate to all OFWs, without having to go to the government.

#### Recurring Problems on the Monitoring of OFWs

The Chair sought further clarifications on the problem that persists in the monitoring of OFWs, which he has raised with Secretary Ople from the time he met her during the first meeting of the Committee, and all succeeding meetings and consultations with the Department. He admonished the Department for being reactive, rising to the occasion only every after a bad situation, like that of Ranara's, happened.

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<sup>&</sup>lt;sup>6</sup> Ibid. pp 22-23

He asked why there was a need to send another team to investigate, when Usec. Cacdac and OWWA Admin. Ignacio had been there earlier:

"Well, then, kung nagpunta na po sila sa Kuwait at nag-imbestiga na sila, bakit magpapadala pa ulit ng fact-finding committee? Hindi na po. Kailangan, aksyon agad. Kasi pumunta na iyong dalawa — si Mr. Ignacio, si Mr. Cacdac — so, iyong magiging resulta ng kanila pagpunta — I am sure, kinausap na sila ni Secretary Toots — and then, doon pa lang agad, nakapag formulate na kayo ng mga policies in regards to how to put a monitoring system in place that would be effective para sa kabutihan ng ating mga OFWs."

Usec. Cacdac reported that a monitoring system is already in place, wherein agencies are required to submit a report on quarterly basis, of which the involved agency has failed to fulfill and has been penalized by Usec. Olalia.

Sen. Tulfo lamented that a quarter of a year, or three months before reports are submitted, is too long and that a lot of things would have already happened to the OFWs. He recommended to Usec. Cacdac to shorten the period for submission of reports to at least once a month.

He added the proliferation of fake agencies that do not have the capacity to handle the number of OFWs that they deploy add to the problem of monitoring.

#### Designation of Welfare Desk Officers (WEDO)

Usec. Olalia informed the Committee that one of the first initiatives of Secretary Ople was mandating PRAs to assign welfare desk officers for every 100 deployed OFWs, which at the moment counts at 400 WEDO particularly in Kuwait.

## Manifestation of Ranara's PRA

The Members of the Joint Committees present took turns in questioning the local employer of Ranara, the Catalist Int'l. Manpower Services Co., represented by its president and owner, Ms. Rachel Mae Rucas, and legal counsel Atty. David Castillon.

<sup>&</sup>lt;sup>7</sup> Ibid. p. 29

Both were sworn in for their testimonies during the hearing. Atty. Castillon also submitted to the Committees a position paper detailing the agency's knowledge and participation surrounding the events that lead to the death of Ranara; and contributions in support of the bereaved family. The agency, as stated in the document, acknowledged its responsibility:

"14. Nevertheless, the recruitment agency hereby acknowledges its responsibilities under the terms and conditions of the employment contract."

Atty. Castillon asserted that his client did communicate with Ranara prior to her death, and did not get any indication that she was having any problem with her employer. However, aside from Ranara's Facebook account, they only checked further into her other social media accounts (two Tiktok accounts) when her story came out in the news.

However, Senators Villanueva and Tulfo reprimanded the agency for failing to properly monitor Ranara. Likewise, Sen. Tulfo questioned the capacity of the agency to regularly monitor not just of Ranara, but all of OFWs under its contract. Ms. Rucas admitted that only one person is assigned to monitor its 150 deployed OFWs for this month.

Sen. Tulfo likewise admonished Atty. Castillon for misrepresenting himself when he attended the consultative meetings held by the Committee on Migrant Workers as the legal counsel for AKO-OFW.<sup>8</sup> Sen. Tulfo questioned his integrity as a genuine advocate of OFWs, while at the same time representing hundreds of recruitment agencies, including Catalist, the agency that deployed Ranara, a clear proof of conflict of interest on which one does he truly advocate and serve. The Committee probed Atty. Castillon and Ms. Rucas on the various violations committed by Catalist, and their status.

