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SENATE

P.S. Resolution No. 1355

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Introduced by Honorable Senator JINGGOY EJERCITO ESTRADA

A RESOLUTION DIRECTING THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, IN CONNECTION WITH THE PLIGHT OF THE OVERSEAS FILIPINO WORKERS (OFWs) HIRED BY RECRUITMENT AGENCIES WHO WORKED IN SULAIBIYA, KUWAIT, ALLEGEDLY VICTIMS OF LABOR MALPRACTICES BY THEIR EMPLOYERS AND THE NEGLIGENCE OF THEIR RECRUITMENT AGENCIES TO DEFEND THEIR RIGHTS AGAINST THEIR EMPLOYERS

WHEREAS, it is the policy of the State to protect the rights of workers and promote their welfare as labor is the State's primary social economic force;

WHEREAS, Section 2 paragraph (b) of RA No. 8042, "Migrant Workers and Overseas Filipinos Act of 1995", states that it is the policy of the state "to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment for all. Toward this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers;

WHEREAS, the Achiever Land Base is a local recruitment agency owned by a certain Pat Iglesias who in 2007 recruited seven (7) Overseas Filipino Workers, among them Mr. Jose Magsigay, to work in the MEDCO Co. General Trading and Contracting WLL in Sulaibiya, Kuwait;

WHEREAS, these OFWs signed a work contract as drivers/operators with monthly pay of One Hundred Forty Kuwaiti Dinar (140 KD) with a provision that their plane fare of One Hundred Seventy Kuwaiti Dinar (170 KD) will be shouldered by their placement fees;

WHEREAS, in Kuwait, the employer subtracted 170 KD in their monthly salary which ran counter to the work contract they signed;

WHEREAS these OFWs finished their contract but despite this fact, they were prohibited from returning to the Philippines and they overstayed in Kuwait for two (2) more months without giving them the reason for their overstay;

WHEREAS, these OFWs experienced harsh conditions in Kuwait because they were not given food and basic provisions neither by their employer nor their recruitment agency;

WHEREAS, upon their return to the Philippines, they confronted Ms. Pat Iglesias about their overstay in Kuwait and demanded that the plane fare be refunded to them but Ms. Iglesias challenged them just to report her to the proper government agencies;

WHEREAS, Non-Stop Agency is a local recruitment agency owned by a certain Ms. Lucy Sermonia who recruited twenty six (26) Overseas Filipino Workers, among them Mr. Edgar Basilio, to work in the MEDCO Co. General Trading and Contracting WLL in Sulaibiya, Kuwait;

WHEREAS, these OFWs signed a worked contract as drivers and will be paid One Hundred Forty Kuwaiti Dinar (140 KD) per month;

WHEREAS, prior to departure, the OFWs signed an additional contract at the office of Ms. Sermonia that a Ten Kuwaiti Dinar (10 KD) be deducted from their salaries in Kuwait in 14 months to cover for their recruitment fees;

WHEREAS, in Kuwait, these OFWs were allowed to work by their employer but they do not have civil I.D.s which are necessary for every worker and in case of accidents, their employer will not bring them to the hospital and leave them to raise money for their hospital expenses;

WHEREAS, in Kuwait, these OFWs also received their salary only after three (3) months and they complained to their employer about the delay in giving their salaries;

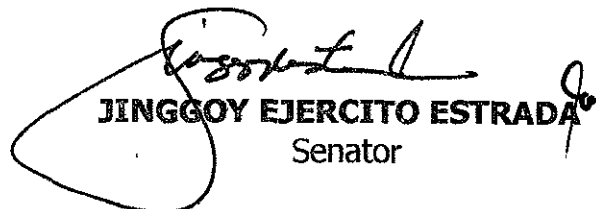
WHEREAS, as a result of this complaint, the employer informed them that they have no more work despite the fact that their contracts have not yet been completed;

WHEREAS, these OFWs were still withheld to leave Kuwait for 2 more months without provisions coming from their employer and have to rely from the Philippine Embassy and the Filipino community for their basic needs;

WHEREAS, before leaving Kuwait, these OFWs signed a NO CLAIM pro-forma sheet, failure to sign which means that their ticket and passport will not be given to them and the recruitment agency promised that it will refund the 65 Kuwaiti Dinar when they arrive in the Philippines; however, no refund has been made by the recruitment agency.

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved that the Senate directs the Committee on Labor, Employment and Human Resources Management to conduct an inquiry, in aid of legislation, in connection with the plight of the Overseas Filipino Workers (OFWs) hired by recruitment agencies who worked in Sulaibiya, Kuwait, allegedly victims of labor malpractices by their employers and the neglect of their recruitment agencies to defend their rights against their employers.

Adopted,


JINGGOY EJERCITO ESTRADA
Senator