

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE

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P.S. Res. No. 134

Introduced by Senator JUAN MIGUEL F. ZUBIRI

RESOLUTION

DIRECTING THE COMMITTEE ON LABOR EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE COMPLIANCE OF THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) ON ITS MANDATE TO FORMULATE A FIVE-YEAR DEREGULATION PLAN ON RECRUITMENT ACTIVITIES

Whereas, the Department of Labor and Employment (DOLE) is mandated by law to submit a five-year deregulation plan on recruitment activities, pursuant to Section 29 of the Migrant Workers and Overseas Filipino Act, to wit:

“Sec. 29. Comprehensive Deregulation Plan on Recruitment Activities.—Pursuant to a progressive policy of deregulation whereby the migration of workers becomes strictly a matter between the worker and his foreign employer, the DOLE within one (1) year from the effectivity of this Act, is hereby mandated to formulate a five-year comprehensive deregulation plan on recruitment activities taking into account labor market trends, economic conditions of the country and emerging circumstances which may affect the welfare of migrant workers.”

Whereas, the Migrant Workers and Overseas Filipino Act mandate likewise the phase-out of the various regulatory agencies, to wit:

“Sec 30. Gradual Phase-Out of Regulatory Functions.—Within a period of five (5) years from the effectivity of this Act, the DOLE shall phase-out the regulatory functions of the POEA pursuant to the objectives of deregulation.”

Whereas, the above law was approved on 7 June 1995 and a good 12 years already elapsed, yet, the recruitment of sea-based and land-based Filipino overseas workers is still heavily regulated;

Whereas, a careful examination of the registered recruitment agencies would show that about 80% is owned by foreigners hiding conveniently under the protective veil of corporate fiction;

Whereas, these foreign recruiters either use Filipino dummies or ensure ownership over 40% of preferred shares of stock boldly showing that they can evade the provisions of our labor laws;

Whereas, this rampant practice puts to mockery the administrative and judicial processes of this country before the eyes of other sovereign states particularly those accommodating Filipino laborers;

Whereas, the Philippine Overseas Employment Authority (POEA) failed to monitor and combat the dominance of foreign nationals in licensed recruitment agencies and proved itself to be but merely another layer in the bureaucracy;

Whereas, in keeping with the intent of the Migrant Workers and Overseas Filipino Act, the regulatory functions of POEA should be altogether withdrawn and that government strengthen instead its adjudicatory and response-mechanisms in respect to the complaints and claims of Filipino overseas workers;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Senate direct the Committee on Labor, Employment and Human Resources Development to conduct an inquiry, in aid of legislation, into the compliance of the Department of Labor and Employment (DOLE) on its mandate to formulate a five-year deregulation plan on recruitment activities.

Adopted.



JUAN MIGUEL F. ZUBIRI