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<sup>&</sup>lt;sup>8</sup> Consultative Meeting of Committee on Migrant Workers. 23 January 2023. Guestlist

Sen. Tulfo also sought further clarifications on the manifestations made by Atty. Castillon regarding information and events surrounding the death of Ranara, which he claimed were based on the document submitted by the FRA. OWWA Admin. Arnel Ignacio disputed any statement that Atty. Castillon made regarding the reproductive health of Ranara, which was not found in the document submitted by the Kuwait government. Atty. Castillon apologized to the Committee and family of the deceased for his statements which were not consistent with the official autopsy report submitted by the government of Kuwait.

### Pre-engagement seminars for employers

Sen. Tulfo reiterated his recommendation for the conduct of pre-engagement seminars on the part of the employers. Aside from pre-departure and post arrival seminars that OFWs have to attend in order to understand the culture, tradition, practices and laws of host countries, which was echoed by Sen. Estrada to keep them from getting jailed, Sen. Tulfo insisted that host countries should be mandated to have seminars to better understand the culture, values and tradition of Filipinos. As articulated by OWWA Admin. Ignacio, only Filipinos serve with compassion and empathy, or in Filipino language, "malasakit", which foreign employers should value and pay in high price by treating our OFWs with utmost dignity and respect.

#### Review of policies in light of welfare cases in Kuwait

Senator Villanueva presented to the Committees data from OWWA and DMW which reflect the number of welfare cases in Kuwait from 2016 to 2022. Based on his analysis, deployment ban would ensue every time an OFW was killed; thereafter, it would be lifted after series of talks; then another incident would occur, and there would be another deployment ban; and once the ban was lifted, the number of welfare cases in Kuwait ballooned again, with latest data at 13,351 in 2021 and 25,549 in 2022.

Welf	are	
Case	es in	
Kuw	ait:	
2016	6 to 2	2022

Nature of cases	2017	2018	2019	2020	2021	2022
Physical maltreatment/ mistreatment	1,474	1,450	1,624	739	407	823
Contract violations	2,763	2,813	1,767	2,217	5,781	8,755
Contract substitution	No data*	ND	ND	ND	784	108
Health/medical problems	174	219	595	122	169	521
Personal problems	116	13	199	15	375	151
Immigration-related	243	210	155	858	1,097	164
Illegal Termination/ refusal to release worker/ refusal to cancel worker's visa	323	142	69	79	2,348	421
Passport in possession of employer	698	379	247	474	397	2,218
Sexual abuse or harassment	218	287	194	86	55	99
Rape	65	60	39	21	14	26
Others	462	466	1,072	292	1,924	11,263
TOTAL	6,536	6,039	5,961	4,903	13,351	24,549

Source: 2016-2019 data are from OWWA 2020-2022 data are from DMW

Fig. Welfare Cases in Kuwait: 2016 to 20229

Sen. Villanueva criticized and implied that something is wrong with the policies in place, and demanded assessments thereof. Likewise, he sought clarification on Kuwaiti Labor Law and Rules on Domestic Worker, which seemed to reflect that the "Kafala<sup>10</sup>" system is still in effect, thus domestic workers are not workers, but commodities.

Usec. Cacdac answered that as a result of recent deployment ban, the Kuwaiti government assured the Philippine government that it would be passing laws that would protect household service workers (HSWs); and that a bilateral agreement was adopted, which included, among others:

"...provision for food, housing, clothing, registration sa health insurance that covers treatment in case of illness or injury; ensure na hawak ng worker iyong kanyang

<sup>&</sup>lt;sup>9</sup> Joint Public Hearing of the Committees on Migrant Workers; and Foreign Relations. 8 February 2023, <a href="https://www.youtube.com/watch?v=SqT87nKN5h0&t=4653s">https://www.youtube.com/watch?v=SqT87nKN5h0&t=4653s</a> (Timeline: 1:42:14)

The **kafala system** (also spelled "kefala system"; <u>Arabic</u>: نظام الكفالة, <u>romanized</u>: niẓām al-kafāla; meaning "sponsorship system") is a system used to monitor <u>migrant laborers</u>, working primarily in the construction and domestic sectors in <u>Gulf Cooperation Council member</u> states and a few neighboring countries, namely <u>Qatar</u>, <u>Bahrain</u>, <u>Kuwait</u>, <u>Lebanon</u>, <u>Oman</u>, <u>Saudi</u> <u>Arabia</u> and the <u>United</u> <u>Arab</u> <u>Emirates</u>. (https://en.wikipedia.org/wiki/Kafala system, accessed 16 February 2023)

pasaporte for personal identity document; ensure na hawak niya ang cell phone. Disqualified ang employers who have records of contract violations or abusing workers from recruiting Filipino workers. Iyong pagbukas po ng bank account sa pangalan ng worker para kitang kita kung may sweldo o wala."

