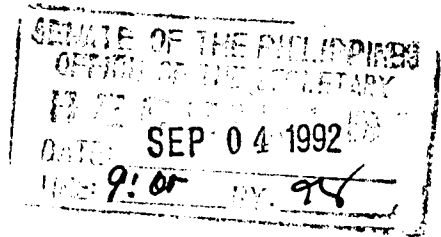


Congress of the Philippines)
First Regular Session)



SENATE

S. No. 724

Introduced by Senator Teofisto T. Guingona, Jr.

EXPLANATORY NOTE

Overseas employment has provided a gainful employment to our countless countrymen. It helped minimized the problem of unemployment, at the same time, it continuously generates considerable foreign exchange that buoys up the reservoir of our country's sagging economy. But in the process, however, overseas employment paved the way for the proliferation of the activities of illegal recruiters who victimize our poor workers, losing not only their hard earned savings but other valuable possessions. The poor workers sometimes end up their fake passports and visas, getting stranded and jobless on foreign soil and even getting hostages by the foreign authorities while working for their fares back home.

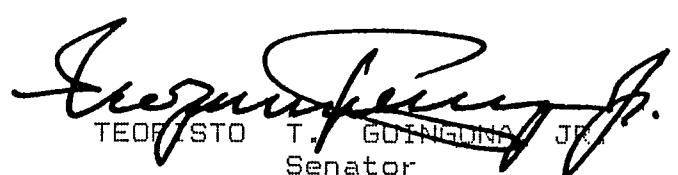
Under existing laws, illegal recruitment is considered an offense involving economic sabotage that carries stiff penalties. But despite of the imposition of these penalties, there are still numerous illegal recruiters who manage to escape the force of the law and go scot-free to the prejudice and damage of helpless workers. This is attributed to the fact that majority of overseas workers come from the provinces and to file cases against recruiters will entail burdensome and costly undertakings. Filing a case in Manila, for instance, will mean paying for fares and board and lodging while in the city. Whereas, the illegal recruiters enjoy the comfort of their air-conditioned offices, with lawyers at their beck and call and ready to defend them at anytime of the day or night. This situation adds insult to the wounded feelings of gypped workers and make more uncertain their quest for justice. It is for this reason that the subject amendatory bill is proposed. Under the

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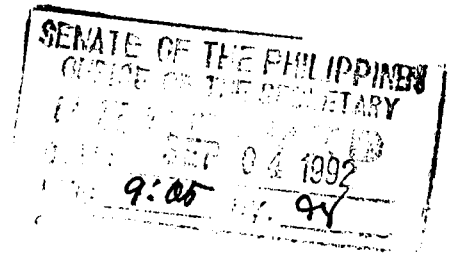
proposed amendments, it will be more convenient for the affected overseas workers to file the necessary complaints against illegal recruiters in their place of residence. This new provision will also deter those recruiters from continuing their illegal activities, otherwise they will face charges simultaneously all around the country which will be very costly and burdensome on their part.

Finally, this amendatory bill has a retroactive effect and shall apply even to those cases already pending in court since it is remedial in nature and there are no vested rights in the rules of procedure.

It is in the light of the foregoing reasons that the early approval of this bill is earnestly requested.


 TEODORO T. GUINGONA JR.
 Senator

Congress of the Philippines)
First Regular Session)



S E N A T E

S. No. 724

Introduced by Senator Teofisto T. Guingona, Jr.

AN ACT

DESIGNATING THE VENUE FOR THE PROSECUTION OF CRIMINAL ACTIONS ARISING FROM ILLEGAL RECRUITMENT AS DEFINED AND PENALIZED UNDER ARTICLES 38 AND 39 OF PRESIDENTIAL DECREE NUMBERED FOUR HUNDRED FORTY-TWO AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AMENDING FOR THE PURPOSE CHAPTER III ON MISCELLANEOUS PROVISIONS OF THE LABOR CODE OF THE PHILIPPINES AND FOR OTHER PURPOSES

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

SECTION 1. Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines is hereby further amended by adding a new article under Chapter III on Miscellaneous Provisions to be known as Article 39-A which shall read as follows:

"Art. 39-A. VENUE - A CRIMINAL ACTION ARISING FROM ILLEGAL RECRUITMENT AS DEFINED AND PENALIZED UNDER ARTICLES 38 AND 39 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, SHALL BE FILED SIMULTANEOUSLY OR SEPARATELY WITH THE REGIONAL TRIAL COURT OF THE

PROVINCE OR CITY WHERE THE OFFENSE WAS COMMITTED OR WHERE THE OFFENDED PARTY ACTUALLY RESIDES AT THE TIME OF THE COMMISSION OF THE OFFENSE: PROVIDED, THAT THE COURT WHERE THE CRIMINAL ACTION IS FIRST FILED SHALL ACQUIRE JURISDICTION TO THE EXCLUSION OF OTHER COURTS: PROVIDED, HOWEVER, THAT THE AFORESTATED PROVISIONS SHALL ALSO APPLY TO THOSE CRIMINAL ACTIONS THAT HAVE ALREADY BEEN FILED IN COURT AT THE TIME OF THE EFFECTIVITY OF THIS ACT."

SEC. 2. All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 3. This Act shall take effect upon its approval.

Approved,