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SENATE

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P. S. RES. NO. 286

Introduced by SENATOR JOEL VILLANUEVA

RESOLUTION

DIRECTING THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT AND OTHER APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE GOVERNMENT'S MIGRATION POLICIES ON PROMOTING THE WELFARE AND RIGHTS OF FILIPINO MIGRANT WORKERS AMIDST THE INCREASING INCIDENCE OF ABUSE AND MALTREATMENT OF OVERSEAS FILIPINO WORKERS AND ESCALATING SECURITY TENSIONS IN THE MIDDLE EAST

WHEREAS, a year after the gruesome death of Joana Demafelis in February 2018 in Kuwait and despite the Philippine-Kuwait Agreement on Employment of Domestic Workers Between the Government of the Republic of the Philippines and the Government of the State of Kuwait signed on May 11, 2018, reports on the abuses and incidences of death suffered by overseas Filipino workers in the Middle East, particularly in Kuwait, continue. In May 2019, 47-old Constancia Dayag, a domestic worker working in Kuwait, allegedly died at the hands of her employer, after reportedly suffering from physical and sexual abuse. In December 2019, or seven months after the death of Constancia Dayag, another Filipina domestic worker in Kuwait, Jeanalyn Villavende, was reported dead after suffering abuse from her employer's wife;

WHEREAS, Constancia Dayag was declared dead on arrival at Al Sabah Hospital in Kuwait on May 14, 2019. According to news reports, her body was already in a decomposing state when she was found at her employer's home. She was also reportedly scheduled to go home on the same month of her death;¹

¹ 2019, May 24. Jaymalin, Mayen and Lee-Bagro, Pia. "Autopsy on Filipina maid who dies in Kuwait set." Available at <https://www.philstar.com/nation/2019/05/24/1920370/autopsy-filipina-maid-who-died-kuwait-set> (date last accessed: January 7, 2020).

WHEREAS, similar to what happened to Constancia Dayag, Jeanalyn Villavende was already dead by the time she was brought to Al Sabah Hospital, Kuwait, with her body "black and blue."² According to Labor Secretary Silvestro Bello III, she previously asked for assistance from her local recruitment agency, Five Star Recruitment and Manpower Corporation, as early as September 2019,³ but her cries were unheeded;⁴

WHEREAS, from 2016 to 2020, the number of overseas Filipino workers (OFWs) who died in Kuwait due to various causes is now close to 200, while there are currently over 280 OFWs in the embassy shelter in Kuwait due to complaints of maltreatment and contract violations, according to Overseas Workers' Welfare Administration (OWWA). This figure does not even include the high incidence of runaways among our OFWs working there;

WHEREAS, while hundreds of our OFWs are vulnerable to abuse in Kuwait, thousands more will potentially be affected with the rising tensions between the United States of America and Iran. Data from Department of Foreign Affairs (DFA) shows that there is an estimated 1,640 OFWs currently working in Iraq, while other groups warn the government to be prepared to evacuate more than 3,000 OFWs who are currently in Iraq. They also urge the government to have a pro-active and comprehensive contingency plan relative to the effects of the situation in the region to the Philippines and to the Filipino workers working there.⁵ According to DOLE, there are a total 1,854,766 OFWs in the Middle East as of June 2019;

WHEREAS, in view of the large number of OFWs working in the region, the country must be prepared for the potential loss of OFW jobs, and the corresponding economic impacts to the Philippine economy, including lower remittances and higher oil prices;⁶

WHEREAS, considering the foregoing, there is a need to inquire and review, in aid of legislation, the overseas employment program and contingency plan of the Government, particularly on:

- 1) The implementation of the bilateral agreement signed by the Republic of the Philippines and the State of Kuwait on the employment of domestic workers on May 11, 2018, and other bilateral agreements on OFW protection;

² 2020, January 2. Ramos, Christia Marie. "OFW killed in Kuwait 'black and blue' when brought to hospital-Bello. Available at <https://globalnation.inquirer.net/182804/ofw-killed-in-kuwait-black-and-blue-when-brought-to-hospital-bello> (date last accessed: January 7, 2020).

³ 2020, January 2. Media interview with Secretary Bello on the death of Jeanalyn Villavende on The Source. Facebook Video, 7:37-7:58, posted by CNN Philippines. Available at <https://www.facebook.com/CNNPhilippines/videos/2567457966864918/> (date last accessed: January 6, 2020).

⁴ 2020, January 2. "OFW sought help from agency months before she was killed by Kuwaiti employer." Available at <https://news.abs-cbn.com/overseas/01/02/20/ofw-sought-help-from-agency-months-before-she-was-killed-by-kuwaiti-employer> (date last accessed: January 7, 2020).

⁵ 2020, January 5. Mabasa, Roy. "There are more than 3,000 OFWs in Iraq, not just 1,640 as previously reported by DFA – expert." Available at <https://news.mb.com.ph/2020/01/05/there-are-more-than-3000-ofws-in-iraq-not-just-1640-as-previously-reported-by-dfa-expert/> (date last accessed: January 7, 2020).

⁶ 2020, January 3. De Vera, Ben. "PH economists wary of impact of brewing US-Iran war: OFW job losses, rise in oil prices." Available at <https://business.inquirer.net/286493/ph-economists-wary-of-impact-of-brewing-us-iran-war-ofw-job-losses-rise-in-oil-prices> (date last accessed: January 7, 2020).

- 2) Protection and assistance mechanisms in place for Overseas Filipino Workers in the Philippines and at Foreign Posts;
- 3) Implementation of the mandate of Section 4 of Republic Act No. 8042, as amended by Republic Act No. 10022, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, to deploy only in countries where the rights of Filipino migrant workers are protected, which is determined through the existence of: (a) existing labor and social laws protecting the rights of workers, including migrant workers; (b) signatory to and/or ratifier of multilateral conventions, declarations or resolution relating to the protection of workers, including migrant workers; and (c) has a bilateral agreement or arrangement with the Philippine government on the protection of the rights of overseas Filipino workers;
- 4) Implementation of government policies aimed to regulate the deployment of Filipino workers abroad; and
- 5) Government's proactive and comprehensive contingency plan and strategies to protect our overseas Filipino workers amidst the rising tensions in the Middle East, and to prepare for its possible impacts such as potential job losses for OFWs, lower remittance and higher oil prices, among others;

RESOLVE BY THE SENATE, that the Committee on Labor, Employment and Human Resources Development and other appropriate Senate Committees, conduct an inquiry, in aid of legislation, on programs, reforms and interventions of the DOLE, DFA and other concerned government agencies in ensuring the safety, welfare and protection of OFWs amidst the increasing cases of deaths and maltreatment and escalating security tensions in the Middle East, with a view to addressing the gaps in the law to ensure that the dignity, welfare and rights of our Filipino workers abroad are protected.

Adopted,


SENATOR JOEL VILLANUEVA