Sen. Villanueva expressed relief that despite the absence of a law, details to protect HSWs are included in the bilateral agreement (BLA). However, he lamented that despite the BLA, based on the data from shelter houses, 96 per cent of cases involved are HSWs; and that at 66 per cent of OFWs, HSWs are top OFWs in Kuwait. In Jullebee's case, he raised the questions on where did the direct employer and FRA come short.

Usec. Cacdac answered by informing the body that prior to Ranara's incident, Secretary Ople has sent OWWA Admin. Ignacio to look into the process of OFW deployment to Kuwait. He also assured the body to engage the Kuwaiti side in future bilateral agreements:

"Isa po sa mga isasagawa, i-engage ang Kuwaiti side sa bilateral agreement. Pag hindi pumayag ang Kuwaiti side sa ganitong klaseng pag-uusap ay hindi magbubunga iyong bilateral agreement at magpapatuloy iyong deferment o hindi pagpapatuloy ng pagpapadala doon hangga't hindi pumapayag ang Kuwaiti side doon sa mga hinihingi natin, kasama na ito, siguraduhin na malilinis ang track record. At doon po sa mga sinasuggest ninyo, Mr. Chair, na mga isasagawa natin, ilalagay doon sa bilateral agreement.<sup>11</sup>"

Sen. Villanueva cautioned the Department that there had been two memorandum of agreements (MOA) in the past – 2012 and 2018 – but the number of welfare cases in Kuwait still increased. He urged the Department to evaluate the deployment ban, the list of requirement as stipulated in the agreements, and to figure out the deficiencies in policies.

<sup>&</sup>lt;sup>11</sup> Joint Public Hearing of the Committees on Migrant Workers; and Foreign Relations. 8 February 2023. TSN p. 86

## Foreign Recruitment Agencies (FRAs) and Philippine Recruitment Agencies (PRA)

Sen. Tulfo recommended to the Department (DMW) to clean up its official list of foreign recruitment agencies (FRA) and Philippine recruitment agencies (PRA), and instructed Atty. Castillon to submit his list of clients to the Department. Upon inquiry of Sen. Estrada on the status of Catalist, Usec. Olalia reported to the Committee that as of 2 February, its license has been canceled.

Upon learning on the canceled status of Catalist, Sen. Tulfo inquired on who assumed the responsibility for monitoring its 150 deployed OWFs to Kuwait. Usec. Olalia informed the body that Catalist is still responsible for monitoring the OFWs despite its current status. To which, Sen. Tulfo disagreed and insisted that the Department should take charge in monitoring the deployed OFWs, in particular, of agencies whose licenses had been canceled. He recommended that it should be the policy of the Department to automatically take over of the responsibility, of the agency whose license had been canceled, in monitoring its deployed OFWs.

Sen. Tulfo likewise instructed Usec. Olalia to submit to the Committee the Department's list of agencies whose owners had been convicted and sentenced to jail.

Sen. Estrada inquired from Atty. Castillon on the background of the clients that he represents, which he alleged are owned by foreigners using Filipinos as dummies. He instructed the DMW to investigate further on the clients that he represents, including the incorporators or board of directors, to prove their capabilities to properly operate a recruitment agency.

Senators Tulfo and Estrada likewise questioned Ms. Rucas on the violations of its agency, particularly, on its failure to properly and effectively monitor its deployed OFWs. Ms. Rucas and Atty. Castillon claimed that out of the 12 violations, only seven cases are currently pending. However, Sen. Tulfo reprimanded Ms. Rucas, who narrated that she has a masteral degree in Psychology, for failing to use her expertise

in the monitoring of OFWs under her contract. He also instructed DMW to ensure that Ms. Rucas' license as agency operator be canceled indefinitely.

