

SENATE
S. B. 2288

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Introduced by Senator Villar

Explanatory Note

This bill is submitted under the aegis of *Parens Patriae*. Under the doctrine, the government's full intervention is needed when the health, comfort and welfare of the people are threatened. This universal policy of the State, serving as parents of its citizens, act to champion the rights of the underprivileged. In this legislation, the doctrine is applied to the best interest of one of the most deprived sectors of the population, the underage migrant workers.

Very recently, a number of minor OFWs from Jordan are repatriated. Their hardships are tales of combined abuse and the corrupted system. Underage Filipino children are being recruited to work overseas and they make extra-ordinary sacrifices to support their families. In the worst situations, these minor OFWs are trapped in situations of forced labor or have been trafficked into forced domestic work in conditions akin to slavery.

The lax implementation of the country's immigration laws compromises the security of our migrant workers and pushes them to the verge of a sorry fate. A number of recruiters and placement agencies have turned a blind eye in enforcing regulations as to the point of deploying minor OFWs.

The facts as regards the illegal recruitment of underage OFWs are well-documented. It is vile. It is one of the worst forms of child abuse. This legislation is submitted to solve the concern:

- Arbitrary it may be argued, but it is to the best interest of all people, to the victim minor OFWs in particular, that the license of a recruitment or placement agency which deployed an underage migrant worker be automatically revoked.
- All fees paid anent the processing of documents and dossiers required in recruitment or deployment of a minor OFW shall be refunded in full, without need of notice. The refund shall be in addition to the indemnification or damages sustained by the underage migrant worker.

Immediate enactment of this bill is earnestly requested.


MANNY VILLAR

8 MAY 15

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AN ACT
PROVIDING FOR THE AUTOMATIC REVOCATION OR CANCELLATION
OF THE LICENSE OF A PLACEMENT OR RECRUITMENT AGENCY WHICH
RECRUITED OR DEPLOYED AN UNDERAGE MIGRANT WORKER AND
THE MANDATORY REFUND OF ALL FEES PAID BY REPATRIATED MINOR
OFWs, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF
REPUBLIC ACT NUMBER 8042, OTHERWISE KNOWN AS THE "MIGRANT
WORKERS AND OVERSEAS FILIPINO ACT OF 1995"

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

SECTION 1. Section 16 of Republic Act No. 8042, otherwise known as the Migrant Workers Act of 1995 is hereby amended to read as follows:

"SEC. 16. MANDATORY REPATRIATION OF UNDERAGE MIGRANT WORKERS. - Upon discovery or being informed of the presence of migrant workers whose actual ages fall below the minimum wage requirement for overseas deployment, the responsible officers in the foreign service shall without delay repatriate said workers and advise the Department of Foreign Affairs through the fastest means of communication available of such discovery and other relevant information.

THE LICENSE OF RECRUITMENT OR PLACEMENT AGENCIES WHICH RECRUITED OR DEPLOYED AN UNDERAGE MIGRANT WORKER SHALL BE AUTOMATICALLY REVOKED.

ALL FEES PAID RELEVANT TO THE PROCESSING OF PAPERS OR DOCUMENTS RELEVANT TO THE RECRUITMENT OR DEPLOYMENT SHALL BE REFUNDED IN FULL, WITHOUT NEED OF NOTICE, TO THE UNDERAGE MIGRANT WORKER OR TO HIS PARENTS OR GUARDIAN. THE REFUND SHALL BE INDEPENDENT AND IN ADDITION TO THE INDEMNIFICATION AND DAMAGES SUSTAINED BY THE UNDERAGE MIGRANT WORKER. THE

REFUND SHALL BE PAID WITHIN THIRTY (30) DAYS FROM THE DATE OF THE MANDATORY REPATRIATION AS PROVIDED IN THIS ACT.”

SECTION 2. Within fifteen days after the enactment of this Act, the Department of Labor and Employment shall issue the necessary rules and regulations to implement the provisions of this Act.

SECTION 3. 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, whichever is earlier.

Approved,