

'19 APR 29 AIO :55

SENATE

P.S. Res. No. 1038

RECEIVED BY: 

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED RAMPANT VIOLATIONS OF THE PHILIPPINE IMMIGRATION ACT AND OF THE ANTI-TRAFFICKING OF PERSONS ACT AT THE NINOY AQUINO INTERNATIONAL AIRPORT (NAIA) COMMITTED BY A SYNDICATE OF MIDDLE-LEVEL BUREAU OF IMMIGRATION (BI) OFFICIALS, WITH THE END IN VIEW OF CRAFTING REMEDIAL MEASURES TO ENSURE ACCOUNTABILITY OF GOVERNMENT OFFICIALS TASKED TO ENFORCE THEM

WHEREAS, Article II, Section 5 of the Constitution mandates that, “[t]he maintenance of peace and order, the protection of life, liberty and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

WHEREAS, Article II, Section 11 of the same provides that, “[t]he State values the dignity of every human person and guarantees full respect for human rights”;

WHEREAS, the Commonwealth Act No. 613 (C.A. No. 613) or the Philippine Immigration Act of 1940, as amended, is one of the governing immigration laws in the country. CA 613 states that the Bureau of Immigration shall be under the supervision and control of the Department of Justice;

WHEREAS, Section 45 of C.A. No. 613 penalizes persons who issue or otherwise dispose of an immigration document to any person not authorized by law to receive such document and persons who obtain, accept or use any immigration document, knowing it to be false;

WHEREAS, in 2002, the Philippines ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing

the UN Convention against Transnational Organized Crime (UNTOC) or the Palermo Convention ;

WHEREAS, pursuant to our international obligation, Republic Act No. 9208 or the Anti-Trafficking in Persons Act of 2003, as amended, was enacted into law to ensure that highest priority shall be given to measures that will promote and uphold human dignity, protect people from any threat of violence and exploitation, and eliminate trafficking in persons, among others;

WHEREAS, Section 20 of the same Act established the Inter-Agency Council Against Trafficking (IACAT) to monitor and to oversee strict implementation of the law. The IACAT is chaired by the Secretary of the Department of Justice and co-chaired by the Secretary of Department of Social Welfare and Development, with the Commissioner of the Bureau of Immigration as one of its members;

WHEREAS, in a two-part column of Ramon T. Tulfo in the Manila Times published this April¹, Tulfo exposed a human trafficking syndicate at NAIA said to be earning P10 Million and P50 Million daily for “allowing Filipino women to go abroad as tourists when they are actually prostitutes, allowing foreign workers and prostitutes to come in the country as tourists and allowing persons with criminal records abroad to enter the country and fugitives to escape to other countries using NAIA as an entry and exit point,” among others;

WHEREAS, according to Tulfo, the syndicate is led by middle-level Bureau of Immigration (BI) officials, namely, Fidel Mendoza who was part of Port Operations Division (POD), Erwin Ortañez who is the incumbent overall chief of the Travel Control and Enforcement Unit (TCEU), Glenn Comia who is the incumbent head of TCEU at NAIA Terminal 1, Bien Guevarra who is the incumbent head of TCEU at NAIA Terminal 2 and Den Binsol who was part of TCEU at NAIA Terminal 3. These officials reportedly travel with their families or girlfriends every month, and enjoy a lifestyle of checking-in at five star hotels, eating at first-class restaurants and dining at high-end bars, of wearing expensive Swiss watches, designer belts and shoes, driving flashy cars, and living in posh villages²;

¹ Tulfo, Ramon. The Manila Times. *Human Trafficking at NAIA*. 9 April 2019. Retrieved from <https://www.manilatimes.net/human-trafficking-at-naia/537533/>

² Tulfo, Ramon. The Manila Times. *Living the life of the rich and famous*. 11 April 2019. Retrieved from <https://www.manilatimes.net/living-the-life-of-the-rich-and-famous/538478/?fbclid=IwAR2D9kbHIDtTWNxkfjwUZmmJHrRGRNwsNiqpcUhKc9WSC82sVvyqM4XFET4>

WHEREAS, Tulfo alleged that the immigration officers at NAIA, who are “soldiers of the syndicate”, receive an average of P80,000.00 per week depending on his or her schedule at the airport immigration counter for admitting foreigners with dubious documentation or without documentation at all, and for allowing passengers to depart despite Hold Departure Orders, along with those with no proper documentation, and or those who are simply unauthorized by law to leave the country³;

WHEREAS, the syndicate reportedly charges P100,000.00 to P300,000.00, or even up to P5 Million for their service, depending on the gravity of the problem of the alien entering the country, or the departing passenger. Payments are supposedly wired to various bank accounts of the syndicate⁴;

WHEREAS, more importantly, Tulfo alleged that it was during the stint of former DOJ Secretary Vitaliano Aguirre in 2016 when the syndicate was born and Aguirre himself is being tagged as the protector of the syndicate⁵;

WHEREAS, it is provided by law that the Secretary of Justice is tasked to implement immigration laws, rules and regulations and to act on immigration matters, including waiver of visas and admission of aliens, and to sit as chair to the IACAT;