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Usec. Olalia assured the Senators that Ms. Rucas' license had been canceled, and would never be granted a new one, similar to the agency operators involved in the cases of OFWs Joanna Demafelis<sup>12</sup> and Jeanelyn Villavinde<sup>13</sup>. Usec. Olalia also informed the body that once canceled, all officers and members of the board of directors are perpetually disqualified to becoming a future director or an officer of any recruitment agency.

On the inquiry of Senator Gatchalian on whether they include stockholders and incorporators when evaluating applicants who wish to set up an agency, Usec. Olalia replied that they undergo a very strict process of evaluation and background investigation to ensure that none of the applicants had been connected to a blacklisted agency. He also reported that currently, there are approximately 850 land-based, and 340 sea-based, or a total of 1200 registered Philippine recruitment agencies<sup>14</sup>. Despite the rigid process of applications for agencies, as narrated by Usec. Olalia, Sen. Tulfo questioned him of the existence, based on persistent reports he received, of canceled agencies, assuming new names with the same personnel, that continue to proliferate and are still in business.

Sen. Estrada asked Ms. Rucas on whether the involved FRA<sup>15</sup> in Ranara's case was aware that Catalist had pending violation cases. She admitted that she was unaware, in the same manner that she was not informed on any violations committed by her counterpart. She also narrated to the Committee her conversations with Ranara last year which she claimed did not indicate that she was experiencing harm or abuse. When asked by Sen. Tulfo about the paid-up capital she put into her agency, she

<sup>&</sup>lt;sup>12</sup> 29-year-old OFW whose body was found in a freezer in an abandoned apartment in Kuwait in February 2018. (https://www.rappler.com/nation/overseas-filipinos/ofws-died-hands-employers-kuwait/, accessed 17 February 2023)

<sup>&</sup>lt;sup>13</sup> Another OFW who was killed by her employer in Kuwait in December 2019. (Ibid)

<sup>&</sup>lt;sup>14</sup> 808 active landbased and 371 active seabased as of 8 March 2023, DMW

<sup>&</sup>lt;sup>15</sup> Platinum International Office for the Recruitment of Domestic Manpower

answered that she contributed three million and five hundred thousand pesos (PhP3,500,000.00), while a certain Janina Taluban, her managing partner, put in one million and five hundred thousand pesos (PhP1,500,000.00), or a total of five million pesos (PhP5,000,000.00), the minimum capitalization as required for putting up an agency.

Sen. Tulfo recommended to DMW to increase the minimum paid-up capital in setting up a recruitment agency from 30 to 50 Million pesos to ensure that an applicant has the capability to run its business, and particularly to effectively monitor all the OFWs that it will deploy, to which Usec. Velasco-Allones agreed that it is very timely to incorporate the Senator's suggestion, as the rules are currently in revision.

Sen. Estrada reiterated his allegations and suspicion that Atty. Castillon is serving as a dummy for foreign financiers, to which the lawyer denied and claimed that he only works on cases and preparation of position papers, and that he never has registration with any PRA. The Senator warned Atty. Castillon that the lives of OFWs are at stake, and that he would make him accountable once he proved that he is being used as a dummy, to make a case that FRAs conniving with local recruitment agencies results in undesirable circumstances.

#### Bilateral Labor Agreements (BLA) with Kuwait and other ME countries

Sen. Gatchalian inquired from DMW the status of the bilateral agreement with Kuwait<sup>16</sup>, to which Usec. Velasco-Allona replied that there is an existing bilateral labor agreement with Kuwait which is automatically renewed every four years, but currently in review in light of Ranara's case. Sen. Gatchalian instructed the DMW to submit to the Committee all bilateral labor agreements of the Philippines with Kuwait and other countries in the Middle East; and the update on the case being assisted by Kuwaiti government as spelled out in the agreement.

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<sup>&</sup>lt;sup>16</sup> Position Paper Submitted to the Joint Committees on Migrant Workers; and Foreign Relations, submitted by the Department of Migrant Workers (DMW) on 9 February 2023.

