

# JOURNAL

SESSION NO. 1

Monday, Wednesday, Thursday and Friday  
May 22, 24, 25 and 26, 1995

## CALL TO ORDER

At 3:39 p.m., Monday, May 22, the Senate President Pro Tempore, Honorable Leticia R. Shahani, called the session to order.

## NATIONAL ANTHEM AND PRAYER

The Senate Choir sang the National Anthem. Thereafter, Senate President Edgardo J. Angara led the prayer, to wit:

O Lord,

Under Your omniscient and beneficent gaze, we convene in Special Session to study and to legislate additional measures to protect our friends, relatives and neighbors who labor in foreign climes.

A new urgency informs our work this week. We are called upon to consider the relevance of overseas employment in the context of our economic goals and ambitions.

We convene after a hard-fought election that is likely to add new intellects to this Chamber. While we have been requested by the President of the Republic to consider within the context of the Ninth Congress such policies as will benefit our overseas workers, let us not close the option for new legislators to illumine with their experience and wisdom the diaspora that we call overseas contract employment. We should leave open the possibility of viewing this phenomenon within an overall comprehensive employment strategy that will create remunerative and satisfying jobs in our country for all our workers.

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9th  
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FIFTH ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read the following Committee Report which the Chair assigned to the Calendar for Ordinary Business:

Committee Report No. 999, prepared and submitted by the Committee of the Whole, on Senate Bill No. 2077, with Senators Herrera and Ople, et al. as authors thereof, entitled

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS EMPLOYMENT PROGRAM AND ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 2068, 2069, 2070, 2071, 2075, 2076, and taking into consideration Senate Bill No. 129, 137, 161, 312, 346, 388, 486, 724, 798, 892, 917, 980, 996, 1018, 1459, 1592, 1769, 1813, 1889, 1909, and 1943; House Bill Nos. 3764, 4523, 8716, and 14313; Proposed Senate Resolution Nos. 5, 27, 59, 114, 137, 141, 148, 225, 266, 330, 337, 346, 351, 365, 407, 467, 518, 548, 600, 604, 616, 618, 626, 657, 779, 836, 849, 856, 930, 932, 933, 947, 951, 1024, 1041, 1057, 1058, 1060, 1090, and 1112.

SPECIAL ORDER

Upon motion of Senator Romulo, there being no objection, the Body approved the transfer of Committee Report No. 999 on Senate Bill No. 2077 (Migrant Workers Act of 1995) to the Calendar for Special Orders.

At this juncture, the Senate President relinquished the Chair to Senator Orlando S. Mercado.

COMMITTEE REPORT NO. 999  
ON SENATE BILL NO. 2077

Upon motion of Senator Romulo, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2077 (Committee Report No. 999), entitled

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS  
EMPLOYMENT PROGRAM AND ESTABLISH A HIGHER  
STANDARD OF PROTECTION AND PROMOTION OF THE  
WELFARE OF MIGRANT WORKERS AND FOR OTHER  
PURPOSES.

Pursuant to Section 54, Rules XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Romulo, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

Thereupon, the Chair recognized Senator Herrera for the sponsorship.

SPONSORSHIP SPEECH  
OF SENATOR HERRERA

In sponsoring Senate Bill No. 2077, Senator Herrera delivered the following speech:

This afternoon at 1:30 p.m., the Committee of the Whole concluded its public hearings. We consulted and heard the views of 60 persons from government, nongovernment organizations, academe, recruitment and manning agencies and persons representing other entities which, in one way or another, are concerned with migrant workers. Hence, I am pleased to submit for consideration of the Senate Committee Report No. 999 containing Senate Bill No. 2077, entitled "AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS EMPLOYMENT PROGRAM AND ESTABLISH HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS AND FOR OTHER PURPOSES."

Fundamental to all the policies instituted herein is the clear and unequivocal position that overseas employment is not a means to sustain economic growth and achieve national development. In fact, we have stressed in the Declaration of Policies that the existence of the Overseas Employment Program rests solely on the assurance that the dignity and fundamental rights and freedom of the Filipino citizen shall not at any time be compromised or violated, hence, the goal of creating local employment opportunities and a deployment policy that only skilled Filipino workers shall be deployed and only to countries that guarantee their protection.

Furthermore, in recognition of the role of women in nation-building, FOEA programs shall recognize the need and characteristics of women migrant workers.

The other salient features of the bill include:

1. Provisions strengthening the anti-illegal recruitment campaign such as:

- a) An expansion of the definition of "illegal recruitment" to include even licensees and holders of authority and the prohibited activities under Article 34 of the Labor Code;
- b) An increase in the penalties imposed on persons involved in illegal recruitment activities;
- c) Designating the Regional Trial Courts of the city or municipality where the complainants reside as the venue of illegal recruitment cases;
- d) Free legal assistance to and automatic entitlement of victims of illegal recruitment under the Witness Protection Program;
- e) Provisions of mandatory period for resolution of illegal recruitment cases;
- f) A longer prescriptive period for the filing of illegal recruitment cases; and
- g) Vesting the labor arbiters original and exclusive jurisdiction to hear and decide claims arising out of employer-employee relationship or by virtue of any law or contract involving migrant workers, including damages.

2. Provisions of additional services for the protection and welfare of migrant workers such as:

- a) The issuance of travel advisories that will help individuals make and form an intelligent decision about overseas employment and to forewarn them of countries that consistently violate human and worker's right;



- b) The establishment of an Emergency Repatriation Fund and the mandatory repatriation of underage migrant workers;
- c) The facilitation by the DGLE of the reintegration of returning migrant workers into the mainstream of economic activities of the country;
- d) The establishment of the Migrant Workers' Resource Center which will, among other functions, require the registration of all overseas Filipinos within six months from arrival in the host country under the pain of cancellation of their passport; and
- e) The creation of a Workers' Loan Guarantee Fund of ₱100 million by the OWWA to guarantee the loans that may be granted by the GFI to workers and their families.

3. The creation of Legal Welfare Commission and entity that will ensure the provision of adequate and timely legal assistance to displaced workers.

4. The formulation of a comprehensive deregulation plan on recruitment activities and the gradual phaseout of the regulatory function of the POEA pursuant to the objectives of deregulation.

5. The appointment of additional members of the POEA and OWWA Boards who shall come from the women, sea-based and land-based sectors, respectively, one of whom shall be a woman.

6. The appointment of five sectoral representatives for migrant workers in the House of Representatives on the basis of proportional representation from the regional distribution of migrant workers.

7. The exemption of migrant workers from the payment of travel tax.

8. The freeze of all fees and the abolition of repatriation bonds.

I do not wish to refer to this proposed legislative measure as the Magna Carta for Overseas Workers inasmuch as I am fully aware that much, much more must be done for our migrant workers and the overseas employment program as a whole.

I hope for your support for what I prefer to call the proposed Migrant Workers Act of 1995.

SUSPENSION OF CONSIDERATION  
OF SENATE BILL NO. 2077

Upon motion of Senator Romulo, there being no objection, the Body suspended consideration of the bill.

DESIGNATION OF NEW MEMBERS TO THE  
BICAMERAL CONFERENCE COMMITTEE

Upon motion of Senator Romulo, there being no objection, the Body approved the following revision of composition of the Senate panels in the Bicameral Conference Committee on the disagreeing provisions of Senate and House bills hereunder indicated:

1. On Senate Bill No. 1984 and House Bill No. 10363 (intercountry adoption) -- Senator Rasul as Chairman, and Senators Roco and Maceda as members;
2. On Senate Bill No. 252 and House Bill No. 12614 (the Book Development Act) -- Senator Shahani as Chairman, and Senators Alvarez, Sotto and Maceda as members;
3. On Senate Bill No. 1977 and House Bill No. 11614 (Philippine Youth Commission) -- Senator Webb as Chairman, and Senators Shahani, Sotto, Alvarez, Maceda and Rasul as members; and
4. On House Bill No. 9426 (the All Asia Airlines) -- Senators Mercado, Sotto and Maceda.

ANNOUNCEMENT OF SENATOR ROMULO

Senator Romulo announced that in the next day's session, the Body would take up on Second Reading, Senate Bill No. 2077 (instituting policies on the overseas employment program); and on Third Reading, Proposed Senate Resolution No. 1143 (protecting the rights of migrant workers).

SUSPENSION OF SESSION

Upon motion of Senator Romulo, there being no objection, the Chair declared the session suspended until nine o'clock in the morning of the following day.

It was 7:20 p.m.

RESUMPTION OF SESSION

At 10:05 a.m., Thursday, May 25, the session was resumed with the Senate President presiding.

SIXTH ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read and the Chair made the corresponding referral of the following matters:

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

Letters of His Excellency, President Fidel V. Ramos, dated May 24, 1995, certifying to the necessity of the immediate enactment/adoption of the following:

Senate Bill No. 1943, entitled

AN ACT PROVIDING FOR A SYSTEM OF ABSENTEE VOTING BY  
FILIPINOS ABROAD,

to meet the public emergency consisting of the need to put in place constitutionally mandated reforms in the electoral system to maintain social cohesion and avoid disruption and violence, and thereby ensure credible, honest, orderly and peaceful elections

and Proposed Senate Resolution No. 1143, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE  
INTERNATIONAL CONVENTION ON THE PROTECTION OF  
THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS  
OF THEIR FAMILIES,

to meet a public emergency consisting of the need to  
provide additional, adequate, continuous and  
compassionate protection and safeguards to overseas  
Filipino workers as a necessary means of further  
protecting and promoting their rights and welfare as  
mandated under the Constitution.

To the Committee on Rules

COMMITTEE REPORT NO. 999  
ON SENATE BILL NO. 2077  
(Continuation)

Upon motion of Senator Romulo, there being no objection,  
the Body resumed consideration, on Second Reading, of Senate  
Bill No. 2077 (Committee Report No. 999), entitled

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS  
EMPLOYMENT PROGRAM AND ESTABLISH A HIGHER  
STANDARD OF PROTECTION AND PROMOTION OF THE  
WELFARE OF MIGRANT WORKERS AND FOR OTHER  
PURPOSES.

Senator Romulo stated that the parliamentary status of  
the bill was the period of interpellations.

Thereupon, the Chair recognized Senator Herrera, sponsor  
of the bill.

#### SUSPENSION OF SESSION

Upon motion of Senator Romulo, the Chair suspended the  
session.

It was 10:07 a.m.

#### RESUMPTION OF SESSION

At 10:35 a.m., the session was resumed.

INTERPELLATION OF SENATOR MACEDA

Senator Maceda expressed his concern over the attitude of government personnel, particularly in the Department of Foreign Affairs (DFA), who shirk off the responsibility of assisting overseas contract workers.

Asked how the bill would change this attitude of government personnel, Senator Herrera said that the matter could be dealt with through programs geared toward reorienting the perspective and attitude of the personnel. In this regard, he recalled the effective "barrio exercise" of government executives in the University of the Philippines under the program of the Philippine Executive Academy in the 1970s, wherein the executives with strong urban orientation were exposed to the realities of the barrio.

As to the primary responsibility of the DFA in protecting and assisting the overseas contract workers, Senator Herrera cited Section 24 of the bill entitled "Country-Team Approach -- Primordial Concern of Philippine Embassies," to wit:

The country-team approach, as enunciated under Executive Order No. 74, shall be the mode under which the Philippine embassies or their personnel will operate in the protection of the Filipino migrant workers as well as in the promotion of their welfare. The protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of Filipino citizens, in general, shall be the primordial concern of the Philippine embassies that is superior to other diplomatic functions.

At this point, Senator Maceda noted that under Article VII of ILO Convention No. 97 which was adopted on July 1, 1949, "each member for which this Convention is enforced undertakes to ensure that the services rendered by

its public employment service to migrants for employment are rendered free." He averred that it is unfair to charge migrant workers with so many fees, thus, he supports the removal of fees charged by the government which amount to ₱5,000 to ₱6,000 pesos. He added that OCWs also have to pay their recruiters huge amounts of money both legally and "under-the-table."

In this regard, Senator Herrera stated that there was, in fact, a recommendation in the previous day's hearing to ratify ILO Convention No. 97 which enjoins governments to gradually phase out charges and fees that OCWs have to pay. However, he underscored that certain types of migrant workers who receive huge salaries should contribute in the administrative costs of allowing them to work abroad.

To the suggestion of Senator Maceda to obligate the President to appoint to the House of Representatives five sectoral representatives for migrant workers, Senator Herrera replied that while it would be a good policy statement, the Constitution provides that there will no longer be appointed sectoral representatives after 1998.

As to whether the bill was an artificial measure to salve the wounds suffered by the government from the Contemplacion-Maga case, Senator Herrera confided that at first, he felt that the new Members of Congress who were elected in the last election should be allowed to participate in crafting the bill, and that many of the concerns and problems of migrant workers can be addressed by administrative action. But he stressed that in the course of the hearings, consultations and studies, he realized that

there was really a pressing need to address the important concerns of migrant workers. He then expressed pride in the bill crafted by the Committee of the Whole, emphasizing that it cannot be dismissed as mere "P.R." or public relations measure.

