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SENATE
P.S. Res. 421

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Introduced by Senator Villar

RESOLUTION

URGING THE SENATE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN IMMEDIATE INQUIRY AND ASSESSMENT, IN AID OF LEGISLATION, ANENT THE STATUS OF OVERSEAS FILIPINO WORKERS (OFWs) IN DEATH ROW, WITH FOCUS ON THE ASSISTANCE EXTENDED TO THEM AND THE SHORT- AND LONG-TERM POLICIES ADOPTED BY THE COUNTRY RELEVANT TO THE ISSUE

Whereas, more than 8 million Filipinos now work and live in at least 197 countries and territories making the Philippines the top labor sending country in the world in 2005, following China and India and of which, about 3.8 million are overseas Filipino workers working on contract basis as domestic workers, caregivers, entertainers, construction and transport workers, equipment operators and factory workers¹;

Whereas, current trends indicate the continuing exodus of Filipinos with more than 3,000 new hires and rehires departing each day²;

Whereas, even the undocumented Filipino workers leaving the country has doubled and in fact, may have reached more than a million mark;

Whereas, the overseas Filipino workers provide not only labor but risk even their lives and that their pains and sorrows have become part of the 'labor out migration' phenomenon;

Whereas, of the harrowing pains and sorrows of the OFWs, facing the death row symbolizes the greatest heights of tragedy and injustice³;

¹ World Migration 2005: Costs and Benefits of International Migration, and which data was posted in the International Organization for Migration website www.iom.int, as cited in the "A report on Irregular Migration and Human Trafficking", by the Center for Migrant Advocacy Philippines and Mujeres, Inc. Women United for Justice and Equality toward a Responsive and Empowered Society

² National Statistics Coordinating Board (NSCB) Fact Sheet, October 2006

³ Statement of Migrante, through Chairperson Connie Bragas-Regalado, on "Distressed OFWs", Migrant Watch, October 14-20, 2007

Whereas, the latest statistics indicate that there are 35 OFWs facing cases with capital punishment as penalty, including one in Brunei, 2 in China, 1 in the United States, 4 in Kuwait, 9 in Saudi Arabia, and 10 in Malaysia⁴;

Whereas, using the provisions of the Magna Carta for Migrant Workers and Overseas Filipinos (Republic Act 8042), the Labor Code of the Philippines, the treaties on international labour and various human rights conventions of which the Philippines is a signatory and the guarantees of the 1987 Philippine Constitution on labor, the government should extend full assistance (legal, economic and social, among others) to OFWs in death row, including⁵:

- The cases of Idan Tejano and Marjana Sakilan which are both being heard in the Kingdom of Saudi Arabia. The public aspect is being tried in the Jeddah Grand Court whilst its private right aspect is on suspended sentence as promulgated by the Supreme Judicial Cases (the two are separate cases, but in similar legal stages);
- The case of May Vecina, who is detained in Kuwait and is being litigated;
- The case of Rodelio Lanuza, the public aspect of the Lanuza case is being tried and pending before the Dammam Grand Court;
- The cases of Edison Gonzales, Eduardo Arcilla, and Rolando Gonzales, who are all part of the en masse arrest of Filipino workers (72, in all) in April 2006 and their cases now being reviewed by the Tameez Court (appellate court) in KSA
- Nelson Diana, who is detained and his case being heard by the Malaysian High Court

Whereas, per the Department of Foreign Affairs, the policy is basically “to extend utmost assistance to OFWs facing capital punishment and to secure the release or the commutation of their sentences at all cost”⁶;

Whereas, there are reports that the indifference, lack of political will, absence of the determination to extend help and assistance, lack of funds, negligence, and other administrative and economic factors are contributing to the increasing number of OFWs in death row;

Whereas, to have a meaningful policy and program of relevant assistance, an inquiry on the status of our OFWs in death row, including the assistance being provided and the short- and long-term policies of the country addressing the issue must be assessed and inquired: Now therefore be it

Resolved by the Senate of the Philippines, To urge the Committee on Labor, Employment and Human Resources Development to conduct an immediate inquiry and assessment, in aid of legislation, anent the status of overseas Filipino workers


⁴ Accordingly, DFA statistics presented to Congress as cited in the Migrant Watch

⁵ Part of the Attachment, DFA Letter to Migrant, September 19, 2007

⁶ Department of Foreign Affairs, through Undersecretary Esteban Conejos, in a communication to Migrant International, September 2007

(OFWs) in death row, with focus on the assistance extended to them and the short- and long-term policies adopted by the country relevant to the issue.

Adopted,



MANNY VILLAR