

RECORD OF THE SENATE

THURSDAY, MAY 25, 1995

May 24, 1995

RESUMPTION OF THE SESSION

At 10:05 a.m., the session was resumed with the Honorable Edgardo J. Angara, President of the Senate, presiding.

The President: The session of the Senate is resumed.

The Secretary will read the additional reference of business.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

The Secretary:

24 May 1995

Honorable 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. 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.

Best regards.

(Sgd.) FIDEL V. RAMOS

Honorable Jose de Venecia
Speaker
House of Representatives
Batasang Pambansa Complex
Quezon City

The President: Referred to the Committee on Rules. The Secretary.

Honorable EDGARDO J. ANGARA
Senate President
Senate of the Philippines
Old Executive Building
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 adoption of 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.

Best regards.

(Sgd.) FIDEL V. RAMOS

Honorable Jose de Venecia
Speaker
House of Representatives
Batasang Pambansa Complex
Quezon City

The President: Referred to the Committee on Rules.

BILL ON SECOND READING S. No. 2077 - Migrant Workers Act of 1995 (Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 2077 as reported out under Committee Report No. 999.

The President: Resumption of consideration of Senate Bill No. 2077 is now in order.

Senator Romulo: Mr. President, yesterday, the Sponsor of

the bill, Senator Herrera, delivered his sponsorship remarks. Today, we are in the period of interpellations.

SUSPENSION OF THE SESSION

Mr. President, we have a reservation to interpellate from Senator Mercado, but, in the meantime may I ask that we suspend the session for one minute.

The President: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 10:07 a.m.

RESUMPTION OF THE SESSION

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

The President: The session is resumed.

Senator Romulo: Mr. President, for the interpellation on Senate Bill No. 2077, I ask that the Chairman and Sponsor of the Committee of the Whole, Senator Herrera, be recognized, with the Minority Leader, Senator Maceda, to interpellate.

The President: Senator Herrera is recognized with the Minority Leader, Senator Maceda to interpellate.

Senator Maceda: Mr. President, pursuant to the testimony in the Committee of the Whole, while I have read and signed this report, I have expressed some concern about the fact that while we can legislate responsibility and obligations on the part of government agencies such as the DFA, DOLE, and specifically POEA and OWWA, it is not possible to legislate a change of attitude, especially if it is institutional attitude, let us say, on the part of the DFA, where one could see that there is a clear resistance about its accepting the responsibility of having to assist in every way possible, even on police precinct level, nationals or specifically OCWs abroad. How will this particular bill assure a change or an improvement in the attitudes of the government personnel assigned overseas?

Senator Herrera: First of all, Mr. President, my distinguished Colleague is correct that there are certain matters that we cannot address by legislation. And he correctly pointed out how we can change attitudes. This is a matter that can be address perhaps administratively through programs of reorienting the perspective and the attitude of our government bureaucrats, especially in the DFA and some other government agencies.

I recall in the '70s, the University of the Philippines, under

the program of the Philippine Executive Academy, had training program for government executives. Part of that program is what they called the "barrio exercise" where they expose government executives who have strong urban orientation to the realities of the barrio.

This is one kind of a program that helped change the perspective of our government executives. Probably this can be done also by the DFA, the Department of Labor, and other agencies of the Government.

Now, in the policy statements of this bill, we strongly emphasized the change of this orientation to give priority in attending to the needs of our workers which, as the Gentleman correctly pointed out during the hearings, and together with some Members of this Body, that attitude of elitism must have to be changed now. We have to remember, to put in mind and in our hearts, that in the end, our mandate is really to serve our people. It is in that context that we hone our attitude as regards our work.

In this bill, we emphasized this important policy announcement, Mr. President.

Senator Maceda: I am trying to look for a statement in the bill to squarely institutionalize in this law the primary responsibility of the Department of Foreign Affairs of assisting Filipino nationals, especially OCWs abroad.