Adverting to a provision in the bill in which the Center is "enjoined to compel" undocumented workers to register with Philippine embassies, Senator Maceda asked whether migrant workers can be documented, registered or located without making it compulsory on their part under pain of cancellation of their passports.

Replying thereto, Senator Herrera stated that past programs implemented by the Department of Labor and Employment (DOLE) and the Overseas Workers' Welfare Administration (OWWA) to attract workers to register at the embassies were unsuccessful. In particular, he recalled that the implementation in 1993 of a system of issuing OWWA cards which entitled bearers with certain benefits, was later abused. He said that since the victims of abuses and exploitation were usually undocumented migrant workers, there should be an element of compulsion to remind Filipinos abroad of their responsibility to report to the embassy in order to be accounted for. He believed that six months would be a reasonable period to comply with this requirement. He underscored the importance of documenting the undocumented workers abroad since that is one way to protect them against abuses.

However, he expressed willingness to reword, at the proper time, the language of the provision which Senator Maceda found too strong.

Considering the information that there were several underage and undocumented women workers in Japan, Senator Maceda pointed out that the said provision cannot apply to and compel migrant workers with falsified or spurious passports to register in the embassies because they, in fact, do not have valid passports that can be cancelled. He suggested that instead, the Department of Foreign Affairs (DFA) could provide incentives, such as discounts on passport fees if a Filipino migrant worker travels to only one country, or passport renewals or extensions if one registers with an embassy or consulate outside the country.

Reacting thereto, Senator Herrera averred that those using fake passports cannot be compelled to register; but migrant workers using valid passports with tourist visas can be compelled to register as migrant workers. He clarified that the bill proposes to compel undocumented migrant workers to register not to be penalized but in order for them to get benefits.

Asked if he would be willing to add a provision in Section 25 to the effect that at the end of five years from the formulation of the deregulation plan, the deregulation of recruitment activities shall have been implemented, Senator Herrera said that what he wanted to reflect in the section is the idea that as the government deregulates the overseas employment program, it should also strengthen the arms of agencies in charge of protecting the interest and welfare of the Filipino migrant workers.



Further, Senator Maceda commented that the bill seems to be in favor of the continuation of the existence of the POEA and OWWA whose performance is way below expectations. He then asked whether it would be a perfect opportunity at this time to phase out the two agencies in favor of a new commission to deal with the problems of OCWs.

In reply, Senator Herrera reasoned that consistent with the thrust of deregulation and considering that the overseas employment is not a permanent program, it is expected that the POEA and OWWA would really be phased out. However, he said that the problem cannot be solved overnight by abolishing these agencies. He stressed that the migrant workers having problems or abused constitute only less than 1 percent of the total number of workers.

However, Senator Maceda recalled that it was pointed out during the hearings that major positions in the POEA and OWWA have not been filled up by the President himself.

Nevertheless, Senator Herrera suggested that the 10th Congress should conduct an extensive study on the matter of abolishing said agencies which, anyway, are not permanent agencies.

Senator Maceda stated that at the proper time, he would propose amendments to the bill.

#### INTERPELLATION OF SENATOR GONZALES

Asked by Senator Gonzales whether the bill adopted the so-called selective deployment policy for Filipino overseas workers in the sense that only skilled workers are to be deployed and only in countries that guarantee their protection, Senator Herrera replied in the affirmative.

But Senator Gonzales believed that the policy, however well-intended, cannot be realized with respect to those who leave the Philippines with non-immigrant or tourist visas but end up as workers doing odd jobs in other countries.

On whether the bill has provisions that will discourage such practice, Senator Herrera stated that the bill provides for the immediate repatriation of underage workers, the compulsory registration of workers in Philippine embassies or consulates and the mandatory issuance of periodic advisories by the Department of Foreign Affairs and the Department of Labor and Employment in coordination with the FOEA on the employment conditions of certain countries with emphasis on the incidence of human rights abuses.

On whether the provision on the mandatory repatriation of underage workers would also apply to those who have been legally recruited but found to be underage later on, Senator Herrera replied in the affirmative.

With regards to the mandatory registration of migrant workers, Senator Gonzales commented that an illegal entrant would necessarily wish to go underground and it is only when he gets into trouble that the embassies or consulates are informed of their existence. But Senator Herrera informed the Body that there are certain individuals who enter a foreign country legally as tourists or as workers but transfer to another country as illegal workers. He opined that putting the cancellation of passport as a sanction would compel such migrant workers to register with the embassies.

However, Senator Gonzales argued that because of the sad experiences of other migrant workers with embassy personnel, they are now discouraged from registering with the embassies. But Senator Herrera contended that it will now be a matter of conducting an effective information dissemination to undocumented migrant workers. He reiterated that the primary purpose of the bill is to provide protection to illegal workers by requiring them to register with the embassies so that they may be issued the necessary passports.

On whether the registration contemplated in the bill would legalize the status of an illegal worker, Senator Herrera replied in the affirmative. He explained that the Department of Labor and Employment has recommended the use of the word "undocumented" rather than the word "illegal" which refers to those who are not registered with the government or their employment papers were not coursed through the concerned regulatory government agencies.

Senator Gonzales opined that the basic principle is that every Filipino abroad whether documented or not is entitled to the protection of Philippine laws.

Senator Herrera agreed, however, he stated that Filipinos abroad only come to the authorities when they are already in trouble. He noted that under the Overseas Workers Welfare Assistance program only contributors are entitled to assistance so there is difficulty in rendering assistance when the workers' whereabouts are unrecorded. Recalling the country's repatriation problems during the Gulf War, Senator Herrera batted for a thorough listing of the Filipinos working abroad.

Acknowledging the need to register workers, Senator Gonzales agreed that non-contributors should not be entitled

to OWWA assistance. But he said that one who remits a certain portion of his earnings should be entitled to benefits.

Senator Herrera replied that every Filipino can demand protection from his government, in fact, the intention to register the migrant workers is to enable the government to protect them.

Senator Gonzales noted that the president of the Philippine Contractors Association had encouraged the deployment of Filipino construction laborers who work for Filipino companies with contracts abroad. In reply, Senator Herrera assured that the deployment of corporate or construction workers is encouraged by the government. In fact, he said, many of the manning agencies are now managing their own vessels and deploying their own seamen.

Asked whether a duly licensed recruiter can also be guilty of illegal recruitment, Senator Herrera replied in the affirmative.

Senator Gonzales opined that Section 10 of the bill might violate the constitutional provision on the law on contracts. He expressed apprehension that the liability of the principal and the recruitment or placement agency shall be joint and several for any and all claims. He said that this might create a situation wherein one might be made liable even if he is not a party to a contract. To cure this apparent defect, he suggested that once a labor contract is registered with the POEA, a placement or recruitment agency should sign an undertaking holding itself jointly and severally liable with the principal as far as money claims under that contract are concerned.

Reacting thereto, Senator Herrera said that this is already part of the regulation of the POEA, but it can be incorporated in the bill.

Senator Gonzales maintained that in contract substitution or modification, the liability of the parties should subsist until the expiration of the original period provided for in the contract.

Senator Herrera stated that he would welcome such an amendment at the appropriate time.

Senator Gonzales then asked whether there is a provision in the bill that the bond put up by the recruiter or placement agency can be tapped when there is an enforcement of the liability. Senator Herrera pointed out that the OWWA, in one instance, had confiscated the bond of a recruitment agency. He suggested that perhaps, the GSIS can be tapped to be the insurer of the bond.

Asked if he would be amenable to adding a new provision that would prohibit officials and employees of the DOLE, particularly those in the POEA and OWWA, from engaging in the recruitment business, Senator Herrera replied that it is already prohibited, however, he expressed willingness to reiterate such provision in the bill.

On another matter, considering that the victims of illegal recruitment shall automatically be entitled to the Witness Protection Program of the Department of Justice, Senator Gonzales asked whether it is proper that Congress appropriate more funds for this program of the DOJ. Senator Herrera replied in the affirmative, noting that while there are many complaints about illegal recruitment, only few cases were filed because many of these victims are already heavily

indebted that they no longer want to go through the hustles of filing a case. He agreed with Senator Gonzales that placing them under the Witness Protection Program, at the very least, would relieve them of their financial worries when they testify during investigations and trial.

#### INTERPELLATION OF SENATOR BIAZON

Asked by Senator Biazon on the legal definition of economic sabotage in relation to illegal recruitment, Senator Herrera referred the Body to page 5, paragraph (n), to wit:

Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage. Illegal recruitment is then committed by a syndicate if carried out by a group of three or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three or more persons, individually or as a group.

But Senator Biazon stressed the need to provide a definition of the elements of illegal recruitment constituting economic sabotage.

In reply, Senator Herrera expressed willingness to consider Senator Biazon's proposal during the period of amendments.

#### INTERPELLATION OF SENATOR ROCO

Asked by Senator Roco how the bill, if enacted into law, would improve the conditions of the migrant workers, Senator Herrera replied that first, it will change the perspective and dimension of the activities of the embassies in the sense that servicing the migrant workers would be their primary function; second, the government would ensure that the migrant workers will be reintegrated into the country's economy in the future; third, the bill also seeks to improve

the campaign against illegal recruitment by extending financial and legal assistance to the victims through the Witness Protection Program and Legal Welfare Commission; fourth, with the periodic advisory to be issued by the Department of Foreign Affairs about the condition of work in certain places, the incidence of violations and changes of policies, the prospective overseas workers can anticipate their possible condition in the place where they want to work; fifth, policies on repatriation would also be improved; sixth, a Loan Guaranty Fund would be available for the workers who want to borrow money; and seventh, a scholarship program would be extended to the dependents of overseas workers.

Asked by Senator Roco whether the DFA's social welfare support functions should take precedence over its "elitist function," Senator Herrera replied that this is now the mandate.

Senator Roco observed that Philippine embassies are constrained to obey the laws of the host countries and become reluctant to help undocumented Filipino workers. Senator Herrera replied that undocumented migrant workers must be protected and assisted, not condoned.

On the fear that the host countries would be offended if Philippine embassies were to be turned into safe houses, Senator Herrera admitted that it is a matter that must be handled carefully.

Senator Roco expressed concern that the impact of the bill would be so far-reaching that even the DFA would not understand its proper role, especially with regard to undocumented migrant workers. In reply, Senator Herrera

stressed that the problem of undocumented migrant workers has been existing for several years and it is about time the DFA officials changed their attitudes and functions as dictated by the present requirements. He said that in order to serve and protect its people, the government agencies must be able to first locate and register undocumented workers.

To the observation that paragraph (b), Section 2 is difficult to interpret, Senator Herrera said that it could be amended at the proper time. As to paragraph (c), he noted that since the overseas employment is not permanent, migrant workers are provided with free access to training and retooling as a preparation for reintegration into the Philippine economic community.

Senator Roco inquired whether courts and quasi-judicial bodies referred to in paragraph (d) pertains to Philippine courts, Senator Herrera replied in the affirmative. He said that this is a provision for free legal services which are needed by poor migrant workers pursuing cases. He explained that jurisdiction over these cases is to be transferred from the POEA to the National Labor Commission (NLC) to facilitate their resolution.

Relative to paragraph (f), Senator Herrera clarified that selective deployment does not mean banning the deployment of unskilled workers immediately. Rather, he said, the provision mandates the appropriate government agencies to provide training to overseas workers so that they can acquire skills for more remunerative jobs.

On whether selective deployment would not violate one's right to travel, Senator Herrera explained that there is no such restriction to travel. He said that the intention is to protect the workers from hostile countries.



Senator Roco asked if the word "placement" was intentionally deleted from the definition of terms considering that the Labor Code refers to "illegal recruitment and placement." Senator Herrera said he would check on it as it was his impression that this particular section was lifted from the Labor Code.

On whether illegal recruitment applies only to those who are not licensed, Senator Herrera said that even those who are licensed can be charged.

Senator Herrera also stated that he would ask his staff to find out what are considered "oppressive terms and conditions."

Finally, Senator Roco inquired if the penal provisions in the bill will be in addition to the penal provisions under the existing laws and whether prosecution will be under this measure or under the Civil Code. Senator Herrera said that this will be clarified during the period of amendments.

SUSPENSION OF CONSIDERATION  
OF SENATE BILL NO. 2077

Upon motion of Senator Romulo, there being no objection, the Body suspended consideration of the bill.

SUSPENSION OF SESSION

Upon motion of Senator Romulo, there being no objection, the Chair suspended the session until three o'clock in the afternoon.

It was 12:34 p.m.

RESUMPTION OF SESSION

At 4:22 p.m., the session was resumed with Senator Freddie N. Webb presiding.

COMMITTEE REPORT NO. 999  
ON SENATE BILL NO. 2077  
(Continuation)

Upon motion of Senator Romulo, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2077 (Committee Report No. 999), entitled

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS EMPLOYMENT PROGRAM AND ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS AND FOR OTHER PURPOSES.