Sen. Tulfo subsequently asked Usec. Allona on where to deploy new hirees bound for Kuwait who will be affected by the deployment ban. Usec. Allona recommended deploying them to less vulnerable, or countries with better protection mechanisms for workers namely, Hongkong and Singapore:

"...first time, new hires, now domestic workers bound for Kuwait, deferred na natin, sir, suspended po iyon. At io-offer po natin as alternative destinations po, iyong Singapore and Hongkong." 17

Sen. Tulfo clarified the Undersecretary's statement that the deployment of new recruits was suspended, effective immediately. However, he stressed that for those who had prior employment and recurring contracts, and have satisfying relationship with their employers may renew and continue to work in Kuwait.

## DFA Action on the Death of OFW Ranara<sup>18</sup>

The Department of Foreign Affairs submitted to the Committee a report narrating its immediate response upon knowledge of the death of Ranara, to wit:

- that DFA representatives, led by Philippine Embassy in Kuwait's Vice Consul Jose N. Mostajo, were the first Philippine officials to call on the Prosecutor's Office with regard to the case; and inquired into the case and secured pertinent documents such as the Report of Death; and secured approval for the release of the body for shipment back to her bereaved family;
- 2. that Atty. Khaled Abdullah Abdullateef Al-Mas, Philippine Embassy in Kuwait's legal retainer, has been providing legal assistance on the case, including issuing legal advice and making representations with Kuwaiti authorities;
- 3. that led by Charge d'Affaires Jose A. Cabrera III, conducted a meeting with Kuwaiti Foreign Minister Sheikh Salem Abdullah Al-Jaber Al-Sabah, who "expressed his deepest condolences on the death of Ms. Ranara" and gave

<sup>&</sup>lt;sup>17</sup> Joint Public Hearing of the Committees on Migrant Workers; and Foreign Relations. 8 February 2023, p. 130

<sup>&</sup>lt;sup>18</sup> Position Paper Submitted to the Joint Committees on Migrant Workers; and Foreign Relations, submitted by the Department of Foreign Affairs (DFA) on 6 February 2023

assurances during the meeting that the perpetrator will "definitely be punished for this heinous crime". During the meeting, the Kuwait Foreign Minister likewise agreed to convene a joint committee to review the 2018 agreement on the employment of domestic workers, including provisions for their protection;

- 4. that it has authorized the release of PHP100,000.00 as welfare assistance to the bereaved family of OFW Ranara; and
- 5. that Secretary Enrique Manalo had a meeting with Kuwaiti Ambassador Musad Saleh Althwaikh who expressed condolence to the bereaved family; and reiterated the statement of Kuwait Foreign Minister on the plan to convene a joint committee to review the 2018 bilateral deployment of household workers with a view of strengthening its implementation.

On the imposition of labor deployment ban to Kuwait, DFA manifests its openness to all policy options, and defers to DMW as it has the mandate in the formulation and implementation of policies on overseas labor deployment, including the imposition of deployment bans.

## Private sector position on deployment ban

The Philippine Association of Service Exporters, Inc. (PASEI) has expressed its opposition against a deployment ban in Kuwait, as stated in its Position Paper submitted to the Committee via e-mail on 3 February 2023. Instead, PASEI recommends the following  $\frac{19}{2}$ :

- DMW Officials must interview Foreign Recruitment Agency (FRA) owners and Direct Employers (DE), not only the heads of families, but also all the members of the family, except for babies and children below 7 years old;
- 2. Duties and responsibilities of the Household Service Worker (HSW) must be specified in affidavit forms, and signed by the DE;
- 3. Additional requirements on the part of the DE, that will be submitted to MWO:

<sup>&</sup>lt;sup>19</sup> Position Paper Submitted to the Joint Committees on Migrant Workers; and Foreign Relations, submitted by the Department of Foreign Affairs (DFA) on 6 February 2023

- a. resume or bio-data of DE, including all members of the household;
- b. background information on the number of HSW that had been hired, and reasons for terminating each past HSW; and
- c. picture of the house or building, including the interior that will be part of the working area of the HSW, with complete description including lot and floor areas, and type of the dwelling (mansion, bungalow, government housing, etc.).