In the past, it has been characterized by buck-passing between the DFA and the DOLE, especially in areas where there are labor attaches and/or OWWA centers. At the same time, in the areas where there are no labor attaches, the DFA always pleads lack of personnel and resources to take care of this obligation and responsibility.

Could we clarify anywhere in this Act and make a categorical statement that it is the primary responsibility of the Department of Foreign Affairs, which is now in the Administrative Code, to protect and assist overseas contract workers, whether documented or not, and that it is the command responsibility of the Secretary of Foreign Affairs to see to it that these ambassadors and consuls abroad exercise this primary responsibility?

Senator Herrera: Section 24 of the bill, entitled Country-Team Approach - Primordial Concern of Philippine Embassies, states:

The country-team approach, as enunciated under Executive Order No. 74, shall be the mode under which 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 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.

This is a very strong mandate, Mr. President.

Senator Maceda: Does the Gentleman believe that that is sufficient to pinpoint the primary responsibility of the Department of Foreign Affairs?

Senator Herrera: I think so, Mr. President. But in the period of amendment, if the Gentleman can still strengthen and make it more effective, then this Representation would be happy to accept the amendment.

Senator Maceda: Mr. President, I would like to commend the Sponsor for including under Section 30, Exemption from Travel Tax, and under Section 31, Non-Increase of Fees; Abolition of Repatriation Bond, which will have some minor amendments in the period of amendments.

For the record, I would just like to state that under ILO Convention No. 97, adopted on July 1, 1949 — this is something that we should have taken note of long time ago — Article VII says: "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."

The principle is well established. To begin with, as promised even by the incumbent President, it is the obligation of the Government to try to provide jobs or full employment to its people, and that, therefore, when individual citizens exert their own efforts to get themselves employed abroad, for that matter, which take them away from their families, it seems to be inconsistent and unfair to charge so many fees, bonds, premiums, taxes, impositions and clearances when, as this Representation has said, even the ILO has established the principles that these services should be rendered free.

I just want to put that into the record as a basis to support further the recommendation of the distinguished Gentleman that we have supported fully to try to remove as much of the fees that are being charged which, even in the Committee of the Whole, again, the witnesses have said that they have long been working for the abolition of such as the repatriation bond. They do not see any necessity for the medical coverage which has now gone

up to P900.00. At an average, they are now charging from P5000 to P6000 for these fees alone. Of course, we know that outside of this, the worker has to pay the recruiter legally and under the table huge amounts.

Senator Herrera: I agree with the distinguished Gentleman. In fact, in some countries, the amount that the worker has to pay, both legally and illegally, is so shocking that one cannot imagine whether these recruiters have really a conscience. It is for this reason that one of the recommendations in yesterday's hearing was for the Government to ratify ILO Convention No. 97. It is important that there should be a gradual phasing out of these charges and fees that our overseas workers have to pay. However, there are also certain realities that we cannot ignore. There are certain types of migrant workers who are receiving huge salaries because of their skills. Probably, these are the type of workers that may have to contribute to the administrative cost of allowing them to work abroad. But in principle, I fully support it, Mr. President.

Senator Maceda: As a matter of policy, and considering the corresponding interest of the other sectors, should we include in this legislation the obligation to appoint five sectoral representatives or migrant workers as a matter of law which the President is obligated to do?

Senator Herrera: I think it would be a very good policy statement that we should put in this Migrant Workers' Act the sentiment of Congress that we would like them to be represented by five representatives in the House. Although as we know, there is a constitutional provision on the appointment of sectoral representatives after 1998. So in effect, the representative will only be for the term of Congress 1995 to 1998.

Senator Maceda: As we have seen the position papers, there have been some suggestions that this bill is really just a "PR", an artificial bill only for purposes of salving the wounds out of the Contemplacion-Maga case.

Senator Herrera: In fact, Mr. President, first, at the very beginning I was really objecting to the idea of convening Congress into a special session just to tackle this bill not because this is not an important concern, but my feeling is that this is one bill on which we should allow the participation of the new Members of Congress who were elected in the last election.

