

11 NOV 10 P3:59

SENATE

P.S. Res. No. 633

INTRODUCED BY SENATOR MANNY VILLAR

RESOLUTION

URGING THE SENATE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED DEPLOYMENT BAN ISSUED BY THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION IN FORTY ONE COUNTRIES WITH THE END IN VIEW OF REVIEWING THE GOVERNMENT POLICIES AND PROCESSES FOR THE PROTECTION OF THE OVERSEAS FILIPINO WORKERS

WHEREAS, The 1987 Constitution states that: "*The State affirms labor as a primary social economic force. It shall protect the rights of the workers and promote their welfare*" (Section 18, Article II);

WHEREAS, under Executive Order No. 797, the Philippine Overseas Employment Administration is mandated to formulate and undertake, in coordination where necessary with the appropriate entities concerned, a systematic program of promoting and monitoring the overseas employment of Filipino workers taking into consideration domestic manpower requirements, and to protect their rights to fair and equitable employment practices;

WHEREAS, POEA's Governing Board issued Resolution No.7, Series of 2011, dated 28 October 2011, stopping the deployment of Overseas Filipino Workers in the following countries for non-compliance with the guarantees required by RA 10022, as certified by the Philippine Embassies, viz:

- | | |
|------------------------------------------------------|------------------------------------|
| 1. Afghanistan | 21. Mauritania |
| 2. Antigua and Barbuda | 22. Montenegro |
| 3. Barbados | 23. Mozambique |
| 4. Cambodia | 24. Nauru |
| 5. Cayman Islands | 25. Nepal |
| 6. Chad | 26. Niger |
| 7. Croatia | 27. Pakistan |
| 8. Cuba | 28. Palestine |
| 9. Democratic People's Republic of Korea/North Korea | 29. Serbia |
| 10. Dominica | 30. St. Kitts and Nevis |
| 11. East Timor / Timor Leste | 31. St. Lucia |
| 12. Eritrea | 32. St. Vincent and the Grenadines |
| 13. Haiti | 33. Sudan |
| 14. India | 34. Swaziland |
| 15. Iraq | 35. Tajikistan |
| 16. Kyrgyzstan / Kyrgyz Republic | 36. Tonga |
| 17. Lebanon | 37. Turks and Caicos |
| 18. Lesotho | 38. Tuvalu |
| 19. Libya | 39. US Virgin Islands |
| 20. Mali | 40. Vanuatu |
| | 41. Zimbabwe |

WHEREAS, the afore-mentioned resolution cited Section 3 of Republic Act No. 10022 as the basis for the deployment ban, which reads as follows: "The State shall allow the deployment of overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection of the rights of overseas Filipino workers:

(a) It has existing labor and social laws protecting the rights of workers, including migrant workers;

(b) It is a signatory to and/or a ratifier of multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers; and

(c) It has concluded a bilateral agreement or arrangement with the government on the protection of the rights of overseas Filipino Workers;

Provided, That the receiving country is taking positive, concrete measures to protect the rights of migrant workers in furtherance of any of the guarantees under subparagraphs (a), (b) and (c) hereof.

"In the absence of a clear showing that any of the aforementioned guarantees exists in the country of destination of the migrant workers, no permit for deployment shall be issued by the Philippine Overseas Employment Administration (POEA).

WHEREAS, after the issuance of the said resolution, Foreign Affairs Secretary Albert Del Rosario called for the deferment of the implementation of the deployment ban. He requested the POEA to defer the same for 90 days as he "believes that there are compelling reasons to defer further action on the list."

WHEREAS, according to the news reports, Secretary Del Rosario said that the department must have "ample opportunity" to hold dialogues with the listed countries to discuss with them migrant issues and that "such a dialogue would be to the benefit of Filipino workers already there and those planning to seek gainful employment in those countries";

WHEREAS, to further avert the deployment ban, the Department of Foreign Affairs has withdrawn certifications that classify 41 countries as "non-compliant" to RA 10022 that protects migrant workers' rights;

WHEREAS, at the latest, POEA Governing Board has reviewed the DFA request for the deferment of the deployment ban, but it has yet to decide on the said matter;

WHEREAS, the apparent flip-flopping decisions of the government agencies concerned and the apparent lack of a clear and definite processes in the issuance of certifications led to confusion lest the government forget that though the welfare of our overseas Filipino workers is the primordial consideration, it has also to consider its relations with the countries afore-mentioned;

WHEREAS, there is a need to thoroughly review loopholes in the policies and processes and come up with solutions or measures that will prevent incidents of abuse and maltreatment of Overseas Filipino Workers;

NOW THEREFORE, BE IT RESOLVED, by the Senate of the Philippines, to urge the Senate Committee on Labor, Employment and Human Resources Development to conduct an inquiry, in aid of legislation, into the reported deployment ban issued by the Philippine Overseas Employment Administration in forty one (41) countries with the end in view of reviewing the government policies and processes for the protection of the overseas Filipino workers.

Adopted,



MANNY VILLAR