PASEI also supports the whitelisting and/or blacklisting of FRAs and DEs, to be initiated by PRAs, with or without the consent of HSWs who often choose not to file complaints against erring FRAs and DEs.

#### V. FINDINGS AND CONCLUSION

Based on the foregoing, the Committees conclude:

- that as per the records of Ministry of Health, State of Kuwait, registered on
   January 2023, the cause of Ranara's death is as follows:
  - "....the corpse had fractures to the skull and the lower jaw; trauma and brain laceration, traumatic injuries and the laceration caused; and the vital centers stopped;"
- that the agencies concerned, both FRA and PRA, failed to determine the condition of Ranara's relationship with her employer and the entire household, due to lack of regular and effective monitoring, months prior to the incident;
- that the involved PRA, the Catalist International Manpower Services, Co. did not have adequate staff dedicated to monitoring the status and actual condition of its 150 deployed OFWs;

4. that the current minimum paid-up capital requirement under the law to set up a local recruitment agency in the country remains at five million pesos (PHP5,000,000.00); pursuant to Department Order No. 216 of the DOLE;

..

- 5. that allegations regarding owners of local agencies are being used as dummies by foreign agencies, and former owners of agencies with canceled permits are still able to put up new businesses under a different or new name, persists despite the strict requirements and rigid process of application set by DMW;
- that PRAs have no sufficient information on the status of their counterpart FRA regarding cases of recruitment violation, police record, and the health conditions, both physical and psychological, of the direct employers and the entire household members;
- 7. that despite the existence of BLAs with Kuwait, a member of the International Labor Organization (ILO), and the fourth country in the Middle East where most OFWs are deployed with 154,700 as household domestic workers, welfare cases continued to rise from 13,351 in 2021 to 24,549 in 2022;
- 8. that the "kafala" system, and other forms of employment that have the same effect limiting the protection that can be provided to the OFWs, still exist in Kuwait;
- 9. that there is a need to review the current BLA in effect, to include gaps and shortcomings in the areas of cooperation, and system on how to effectively implement the responsibilities of both parties;
- 10. that a deployment ban to Kuwait had been called and imposed in 2018 and 2020 after the deaths of OFWs Demafelis and Villavende, respectively; and in light of the death of Ranara, the same is being clamored as voiced out by Sen. Tulfo, as Chair of the Committee on Migrant Workers. In response, the DMW proposed the ban in the deployment of newly-hired among household service workers, and alternatively offer them Singapore and Hongkong as host countries;
- 11.that despite the "malasakit" of OFWs, their known capacity to provide service to their employers with compassion and empathy, beyond the call

of their duties, inherent virtues and values which are unique only to OFWs, they continue to suffer from harm and abuse because there is no comprehensive effort, plan or program on the part of concerned government agencies to promote and uplift their image to host countries;

12. that Sen. Tulfo has called for a public apology from the Kuwaiti government, not just for the family of Ranara, but to the Filipino people, for all the recurring cases of abuse, maltreatment and murder committed against OFWs.

## VI. REMEDIAL MEASURES/RECOMMENDATIONS

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Wherefore, in view of all the foregoing discussions and submissions, the Committees on Migrant Workers, and Foreign Relations hereby recommend to direct the primary agency tasked to oversee our OFWs, the Department of Migrant Workers (DMW), the following:

- To ban the deployment of newly-hired household service workers (HSWs) to Kuwait effective immediately and until new protective measures, as proposed herein, are incorporated. The targeted deployment ban will be prospective and will not include OFWs who have prior and existing employment in Kuwait;
- To require Direct Employers (DE) to submit the following as part of their documentary requirements for application and qualification process:
  - resume or bio-data of DE, including all members of the household;
  - medical certificate from government accredited hospital/clinics attesting to the physical and psychological fitness/condition of DE, including all members of the household, except children seven years and below;
  - police clearance or similar document attesting that DE has no criminal or any previous derogatory record;