Senator Romulo stated that the parliamentary status was the period of interpellations.

Thereupon, the Chair recognized Senator Herrera, Sponsor of the measure, and Senator Shahani for her interpellation.

INTERPELLATION OF SENATOR SHAHANI

Expressing her happiness that the Congress of the Philippines is finally coming up with the Magna Carta for Overseas Contract Workers, Senator Shahani pointed out, however, that it is important is to ensure that the host country will also recognize the rights embodied in Philippine laws concerning the rights of Filipino migrant workers.

Senator Herrera conceded the limited applicability of Philippine laws in the host country. However, he pointed out that respect for Philippine laws can be accomplished if the Philippines enters into a bilateral agreement with the receiving country. Precisely, he said, the bill gives priority to the deployment of Filipino workers to countries

with bilateral agreements with the Philippines or to countries which are signatories to the United Nations Convention on Migrant Workers. He disclosed that, at present, there are three countries with whom the Philippines has bilateral agreements on the protection of Filipino overseas workers but some countries did not renew their agreements because they felt compelled to extend similar agreements to other countries. On the other hand, he said that some countries without bilateral agreements with the Philippines do protect migrant workers and, like Hong Kong and many European countries, take positive action towards this end. However, he agreed with Senator Shahani that the Philippines should continue to persevere in entering into bilateral agreements with receiving countries which is mandated in the bill.

Asked whether Filipino lawyers can represent OCWs in court litigations abroad, Senator Herrera concurred that there are certain legal restrictions on the practice of the law profession, depending on the host country. He pointed out that one way of providing legal services to migrant workers is for local law firms to enter into contract with foreign law firms but the handling of the cases should be done in close consultation and coordination with Philippine government representatives. He said that the bill provides for the Legal Welfare Commission to supervise the handling of legal cases of migrant workers.

Senator Herrera confirmed that there are many groups of human rights lawyers and nongovernmental organizations all over the world who are willing to defend the rights of

migrant workers and the bill provides for these groups to be considered as partners of the Philippine government in promoting the welfare and protecting the rights of migrant workers.

On Section 24, asked which agency is responsible for the welfare of the OCWs, Senator Herrera explained that the Philippine ambassador as the representative of the President in the host country should logically head the country-team approach and be responsible for the performance of the overseas office.

On whether DFA should raise the money for repatriation, he explained that the bill allocates ₱100 million as repatriation fund and provides that the principal and the recruitment agency shoulder the cost of repatriation. He added that the OWWA will administer the repatriation fund since it will be taken from its budget. He stated that since the bill mandates the ambassador to be the responsible person, he should have immediate access to the fund.

On Section 24 which provides that the protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the promotion of the dignity and fundamental rights and freedoms of the Filipino citizen, in general, shall be the primordial concern of the Philippine embassies that is superior to other diplomatic functions, Senator Herrera explained that the provision is more relevant in countries that have a large concentration of Filipino migrant workers such that the protection of their dignity and fundamental rights is the embassies' superior function. He stated that an embassy is established primarily to take care

of the political, trade and commercial relationships with the host country in addition to protecting Filipino nationals in that country. He admitted, though, that giving priority to the servicing of Filipino workers over other diplomatic functions of the embassies can be controversial.

However, Senator Shahani contended that the primary reason for establishing an embassy is to foster bilateral relations with the host country and not just to protect the country's citizens residing or working there. She said that the word "superior" might distort the priorities in the broad range of the country's foreign policy.

Senator Herrera said that a change in the language of the provision could be effected in the period of amendments, even as he maintained that in the event there is a collision between the embassies' responsibility to protect the workers and their other functions, the constitutional mandate to protect migrant workers should be given priority.

Moreover, Senator Shahani said that the Philippines should not be perceived by other countries as a nation that sends its nationals abroad to work because there are no employment opportunities available locally. She suggested that the bill's policy on the promotion of full employment and equality of employment opportunities should be expanded to categorically state that foreign labor employment should not be a substitute for governmental effort to provide employment opportunities locally. In reply, Senator Herrera pointed out that this particular concern is addressed by Section 2(c) of the bill.

Noting that abuses and violence are directed more towards women migrant workers, Senator Shahani queried whether the bill has provisions that take into consideration their concerns. In reply, Senator Herrera informed the Body that Section 2(g) of the bill provides that the State recognizes the role of women in nation-building and towards this end, the POEA is mandated to recognize the special needs and characteristics of women migrant workers. He said that the bill also provides that of the five sectoral representatives of the migrant workers in the House of Representatives, two should be women; moreover, women migrant workers would also be represented in the OWWA. He expressed the hope that these provisions will trigger programs and initiatives that would redound to the benefit of women migrant workers.

But Senator Shahani expressed the hope that women workers will also be given assistance when they are reintegrated into their families upon their return. She said that, in the period of amendments, she would seek the inclusion of a provision to ensure that the participation of women in the migrant labor market would be fully understood, recognized and appreciated, to which Senator Herrera agreed.

#### INTERPELLATION OF SENATOR ALVAREZ

Asked by Senator Alvarez as to the meaning of "deregulation" as used in the bill, Senator Herrera explained that in the recruitment of overseas contract workers, the government should be less involved and should provide less regulations. However, he clarified that deregulation should

not be understood to mean that the government would be abandoning its responsibility of protecting the workers which is constitutionally mandated.

Senator Herrera affirmed that the government should phase out activities that can be done by the private sector which should be encouraged to assume more responsibilities. As regards recruiters, he said that the government should not compete with them since they are the ones looking for labor markets.

However, Senator Alvarez said that in certain cases, the labor recruitment agencies themselves prove to be the problem. He then inquired whether deregulation would allow private agencies to fashion out their own rules and regulations. He expressed apprehension that entertainers and domestic helpers who, unlike engineers and technically skilled workers, are not organizationally cohesive, may be incapable of coping with self-regulating recruiters.

Responding thereto, Senator Herrera admitted that, in a way, recruitment agencies will be self-regulating, but at the same time, they will take over certain responsibilities. He noted that repatriation costs that are presently being paid by the migrant workers themselves or by the government can be passed on to the principal and recruitment agencies; and the principal and the recruiter can be held jointly liable in money claims in case the terms and conditions of employment are violated.

Moreover, Senator Herrera explained that even as government moves towards deregulation, it will strengthen its services to protect workers. For instance, he said,

government will provide free legal assistance to victims of illegal recruitment through the Legal Welfare Commission, actively document OCWs, and immediately repatriate underage migrant workers for their own protection. He affirmed that government intervention would focus more on the regulation of recruitment in vulnerable sectors.

In this connection, Senator Herrera stated that the Department of Foreign Affairs (DFA) would be required to issue advisories informing prospective migrant workers of the working conditions, policies and human rights records of certain countries where they may decide to work, and whether these countries are signatories to international conventions protecting migrant workers. He underscored the importance of this function because contract violations are sometimes the result of the migrant workers' lack of proper information about the conditions in these countries. He admitted that government agencies can be faulted for failing to inform the workers.

Senator Alvarez averred that rather than deregulation, the thrust of the Convention is to actually expand public intervention and not to take out institutions for the protection and welfare of migrant workers. He said that certain intervention may be needed, for instance, in skills training.

Senator Herrera pointed out that the government's role is to ensure that employers will comply with the terms in their contracts with migrant workers by strengthening the legal assistance to the latter, and to provide opportunities



for OCWs to upgrade their skills so that they can command a better price which, he said, is the best form of government intervention and worker empowerment.

Senator Alvarez said that over the long term, the recruitment and deployment of Filipino overseas workers should be deregulated but on the short and medium term and for as long as the country has not fully developed, there would always be workers who would need the protection of government regulatory bodies. He stated that at the appropriate time, he would propose specific amendments to the bill.

On another matter, Senator Alvarez opined that the transfer of adjudicatory function from the POEA to the NLRC, which has a big backlog of labor cases, will put the overseas workers in a more difficult situation.

Replying thereto, Senator Herrera said that such function is transferred to the NLRC because first, these are work-related cases; second, it is easier for the NLRC to hire additional labor arbiters because of its high salaries and; third, it would shorten the period for a case to be finally resolved since appeals to the NLRC will be eliminated.

Asked if the bill specifies that the position of special attorneys shall be created, Senator Herrera replied that it can be provided in the bill or the DOLE and the NLRC can be furnished with the records of the debate to guide them in appointing labor arbiters to handle cases of OCWs. Senator Alvarez commented that it might be a better alternative than creating a Legal Welfare Commission which would be an additional bureaucratic layer.

But Senator Herrera explained that the primary function of the Legal Welfare Commission is to assist migrant workers with legal cases in the host countries. He reasoned that the Commission was proposed in response to the serious problem of OCWs who are not capable of hiring their own lawyers.

With regard to the legal assistance fund, Senator Alvarez opined that the amount of ₱100 million can take care of the legal problems of only 80 overseas workers considering that lawyers' fees are quite high specially in the United States and Europe.

Senator Herrera, in reply, admitted that the amount may not be enough but it is a good start. He pointed out that while it is true that a huge number of Filipino OCWs have legal cases abroad; not all of them need the services of foreign lawyers.

Asked whether the Migrant Workers Loan Guarantee Fund (MWLGF) would fall within the ambit of the OWWA Funds, Senator Herrera replied in the affirmative, adding that the OWWA Board can allocate the said amount so that the proposed OCWs who do not have to borrow money or sell properties or go to so-called loan sharks just to pay the placement fees demanded by recruitment agencies.

Replying thereto, Senator Alvarez expressed his concern that the OWWA Fund, which is a trust fund managed for the benefit of its contributors, would be appropriated for non-migrant workers as if it were government funds. In reply, Senator Herrera clarified that under the program, only the members of the OWWA can avail of the MWLGF. He explained that one of the conditions that should be met before a loan

is granted is that the workers should submit copies of their employment contracts to the OWWA, and that a contract worker may only be considered a regular member once his employer starts and continuously pays the contribution.

On the matter of absentee voting, Senator Herrera explained that the right to vote of the Filipino migrant workers is included in the policy statement of the bill. But he informed the Body that there is a separate bill on absentee voting which the President wants to be enacted immediately.

On the matter of sectoral representation, he pointed out that the bill merely mandates that the OCWs shall have five representatives in the House of Representatives to be appointed by the President from 1995 to 1998.

Senator Alvarez averred that absentee voting would give OCWs representation and voice to air their grievances, therefore eliminating the need to appoint sectoral representatives from their ranks.

Asked if there are provisions in the bill addressing the concerns of women, Senator Herrera noted that there are two or three provisions that would guarantee their empowerment.

On another matter, Senator Alvarez observed that most abuses against workers occur because of the lack of information of both the institutions that attend to their needs and the workers themselves. In reply, Senator Herrera stated that Section 11 mandates government to exercise its responsibility to provide periodic information to workers especially prospective migrant workers.

But Senator Alvarez clarified that the information system he was referring to partakes of inter-agency information linkages that would be hooked up to local and foreign organizations. Reacting thereto, Senator Herrera said that such problems can be resolved by administrative action.

#### INTERPELLATION OF SENATOR MERCADO

Noting the proliferation of recruitment agencies and the high incidence of illegal recruitment, Senator Mercado queried whether the bill addresses the same. In reply, Senator Herrera stated that the provisions on illegal recruitment were designed to help ferret out illegal recruiters. He added that the POEA can control the issuance of licenses which are issued only if agencies hire and deploy their own employees.

On the matter of the recruitment practice of government, Senator Herrera maintained that the requirement to post bonds and the proper enforcement of regulations will serve as deterrents to the proliferation of illegal recruiters. He pointed out that Section 5 classifies illegal recruitment as a kind of economic sabotage and provides fines and penalties therefor. The bill, he averred, will make it easier and cheaper for an illegal recruitment victim to pursue his case because of the provisions on filing venues and the witness protection program.

As to the number of jailed illegal recruiters, Senator Herrera lamented that only one had been successfully prosecuted as he acknowledged the failure of government

agencies to prosecute cases of such nature. However, he assured that once the bill is passed, government will be able to convict more illegal recruiters.

As regards the practice of banned recruitment agencies of dissolving and then forming another agency to operate, Senator Herrera stated that once the recruitment agency is found guilty of illegal recruitment, its license is revoked, besides, the penalties are severe.

Asked whether the penalty should correspond to the number of victims instead of contracts or cases involved, Senator Herrera replied that if the victims are numerous, the penalty for economic sabotage would be imposed.

On whether the issue of reforming the POEA and OWWA is addressed in the bill, Senator Herrera replied in the negative, pointing out the need for a further study of the matter.

Asked on the funding structure of the OWWA, Senator Herrera stated that the OWWA is subject to COA audit. Originally, he said, its fund was primarily a contribution of land-based employers, but later on, it covered the sea-based workers who contribute \$10, and their employers, \$15. He explained that the sea-based workers are required to contribute because their recruitment agencies are not allowed to charge placement fees.

