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SENATE

P. S. RES. NO. 751

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE INFLUX OF CHINESE
NATIONALS IN THE PHILIPPINES AND RELATED ISSUES ON THE
EFFECTIVE IMPLEMENTATION OF IMMIGRATION AND LABOR LAWS,
WITH THE END IN VIEW OF ENACTING AMENDMENTS TO EXISTING
LEGISLATION TO PREVENT SURGE MIGRATION

1 WHEREAS, Article II, Section 7 of the 1987 Constitution provides that “(t)he
2 State shall pursue an independent foreign policy. In its relations with other states the
3 paramount consideration shall be national sovereignty, territorial integrity, national
4 interest, and the right to self-determination”;

5 WHEREAS, Article XII, Section 14 of the same provides in part that “(t)he
6 sustained development of a reservoir of national talents consisting of Filipino
7 scientists, entrepreneurs, professionals, managers, high-level technical manpower
8 and skilled workers and craftsmen in all fields shall be promoted by the State”;

9 WHEREAS, Section 13 of Commonwealth Act No. 613, otherwise known as The
10 Philippine Immigration Act of 1940, states that “...there may be admitted into the
11 Philippines immigrants, termed ‘quota immigrants’ not in excess of five hundred of
12 any one nationality or without nationality for any one calendar year, except that the
13 following immigrants, termed ‘nonquota immigrants, may be admitted without regard
14 to such numerical limitations” such as “(a)n alien coming to prearranged employment,
15 for whom the issuance of a visa has been authorized in accordance with section twenty
16 of this Act...”;

17 WHEREAS, Section 20(a) of the same prescribes for the issuance of the
18 nonquota immigration visa for those coming to prearranged employment, stating in

1 part that “(s)uch authorization shall be given only on petition filed with the
2 Commissioner of Immigration establishing that no person can be found in the
3 Philippines willing and competent to perform the labor or service for which the
4 immigrant is desired and that the immigrant’s admission would be beneficial to the
5 public interest”;

6 WHEREAS, Section 29(a), Paragraph 14 of the same further stipulates the
7 classes of aliens that shall be excluded from entry into the Philippines, such as
8 “(p)ersons coming to perform unskilled manual labor in pursuance of a promise or
9 offer of employment, express or implied, but this provision shall not apply to persons
10 bearing nonquota immigration visas authorized by section twenty of this Act”;

11 WHEREAS, Book One, Title II, Article 40 of Presidential Decree No. 442, as
12 amended, otherwise known as the Labor Code of the Philippines, states that “(a)ny
13 alien seeking admission to the Philippines for employment purposes and any domestic
14 or foreign employer who desires to engage an alien for employment in the Philippines
15 shall obtain an employment permit from the Department of Labor and Employment.
16 The employment permit may be issued to a non-resident alien or to the applicant
17 employer after a determination of the non-availability of a person in the Philippines
18 who is competent, able and willing at the time of application to perform the services
19 for which the alien is desired”;

20 WHEREAS, Section 1 of Department of Labor and Employment (DOLE)
21 Department Order No. 97-09 or the Revised Rules for the Issuance of Employment
22 Permits to Foreign Nationals, provides that “(a)ll foreign nationals who intend to
23 engage in gainful employment in the Philippines shall apply for the Alien Employment
24 Permit (AEP)”;

25 WHEREAS, the Department of Justice Department Circular No. 041, dated 15
26 August 2017, Granting Temporary Visitor Visa upon Arrival (TVVUA) to Nationals of
27 People’s Republic of China (PROC), states that it is “in line with the government’s
28 thrust to increase tourism and foreign investment, and to better facilitate the
29 expeditious entry and admission of PROC Nationals into the country through the visa
30 upon arrival (VUA) facility”;

31 WHEREAS, on 7 May 2018, Business Mirror reported that the Department of
32 Tourism (DOT) remains firm in its 1.5-million target for Chinese visitors this year and

1 this developed as the number of Chinese travelers to the Philippines grew by 54.43
2 percent to 371,429 in the first quarter of 2018 – spending almost \$50 (P2,650) per
3 day, with an average length of stay of 6.24 nights last year, according to the DOT
4 Annual Visitor Sample Survey of 2017¹;

5 WHEREAS, on 27 March 2018, Business Mirror reported that AEPs rose from
6 28,371 in 2015 to 41,993 in 2016, equivalent to a 33.4 percent increase, with Chinese
7 nationals consistently comprising most of the AEP holders from 2013 to 2016 –
8 growing to 45 percent (18,920) in 2016 from 23.7 percent in 2013²;

9 WHEREAS, the same report cited DOLE’s Bureau of Local Employment stating,
10 “There was significant increase in the issuance of AEP [in 2017], particularly in NCR
11 (National Capital Region) and Region 2. This can be attributed to the prevalence of
12 online gaming industry in the areas whose clients are mostly from China and other
13 South East Asian countries”³;

14 WHEREAS, on 4 May 2018, Bloomberg reported that since President Rodrigo
15 Roa Duterte’s administration began awarding licenses 19 months ago, more than 50
16 offshore gambling companies catering to overseas Chinese punters have received
17 permits to operate in Manila, allegedly employing about 200,000 predominantly
18 Chinese workers who have been arriving since late 2016⁴;