Second, I thought that on many of the concerns, the problems of migrant workers can be addressed by administrative action. But, then, in the course of the hearing, in the course of the consultation, in the course of our study, I realized that, somehow, there is now a need to put in the law some of the important concerns of the migrant workers. And I am proud that

the Senate Committee of the Whole has created something that we cannot just dismiss as a mere press release.

Senator Maceda: Mr. President, may I refer now to this obligation being imposed on undocumented workers to register with the center. I am not so sure that I fully appreciate this requirement.

Is there no way of documenting workers or registering or locating workers without making it compulsory?

The secondary question is: Is the cancellation of the passport automatic simply because they did not register within six months?

Senator Herrera: Frankly, Mr. President, like the Gentleman, I had difficulty putting that in our bill because I thought that there should be some ways which do not carry the element of compulsion like, maybe, attracting them to register documents.

Unfortunately, in our consultation with the Department of Labor and some officials of OWWA, there are already programs which they have implemented to attract undocumented workers to come to the embassy in order to register. But we are not successful in this.

So, that is how this particular provision was introduced; that probably there should be some kind of an element of compulsion by giving them a reasonable period of six months. and, after that, or within that reasonable period, they really have to report to our embassy so that they can be accounted for. We can document especially those problems of abuses, exploitation but the victims are usually the undocumented. There is no way our Government will know of their problem until the abuses have already occurred.

So, probably an element of compulsion is necessary sometimes to remind of one's responsibility. In fact, that is a policy that one really has to report to his embassy.

But if there is a better way, as I see that there is a better way — I think our government agencies have tried all and now they are thinking about this matter of issuing OWWA card — I do not have to remind the Gentleman but, if he will recall, two years ago when we started the investigation about the anomalies in OWWA, the OWWA card came into the picture. That is the thing that I would like to avoid — the issuance of OWWA card. Only those with OWWA cards will be entitled to certain attention and benefits. This was being abused in Japan and even the printing of OWWA card was being abused. So I thought there should be some way of dealing with these problems.

What is important is that we have to document the undocumented workers because that is the only way we can minimize abuses. That is the only way we can protect our workers.

Senator Maceda: I agree with the distinguished Gentleman, Mr. President. But even the way it is worded here — I think, in all the long years that I have been in the Senate, this is the first time I have come across this strong language — it does not speak of imposing an obligation on the workers to register. It imposes an obligation on the Center which is "enjoined to compel". It does not sound like an appropriate legislation for a democratic legislature to use.

Senator Herrera: We can improve the language. The intention is there. I think we really have to put a stop or perhaps minimize this problem of abuses, and that is the reason we would like to inventory the undocumented workers. We would like them to be within the coverage of OWWA so that they can enjoy the benefits of OWWA and can also be protected by our Government before they become victims of abuses.

How are we going to craft that provision, Mr. President?

Senator Maceda: Mr. President, I have been thinking about this since the Committee of the Whole hearings started, especially accepting the figure of 1.79 million more or less undocumented workers...

Senator Herrera: 1.8 million, Mr. President.

Senator Maceda: 1.79 million undocumented.

Senator Herrera: Just another information, Mr. President. I happened to have a dinner with the Secretary of Foreign Affairs. Since he was formerly assigned to Japan, I asked him about the problems of Japan as regards active undocumented workers there.

We will be shocked to know that there are several women workers in Japan from the ages of 15 to 19 years old and they have been there for the past four or three years. There is no way that we can monitor them, unless they report to the embassy.

How are we going to check on this, Mr. President? So there should be a way.

Senator Maceda: Yes, Mr. President, but it appears cynical. If they are willing to use falsified passports, violate our criminal laws and violate Japanese criminal laws, and if they are actually using spurious passports, even this provision is not going to effect the result that the Gentleman wants to effect.

Because these people could have cared less whether they reported to the embassy or not, whether their passport is cancelled or not, because they are actually using passports that have not been issued formally by the Philippine Foreign Affairs.

Senator Herrera: But at least, Mr. President, for those undocumented workers using valid passports with tourist visas, we can document them.

