

**THIRTEENTH CONGRESS OF THE)  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )**

**S E N A T E**

**COMMITTEE REPORT NO. 156**

Submitted jointly by the Committees on Labor, Employment and Human Resources Development and Foreign Relations on 9 NOV 2006

**RE : SB No. 2501 prepared by the Committees.**

Recommending its approval in substitution of S. B. No. 158, 636, 1105, 1184 and 1385 taking into consideration H. B. No. 5498

**Sponsor : Senator J. Estrada**

**MR. PRESIDENT:**

The Senate Committees on Labor, Employment and Human Resources Development *jointly with* Foreign Relations to which were referred Senate Bill No. 158, introduced by Senator L. Estrada, *entitled:*

**“AN ACT  
STRENGTHENING THE REGULATORY FUNCTIONS OF THE  
PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION  
(POEA) AMENDING FOR THIS PURPOSE REPUBLIC ACT NO.  
8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND  
OVERSEAS FILIPINOS ACT OF 1995”**

Senate Bill No. 636, introduced by Senator Villar, *entitled:*

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

Senate Bill No. 1105, introduced by Senator Drilon, *entitled:*

**“AN ACT  
STRENGTHENING THE REGULATORY FUNCTIONS OF THE  
PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION  
(POEA) AMENDING FOR THIS PURPOSE REPUBLIC ACT NO.  
8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND  
OVERSEAS FILIPINO ACT OF 1995”**

Senate Bill No. 1184, introduced by Senator Magsaysay, *entitled:*

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

Senate Bill No. 1385, introduced by Senator Recto, *entitled:*

**“AN ACT  
STRENGTHENING THE REGULATORY FUNCTIONS OF THE  
PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION  
(POEA) AMENDING FOR THIS PURPOSE REPUBLIC ACT NO.  
8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND  
OVERSEAS FILIPINOS ACT OF 1995”**

taking into consideration H. B. No. 5498, introduced by Representatives Lagman, Dadvivas, Barinaga, *et al.*, *entitled:*

**“AN ACT  
TO STRENGTHEN THE REGULATORY FUNCTIONS OF THE  
PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION  
(POEA), AMENDING FOR THIS PURPOSE REPUBLIC ACT NO.  
8042, OTHERWISE KNOWN AS THE “MIGRANT WORKERS AND  
OVERSEAS FILIPINOS ACT OF 1995”**


have considered the same and have the honor to report them back to the Senate with the recommendation that the attached SB No. 2501, prepared by the Committees, *entitled:*


**“AN ACT  
STRENGTHENING THE REGULATORY FUNCTIONS OF THE  
PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION  
(POEA), FURTHER IMPROVING THE HIGHER STANDARD OF  
PROTECTION AND PROMOTION OF THE WELFARE OF  
MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS  
FILIPINO WORKERS IN DISTRESS, AMENDING FOR THIS  
PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE  
“MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995”**

be approved in substitution of S. B. No 158, 636, 1105, 1184 and 1385 taking into consideration H. B. No. 5498 with Senators L. Estrada, Villar, Drilon, Magsaysay, Jr, *RECTO*, Estrada and Santiago as authors thereof.

*Jos*


Respectfully submitted:

  
**MIRIAM DEFENSOR SANTIAGO**  
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**JINGCOY EJERCITO ESTRADA**  
Chairperson  
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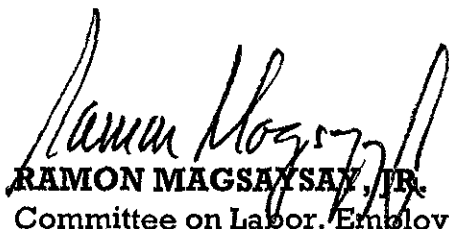
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**RODOLFO G. BLAZON**  
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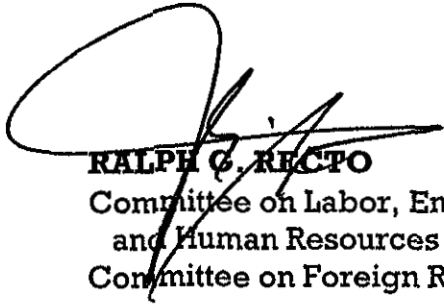
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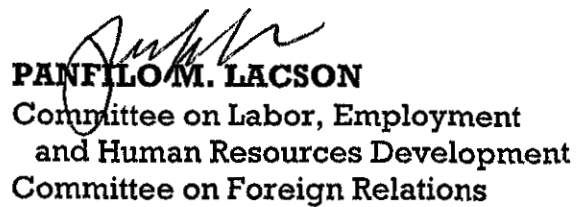