On whether there is a control mechanism on the amount the OWWA can spend for administrative costs, Senator Herrera replied that it is only a certain percentage of its total funds.

To the observation that there is an overlapping of functions between the OWWA and POEA, Senator Herrera replied that their functions were clearly delineated and the suggestion to merge the two should be carefully studied because of the risks involved.

At this point, Senator Mercado asked whether this measure addresses the complaints against the POEA, particularly the assignment of the following POEA officials to different postings outside the country: POEA Deputy Administrator for Management Services Manuel Imson, Labor Attache to Washington; POEA Director for Adjudication Jaime Jimenez, Labor Attache-designate to Dubai; POEA Director for Employment, Acting Labor Attache to Singapore; and the POEA Director for Welfare and Employment who is currently on leave.

In reply, Senator Herrera explained that the DOLE is only designating instead of appointing people as labor attaches because labor attaches know that when recalled after two or a number of years, their salary will be lower even than that of a division chief. He said that labor attaches should be assured that when they come back, their salary will be maintained.

Asked who the welfare attaches are, Senator Herrera replied that they are the ones manning the labor centers and are in lower category compared to that of the labor attaches.

He informed the Body that the labor attaches who are mandated to visit work places are only given \$150 transportation allowance, and yet, there are finance officers

from the Department of Finance or representatives from the BIR or PNB who are not mandated to travel but who receive a transportation allowance of \$1,000. He said that the labor attaches need support considering that some of the work places that they have to visit are normally far from their offices or embassies.

On whether such problem could be solved by the country-team approach as embodied in the bill, Senator Herrera replied in the affirmative, pointing out that the entire embassy, in effect, would be helping the workers.

Asked if there is a need to increase the personnel complement, he said it would not be necessary because in the annual budget of the DOLE, Congress can just increase the allocation for the labor attaches under the Office of the Secretary.

But Senator Mercado opined that attending to the needs of the overseas contract workers is not a matter of increasing the number of labor attaches but a reorientation of the entire bureaucracy outside the Philippines. Senator Herrera replied that under the country-team approach, the servicing and the protection of the interest and welfare of the workers should be a superior function than other diplomatic functions.

#### INTERPELLATION OF SENATOR RASUL

At the outset, Senator Rasul congratulated Senator Herrera for his well-crafted piece of legislation and likewise expressed her full support for any program or strategy that will protect and promote the welfare of the OCWs.

Adverting to Section 12 of the bill, she asked why there is a need to create an emergency repatriation fund when, in fact, there are already hundreds of million pesos in the coffers of the OWWA which is supposed to take care of the needs of the overseas contract workers.

In reply, Senator Herrera stated that the emergency repatriation fund of ₱100 million is only a standby fund for emergency or in cases of force majeure. He said that a provision mandates the principals and recruitment agencies to be jointly responsible for the repatriation of workers. He clarified that the existence of the fund does not absolve the employers from their responsibilities. But he admitted that sourcing the money to repatriate the 1.8 million undocumented workers, in case of emergency, would pose a great problem to the government.

Recalling the plight of 300 Filipino women workers stranded in Lebanon, Senator Rasul expressed apprehension that with the ₱100 million repatriation fund, Filipinos would be encouraged to go abroad knowing that the government would always come to their rescue if something happens. Senator Herrera, however, stressed that it is clearly stipulated that the fund would be used only in war and in case of force majeure. He said that while it is certain for taxpayers to bear the cost of repatriation, the stranded workers were Filipino nationals who needed assistance.

On another matter, Senator Rasul noted that there is no penalty for people responsible for the deployment of underage workers as well as for falsifying their travel documents. Senator Herrera replied that this concern could be addressed in the period of amendments.



Senator Rasul inquired whether a migrant workers' resource center should be established within the embassy given the fact that its operation could be distorted. Senator Herrera replied that the center can be located at some distance from the embassy but still be a part of it.

Noting that there are undocumented migrant workers who do not want to be documented for fear that they would be sent back to the country, Senator Rasul inquired how the scheme of registration could be implemented. In reply, Senator Herrera admitted that there are undocumented workers holding fake passports who are very difficult to document. But he clarified that undocumented workers who have valid passports with tourist visas and have stayed for six months could be helped by the embassy in finding employment. However, he said, if they fail to register, their passports will be cancelled. He stressed that the government should take the initiative to look for undocumented workers instead of waiting for them to report.

Thereafter, Senator Rasul expressed concern that if absentee voting is approved, embassy officials would turn a blind eye to undocumented workers whose votes the administration would need.

However, Senator Herrera believed that if the absentee voting bill is approved, the undocumented migrant workers would come out and register just to be able to vote, thereby reducing the number of undocumented workers.

At this point, Senator Romulo asked how absentee voting will protect the votes for candidates with less resources

considering these migrant workers are scattered all over the world. Senator Herrera stressed that what is important is to allow the OCWs to exercise their right to vote and let the government be held responsible in maintaining the integrity of the electoral process.

However, Senator Maceda pointed out that absentee voting would be useless should there be a shift to the parliamentary system since the absentee voting bill would limit the voting to national candidates. Senator Herrera reiterated that such obstacles should be hurdled in order not to deprive the OCWs of their right to vote.

Senator Rasul then asked whether the lawyers and the social workers who are to assist in the Welfare Center will be given diplomatic immunity. She expressed the fear that they would just be duplicating the task of the Assistants to National Unit of the DFA. In reply, Senator Herrera underscored the importance of the Welfare Center as its main concern will be the OCWs while the ANUs are concentrating on the nonworkers or the immigrants in those areas.

On Senator Rasul's observation that the creation of the Migrant Workers Loan Guarantee Fund might be overly protecting those who are already earning enough, Senator Herrera explained that this is actually a guarantee fund to cover the placement fees so that migrant workers would no longer resort to selling their properties or playing victims to loan sharks.

At this juncture, Senator Webb relinquished the Chair to Senator Orlando S. Mercado.

Asked why the Legal Welfare Commission would be in the Office of the President instead of locating it within the premises of the Embassy, Senator Herrera said that the reason for this is to make the Office of the President primarily responsible for rendering legal assistance to OCWs. He added that the Office of the President has the capability to hire foreign lawyers to represent the OCWs.

But Senator Rasul stated that the President is already overburdened with so many responsibilities while the Ambassador, on the hand, can ably hire foreign lawyers.

In reply, Senator Herrera said that he actually preferred that the legal fund be under the Department of Justice. He suggested that the matter be discussed further during the period of amendments.

As to the difference between the proposed Legal Welfare Commission and the Commission on Human Rights, Senator Herrera explained that the latter is not limited to migrant workers only but is a constitutional body committed primarily to the protection of citizens from abuses of government. He added that he does not see any restriction for the CHR to assist OCWs when their human rights are violated as in the case of Flor Contemplacion where it was also asked to investigate. On the other hand, he said, the Legal Welfare Commission will handle cases of human rights violations of OCWs and other overseas work-related matters.

Noting that Section 28 of the bill provides for reportage to Congress on the situation of Filipino migrant workers, Senator Rasul asked how the law can compel departments to report to Congress. She recalled that Republic Act No. 7192 mandates the government to allocate livelihood funds for women to keep them from seeking employment abroad as domestic helpers or entertainers and to make a report to Congress. She said that she was not aware of any report submitted to the Senate on the implementation of this law.

In reply, Senator Herrera opined that the Senate failed in not insisting on the enforcement of the law's mandate but it can now flex its muscles by refusing to act on the budgets of the departments concerned until they submit the reports required of them.

On the proposed five sectoral representatives for migrant workers, Senator Herrera reiterated that the Constitution provides for 25 sectoral representatives until 1998, beyond which, such appointed representatives will no longer be allowed. Senator Rasul observed that there are sectors not represented in the House of Representatives, such as the Muslims who number 10 million and the women that number more than 50% of the nation's population, but five representatives for the overseas contract workers would give this sector 20% of the total representation.

Senator Rasul asked the justification for the scholarship program for the immediate descendants of OCWs. She said that this may be unduly giving everything to the OCWs who earn dollars to the prejudice of other sectors that do not enjoy similar privileges from the government. Senator Herrera disagreed that the provision discriminates against the other sectors since there is also a P50 million scholarship program for science and technology that is open to all deserving Filipinos. He explained that the particular provision is intended for dependents and immediate descendants of OCWs who are interested to pursue higher education in science and technology. He corrected the impression that OCWs receive so much, as many of them, especially the undocumented and the unskilled workers, receive salaries below the local minimum standard. He stated that these people are forced to leave their families to find jobs abroad because of poverty and are vulnerable to risks. He added that the OCWs contribute about \$18B to the economy and the Body should show some appreciation for what they are doing to the country.

SUSPENSION OF SESSION

Upon motion of Senator Herrera, the Chair suspended the session.

It was 7:11 p.m.

RESUMPTION OF SESSION

At 7:17 p.m., the session was resumed.

## INTERPELLATION OF SENATOR TATAD

Senator Tatad stated that the bill is a direct response to recent developments after the Flor Contemplacion case and is specifically looking at the problems of migrant workers and their rights that need to be protected. But he pointed out that a more fundamental issue bigger than the rights of migrant workers is that these workers are Filipinos abroad in search of an identity and self-esteem. He opined that if the Body institutionalizes the term "migrant workers" in the law, then it might also be institutionalizing the problem. He said that the Body should now come up with a new term that would embrace these migrant workers and all other Filipinos abroad.

In reply, Senator Herrera assured that the bill is consistent with the UN and the ILO definition of migrant workers. On the other hand, he clarified that the use of the phrase "perpetuating the migrant workers" does not mean that the government is looking at overseas employment as a permanent program. In fact, he said that the policy of sending workers abroad is temporary, but that the problem regarding OCWs exists and it has to be tackled head-on. He explained that the policy statement implies that the government must come up with activities that would pave the way for the smooth reintegration of migrant workers into the mainstream of society, and that would be to retrain them upon their return, even as the government tries to improve and stabilize the economy in order that they can be absorbed in the local employment market.

Adverting to paragraph (c) of the bill's declaration of policy which states that the State does not promote overseas employment as a means to sustain economic growth and achieve national development, Senator Tatad said that it is universally accepted that the government does not and should not export labor, and that its only task is to ensure the protection of the rights of its citizens who chose to work in overseas employment markets. However, he opined that the term "deployment of Filipino workers overseas" does not jibe with this declared policy and that its usage connotes a very active role for the government.

Replying thereto, Senator Herrera pointed out that the bill contains the following supportive provisions to the policy statement regarding the overseas employment program: 1) on deregulation which means that overseas employment should be a voluntary arrangement between the worker and his principal; 2) on economic empowerment programs for overseas workers which aim to develop their skills that would assure them better-paying jobs and protection, and 3) on livelihood programs which seek to financially assist them in any entrepreneurial activity they would wish to engage in. Moreover, he said that the long-term policy is the reintegration of the migrant workers and the deregulation of the overseas employment program which the bill, if enacted into law, seeks to gradually achieve within a period of five years from its effectivity.

Adverting to the country-team approach, Senator Tatad asked whether the Department of Foreign Affairs would become the primary government agency that would be responsible for

the protection of the OCWs, and what would be the role of the DOLE. In reply, Senator Herrera explained that all officials and personnel who are charged with servicing the migrant workers will now work together with the ambassador as team leader, a set-up that would make it easier to pinpoint responsibility. However, he said that on the homefront, it would still be the DOLE that would have jurisdiction over workers.

Senator Tatad suggested to incorporate in the bill a provision that would create a policy advisory council, whose members would come from the private sector and the Church, which would provide input to the pertinent government agencies in order to achieve the objectives of the bill. Senator Herrera agreed, stating that this would institutionalize the current practice of the DOLE of holding tripartite consultations. Further, he agreed to the suggestion to put up and institutionalize a data bank on overseas workers.

On the proposal to provide fund assistance to academic institutions to carry out continuing research and studies on the lives and work of Filipinos living and working abroad, Senator Herrera said that he was averse to such grants based on past experience.

As to the meaning of the phrase "regional distribution of migrant workers," Senator Herrera clarified that the representation of the migrant workers in Congress would be based on their numbers in the places where they are employed and not where they come from in the country.



On the matter of absentee voting, Senator Tatad asked if there is any constitutional impediment to the migrant workers' electing their own representative in Congress.

In reply, Senator Herrera stated that there is a constitutional mandate for the appointment of 25 sectoral representatives in Congress for a single term from 1995 to 1998 and one of those sectors to be represented is the migrant workers. He explained that what is contained in the bill is an enabling provision.

#### TERMINATION OF THE PERIOD OF INTERPELLATIONS

Upon motion of Senator Romulo, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

#### SUSPENSION OF SESSION

Upon motion of Senator Romulo, the Chair suspended the session.

It was 7:40 p.m.

#### RESUMPTION OF SESSION

At 7:41 p.m., the session was resumed.