WHEREAS, based on Tulfo’s report, Aguirre took advantage of his position as Secretary of Justice and, in fact, was instrumental in the syndicate’s operations. Tulfo wrote that Aguirre issued Department Circular No. 041 dated 15 August 2017 granting power to BI POD and Special Operations Communications Unit (SOCU) to issue Visa Upon Arrival (VUA) to Chinese Nationals, coupled with and an Order depriving BI Commissioner Jaime Morente of powers to assign and reassign BI personnel⁶;

WHEREAS, Tulfo also named father-and-son BI officials Maynardo and Marc Red Mariñas, who were chief of the SOCU and former chief of POD, respectively, as members of the syndicate. Marc Red is a close friend of Aguirre’s son, Aris. Marc Red was reportedly able to amass hundreds of millions of pesos which he now supposedly uses in his campaign for Muntinlupa Mayor. Marc Red was replaced at POD by his “buddy-buddy” former security guard Fidel Mendoza. Mendoza was eventually

³ Supra foot note #1

⁴ Supra foot note #1

⁵ Supra foot note #2

⁶ Supra foot note #2

replaced by an alleged “mere figurehead” Grifton Medina⁷. On the other hand, Maynardo Mariñas was reported to have “under his payroll some top government officials, columnists, newspaper editors and reporters in newspapers and TV news outlets”;

WHEREAS, as early as 16 March 2019, it was reported in Manila Standard that BI has asked DOJ to conduct an investigation against unnamed nine (9) members of the BI-TCEU assigned at NAIA. This was made after the Department of Foreign Affairs complained about the rising number of undocumented Filipino workers in the Middle East who managed to slip out of the country with fictitious travel documents⁸;

WHEREAS, on 30 March 2019, Inquirer published an article that BI agents intercepted 18 women and 12 men who were believed to be victims of human trafficking. All of them initially claimed that they were supposed to visit a friend or relative in Dubai and even presented valid tourist visas as proof. However, during the investigation of the TCEU, they admitted that they were hired as waiters, waitresses in Dubai and as kitchen manager in Baghdad and were able to get their travel documents on the same day of their flight from their handler who met them just outside the airport⁹;

WHEREAS, in 2018, the Philippines remained at Tier 1 assessment by the United States Department of State Global Trafficking in Persons Report which means that Philippine government has met the minimum standards for the elimination of trafficking¹⁰;

WHEREAS, despite meeting the minimum standards, the US report concluded that, “the Philippine government did not vigorously investigate and prosecute officials allegedly involved in trafficking crimes or punish labor traffickers” and “some corrupt officials, particularly those working in charge of immigration, allegedly accept bribes to facilitate illegal departures for overseas workers, reduce trafficking charges, or overlook illegal labor recruiters”¹¹;

⁷ Supra foot note #2

⁸ Barcelo, Vito. ManilaStandard.net. *DOJ asked to probe unit*. 16 March 2019. Retrieved from <http://manilastandard.net/mobile/article/290238>

⁹ Orellana, Faye. Inquirer.net. *BI Agents intercept 30 victims of human trafficking at NAIA*. 30 March 2019. Retrieved from: <https://newsinfo.inquirer.net/1101468/bi-agents-intercept-30-victims-of-human-trafficking-at-naia>

¹⁰ Philippines Upgraded to Tier 1 Ranking in Trafficking in Persons Report. Retrieved from <https://asiafoundation.org/2016/07/13/philippines-upgraded-tier-1-ranking-trafficking-persons-report/>

¹¹ 2018 Trafficking in Persons Report - Philippines. Retrieved from: <https://www.refworld.org/docid/5b3e0aa4a.html>

WHEREAS, every year, our government processes contracts of around 10 million Filipinos who reside or work abroad. It is reported that a large number of our OFWs are subjected to sex and labor trafficking, particularly in the Middle East and Asia¹²;

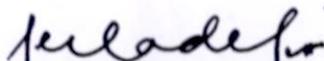
WHEREAS, these continuous and repeated incidences of human trafficking victimize many of our workers, especially women, and minors who are promised better lives abroad. It likewise promotes and perpetuates modern-day slavery;

WHEREAS, the complicit immigration officers and other state actors who are the very perpetrators of these crimes must be subject of an unbiased probe and they must also be brought to justice to be held administratively and criminally accountable for their acts;

WHEREAS, Congress, through relevant legislation, must swiftly and effectively improve anti-human trafficking laws and immigration laws, with the goal of stamping out corruption among concerned agencies, like the Bureau of Immigration;

WHEREFORE, BE IT HEREBY RESOLVED BY THE SENATE, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the reported rampant violations of the Philippine Immigration Act and of the Anti-Trafficking of Persons Act at the Ninoy Aquino International Airport committed reportedly by a syndicate of middle-level Bureau of Immigration officials with the end in view of crafting remedial measures to ensure accountability of government officials tasked to enforce them.

Adopted,


LEILA M. DE LIMA

¹² *ibid*