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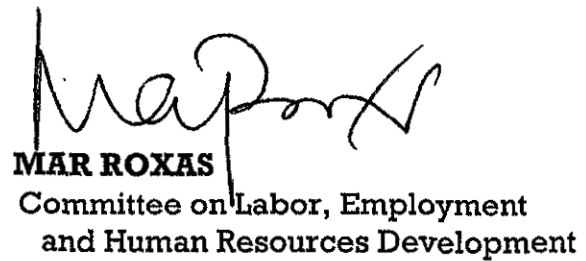
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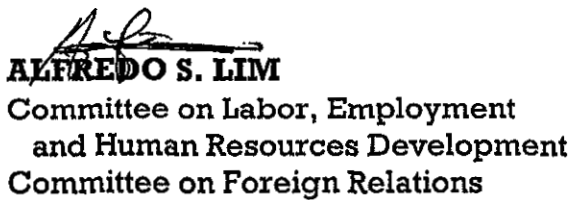
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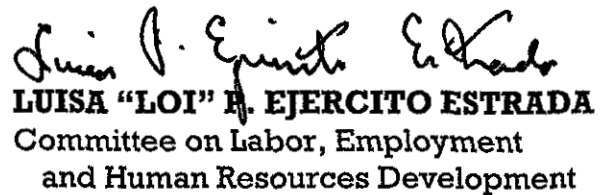
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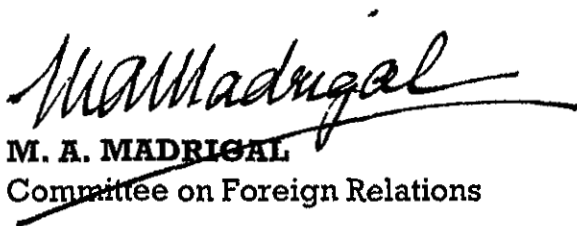
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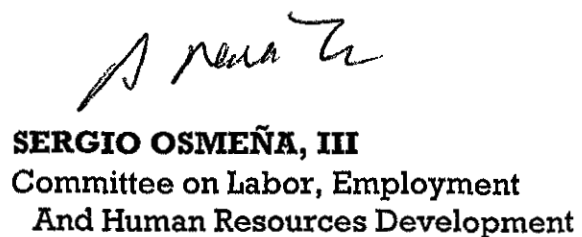
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*Majority Floor Leader*

*may mend:*  
  
**AQUILINO Q. PIMENTEL, JR.**  
*Minority Floor Leader*

**MANNY VILLAR**  
*Senate President*  
*Pasay City*

SENATE

S.B. No. 2501

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Submitted jointly by the Committees on Labor, Employment and Human  
Resources Development and Foreign Relations

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**“AN ACT  
STRENGTHENING THE REGULATORY FUNCTIONS OF THE PHILIPPINE  
OVERSEAS EMPLOYMENT ADMINISTRATION (POEA), FURTHER  
IMPROVING THE HIGHER STANDARD OF PROTECTION AND  
PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR  
FAMILIES AND OVERSEAS FILIPINO WORKERS IN DISTRESS,  
AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE  
KNOWN AS THE “MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT  
OF 1995”**

*Be it enacted by the Senate and House of Representatives of the  
Philippines in Congress assembled:*

1           **SECTION 1.** Section 23, paragraph (b.1) of Republic Act No. 8042,  
2 otherwise known as the “Migrant Workers and Overseas Filipinos Act of  
3 1995” is hereby amended to read as follows:

4           “(b.1) **Philippine Overseas Employment Administration** – Subject to  
5 **THE PROVISIONS OF THIS ACT** [Deregulation and Phase-out as provided  
6 under Sections 29 and 30, herein], the Administration shall **CONTINUE TO**  
7 **EXERCISE ITS POWERS AND FUNCTIONS AS FOLLOWS:**