Senator Maceda: Exactly, there are those using valid passports issued by the Department of Foreign Affairs. I think it is just that we have not been a little diligent about this. Right there in the issuance of valid passports, the Department of Foreign Affairs can identify them. In fact, they can ask, "what is your purpose in going abroad?" "where are you going?"

We could see the pattern of people going to Japan and to the Middle East. As a matter of fact, probably, we have to consider a financial incentive. If they indicate that they are only going to one country, they will not be charged the full passport fee.

On the other hand, if they register with the embassy or the consulate outside the country, they can get a new passport, or they can get a renewal or extension of a passport without charge. Meaning to say, I do not think that the element of compulsion under pain of losing a passport is really going to achieve the purpose.

Senator Herrera: As I said, this is something that maybe for lack of new ways of documenting these workers, we have to insert this provision. But I disagree with that, Mr. President.

I feel that those workers using valid passports with tourist visas but whose intention is really to work abroad can be now compelled to register as a migrant worker.

I agree with the Gentleman that we cannot compel those who are really using fake passports, because of the fact alone that they are using fake passports. But the majority of these undocumented workers, especially those working in highly developed countries, like in Europe, enter Europe as tourists, they overstay, and then work. There are also workers from the Middle East who take vacation in Europe and then decide to stay there.

I recall that at one time, when I was in London, there were workers in the hotel. They were former workers in Saudi Arabia who spent a vacation in England and later decided to stay there. So even with their valid passports, now they are undocumented as far as our Embassy in England is concerned.

Senator Maceda: That is true, Mr. President. In fact, I

heard of the most imaginative example. I was told by PAL executives that they had recently, about six months ago, three stewardesses, who, it appears from the very beginning, planned it, applied for employment with PAL. As soon as they were scheduled and took their first flight to the United States, in this specific case, Los Angeles, they left a letter at the hotel stating "Sorry, Ma'am, but we are not coming back", and they just disappeared in the US.

So, even on that level, people are using every means to just go abroad and overstay abroad.

Senator Herrera: On the issue of compulsion, which I agree with the Gentleman, generally when there is compulsion, there is some kind of resistance. But on the other hand, we compel people to pay taxes, by prosecuting them for failure to comply with the payment of taxes. In this case, we are compelling them to register in order that they can get benefits.

Senator Maceda: Mr. President, I have raised the point and we will see, during the period of amendments, how we can think of an alternative that might be acceptable to the Sponsor.

Mr. President, on the matter of deregulation and phaseout under an article, may we be given specifics as to the intention of the Committee? Is the "five years" a firm commitment considering that that seems to be the official position of the Department of Labor and Employment under Sections 25 and 26?

Senator Herrera: Mr. President, the fact that we are putting this as one of the major policy changes now in our overseas employment program is a firm commitment. I think we should proceed toward that direction.

Senator Maceda: Would the distinguished Gentleman be willing to add language to the effect that at the end of five years from the formulation of the deregulation plan, the regulation of recruitment activities from government offices is going to be a fact?

Senator Herrera: Let me put it this way, Mr. President. As we deregulate, we have also to focus now on strengthening the agencies of the Government in charge of the protection of our overseas workers, like the labor attaches. So, instead of having the POEA now regulating in the case of recruitment, we look into the employment contract which, to my mind, is a complete failure because of contract substitution. As we deregulate, let us also strengthen the arms of the Government in charge of protecting the welfare and interest of the workers. So, probably, to that effect, we can reflect it in the section.

Senator Maceda: Mr. President, I am sure that there is a

majority opinion, if not a consensus, that to date, the performance of the POEA and the OWWA is way below expectations or standards. As a matter of fact, that was confirmed by the fact that no less than four or five Senators headed by the Senate President actually filed a bill that would, in effect, abolish the POEA and the OWWA and transfer them to a new agency.

It seems to me that this bill reaffirms the continuation of these two agencies in spite of their deficiencies. Does the Gentleman not think that this would have been a perfect opportunity at this time to phase out of existence the POEA and the OWWA and try a new commission to deal with their responsibilities?