#### COMMITTEE AMENDMENTS

As proposed by Senator Herrera, there being no objection, the following committee amendments were approved by the Body, one after the other:

1. On page 7, line 6, between the word "prosecution" and "and," change the word "offer" to OFFICER;

2. On page 12, line 7, between the words "practicable" and "pursue," insert the word phrase AND THROUGH THE PRESIDENTIAL LEGAL ASSISTANT FOR MIGRANT WORKERS CREATED UNDER THIS ACT;
3. On page 13, line 27, between the word "Section" and "hereof," change the number "20" to 22;
4. On page 14, line 31, between the words "the" and "in," delete the word "Fund" and, in lieu thereof, insert the words LEGAL ASSISTANCE FUND;
5. On page 15, line 27, after the words and figure "Order No. 74," insert the words and figure SERIES OF 1993;
6. On page 17, line 26, after the period (.) after the word "workers," insert the following proviso: PROVIDED, THAT TWO (2) OF THE FIVE (5) SECTORAL REPRESENTATIVES SHALL COME FROM THE WOMEN MIGRANT WORKERS SECTOR;
7. On the same page, line 27, delete the word "The," and in lieu thereof, insert the words PROVIDED, FURTHER, THAT ALL;
8. On page 18, between lines 6 and 7, insert a new Section 32, to read as follows:

SEC. 32. THE CONGRESSIONAL MIGRANT WORKERS SCHOLARSHIP FUND. -- THERE IS HEREBY CREATED A CONGRESSIONAL MIGRANT WORKERS SCHOLARSHIP FUND WHICH SHALL BENEFIT DESERVING MIGRANT WORKERS AND/OR THEIR IMMEDIATE DESCENDANTS BELOW TWENTY (20) YEARS OF AGE WHO INTEND TO PURSUE COURSES OR TRAINING PRIMARILY IN THE FIELD OF SCIENCE AND TECHNOLOGY.

THE INITIAL SEED FUND OF TWO HUNDRED MILLION PESOS (P200,000,000) SHALL BE INSTITUTED FROM THE FOLLOWING SOURCES:

1. FIFTY MILLION PESOS (P50,000,000) FROM THE UNEXPENDED COUNTRYWIDE DEVELOPMENT FUND (CDF) FOR 1995 IN EQUAL SHARING FOR ALL MEMBERS OF CONGRESS; AND

2. THE REMAINING ONE HUNDRED FIFTY MILLION (P150,000,000) WILL BE FUNDED FROM THE PROCEEDS OF THE LOTTO DRAW.

As a consequence thereof, renumber the subsequent sections accordingly;

9. On page 18, delete lines 11 to 17; and

10. On the same page, before Section 33, insert a new Section to read:

THE DAY OF SIGNING BY THE PRESIDENT OF THIS ACT SHALL BE DESIGNATED AS "THE PHILIPPINE MIGRANT WORKERS' DAY" AND SHALL HENCEFORTH BE COMMEMORATED AS SUCH ANNUALLY.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

Upon motion of Senator Romulo, there being no objection, the Body closed the period of committee amendments and proceeded to the period of individual amendments.

GONZALES AMENDMENT

As proposed by Senator Gonzales and accepted by the Sponsor, there being no objection, the following amendments were approved by the Body, one after the other:

1. On page 5, after the last paragraph of Section 4, insert the following paragraph:

THE PERSONS CRIMINALLY LIABLE FOR THE ABOVE OFFENSES ARE THE PRINCIPALS, ACCOMPLICES AND ACCESSORIES. IN CASE OF JURIDICAL PERSONS, THE OFFICERS HAVING CONTROL, MANAGEMENT OR DIRECTION OF ITS BUSINESS SHALL BE LIABLE.

2. On page 6, between lines 8 and 9, insert a new section, to read as follows:

PROHIBITION ON OFFICIALS AND EMPLOYEES. - IT SHALL BE UNLAWFUL FOR ANY OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE POEA OR THE OMWA, OR THEIR RELATIVES WITHIN THE FOURTH CIVIL DEGREE OF CONSANGUINITY OR AFFINITY, TO ENGAGE, DIRECTLY OR INDIRECTLY, IN THE BUSINESS OF RECRUITING MIGRANT WORKERS AS DEFINED IN THIS ACT. THE PENALTIES PROVIDED IN THE NEXT PRECEDING PARAGRAPH SHALL BE IMPOSED UPON THEM.

3. On page 6, line 29, delete the word "automatically";

Senator Gonzales explained that while victims of illegal recruitment will be entitled to the Witness Protection Program, the law provides for certain procedures for admission thereto.

4. On page 7, line 30, after the word "several," add the following sentences:

THIS PROVISION SHALL BE INCORPORATED IN THE CONTRACT FOR OVERSEAS EMPLOYMENT AND SHALL BE A CONDITION PRECEDENT FOR ITS APPROVAL. THE PERFORMANCE BOND TO BE FILED BY THE RECRUITMENT/PLACEMENT AGENCY AS PROVIDED BY LAW SHALL BE ANSWERABLE FOR ALL MONEY CLAIMS OR DAMAGES THAT MAY BE AWARDED TO THE WORKERS. IF THE RECRUITMENT/PLACEMENT AGENCY IS A JURIDICAL BEING, THE CORPORATE OFFICERS AND DIRECTORS AND PARTNERS, AS THE CASE MAY BE, SHALL THEMSELVES BE JOINTLY AND SOLIDARILY LIABLE WITH THE CORPORATION OR PARTNERSHIP FOR THE AFORESAID CLAIMS AND DAMAGES. SUCH LIABILITY SHALL CONTINUE DURING THE ENTIRE PERIOD OR DURATION OF THE EMPLOYMENT CONTRACT AND SHALL NOT BE AFFECTED BY ANY SUBSTITUTION, AMENDMENT, OR MODIFICATION MADE LOCALLY OR IN THE FOREIGN COUNTRY OF THE SAID CONTRACT.

#### OPLE AMENDMENTS

As proposed by Senator Ople and accepted by the Sponsor, there being no objection, the following amendments were approved by the Body, one after the other:

1. On pages 12 to 14, delete Sections 18 to 21 and, in lieu thereof, insert the following:

SEC. 18. PRESIDENTIAL LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS. --- THERE IS HEREBY CREATED THE POSITION OF "PRESIDENTIAL LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS" UNDER THE OFFICE OF THE PRESIDENT WHO SHALL BE PRIMARILY RESPONSIBLE FOR THE PROVISION AND OVERALL COORDINATION OF ALL LEGAL ASSISTANCE SERVICES TO BE PROVIDED TO FILIPINO MIGRANT WORKERS.

THE SAID PRESIDENTIAL LEGAL ASSISTANT SHALL BE APPOINTED BY THE PRESIDENT AND MUST BE A PROVEN COMPETENCE IN THE FIELD OF LAW WITH AT LEAST TEN YEARS OF EXPERIENCE AS A LEGAL PRACTITIONER.

AMONG THE FUNCTIONS AND RESPONSIBILITIES  
OF THE AFORESAID LEGAL ASSISTANT ARE:

(A) TO ISSUE THE GUIDELINES, PROCEDURES  
AND CRITERIA FOR PROVISION OF LEGAL ASSISTANCE  
SERVICES TO FILIPINO MIGRANT WORKERS;

(B) TO ESTABLISH CLOSE LINKAGES WITH THE  
DEPARTMENT OF LABOR AND EMPLOYMENT, POEA, OWWA  
AND OTHER GOVERNMENT AGENCIES CONCERNED, AS  
WELL AS WITH NON-GOVERNMENTAL ORGANIZATIONS  
ASSISTING OCWS, TO ENSURE EFFECTIVE  
COORDINATION AND COOPERATION IN THE PROVISION  
OF LEGAL ASSISTANCE TO OCWS;

(C) TO TAP THE ASSISTANCE OF REPUTABLE  
LAW FIRMS AND THE INTEGRATED BAR OF THE  
PHILIPPINES AND OTHER BAR ASSOCIATIONS TO  
COMPLEMENT THE GOVERNMENT'S EFFORTS TO  
PROVIDE LEGAL ASSISTANCE TO FILIPINO OVERSEAS  
WORKERS;

(D) TO ADMINISTER THE LEGAL ASSISTANCE  
FUND FOR MIGRANT WORKERS ESTABLISHED UNDER  
SECTION \_\_\_\_\_ HEREOF AND TO AUTHORIZE  
DISBURSEMENTS THEREFROM IN ACCORDANCE WITH THE  
PURPOSES FOR WHICH THE FUND WAS SET UP.

THE PRESIDENTIAL LEGAL OFFICER SHALL HAVE  
THE AUTHORITY TO HIRE PRIVATE LAWYERS,  
DOMESTIC OR FOREIGN, IN ORDER TO ASSIST HIM IN  
THE EFFECTIVE DISCHARGE OF THE ABOVE  
FUNCTIONS.

2. On page 15, line 15, change the word "such" to  
THE;
3. On the same page, lines 16 and 17, delete the  
words "and procedures as may be promulgated by  
the Commission" and, in lieu thereof, insert  
the phrase CRITERIA AND PROCEDURES PROMULGATED  
IN ACCORDANCE WITH SECTION 19(A) HEREOF;
4. On the same page, line 19, delete the word  
"Commission" and substitute the phrase  
PRESIDENTIAL LEGAL ASSISTANT FOR MIGRANT  
WORKERS' AFFAIR.

PROPOSED AMENDMENT OF SENATOR ALVAREZ

On page 1, line 5, Senator Alvarez proposed to add the  
word UNDOCUMENTED after the word "unorganized."

Senator Herrera replied that the provisions of Section 2(a) and (b) were lifted from the provisions of the Constitution.

SUSPENSION OF SESSION

Upon motion of Senator Romulo, the Chair suspended the session.

It was 8:02 p.m.

RESUMPTION OF SESSION

At 8:04 p.m., the session was resumed.

REQUEST FOR A CLEAN COPY OF THE BILL

Upon resumption, Senator Herrera requested that clean copies of the bill be distributed to the Members of the Body to enable Senator Alvarez and other Members to prepare their individual amendments.

SUSPENSION OF CONSIDERATION OF  
SENATE BILL NO. 2077

Upon motion of Senator Romulo, there being no objection, the Body suspended consideration of the bill.

SEVENTH ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read the following Message of the President of the Philippines which the Chair referred to the Committee on Rules:

Letter of His Excellency, President Fidel V. Ramos, dated May 25, 1995, certifying to the necessity of the immediate enactment of Senate Bill No. 2077, entitled

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS  
EMPLOYMENT PROGRAM AND ESTABLISH A HIGHER  
STANDARD OF PROTECTION AND PROMOTION OF THE  
WELFARE OF FILIPINO MIGRANT WORKERS AND FOR  
OTHER PURPOSES,

to meet the public emergency consisting of the need to provide additional, adequate, continuous and compassionate protection and safeguards to overseas Filipino workers as a necessary means of further protecting and promoting their rights and welfare as mandated under the Constitution.

#### NEXT DAY'S AGENDA

Senator Romulo announced that in the next day's session, the Body would resume consideration of Senate Bill No. 2077 (the bill providing protection and promotion of the welfare of migrant workers); Proposed Senate Resolution No. 1143 (ratification of the International Convention on the Protection of the Rights of Migrant Workers); and would vote on Third Reading on the bills in the Calendar.

#### DESIGNATION OF NEW MEMBERS TO THE BICAMERAL CONFERENCE COMMITTEE ON THE OPTOMETRY BILL

Upon motion of Senator Romulo, there being no objection, the Body approved the revision of composition of the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1998 and House Bill No. 14100 (the optometry bill), as follows: Senator Webb as Chairman, and Senators Shahani, Biazon, Romulo, Mercado, Herrera and Maceda as members.

#### SUSPENSION OF SESSION

Upon motion of Senator Romulo, there being no objection, the Chair suspended the session until nine o'clock in the morning of the following day.

It was 8:09 p.m.

RESUMPTION OF SESSION

At 10:02 a.m., Friday, May 26, 1995, the session was resumed with the Senate President presiding.

COMMITTEE REPORT NO. 999  
ON SENATE BILL NO. 2077  
(Continuation)

Upon motion of Senator Romulo, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2077 (Committee Report No. 999), entitled

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS  
EMPLOYMENT PROGRAM AND ESTABLISH A HIGHER  
STANDARD OF PROTECTION AND PROMOTION OF THE  
WELFARE OF MIGRANT WORKERS AND FOR OTHER  
PURPOSES.

Senator Romulo stated that the parliamentary status was the period of individual amendments.

Thereupon, the Chair recognized Senator Herrera, Sponsor of the bill, and Senator Shahani for her amendments.

SUSPENSION OF SESSION

Upon motion of Senator Romulo, the Chair suspended the session.

It was 10:05 a.m.

RESUMPTION OF SESSION

At 10:06 a.m., the session was resumed.

