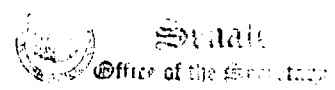
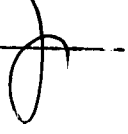


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



24 JAN 25 A8:37

SENATE

RECEIVED BY: 

P. S. Res. No. 914

Introduced by Senator Jinggoy Ejercito Estrada

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE UNSCRUPULOUS PRACTICE OF THE INTERNATIONAL SOLID WASTE INTEGRATED MANAGEMENT SPECIALIST, INC. (I-SWIMS) IN ENGAGING THE SERVICES OF GARBAGE COLLECTORS BY CIRCUMVENTING PERTINENT LAWS, IN GROSS DISREGARD OF THEIR RIGHTS AS WORKERS

1 WHEREAS, the 1987 Constitution declares that, "The State affirms labor as a
2 primary social economic force. It shall protect the rights of workers and promote
3 their welfare";

4 WHEREAS, Article XIII, Section 3 further states that, "The State shall afford
5 full protection to labor, local and overseas, organized and unorganized, and promote
6 full employment and equality of employment opportunities for all";

7 WHEREAS, International Solid Waste Integrated Management Specialist, Inc.
8 (I-SWIMS), a company based in the City of San Juan, engages the services of
9 garbage collectors to serve various cities in Metro Manila;

10 WHEREAS, according to more than seventy (70) garbage collectors, they have
11 been rendering services for the company for almost four (4) years now and they are
12 not hired as employees but are merely enlisted as "volunteers";

13 WHEREAS, the garbage collectors do not receive the prescribed daily
14 minimum wage and are instead paid per trip of garbage collection, ranging from
15 P125.00 for small garbage truck to P150.00 for big trucks;

1 WHEREAS, they are required to complete two (2) trips per day, and are even
2 forced to make a third trip even if it is beyond their will and capacity;

3 WHEREAS, to fulfil these assignments, they work for at least eighteen (18)
4 hours per day, from 5:00am to 11:00pm;

5 WHEREAS, despite these long hours of work, the said garbage collectors are
6 not paid with overtime pay and night shift differential;

7 WHEREAS, they are not given rest days and are even required to work during
8 holidays but are not paid with the corresponding holiday pay;

9 WHEREAS, neither are the garbage collectors provided by I-SWIMS with
10 social protection benefits such as coverage of Social Security System (SSS),
11 Philippine Health Insurance Corporation (PhilHealth), and Home Development Mutual
12 Fund or the PagIBIG Fund;

13 WHEREAS, apart from the shirts that serve as their uniform, I-SWIMS does
14 not provide them with any protective gears such as gloves, hats, boots, or raincoats
15 that will protect them from various outdoor conditions and from the hazards of
16 handling garbages;

17 WHEREAS, in cases of injury, sickness, and death, no assistance in whatever
18 form is given by the company to them;

19 WHEREAS, the performance of their tasks exposes them to serious
20 occupational hazards and health risks;

21 WHEREAS, a number of these garbage collectors already passed away due to
22 various illnesses, mostly leptospirosis;

23 WHEREAS, their rights and welfare as workers are not protected because they
24 were engaged as "volunteers" and are left at the mercy of the company for any
25 remuneration or protection;

26 WHEREAS, such scheme utilized by I-SWIMS circumvent pertinent laws,
27 particularly Presidential Decree No. 442, as amended, otherwise known as the
28 "Labor Code of the Philippines";

29 WHEREAS, sadly, this is perpetrated among the garbage collectors who have
30 rendered considerable length of their service to the company and whose nature of
31 work is essential to its operations;

1 WHEREAS, there is a need to urgently look into the situation of the said
2 garbage collectors and determine the protection and benefits due them;

3 WHEREAS, the situation of the garbage collectors in I-SWIMS and similar
4 schemes in other companies should be immediately addressed to prevent the abuse
5 of the workers and to promote their rights and welfare;

6 NOW, THEREFORE BE IT RESOLVED, as it is hereby resolved by the Senate,
7 to direct the Senate Committee on Labor, Employment and Human Resources
8 Development, to conduct an inquiry, in aid of legislation, on the unscrupulous
9 practice of the International Solid Waste Integrated Management Specialist, Inc. (I-
10 SWIMS) in engaging the services of garbage collectors by circumventing pertinent
11 laws, in gross disregard of their rights as workers.

Adopted,


JINGGOY EJERCITO ESTRADA