

JUL 10 2010

SENATE

S. No. 1023

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Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

The past three decades have seen the growth of one of the most significant socio-economic phenomenon in contemporary Philippine history: the overseas contract workers. In 1998 alone, the records of the Philippine Overseas Employment Administration (POEA) show that the Philippines deployed a total of 755,684 overseas contract workers.

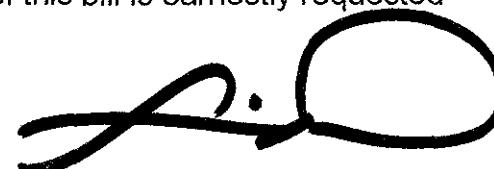
Overseas contract work is for many Filipinos an escape from dire conditions of poverty and deprivation especially in the rural areas. Access to overseas work opportunities comes at a high cost, and oftentimes workers' families finance the cost by mortgaging the family home, putting off the education of some family members, and borrowing from loan sharks at unconscionable rates.

The recruitment business, now flourishing with a large market often attracts unscrupulous persons and swindlers preying on gullible and ignorant folk. In the interest of public welfare, there is a need to strengthen the regulatory provisions of Republic Act 8042, otherwise known as the Overseas Migrant Workers' Act.

This bill seeks to make a distinction between the practice of illegal recruitment with license or authority, and the practice of illegal recruitment without license or authority. The latter should carry heavier penalties compared to the former.

The deterrent against recruiters conducting business without license or authority should induce recruiters to come under the supervision and regulation of the POEA for the protection of would-be migrant workers.

In view of the foregoing, early passage of this bill is earnestly requested



MANUEL "LITO" M. LAPID
Senator

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AN ACT

INCREASING THE PENALTY FOR ILLEGAL RECRUITMENT COMMITTED BY ANY PERSON WITHOUT LICENSE OR AUTHORITY, AMENDING TITLE II, ARTICLE 7 OF THE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE OVERSEAS MIGRANT WORKERS' ACT AND FOR OTHER PURPOSES

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

SECTION 1. Title II, Article 7, Republic Act No. 8042, otherwise known as the Overseas Migrant Workers' Act is hereby amended to read as follows:

"Sec. 7. **Penalties.** -

(a) Any person **WITH A LICENSE OR AUTHORITY** found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Two Hundred Thousand Pesos (Php200,000.00) nor more than Five Hundred Thousand Pesos (Php500,000.00). **CONVICTION SHALL CAUSE AND CARRY THE AUTOMATIC REVOCATION OF THE LICENSE OR AUTHORITY AND ALL PERMITS AND PRIVILEGES GRANTED TO SUCH PERSON OR ENTITY.**

(b) **ANY PERSON WITHOUT LICENSE OR AUTHORITY FOUND GUILTY OF ILLEGAL RECRUITMENT SHALL SUFFER THE PENALTY OF IMPRISONMENT OR NOT LESS THAN TWELVE (12) YEARS AND A FINE OR NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (Php500,000.00) NOR MORE THAN FIVE MILLION PESOS (Php5,000,000.00)**

[b] (c) The penalty of life imprisonment and a fine of not less five hundred thousand pesos (Php500,000.00) nor more than One Million Pesos (Php1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein.

PROVIDED, however, That in addition to the maximum penalty of imprisonment herein prescribed a fine equal to three times the maximum amount shall be imposed if the person illegally recruited is less than eighteen (18) years of age/ [or committed by a non-licensee or non-holder of authority].

(D) IF THE OFFENDER IS A JURIDICAL ENTITY, THE PENALTY SHALL BE IMPOSED UPON THE PRESIDENT, GENERAL MANAGER AND ANY RESPONSIBLE OFFICER THEREOF. IF THE OFFENDER IS AN ALIEN, HE/SHE SHALL, IN ADDITION TO THE PENALTIES HEREIN PRESCRIBED, BE DEPORTED WITHOUT FURTHER PROCEEDINGS."

SEC. 2. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected by such declaration, shall remain in full force and effect.

SEC. 3. *Repealing Clause.* - All laws, decrees, ordinances, rules and regulations, executive or administrative orders or parts thereof inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 4. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation

Approved,