SHAHANI AMENDMENTS

As proposed by Senator Shahani and accepted by the Sponsor, there being no objection, the Body approved the following amendments:



1. On page 2, between lines 8 and 9, insert a new subparagraph (d), to read as follows:

(D) THE STATE AFFIRMS THE FUNDAMENTAL EQUALITY BEFORE THE LAW OF WOMEN AND MEN AND THE SIGNIFICANT ROLE OF WOMEN IN NATION-BUILDING. RECOGNIZING THE CONTRIBUTION OF OVERSEAS MIGRANT WOMEN WORKERS AND THEIR PARTICULAR VULNERABILITIES, THE STATE SHALL APPLY GENDER SENSITIVE CRITERIA IN THE FORMULATION AND IMPLEMENTATION OF POLICIES AND PROGRAMS AFFECTING MIGRANT WORKERS AND THE COMPOSITION OF BODIES TASKED FOR THE WELFARE OF MIGRANT WORKERS;

2. As a consequence, reletter the subsequent subparagraphs accordingly;
3. On page 10, after line 22, insert another paragraph, to read as follows:

FOR THIS PURPOSE, THE TECHNICAL EDUCATIONAL SKILLS DEVELOPMENT (TESDA), THE TECHNOLOGY LIVELIHOOD RESOURCE CENTER (TLRC) AND OTHER GOVERNMENT AGENCIES INVOLVED IN TRAINING IN LIVELIHOOD DEVELOPMENT SHALL GIVE PRIORITY TO RETURNEES WHO HAD BEEN EMPLOYED AS DOMESTIC HELPERS AND ENTERTAINERS.;

Senator Shahani explained that this provision will help the large number of returning women employed as domestic helpers and entertainers gain more respect in their communities and to discourage them from returning to their former jobs.

4. On page 11, between lines 8 and 9, insert the following subparagraphs:

(e) HUMAN RESOURCE DEVELOPMENT;

(f) SKILLS TRAINING AND UPGRADING FOR EVENTUAL REINTEGRATION BACK HOME;

(g) GENDER-SENSITIVE PROGRAMS AND ACTIVITIES TO ASSIST PARTICULAR NEEDS OF WOMEN OCWs;

5. On the same page, line 11, after the comma following the word "available," insert NONGOVERNMENTAL ORGANIZATIONS AND, and delete the phrase starting with the word "from" up to the word "settled" on line 12 so that the line will read "NONGOVERNMENTAL ORGANIZATIONS AND volunteers in the host countries";

6. On the same page, after line 19, insert a new paragraph, to read as follows:

THE CENTER SHALL HAVE A COUNTERPART TWENTY-FOUR-HOUR INFORMATION AND ASSISTANCE CENTER AT THE DEPARTMENT OF FOREIGN AFFAIRS IN THE PHILIPPINES COORDINATING WITH APPROPRIATE GOVERNMENT AGENCIES AND NONGOVERNMENTAL ORGANIZATIONS TO ENSURE NETWORKING AND COORDINATIVE MECHANISMS IN THE HOME OFFICE. THE COUNTERPART CENTER SHALL ASSUME FULL RESPONSIBILITY FOR SUCH ASSISTANCE.

7. On the same page, after the new paragraph, insert a new Section 17, to wit:

SEC. 17. INFORMATION ASSISTANCE. ---  
THERE SHALL BE A DATA SYSTEM WHICH SHALL PROVIDE ASSISTANCE SERVICES SUCH AS, BUT NOT LIMITED TO:

(a) LIST OF FILIPINO CONTRACT WORKERS CLASSIFIED ACCORDING TO SEX, AGE, JOB CATEGORY, OCCUPATION, CIVIL STATUS AND COUNTRY OF DESTINATION;

(b) STATISTICAL PROFILE OF FILIPINO MIGRANT OVERSEAS;

(c) BASIC DATA ON LEGAL SYSTEMS, IMMIGRATION POLICIES, MARRIAGE LAWS AND CIVIL AND CRIMINAL CODES IN RECEIVING COUNTRIES PARTICULARLY THOSE WITH LARGE NUMBER OF FILIPINOS;

(d) LIST OF LABOR AND OTHER HUMAN RIGHTS INSTRUMENTS WHERE RECEIVING COUNTRIES ARE SIGNATORIES;

(e) PROGRAMS AND SERVICES AVAILABLE TO FILIPINO WORKERS ABROAD; and

(f) A TRACKING SYSTEM OF PAST AND PRESENT GENDER DISAGGREGATED CASES INVOLVING MALE AND FEMALE OCWs;

8. As a consequence of the above, renumber the subsequent sections accordingly; and
9. On page 12-A, between lines 14(ee) and 14(ff), insert a new subparagraph (e) to read:

KEEP AND MAINTAIN THE INFORMATION SYSTEM AS PROVIDED IN SECTION 17.

Senator Shahani also noted the changing pattern of migration in the country, pointing out that the larger percentage of migrants at present consists of women. In this regard, she proposed to add a new subparagraph (f) to read as follows:

THE PERSONNEL APPOINTED UNDER THIS SECTION SHALL BE GENDER-SENSITIVE. FOR PURPOSES OF THIS ACT, GENDER-SENSITIVITY SHALL MEAN COGNIZANCE OF THE EQUALITIES AND INEQUITIES PREVALENT IN SOCIETY BETWEEN WOMEN AND MEN AND A COMMITMENT TO ADDRESS ISSUES WITH CONCERN FOR RESPECTIVE INTEREST OF THE SEXES.

Senator Herrera opined that the issue of gender-sensitivity can be covered by the implementing rules and regulations, and Senator Shahani's definition can be considered therein.

Senator Shahani did not insist on her amendment.

On page 18-A, between lines 17 and 18, as proposed by Senator Shahani and accepted by the Sponsor, there being no objection, the Body approved the insertion of a new Section 33 to read as follows:

IMPLEMENTING RULES AND REGULATIONS --- THE DEPARTMENTS AND AGENCIES CHARGED WITH CARRYING OUT THE PROVISIONS OF THIS ACT SHALL, WITHIN NINETY (90) DAYS AFTER THE EFFECTIVITY OF THIS ACT, FORMULATE THE NECESSARY RULES AND REGULATIONS FOR ITS EFFECTIVE IMPLEMENTATION.

The Chair then instructed the Secretary to renumber the subsequent Sections accordingly.

On page 15-A, Senator Shahani proposed to amend the section on the Country-Team Approach to read as follows:

THE PROTECTION OF THE FILIPINO MIGRANT WORKERS AND THE PROMOTION OF THEIR WELFARE IN PARTICULAR AND THE PROTECTION OF THE DIGNITY AND FUNDAMENTAL RIGHTS OF THE FILIPINO CITIZEN IN GENERAL, SHALL BE AMONG THE PRIORITY CONCERNS OF THE PHILIPPINE FOREIGN SERVICE POSTS.

She explained that the country enters into relations with other nations not only to protect the rights of the migrant workers, but also to establish relations with other nations.

But Senator Herrera believed that the government establish embassies, particularly in many Middle East countries, primarily because of the concentration of a large number of Filipino workers and their contribution to the economy.

Senator Shahani stated that the government should not give low priority to countries like China just because there is a small number of migrant workers in the country.

Thereupon, Senator Herrera suggested the deletion of the phrase "superior to other diplomatic functions" and in lieu thereof, the insertion of the phrase IN GENERAL SHALL BE THE PRIMORDIAL CONCERN OF THE PHILIPPINE EMBASSIES.

At this point, the Chair suggested that Senator Shahani redraft the amendment first before it can be reconsidered later on in the session, to which the latter and Senator Herrera agreed.

#### GONZALES AMENDMENTS

As proposed by Senator Gonzales and accepted by the Sponsor, there being no objection, the following amendments were approved by the Body, one after the other:

1. On page 3, between lines 14 and 15, insert a new paragraph to read as follows:

NONETHELESS, THE DEPLOYMENT OF FILIPINO OVERSEAS WORKERS, WHETHER LAND-BASED OR SEA-BASED, BY LOCAL SERVICE CONTRACTORS AND MANNING AGENCIES EMPLOYING THEM SHALL BE ENCOURAGED. APPROPRIATE INCENTIVES MAY BE EXTENDED TO THEM.

2. On page 5, line 28D, change the word "its" to THEIR; and
3. On page 12, line 14, recast the title to read: to PRESIDENTIAL LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS.

## AMENDMENT SUGGESTED BY THE CHAIR

On page 6A, line 25, after the word "Justice", as suggested by the Chair and accepted by the Sponsor, there being no objection, the Body approved the addition of a comma (,) and the rewording of line 26 to read: THE INTEGRATED BAR OF THE PHILIPPINES AND OTHER NON-GOVERNMENTAL ORGANIZATIONS AND VOLUNTEER GROUPS.

## HERRERA AMENDMENTS

As proposed by Senator Herrera, there being no objection, the following amendments were approved by the Body, one after the other:

1. On page 4, line 24, between the words "To" and "or", and between the words "to" and "inspection", change the word "abstract" to OBSTRUCT;
2. On page 10, line 12, between the words "other" and "information", correct the misspelled word "relavant" to RELEVANT;
3. On page 12A, lines 14T and 14W, change the word "OCWs" to MIGRANT WORKERS;
4. On the same page, line 14AA, change the word "OVERSEAS" to MIGRANT;

At this point, the Chair instructed the Secretariat to make the necessary changes with reference to migrant workers in order to be consistent with the terms used in the bill.

5. On page 15, line 19, between the words "LEGAL" and "FOR", change the word "ASSISTANCE" to ASSISTANT;

6. On page 18, line 6E, change "TWENTY" to TWENTY-ONE;
7. On page 18A, line 17a, Section 32, insert the section title MIGRANT WORKERS' DAY.-; and
8. On page 12A, line 14ff, between the words "LEGAL" and "SHALL", change the word "OFFICER" to ASSISTANT.

On page 12, line 14F, Senator Herrera proposed to delete the semi-colon (;) at the end of the sentence and to insert the following phrase: WHO ARE ARRESTED, INVESTIGATED OR CHARGED WITH CRIMINAL OFFENSES IN COUNTRIES WHERE THEY WORK;

However, the Chair noted that the proposed amendment would confine legal assistance to migrant workers to only criminal cases, adding that it would be better to make such legal assistance flexible.

In consideration thereof, Senator Herrera withdrew his amendment.

9. On page 3, lines 6 to 9, as proposed by Senator Herrera, there being no objection, the Body approved the deletion of the whole of paragraph (g).

Senator Herrera explained that the deleted provision was redundant in view of the amendments introduced by Senator Shahani.

#### SUSPENSION OF SESSION

Upon motion of Senator Romulo, the Chair suspended the session.

It was 10:54 p.m.

#### RESUMPTION OF SESSION

At 11:03 a.m., the session was resumed.

## PROPOSED AMENDMENT OF SENATOR BIAZON

On page 5A, line 31 up to page 6, lines 1 to 3, on behalf of Senator Biazon, Senator Romulo proposed the deletion of the phrase starting from "not less than five (5) years" up to Five hundred thousand pesos (P500,000.00)" and in lieu thereof, the substitution of the phrase RECLUSION TEMPORAL IN ITS MEDIUM AND MAXIMUM PERIODS AND A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00) BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000.00) PROVIDED, THAT THE MAXIMUM PENALTY SHALL BE IMPOSED IF ILLEGAL RECRUITMENT IS COMMITTED BY A NON-LICENSEE OR NON-HOLDER OF AUTHORITY OR ILLEGAL RECRUITMENT CONSTITUTES ECONOMIC SABOTAGE AS DEFINED HEREIN.

## WEBB AMENDMENT TO THE BIAZON AMENDMENT

On page 6, line 2, as proposed by Senator Webb and accepted by the Sponsor, there being no objection, the Body approved to change the word and figure "five (5) years" to SIX YEARS AND ONE DAY" and the word and figure "ten (10)" to TWELVE (12).

Senator Webb explained that the amendment would make the punishment consistent with the bill's provision that cases of illegal recruitment should be filed with the Regional Trial Court.

PROPOSED AMENDMENT  
OF SENATOR WEBB

On page 1, line 7, Senator Webb proposed to delete the words "endeavor to."

SUSPENSION OF SESSION

Upon motion of Senator Herrera, the Chair suspended the session.

It was 11:10 a.m.

RESUMPTION OF SESSION

At 11:11 a.m., the session was resumed.

WITHDRAWAL OF PROPOSED AMENDMENT

Upon resumption, Senator Webb withdrew his proposed amendment.

PROPOSED AMENDMENT OF SENATOR WEBB

On page 2, lines 23 and 24, after the word "shall," Senator Webb proposed to insert the words ALLOW THE, delete the word "deploy" and in lieu thereof, substitute the word DEPLOYMENT, delete the word "only" and in lieu thereof, substitute the word OF, and delete the word "and" and in lieu thereof, substitute the word BUT.

He said that as presently worded, the provision would make it appear that it is only the government that deploys workers abroad, adding that the amendment would clarify that even the private sector can deploy workers with government approval.