Senator Herrera: I think consistent with the thrust of deregulation, and consistent with the policy that the overseas employment is not a permanent program, we can expect that in the near future, these government agencies, like the POEA and the OWWA, will really have to be phased out. This is one problem, Mr. President, that we cannot just solve in one strike. It means that we cannot just say that, "Tomorrow, you don't exist anymore." That is one.

The other side is that we should not lose sight of the fact that these problems now affecting the migrant workers constitute only less than 1 percent of the workers. The only problem is that, cases like that of Contemplacion, Maga, Siason, highlighted the problems of migrant workers. But if we look at the records, it is less than 1 percent.

Senator Maceda: That is true, Mr. President. But may I hasten to point out that it has been pointed out by position papers during the hearings that there has been long-existing vacancies in major positions at the POEA, for one, that somehow the President has not filled up, and that is something again that we cannot legislate.

Senator Herrera: Mr. President, let me correct the distinguished Gentleman on that.

I know that in the POEA's Attorneys Disposition for lawyers who are handling or hearing complaints of overseas workers, they are in need of new lawyers. Unfortunately, they cannot hire new applicants.

Senator Maceda: I am referring, Mr. President, to the statement of one of the papers that one commissioner, or whatever, was detailed as a labor attache in Washington. One was detailed in the Office of the Secretary, and that there was this request that these three ranking officials of the POEA be returned back to the POEA to reassume their responsibilities.

Senator Herrera: I really do not know who are these officials. In fact, I was taken aback when this was mentioned, Mr. President. I was trying to recall whether there are officials of the POEA who are assigned abroad. Probably, they are referring to the people in the Labor Centers, because the Labor centers are under the OWWA and the POEA. The people working there are not labor attaches. They are known as the Welfare Officers. The Labor Centers are not managed directly by the Department of Labor but by the OWWA. That was, I think, what was referred to by the Gancayco Commission.

Senator Maceda: At any rate, Mr. President, there seems to be a suggestion that important positions, both in the POEA and the OWWA, are left unfilled. Even if we add positions if these will also not be filled up, as I said, that is something that we cannot legislate.

Senator Herrera: I agree with the Gentleman, Mr. President, that is why going back to his original question whether these two offices are permanent offices—I do not think so. The NEDA's Development Program, the concept of overseas employment as a temporary program, will necessarily phase out also these offices in the future.

Now, as to the issue of creating a department or a commission on overseas employment, I would suggest that Congress make a further study on this regard during the regular sessions of the Tenth Congress. This is a matter which to me really needs a very extensive consultation and study, Mr. President.

Senator Maceda: Well, Mr. President, I will yield to the other Members of the Chamber who have arrived. As far as the other points are concerned, we will just take these up in the period of amendments as the corresponding sections come up.

Thank you, Mr. President.

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

Senator Romulo: In the ensuing interpellations, may I ask that the following be recognized in this order: Senators Gonzales, Biazon, Roco, Alvarez, Shahani and Webb.

The President: Senator Gonzales is recognized.

Senator Gonzales: Mr. President, will the distinguished Chairman of the Committee of the Whole, as well as the Sponsor of this Committee Report, yield to some questions?

Senator Herrera: Gladly, Mr. President.

Senator Gonzales: Offhand, I would want to reassure the Gentleman, Mr. President, that as one of the coauthors of this bill and having signed Committee Report No. 999 without any qualification or reservation, I support this bill. My only purpose is to pave the way for some refinements and/or amendments that may strengthen more the provisions of this bill.

Senator Herrera: Thank you, Mr. President.

Senator Gonzales: Mr. President, I think this bill has adopted the so called "Selective Deployment Policy" of Filipino overseas workers, in the sense that only skilled Filipino workers are to be deployed and only to countries that guarantee their protection which is explicit under paragraph (f) of Section 2 of this bill. Is it not, Mr. President?

Senator Herrera: Yes, Mr. President.