8           1. regulate private sector participation in the recruitment and overseas  
9 placement of workers by setting up a licensing and registration system; [It  
10 shall also]

11           2. formulate and implement, in coordination with appropriate entities  
12 concerned, when necessary, a system for promoting and monitoring the  
13 overseas employment of Filipino workers taking into consideration their  
14 welfare and the domestic [manpower] **EMPLOYMENT** requirements;

15           **3. PROTECT THE RIGHTS OF FILIPINO WORKERS FOR**  
16 **OVERSEAS EMPLOYMENT TO FAIR AND EQUITABLE RECRUITMENT**  
17 **AND EMPLOYMENT PRACTICES AND ENSURE THEIR WELFARE;**

18           **4. EXERCISE ORIGINAL AND EXCLUSIVE JURISDICTION TO**  
19 **HEAR AND DECIDE:**

20           1) **ALL PRE-EMPLOYMENT CASES WHICH ARE**  
21 **ADMINISTRATIVE IN CHARACTER INVOLVING OR**  
22 **ARISING OUT OF VIOLATION OF RECRUITMENT**  
23 **LAWS, RULES AND REGULATIONS (INCLUDING**  
24 **MONEY CLAIMS ARISING THEREFROM) OR**

1           **VIOLATION OF CONDITIONS FOR ISSUANCES OF**  
 2           **LICENSE OR AUTHORITY TO RECRUIT WORKERS;**  
 3           **AND**

4           **2) DISCIPLINARY CASES INVOLVING EMPLOYERS**  
 5           **FOREIGN PRINCIPALS, BROKERS OR**  
 6           **RECRUITMENT AGENCIES ARISING OUT OF**  
 7           **VIOLATION OF RULES AND REGULATIONS**  
 8           **GOVERNING OVERSEAS EMPLOYMENT.**

9           **5. SECURE THE BEST TERMS AND CONDITIONS OF**  
 10          **EMPLOYMENT OF FILIPINO WORKERS IN COMPLIANCE WITH**  
 11          **HUMAN AND LABOR RIGHTS;**

12          **6. PROMOTE AND PROTECT THE WELL-BEING OF FILIPINO**  
 13          **WORKERS OVERSEAS;**

14          **7. INFORM WORKERS NOT ONLY OF THEIR RIGHTS AS**  
 15          **WORKERS BUT ALSO THEIR RIGHTS AS HUMAN BEINGS, SHOW THE**  
 16          **WORKERS HOW TO ASSERT THEIR RIGHTS AND PROVIDE THE**  
 17          **AVAILABLE REDRESS MECHANISM IN VIOLATION OF THEIR RIGHTS.**

18          **SEC. 2.** Section 29 of the same law is hereby repealed.

19          “[SECTION 29. Comprehensive Deregulation Plan on Recruitment  
 20          Activities. – Pursuant to a progressive policy of deregulation whereby the  
 21          migration of workers becomes strictly a matter between the worker and his  
 22          foreign employer, the DOLE, within one (1) year from the effectivity of this  
 23          Act, is hereby mandated to formulate a five-year comprehensive deregulation  
 24          plan on recruitment activities taking into account labor market trends,  
 25          economic conditions of the country and emerging circumstances which may  
 26          affect the welfare of migrant workers.]”

27          **SEC. 3.** Section 30 of the same law is also hereby repealed.

28          [SECTION 30. Gradual Phase-out of Regulatory Functions. – Within a  
 29          period of five (5) years from the effectivity of this Act, the DOLE shall phase-  
 30          out the regulatory functions of the POEA pursuant to the objectives of  
 31          deregulation.]”

32          **SEC. 4.** All laws, orders, issuances, rules or regulations or part thereof  
 33          inconsistent with the provisions of this Act are hereby repealed, amended or  
 34          modified accordingly.

35          **SEC. 5.** This Act shall take effect fifteen (15) days after its publication in  
 36          the *Official Gazette* or in at least two (2) newspapers of general circulation,  
 37          whichever comes earlier.

38          ***Approved.***