19 WHEREAS, the same report states that while residential property prices in
20 neighborhoods favored by Chinese workers have soared as an effect of the migration,
21 such reliance may render the property market vulnerable in the event of an abrupt
22 shift in online gaming or immigration policies from either country⁵;

23 WHEREAS, on 16 May 2018, the Bureau of Immigration reported in a press
24 release that a total of 1,521 aliens were barred from entry from January to April, with
25 583 Chinese nationals topping the list of excluded aliens⁶;

¹Arnaldo, Ma. Stella. *2M visited PHL in Q1*. Business Mirror. 7 May 2018. Retrieved from <https://businessmirror.com.ph/2m-visited-phl-in-q1/>

²Medenilla, Samuel. *“Rising number of foreign workers shows job-skills mismatch persisting in PHL”*. Business Mirror. 27 March 2018. Retrieved from <https://businessmirror.com.ph/rising-number-of-foreign-workers-shows-job-skills-mismatch-persisting-in-phl/>

³*Ibid.*

⁴“*Chinese Money Triggers a Dizzying Rally in Manila Property*”. Bloomberg. 4 May 2018. Retrieved from <https://www.bloomberg.com/news/articles/2018-05-03/in-china-s-new-gambling-hot-spot-property-prices-are-on-a-tear>

⁵*Ibid.*

⁶Bureau of Immigration. Press Release – 16 May 2018. Retrieved from http://www.immigration.gov.ph/images/News/2018_May/2018May16_1500AliensDenied.pdf

1 WHEREAS, on 15 January 2018, GMA News Online reported that of the 1,508
2 foreigners deported by BI in 2017 for violating immigration laws, 1,248 were Chinese
3 nationals – majority of which were arrested in 2016 at the Fontana Hotel in Clark,
4 Pampanga for allegedly engaging in illegal online gaming operations⁷;

5 WHEREAS, on 2 May 2018, the Philippine Daily Inquirer reported that a
6 waitress at a Parañaque City eatery was beaten up by Chinese chef Wang Yongbin and
7 sustained chest injuries for taking a piece of *chicharon*, police investigation further
8 revealing that the Chinese national has been in the country for a year without a
9 working visa or even a passport⁸;

10 WHEREAS, on 23 May 2017, the Philippine Daily Inquirer reported that ten
11 foreigners, mostly Chinese, were caught in the act of operating a dredging vessel that
12 was drawing lahar and black sand from Macolcol River in San Felipe, Zambales and
13 arrested by agents of the National Bureau of Investigation, the dredging activities
14 lacking permits from the Mines and Geosciences Bureau, the Department of Labor and
15 Employment and the Maritime Industry Authority⁹;

16 WHEREAS, the increasingly lax control mechanisms over the influx of
17 Chinese nationals in the Philippines have led to concerns on whether we have enough
18 capability to properly enforce our immigration and labor laws to the detriment of our
19 national interest;

20 WHEREAS, in line with the issuance of TVVUA for Chinese nationals and the
21 subsequent increase in the number of arriving Chinese travelers, there is a need to
22 implement strict mechanisms in all ports of entry to ensure aliens coming into the
23 Philippines for tourism purposes limit their stay in the country for said purpose;

24 WHEREAS, the surge of AEP issuance means there is a number of available
25 jobs in the Philippines, even while Filipinos continue to seek opportunities abroad and
26 unemployment remains a concern, thus making it necessary to review labor policies to

⁷"PHL deported over 1,500 foreigners in 2017 — Immigration bureau". GMA News Online. 15 January 2018. Retrieved from <http://www.gmanetwork.com/news/news/nation/639687/phi-deported-over-1-500-foreigners-in-2017-immigration-bureau/story/>

⁸Reysio-Cruz, Matthew. "Chef beats up coworker who ate a piece of 'chicharon'". Philippine Daily Inquirer. 2 May 2018. Retrieved from <http://newsinfo.inquirer.net/986916/chef-beats-up-coworker-who-ate-a-piece-of-chicharon>

⁹Cabalza, Dexter. "Foreigners nabbed for black sand extraction in Zambales". Philippine Daily Inquirer. 23 May 2017. Retrieved from <http://newsinfo.inquirer.net/898560/foreigners-nabbed-for-black-sand-extraction-in-zambales>

1 discontinue those that are inimical to national interest and to instead promote
2 mechanisms that will address labor constraints by improving Filipino competency;

3 WHEREAS, with the influx of Chinese nationals employed and residing in the
4 Philippines, there is a dangerous possibility of the real estate market pricing out
5 Filipinos out of their homes, especially in areas near businesses that heavily employs
6 Chinese nationals, like casinos and resorts;

7 WHEREAS, there is also the danger of our economy being too dependent on
8 Chinese tourists and clients where any change in policies by the China government
9 could effectively stall, if not cripple, our local economy;

10 WHEREAS, there is a need to review our capability to enforce our immigration
11 and labor laws in order to protect our country and our countrymen against any adverse
12 effect which may be caused by this immigration surge;

13 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
14 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the influx
15 of Chinese nationals into the Philippines and related issues on the effective
16 implementation of immigration and labor laws, with the end in view of enacting
17 amendments to existing legislation to prevent surge migration.

Adopted,


LEILA M. DE LIMA