However, Senator Herrera explained that the use of the word "deploy" was meant to amplify the regulatory role of the government in the deployment of workers abroad so that the problem of undocumented workers could be taken care of. He said that he was not totally averse to the proposed amendment provided that the records would show that the flexibility it



allows should not mean that the private sector could deploy workers even without government approval.

Senator Webb did not insist on his proposal.

AMENDMENT SUGGESTED BY THE CHAIR

On page 2, line 23, after the word "deploy," as proposed by the Chair and accepted by the Sponsor, there being no objection, the Body approved the insertion of the words AND/OR ALLOW THE DEPLOYMENT OF.

PROPOSED AMENDMENT OF SENATOR WEBB

On page 2, line 25, after the word "protection," Senator Webb proposed to insert the following sentence: UNSKILLED WORKERS MAY, HOWEVER, BE DEPLOYED IN COUNTRIES WHERE THE GOVERNMENT HAS ENTERED INTO SPECIAL HIRING SCHEME.

Senator Herrera informed the Body that there is a present policy that in countries where the Philippines does not have bilateral agreement, the deployment of domestic helpers or all unskilled laborers will not be allowed. He added that in the long term, the workers would be allowed to undergo skills training and development programs, instead of banning their deployment. However, Senator Webb deplored the fact that at present, there are only 6 countries that have entered into bilateral agreement with the Philippines and those countries where there is a big number of Filipino migrant workers do not have such agreement with the Philippines.

In reply, Senator Herrera informed the Body that the government is taking the initiative to enter into labor agreements but the receiving countries are worried that once

they sign such agreement, they will be compelled to enter into similar agreements with the other sending countries.

Queried if the bill requires that before the OCWs are deployed, there should first be a bilateral labor agreement with the receiving country, Senator Herrera replied in the affirmative.

Thereupon, Senator Webb withdrew his amendment.

#### AMENDMENT OF SENATOR WEBB

On page 3, line 1, as proposed by Senator Webb and accepted by the Sponsor, there being no objection, the Body approved the insertion of the words OR IS ABOUT TO CONCLUDE between the words "concluded" and "bilateral."

#### PROPOSED AMENDMENT OF SENATOR WEBB

On page 3, lines 22 and 23, Senator Webb proposed to delete the words "canvassing" and "transporting" because they are too comprehensive. He reasoned that a researcher conducting a survey of skilled workers may already be considered as canvassing or a bus company which transports workers to Manila may be accused of transporting.

Senator Herrera explained that these acts are related to illegal recruitment and were lifted from the Labor Code. He explained that the indefinite act of canvassing may not constitute illegal recruitment and what would be prohibited are acts of canvassing for the illegal recruitment of workers.

Thereupon, Senator Webb withdrew his amendment.

## INQUIRIES OF SENATOR WEBB

With regard to paragraphs (g) and (h) of Section 4, Senator Webb inquired whether to obstruct or an attempt to obstruct inspection by the Secretary of Labor and Employment or failure to file reports on the status of employment of OCWs and other related activities should be penalized.

Senator Herrera stated that these provisions were also lifted from the Labor Code. He affirmed that if the actions of the recruitment agency are meant to obstruct a reasonable or legal inspection by the DOLE, such acts should be penalized.

As to paragraph (j) of Section 4, Senator Webb opined that the said provision is discriminatory because it prohibits an officer of a placement agency from becoming an officer of any corporation engaged in travel services. He then inquired whether a violation of the said provision would really be considered a criminal offense with a penalty of life imprisonment.

In reply, Senator Herrera explained that this is to address the rampant practice of travel agencies to secure tourist visas for individuals whose real purpose is to seek employment abroad. These agencies, he stressed, have contributed to the increase in the number of illegal or undocumented Filipino overseas workers.

## WEBB AMENDMENTS

On page 5, line 20, after the word "place," as proposed by Senator Webb and accepted by the Sponsor, there being no objection, the Body approved the insertion of the words WITHOUT THE WORKERS' FAULT.

On page 6, line 2, as proposed by Senator Webb and accepted by the Sponsor, there being no objection, the Body approved the substitution of the figure "P50,000.00" with the figure P200,000.00.

#### PROPOSED AMENDMENTS OF SENATOR WEBB

On page 6, line 5, Senator Webb proposed to change the figure "P500,000.00" to P500,001.00. He reasoned that if the fine is only P500,000.00 it would fall under simple illegal recruitment.

However, the Chair stated that the fine of P200,000.00 would already bring the case to the jurisdiction of the Regional Trial Court, thus, it is not necessary to change the fine of P500,000.00. But Senator Webb maintained that his amendment would distinguish the offense from the act of simple illegal recruitment.

Senator Herrera said that the maximum fine of P500,000.00 for the ordinary illegal recruitment is the minimum amount imposed against economic sabotage.

Senator Webb withdrew his proposal.

On page 6, lines 16 to 19, Senator Webb proposed the deletion of the provision starting from the word "Provided" up to the word "Act".

He said that such deletion would prevent the situation wherein the court would be divested of its jurisdiction which it has already acquired.

But Senator Herrera explained that the intent is to make the prosecution of illegal recruitment easier.

Senator Webb then did not insist on his amendment.

On page 7, line 4, Senator Webb proposed that the period for the resolution of illegal recruitment cases be increased from 15 days to 30 days.

But Senator Herrera said that government should take immediate action against illegal recruiters. He pointed out that in the Department of Justice, there is a task force organized just to prosecute illegal recruitment cases.

Senator Webb withdrew his amendment.

On page 7, line 6, Senator Webb proposed that the words "prima facie case" be changed to "PROBABLE CAUSE".

But the Chair pointed out that "prima facie case" is the correct technical term used in connection with the filing of information.

On page 7, lines 20 to 21, Senator Webb proposed that the words "Labor Arbiters of the National Labor Relations Commission (NLRC)" be changed to "THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION".

Senator Herrera noted that there had been so much delay in the resolution of cases by the POEA whose decisions in labor cases are, anyway, appealable to the NLRC.

#### WEBB AMENDMENTS

On page 8, line 6, as proposed by Senator Webb and amended and accepted by the Sponsor, there being no objection, the Body approved the substitution of words "two (2) months" with "FOUR (4) MONTHS".

On page 9, line 15, as proposed by Senator Webb and accepted by the Sponsor, there being no objection, the Body approved the insertion of the words "OR CHARGED TO" between the words "by" and "the".

On the same page, line 19, as proposed by Senator Webb and accepted by the Sponsor, there being no objection, the Body approved the substitution of the words "the responsibility of" with the words "BORNE BY".

#### PROPOSED AMENDMENT OF SENATOR WEBB

On page 10, line 3, Senator Webb proposed that the word "YEARLY" be inserted before the word "shall".

But Senator Herrera explained that the F100 million would be a standby fund and not to be appropriated yearly.

Senator Webb withdrew his amendment.

#### WEBB AMENDMENTS

On page 10, line 11, as proposed by Senator Webb and accepted by the Sponsor, there being no objection, the Body approved the insertion of the word "AVAILABLE" after the word "communication."

On page 12, lines 11 and 12, as proposed by Senator Webb and accepted by the Sponsor, there being no objection, the Body approved the substitution of the word "inform" with "FULLY APPRISE"; and on line 12, the insertion of the words "AND EFFECTIVITY" after the word "EXISTENCE".

#### SUSPENSION OF THE SESSION

Upon motion of Senator Romulo, the Chair suspended the session.

It was 11:57 a.m.

#### RESUMPTION OF SESSION

At 11:59 a.m., the session was resumed.

## SHAHANI AMENDMENT AS AMENDED BY SENATOR MACEDA

Upon resumption, Senator Herrera read the amendment proposed by Senator Shahani to reword the provision under the Section on Country-Team Approach, as follows:

THE PROTECTION OF THE FILIPINO MIGRANT WORKERS AND THE PROMOTION OF THEIR WELFARE, IN PARTICULAR, AND THE DIGNITY AND FUNDAMENTAL RIGHTS AND FREEDOM OF FILIPINO CITIZENS, IN GENERAL, SHALL BE THE HIGHEST PRIORITY CONCERNS OF THE PHILIPPINE FOREIGN SERVICE POST.

As proposed by Senator Maceda and accepted by the Sponsor, there being no objection, the Body approved the insertion of the words THE SECRETARY OF FOREIGN AFFAIRS AND before the words "the Philippine Foreign Service Post."

Thereafter, as accepted by the Sponsor, there being no objection, the Body approved the Shahani amendment as amended.

## MACEDA AMENDMENTS

As proposed by Senator Maceda and accepted by the Sponsor, there being no objection, the Body approved the following amendments:

1. On page 1, lines 7 and 14, delete the phrase "endeavor to";
2. On page 3, Section 2, subject to style, add a new paragraph, to wit:

(i) THE ADMINISTRATIVE COSTS OF RECRUITMENT, INTRODUCTION, PLACEMENT AND ASSISTANCE TO MIGRANT WORKERS SHALL BE RENDERED FREE.;

3. On page 6, between lines 8 and 8A, insert the following provision:

PROVIDED, HOWEVER, THAT THE MAXIMUM PENALTY SHALL BE IMPOSED IF THE PERSON ILLEGALLY RECRUITED IS LESS THAN EIGHTEEN (18) YEARS OF AGE.

4. On page 12, line 14K, between the word "practitioner" and the period (.), insert the words AND MUST NOT HAVE BEEN A CANDIDATE TO AN ELECTIVE OFFICE IN THE LAST LOCAL OR NATIONAL ELECTIONS.;
5. On page 16, reword Section 23, to read as follows:  

SEC. 23. 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.;
6. On page 17A, lines 29 and 31, between the words "travel" and "tax," insert the words AND AIRPORT;
7. On page 18, line 1, after the word "entitlement," delete the words "to the exemption as may be deemed by proper authorities" and in lieu thereof, insert the words BY THE POEA; and
8. On the same page, line 5, before the word "shall," insert the phrase BEING CHARGED BY ANY GOVERNMENT OFFICE ON MIGRANT WORKERS.

#### MANIFESTATION OF SENATOR GONZALES

Senator Gonzales manifested that the increase in the minimum imposable punishment for illegal recruitment from five years to six years and one day has the effect of denying any person convicted of illegal recruitment the benefits of probation.

Relative thereto, the Chair stated that the intent of such provision is to make the penalty stiffer as well as elevate the jurisdiction over illegal recruitment cases from the Municipal Trial Court to the Regional Trial Court.

#### SUSPENSION OF SESSION

Upon motion of Senator Romulo, the Chair suspended the session.

It was 12:13 p.m.



## RESUMPTION OF SESSION

At 12:20 p.m., the session was resumed.

## ALVAREZ AMENDMENTS

As proposed by Senator Alvarez and accepted by the Sponsor, there being no objection, the following amendments were approved by the Body, one after the other:

1. On page 2, line 14, between the words "distress" and "are," insert a comma (,) and the words DOCUMENTED AND UNDOCUMENTED.;
2. On the same page, Subsection (e), delete line 17, starting with the word "participate" up to the word "State" on line 18 and in lieu thereof, insert the word SELF-ORGANIZATION; on line 18, between the word "recognized" and the period (.) insert the words AND GUARANTEED AND TO BE REPRESENTED IN INSTITUTIONS RELEVANT TO OVERSEAS EMPLOYMENT;
3. On page 9, line 24, delete the word "seeking"; and
4. On page 12, Section 18, after the title on line 2, add the following: THE DEPARTMENT OF FOREIGN AFFAIRS IS MANDATED TO UNDERTAKE THE NECESSARY INITIATIVE SUCH AS PROMOTIONS, ACCEPTANCE OR ADHERENCE OF COUNTRIES RECEIVING FILIPINO WORKERS TO MULTILATERAL CONVENTION, DECLARATION OR RESOLUTIONS PERTAINING TO THE PROTECTION OF MIGRANT WORKERS' RIGHTS.; and on line 3, insert ALSO between the words "is" and "mandated."

## PROPOSED AMENDMENT OF SENATOR ALVAREZ

On page 16, Senator Alvarez proposed to delete the whole Section 23 on Deregulation and Phase-out.

## SUSPENSION OF SESSION

Upon motion of Senator Alvarez, the Chair suspended the session.

It was 12:34 p.m.

RESUMPTION OF SESSION

At 12:35 p.m., the session was resumed.

Upon resumption, Senator Alvarez withdrew his amendment.

AMENDMENT ON THE TITLE OF THE BILL

On the title of the bill, as proposed by Senator Alvarez and accepted by the Sponsor, there being no objection, the Body approved the deletion of the word "PROGRAM" so that the title would now read:

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS EMPLOYMENT AND ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS AND FOR OTHER PURPOSES.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

There being no other individual amendment, upon motion of Senator Romulo, there being no objection, the Body closed the period of individual amendments.

APPROVAL OF SENATE BILL NO. 2077 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 2077 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2077

Upon motion of Senator Romulo, there being no objection, the Body suspended consideration of the bill.

