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SENATE

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Republic Act No. 8042 embodies the government's policy regarding overseas employment and provides for a higher standard of protection and promotion of the welfare of millions of overseas Filipino workers and their families. Nearly eight years since the implementation of the Act, it has become apparent that the Government should now re-assess certain provisions of the law. We must confront the reality that the State must establish an overseas employment program consistent with national development objectives and in pursuit of full employment for its citizens.

Sections 29 and 30 of the existing law provide for a five-year comprehensive deregulation plan and require the Department of Labor and Employment to phase out the regulatory functions of the POEA within the same period. This was premised on the assumption that the country would have attained the status of a newly-industrialized country by year 2000. To date, however, such "NIC-hood" status remains to be realized.

The phase-out of POEA's regulatory functions as indicated under present law would be a wanton disregard of the avowed policy of the state and the noble mandate of the POEA to afford full protection to labor, local and overseas. It should be stressed that the bottomline of regulation is the promotion of the welfare of our OFWs. An untimely phase-out of the regulatory functions of the POEA will constitute a virtual abandonment of our OFWs contrary to the overall intention of the Migrant Workers Act.

The intention of the Migrant Workers Act on the progressive policy of deregulation whereby the migration of workers becomes strictly a matter between the worker and his foreign employer must be subsumed under the state policy that the existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedom of our overseas Filipino workers (OFWs) shall not at any time be compromised or violated. While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State shall continue to promote, sustain and protect our OFWs with all the resources at its command.

It is in this light, therefore, that the repeal of Sections 29 and 30 of RA 8042 is hereby proposed.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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AN ACT
STRENGTHENING THE REGULATORY FUNCTIONS OF THE PHILIPPINE
OVERSEAS EMPLOYMENT ADMINISTRATION (POEA) AMENDING FOR THIS
PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT
WORKERS AND OVERSEAS FILIPINOS ACT OF 1995"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Section 23, paragraph (b.1) of Republic Act No. 8042, otherwise known as
2 the "Migrant Workers and Overseas Filipinos Act of 1995" is hereby amended to read as
3 follows:

4 "(b.1) Philippine Overseas Employment Administration - [Subject to deregulation and
5 phase-out as provided under Sections 29 and 30 herein, t] The Administration shall regulate
6 private sector participation in the recruitment and overseas placement of workers by setting up a
7 licensing and registration system. It shall also formulate and implement, in coordination with
8 appropriate entities concerned, when necessary, a system for promoting and monitoring the
9 overseas employment of Filipino workers taking into consideration their welfare and the
10 domestic manpower requirements."

11
12 SEC. 2. Section 29 of the same law is hereby repealed.

13 "[SEC. 29. Comprehensive Deregulation Plan on Recruitment Activities. - Pursuant to a
14 progressive policy of deregulation whereby the migration of workers becomes strictly a matter
15 between the worker and his foreign employer, the DOLE within one (1) year from the effectivity

1 of this Act, is hereby mandated to formulate a five-year comprehensive deregulation plan on
2 recruitment activities taking into account labor market trends, economic conditions of the
3 country and emergency circumstances which may affect the welfare of migrant workers .] "

4

5 **SEC. 3.** Section 30 of the same law is hereby repealed.

6 "[SEC. 30. Gradual Phase-out of Regulatory Functions. - Within a period of five (5)
7 years from the effectivity of this Act, the DOLE shall phase out the regulatory functions of the
8 POEA pursuant to the objectives of deregulation.]"

9

10 **SEC. 4.** All laws, orders, issuances, rules or regulations, or parts thereof, inconsistent
11 with the provisions of this Act are hereby repealed, amended or modified accordingly.

12

13 **SEC. 5.** This Act shall take effect within fifteen (15) days after its publication in the
14 Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,