

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

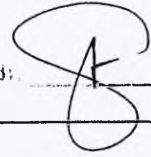
Senate
Office of the Secretary

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SENATE

S. No. 1217

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Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
FURTHER STRENGTHENING THE LABOR CODE OF THE PHILIPPINES FOR
THE PURPOSE PRESIDENTIAL DECREE 442, OTHERWISE KNOWN AS THE
"LABOR CODE OF THE PHILIPPINES", AS AMENDED**

EXPLANATORY NOTE

In light of the outpour of Chinese and other foreign workers in the Philippines, there is a need to revisit the laws which regulate their employment. Title II of Presidential Decree No. 442 or otherwise known as the Labor Code of the Philippines governs the employment of non-resident aliens. However, the guidelines laid down in Articles 40-42 stay feeble because of the mild penalties. Article 41, sub-paragraph (a), thus provides:

" a. Any non-resident alien who shall take up employment in violation of the provision of this Title and its implementing rules and regulations shall be punished in accordance with the provisions of Articles 289 and 290 of the Labor Code.

X x x "

The articles referred to: 289 and 290 of the Labor Code, provide for only a fine of one thousand pesos (P1,000.00) nor more than ten thousand pesos (P10,000.00) or imprisonment of not less than three months nor more than three years or both such fine or imprisonment at the discretion of the court.

Stiffer penalties should be put in place as such will deter not only non-resident alien employees from illegally acquiring employment in the country, but

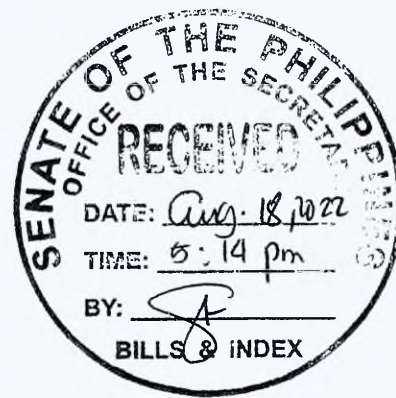
will also deter employers from violating Articles 40 to 42 – Thus securing employment for the Filipino. It is imperative that the State stays true to the tenet of the 1987 Constitution, Article XII, Section 12, which provides that the State shall promote the preferential use of Filipino labor.

Given the foregoing, immediate passage of this measure is sought.


RAMON BONG REVILLA, JR.

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

1 Section 1. Article 41, subparagraph (b) of Presidential Decree 442, as amended,
2 otherwise known as the Labor Code of the Philippines, is hereby amended to read as
3 follows:

4 "Art. 41. Prohibition against transfer of employment.

5 (a) x x x

6 (b) Any non-resident alien who shall take up employment
7 in violation of the provision of this Title and its
8 implementing rules and regulations shall be punished
9 [~~in accordance with the provisions of Articles 289 and~~
10 ~~290 of the Labor Code~~] **WITH A FINE OF NOT LESS**
11 **THAN ONE HUNDRED THOUSAND PESOS**
12 **(P100,000.00) NOR MORE THAN TWO HUNDRED**
13 **THOUSAND PESOS (P200,000.00) AND/OR**
14 **IMPRISONMENT OF THREE (3) MONTHS TO**
15 **THREE (3) YEARS, AT THE DISCRETION OF THE**
16 **COURT.**

17 In addition, the alien worker shall be subject to
18 deportation after service of his sentence."

1 Sec. 2. *Repealing Clause.* - All laws, executive orders, presidential decrees,
2 presidential proclamations, rules and regulations or parts thereof inconsistent with the
3 provisions of this Act are hereby repealed or modified accordingly.

4 Sec. 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,