RECONSIDERATION OF THE APPROVAL OF PROPOSED SENATE RESOLUTION NO. 1143 ON SECOND READING

Upon motion of Senator Romulo, there being no objection, the Body reconsidered the approval, on Second Reading, of Proposed Senate Resolution No. 1143, entitled

Upon motion of Senator Romulo, there being no objection, the Chair declared in order voting on Third Reading on Senate Bill No. 2065.

The Secretary of the Senate called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### In favor

Alvarez	Mercado
Angara	Ople
Biazon	Roco
Gonzales	Romulo
Herrera	Shahani
Macapagal	Tatad
Maceda	

##### Against

None

##### Abstention

None

With 13 senators voting in favor, none against and no abstention, the Chair declared Senate Bill No. 2065 approved on Third Reading.

#### CERTIFICATION ON SENATE BILL NO. 2077

Upon motion of Senator Romulo, there being no objection, the Secretary of the Senate read the following certification by the President for the immediate enactment of Senate Bill No. 2077:

25 May 1995

HON. EDGARDO J. ANGARA  
Senate President  
Senate of the Philippines  
Senate, Manila

Dear Senate President Angara:

Pursuant to the provisions of Section 26(2),  
Article VI of the Constitution, I hereby certify to  
the necessity of the immediate enactment of Senate  
Bill No. 2077, entitled:

"AN ACT TO INSTITUTE THE POLICIES OF THE  
OVERSEAS EMPLOYMENT PROGRAM AND  
ESTABLISH A HIGHER STANDARD OF  
PROTECTION AND PROMOTION OF THE  
WELFARE OF FILIPINO MIGRANT WORKERS  
AND FOR OTHER PURPOSES,"

to meet the public emergency consisting of the need  
to provide additional, adequate, continuous and  
compassionate protection and safeguards to overseas  
Filipino workers as a necessary means of further  
protecting and promoting their rights and welfare  
as mandated under the Constitution.

Best regards.

(SGD.) FIDEL V. RAMOS

cc: Hon. Jose de Venecia  
Speaker  
House of Representatives  
Batasang Pambansa Complex  
Quezon City

APPROVAL OF SENATE BILL NO. 2077  
ON THIRD READING

Pursuant to the presidential certification, upon motion  
of Senator Romulo, there being no objection, the Body  
considered Senate Bill No. 2077 on Third Reading.

Pursuant to Section 54, Rule XXIII of the Rules of the  
Senate, upon motion of Senator Romulo, there being no  
objection, the Secretary of the Senate read only the title of  
the bill, to wit:

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS EMPLOYMENT AND ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS AND FOR OTHER PURPOSES.

Upon motion of Senator Romulo, there being no objection, the Chair declared in order voting on Third Reading on Senate Bill No. 2077.

The Secretary of the Senate called the roll for nominal voting.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Alvarez	Mercado
Angara	Ople
Biazon	Roco
Gonzales	Romulo
Herrera	Shahani
Macapagal	Tatad
Maceda	

Against

None

Abstention

None

With 13 senators voting in favor, none against and no abstention, the Chair declared Senate Bill No. 2077 approved on Third Reading.

SUSPENSION OF SESSION

Upon motion of Senator Romulo, the Chair suspended the session.

It was 5:01 p.m.

RESUMPTION OF SESSION

At 5:02 p.m., the session was resumed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the Secretary General of the House of Representatives, dated May 23, 1995, informing the Senate that on even date, the House of Representatives passed the following House bills in which it requests the concurrence of the Senate:

House Bill No. 1248, entitled

AN ACT PROVIDING FOR THE REPATRIATION OF FILIPINO WOMEN WHO HAVE LOST THEIR CITIZENSHIP BY MARRIAGE TO ALIENS AND OF NATURAL-BORN FILIPINOS

To the Committee on Justice and Human Rights

and House Bill No. 14602, entitled

AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO CONDUCT NATIONWIDE DEMONSTRATIONS OF COMPUTERIZED ELECTION MACHINES FOR THE PURPOSE OF VOTER-EDUCATION

To the Committee on Rules

Letter from the Secretary General of the House of Representatives, dated May 24, 1995, informing the Senate that on even date, the House of Representatives passed House Bill No. 14616, entitled

AN ACT PROVIDING BENEFITS FOR EARLY RETIREMENT AND VOLUNTARY SEPARATION FROM THE GOVERNMENT SERVICE APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

in which it requests the concurrence of the Senate.

To the Committees on Civil Service and Government Reorganization; and Finance

Letter from the Secretary General of the House of Representatives, dated May 26, 1995, informing the Senate that on May 25, 1995, the House of Representatives designated Representatives Jaime Lopez, Emigdio Bondoc, Andrea Domingo, Bonifacio Gillego, Romeo Candazo, Roque Ablan, Alberto Veloso, Dante Liban, Tomas Conception, Emigdio Tanjuatco, Jr., Leonor Ines Luciano, Edcel Lagman and Manuel Roxas as its conferees should the Senate ask for a conference upon approval of its counterpart version of House Bill No. 14314, entitled

AN ACT PROVIDING A MAGNA CARTA OF OVERSEAS FILIPINOS

To the Committee on Rules

CONFERENCE COMMITTEE ON  
SENATE BILL NO. 2077 AND  
HOUSE BILL NO. 14314

Upon motion of Senator Romulo, there being no objection, the Body approved the creation of the Senate panel composed of Senators Herrera, Ople, Shahani, Webb, Romulo and Maceda to meet with its counterpart in the House of Representatives on the disagreeing provisions of Senate Bill No. 2077 (Migrant Workers Act of 1995) and House Bill No. 14314.

CONFERENCE COMMITTEE ON  
SENATE BILL NO. 2065

Upon motion of Senator Romulo, there being no objection, the Body approved the creation of the Senate panel composed of Senators Tolentino, Romulo, Herrera, Alvarez and Maceda to meet with its counterpart in the House of Representatives on the disagreeing provisions of Senate Bill No. 2065 (Electoral Reforms) and its House version.

SUSPENSION OF SESSION

Upon motion of Senator Romulo, there being no objection, the Chair suspended the session.

It was 5:03 p.m.

RESUMPTION OF SESSION

At 6:02 p.m., the session was resumed.

NINTH ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read and the Chair made the corresponding referrals of the following:

# JOURNAL

SESSION NO. 65  
Monday, May 29, 1995  
Friday and Saturday, June 2-3, 1995

## CALL TO ORDER

At 5:05 p.m., Monday, May 29, 1995, the Senate President, Honorable Edgardo J. Angara, called the session to order.

## NATIONAL ANTHEM AND PRAYER

The Bureau of Customs Cultural Society led the singing of the National Anthem and Magsimula Ka.

Thereafter, Senator Biazon led the Body in prayer, to wit:

Almighty Father,

We gratefully acknowledge Your presence among us. And we beseech You to be with us always even if, in Your perfect judgment, we are undeserving of Your goodness and Your love. For we humbly believe that without You there is nothing we can do.

Almighty Father, we thank You for all the blessings which You have, without fail and without any precondition, showered upon our nation. Thank You for our beautiful land. Thank You for our freedom. Thank You for our perseverance, fortitude and optimism.

Guide us Almighty Father in all our thoughts and in all our deeds. Bless the humble Members of this Chamber whom You, through the Filipino people, have chosen to make laws which must reflect Your will. Touch our hearts that we may become Your worthy servants. Free our minds from the lure of power and fame so that only the genuine interests of our country become our overriding concern.



MANIFESTATION OF SENATOR SHAHANI

Upon resumption, Senator Shahani said she would submit a written explanation of her vote on Proposed Senate Resolution No. 1143.

CONFERENCE COMMITTEE

Upon motion of Senator Romulo, there being no objection, the Body approved the creation of the Senate panel, composed of Senator Tolentino as Chairman, Senator Romulo as Vice-Chairman, and Senators Herrera, Alvarez and Maceda as members, to meet with its counterpart in the House of Representatives on the disagreeing provision of the Senate and House versions of Senate Bill No. 2008 (modernization of the electoral process).

BICAMERAL CONFERENCE  
COMMITTEE MEETINGS

At this juncture, Senator Romulo stated that this evening, there would be a conference committee meeting on Senate Bill No. 2077 and its House version (Migrant Workers' Act). He also informed the Body of the following schedule of Conference Committee meetings on the measures hereunder indicated:

May 30 - intercountry adoption; Philippine Youth Commission; and practice of Optometry

May 31 - book publishing; hazing; cutting of cocunut; computerization of the election process.

ACKNOWLEDGMENT OF THE  
PRESENCE OF GUEST

At this juncture, the Chair acknowledged the presence of Governor Emano of Misamis Oriental.

In view thereof, he urged the Body to approve the report.

APPROVAL OF THE CONFERENCE  
COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1998 and House Bill No. 14100 was approved by the Body.

CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 2077 AND  
HOUSE BILL NO. 14314

Upon motion of Senator Romulo, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 2077, entitled

AN ACT TO INSTITUTE THE POLICIES OF THE OVERSEAS  
EMPLOYMENT AND ESTABLISH A HIGHER STANDARD OF  
PROTECTION AND PROMOTION OF THE WELFARE OF  
MIGRANT WORKERS AND FOR OTHER PURPOSES.

and House Bill No. 14314, entitled

AN ACT PROVIDING A MAGNA CARTA OF OVERSEAS  
FILIPINOS.

The Chair recognized Senator Herrera to sponsor the report.

SPONSORSHIP REMARKS OF SENATOR HERRERA

Senator Herrera stated that this measure was considered one of the two most controversial bills because during the bicameral conference, a deadlock was declared three times since the House version of the bill speaks of overseas Filipinos in general, while the Senate version focuses on migrant workers only.

Basically, he said, the report contains the Senate version except Sections 23, 17 and 31 which were lifted from the House version.

He assured the Body that the bill is consistent with the UN Convention providing legal services to migrant workers and their families and overseas Filipinos in distress.

Senator Herrera then requested the unanimous support of the Body for the consolidated bill.

#### INQUIRIES OF SENATOR MACEDA

Adverting to Section 4 of the bill, Senator Maceda asked whether the term "rights of Filipino migrant workers" includes the "rights" under the Bill of Rights of the Philippine Constitution and the "rights" under the United Nations International Charter on Human Rights. He also asked how such section would apply to a situation wherein Filipinos in Muslim countries are being arrested for attending a Catholic mass. Senator Herrera replied that this section is trying to establish a criteria as to the countries where Filipino workers would be deployed. Consistent with the criteria, he said, the DOLE and the DFA are required to submit to Congress a periodic report on the status of violations of human rights and trade human rights of Filipino workers in those countries.

On whether the rights of Filipinos to information on charges against them and a fair trial would be within the ambit of this particular policy, Senator Herrera opined that the government should not deploy its workers to countries where due process is not respected. However, he

lamented the fact that while the respect for due process is being observed in many countries, the Philippine government is sometimes unable to assist its own overseas workers.

Adverting to Section 16, Mandatory Repatriation of Underage Migrant Workers, Senator Maceda asked what a Philippine ambassador or an attache would do in case he encounters underage Filipino entertainers abroad. Senator Herrera replied that this matter should be coordinated with the government of the receiving country because there are certain laws that should also be considered. He added that the Department of Foreign Affairs must take the initiative to monitor and conduct an inventory of overseas migrant workers to determine whether there are underage migrant workers who should be repatriated and who are in need of immediate protection.

On another matter, Senator Maceda inquired why the Legal Assistance for Migrant Workers was placed under the Department of Foreign Affairs instead of the Office of the President. In reply, Senator Herrera said that since the government is institutionalizing a team approach, legal services should be attached to the Department of Foreign Affairs which is the lead agency.

Asked whether Congress has a clear intention of reducing the quasi-judicial and regulatory powers of the POEA, Senator Herrera said that there is a phaseout period of five (5) years, after which, the POEA would deregulate the overseas employment program of the government.

INQUIRY OF SENATOR RASUL

Noting that the bill does not have penalty provisions, Senator Rasul asked what would happen to the people responsible for the deployment of underage girls working as domestic helpers abroad. In reply, Senator Herrera clarified that under the title "Illegal Recruitment," the penalty would be life sentence for both government and non-government employees who participated in the commission of the crime.

APPROVAL OF THE CONFERENCE  
COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 2077 and House Bill No. 14314 was approved by the Body.

AMENDMENT TO THE LEGISLATIVE CALENDAR

In consultation and agreement with the House of Representatives, upon motion of Senator Romulo, there being no objection, the Legislative Calendar was amended as follows:

Resumption of session -- May 29, 1995 to June 5, 1995

Adjournment of session -- June 6, 1995 to July 23, 1995.

PRIVILEGE OF THE FLOOR

Senator Romulo stated that by tradition and precedents, former members of the Senate are accorded the privilege of the floor and acknowledged the presence of Senator Taffada, former Minority Leader, who was elected Congressman of the Fourth District of Quezon; Senator Lina, former Assistant