

'14 JUN 19 P2:26

SENATE
P.S. RES. NO. **732**

RECEIVED BY: *jc*

Introduced by Senator Alan Peter "Compañero" S. Cayetano

RESOLUTION INVESTIGATING IN AID OF LEGISLATION THE SLOW RESPONSE OF PHILIPPINE GOVERNMENT AGENCIES TO SPECIFIC PROBLEMS AND ISSUES OF OUR OVERSEAS FILIPINO WORKERS (OFWS) AND CALLING ON THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION AND OTHER RELEVANT AGENCIES TO IMMEDIATELY ACT, TO INVESTIGATE AND FILE APPROPRIATE CASES AGAINST RECRUITMENT AGENCIES THAT VICTIMIZE OVERSEAS FILIPINO WORKERS (OFWS) BY CHARGING ILLEGAL AND EXORBITANT PLACEMENT AND OTHER FEES AND BY CAPTURING THEIR AUTOMATED TELLER MACHINE (ATM) CARDS AS MEANS TO EXACT PAYMENT THEREOF

WHEREAS, Section 18, Article II of the 1987 Philippine Constitution provides that, the State affirms labor as a primary social economic force and shall protect the rights of workers and promote their welfare;

WHEREAS, Section 3, Article XIII of the 1987 Constitution provides for the State to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all, guarantee workers' entitlement to security of tenure, humane conditions of work, and a living wage, as well as regulate the relations between workers and employers;

WHEREAS, Republic Act No. 8042 entitled the Migrant Workers and Overseas Filipinos Act of 1995 as amended by Republic Act No.10022 provides that the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt/be signatory to and ratify those that guarantee protection to our migrant workers, endeavor to enter into bilateral agreements with countries hosting overseas Filipino workers, and institute an effective mechanism to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/documented or irregular/undocumented, are adequately protected and safeguarded.

WHEREAS, a recent study¹ conducted on the subject of recruitment in Hong Kong and Philippines entitled "*Licence to Exploit*" through lead researcher Rex Varona validated what workers and labor groups have so far claimed — that there is widespread and persistent abuse by recruitment agencies in the Philippines and Hong Kong, where: a) 90% of the respondents paid hefty agency fees in Hong Kong despite a law allowing recruiters to collect a commission not exceeding 10% of the worker's first month salary; b) respondents were receiving a monthly salary of \$3,743 when they were surveyed; c) Monthly wages of domestic workers have since been increased to \$4,010 since September 2013; d) agencies in Hong Kong charge an average of HK\$8,123 or P42,647 (P5.25: HK\$1); e) the average agency charges in Hong Kong are more than 20 times the 10% limit and more than two months of the minimum allowable wage (MAW); f) the Philippine government, for its part, has imposed a no placement fee policy in 2006, agencies still charge HK\$14,178 or P74,433; and g) the average agency charges in the Philippines is still 36 times the 10% limit in Hong Kong and 3.6 months of MAW—a flagrant violation of both Hong Kong (10% limit) and Philippine (zero placement) regulations;

¹ Source: <http://hongkongnews.com.hk/ph-hk-governments-hit-pitiful-enforcement-labor-laws/>, accessed June 17, 2014

WHEREAS, Hong Kong – based news outfits² like the Hong Kong and Sun News recently published articles reporting that Satisfactory Employment and Travel Agency of Hong Kong demanded that its OFW recruits pay illegal and exorbitant placement and other fees (some reaching as high as \$21,000), and surrender their automated teller (ATM) cards to the agency for the latter to deduct monthly instalments from the deposit account to pay for said fees;

WHEREAS, while the Hong Kong government has already acted, the Philippine counterpart agencies have been lagging behind in the efforts to investigate and find a way to address this problem;

WHEREAS, the Global Ministers Association, a network of Christian-Evangelical Bishops, Pastors and Ministers, and the United Filipinos (UNIFIL), an alliance of OFW organization, both servicing OFWs in Hong Kong, sent a letter- request for assistance for OFWs in Hong Kong who are victimized by their recruitment agency for demanding illegal, exorbitant placement fees;

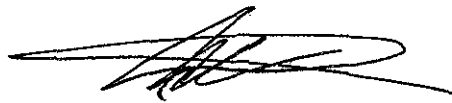
WHEREAS, there are several domestic helpers recruited by Satisfactory Employment and Travel Agency of Hong Kong and its Philippine agent, Find Staff Agency who have executed consul-attested complaint affidavits which form the basis of complaints filed with the Office of Labor Attache Manuel Roldan, and with the Office of the Vice- Consul General, Department of Foreign Affairs;

WHEREAS, the allegation of charging of illegal exorbitant placement and other fees and the practice of ATM card capture may constitute the crime of illegal recruitment under RA 10022 or an Act Amending Republic Act No. 8042, otherwise known as the *Migrant Workers Overseas Filipinos Act of 1995, as amended, Further Improving the standard of Protection and Promotion of the welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes*;

WHEREAS, the Philippine Overseas Employment Administration (POEA) is tasked to regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system, instruct and guide the workers on how to assert their rights and provide the available mechanism to redress violation of their rights, be responsible for the implementation, in partnership with other law-enforcement agencies, of an intensified program against illegal recruitment activities, and in so doing, initiate the corresponding criminal action with the appropriate office, together with the Secretary of Labor and Employment, or their duly authorized representatives, or any aggrieved person; Now be it

RESOLVED BY THE SENATE, to call on the Philippine Overseas Employment Authority (POEA) and other relevant agencies of the national government to immediately act to investigate and file the appropriate charges against recruitment agencies that victimize Overseas Filipino Workers (OFWs) by charging illegal and exorbitant placement and other fees, and by capturing their automated teller machine (ATM) cards as means to exact payment thereof.

Adopted,



ALAN PETER "COMPAÑERO" S. CAYETANO
Senator

² Article entitled "*Agency Accused of Keeping ATM Cards*", by Philip C. Tubeza, Hong Kong News, June 1, 2014; and Article entitled "*Labatt Denies Protecting Agency in Illegal Fee case*", by Daisy Mandap and Martes Palma, Sun News, Hong Kong, June 2014.