- picture of the house or building, including the interior that will be part of the working area of the HSW, with complete description including lot and floor areas, and type of the dwelling (mansion, bungalow, government housing, etc.); which shall be included as integral part of all employment contracts;
- background history of DE in employing household service workers (HSW), which will include all details about past workers in the house, and reasons for terminating/replacing them;
- details of duties and responsibilities of HSW specified in affidavit forms, signed by the DE; and
- FRA transcript of final interview with DE.
- To require the FRA, in collaboration with MWO in Kuwait, to conduct preengagement seminars for the direct employer regarding the culture, tradition and values of Filipinos. Likewise, the DMW, together with DFA, are directed to intensify campaigns (such as holding of festivals) that will promote and uplift the image of OFWs, highlighting the Filipino's "malasakit" character; OFWs are well known to provide service to their employers with compassion and empathy, willing to work beyond the call duty, with inherent values and virtues that are unique and set them apart from other nationalities.
- To conduct purging of accredited PRA and FRA, delisting dummies, and agencies with records of repeated gross violations. Violations should be classified according to degree of culpability. A period of probation for new agencies should be introduced, before they are allowed to deploy a number of OFWs that will correspond to their capacity to monitor once deployed.
- To increase the minimum paid-up capital in setting up a PRA from five million pesos (PHP5,000,000.00) to at least thirty to fifty million pesos (PHP30,000,000.00 - 50,000,000.00). For existing PRAs, DMW will

provide support in the monitoring of OFWs until the required capitalization is met, or number of OFWs will be controlled appropriate to its capacity to monitor and provide support to OFWs.

- To create a list of associations/organizations of OFWs, employees, and/or both, and require them to seek accreditation from the Department. The Department will regularly check the background of convenors, leaders, spokespersons, sponsors, and organizers to ensure that they advocate genuine intent for the welfare of OFWs and their families.
- To use information and communications technology (ICT) to effectively monitor all OFWs in Kuwait and worldwide. Create an office dedicated to hiring and training of staff who will:
  - o provide online support to OFWs by replying to their emails, calls or messages in online platforms such as messenger/viber/whatsapp, who can provide them instant reply to their concern, emotional support, or immediately link or report to relevant agency (MWO, DFA, DMW) their problem;
  - monitor suspicious online presence/posts on their social media accounts such as Facebook/Tiktok/Youtube/Instagram;
  - provide relevant data that will update the monitoring of OFWs on real time; and
  - the DMW may engage the support and assistance of Department of Information and Communications Technology (DICT), Department of Health (DOH), and Department of Social Welfare and Development (DSWD) in providing appropriate seminars and skills, and testing competency skills to the staff who may work online from home.
- To revisit, review and evaluate existing and new policies of the Department as it completes its transition of subsuming agencies and

offices from other departments. DMW may engage the assistance of Anti-Red Tape Authority (ARTA) to ensure that the Department is compliant with the requirements of Republic Act No. 11032, the law that promotes ease of doing business and promotes efficient delivery of government services. The law seeks to ensure that every Filipino, including OFWs located abroad, can transact easily with the government, including satellite offices abroad, and receive fast and efficient services. As a regulatory agency, DMW may need its polices and operation to undergo regulatory impact assessment (RIA) to determine their effectiveness and relevance as it aims to serve the public, the OFWs and their families in particular.

- To revisit, review and evaluate existing bilateral labor agreement (BLA)
  with Kuwait and take into consideration all issues identified, and
  introduce recommendations proposed, by the joint Committees in this
  report.
- To call for the abolition of the "kafala" system, similar to what have been undertaken in Bahrain and Qatar, and other forms of employment that have the same effect of limiting the protection that can be provided to OFWs; and
- To coordinate with the Department of Foreign Affairs (DFA) in sending the clamor, as voiced out by the Committee Chair, the sentiments and concerns of not only the Ranara Family but the entire Filipino people to the Kuwait government, for all the recurring cases of physical and financial abuse, maltreatment, non-payment of monetary benefits, and murder committed against OFWs, and seek the appropriate acknowledgment and apology from concerned parties.