Senator Gonzales: This policy however well-intended, cannot be realized with respect to the so-called "illegals" meaning, those who leave the Philippines on nonimmigrant visas to other countries or leave as tourists but end up as TNTs or workers doing odd jobs in other countries. Would that not be correct, Mr. President?

Senator Herrera: Yes, Mr. President. In fact, that is a major problem in the implementation of this policy.

Senator Gonzales: So far this bill contains no provision that would discourage them?

Senator Herrera: Discourage the

Senator Gonzales: Those who leave the country avowedly as tourists or holders of nonimmigrant visas but nonetheless their intention is to work overseas.

Senator Herrera: There are several provisions, Mr. President, that would discourage these workers. In fact, we will find in the succeeding sections that first, there is a provision on the matter of immediate repatriation of those underage workers who are working primarily in the entertainment industry in Japan. If upon findings of the government agencies they are underage, meaning, 15 or below — since there are many workers under this category — they are immediately repatriated. So this is one way of discouraging them to work illegally in other countries.

Second is the provision of compelling them to register in our embassy. This is one way of monitoring these workers so that — especially in areas where they are exploited — they can be advised and discouraged by our agencies. There is also a provision requiring our Department of Foreign Affairs and the

Department of Labor and Employment, in coordination with the POEA, to issue periodic advisories on the employment conditions of certain countries, the policies of these countries, the incidence of abuses, incidence of violations of human rights. These are among the provisions that would discourage workers who are vulnerable to abuses for lack of skills.

Senator Gonzales: I am aware of that, Mr. President. But, for example, insofar as the mandatory repatriation of an underage migrant worker as provided in Section 13 of this bill, this situation applies not only to those who leave the country without labor contracts, it also applies to those who had been legally recruited but it turned out later that actually they are underage.

Senator Herrera: The Gentleman is correct, Mr. President.

Senator Gonzales: And insofar as the requirement for registration, precisely because they are "illegals," they would necessarily wish to go underground. And it is only when they are in trouble that we come to realize their existence.

Senator Herrera: In fact, Mr. President, there are certain types of illegal workers who, from the start, entered the country as legal entrants being a tourist, or he may be a worker-entrant, or a tourist. Or he may be a worker in one country, and then transferred to another country as an illegal worker.

If there is the sanction of cancelling their passports, I think this will induce them to report to our Embassy because they will have problem if they do not have a valid passport.

Senator Gonzales: Some of them, Mr. President, live the life of the hunted and even of fugitives in the hope that they will not be discovered. Or somehow, some hope that amnesty laws may be enacted later, as in the case of Italy where on two occasions amnesty had been extended and which now make their stay in these countries legitimate.

On the other hand, they have a natural fear that if they register, then something bad will happen to them and that discourages them from undertaking any registration. Is that not the experience, Mr. President?

Senator Herrera: Not necessarily, Mr. President. In fact, this is now a matter of how we disseminate information and the kind of information that we have to disseminate to these undocumented workers.

Earlier during the interpellations of Senator Maceda, I emphasized that the primary purpose here is to protect workers. If they left as illegal workers because they are carrying a tourist

passport rather than a working passport, then, if they register they can be issued a working passport. In that case, they can now be enrolled with OWWA and we will know their whereabouts so that when they have problems, our government agencies abroad will at least be able to locate and provide them the necessary protection.

Senator Gonzales: Will registration, as herein, contemplated, legalize their otherwise "illegal" stay in that country?

Senator Herrera: That is one side of the purpose, Mr. President.

Senator Gonzales: I thought the question of legality of an alien staying in another country is determined not by his State of origin but by the receiving State.

Senator Herrera: We are referring, Mr. President, to the legality of the documents that they are carrying, not the legality as far as their stay in the country is concerned.

Senator Gonzales: Because of this policy of selective deployment, we are using the word "illegals" only for this purpose. Meaning, referring to those who had left the Philippines and entered a foreign country as tourists or as nonimmigrants where, in fact, they go there for the purpose of employment. That is the connotation that we wish to put as far as the term "illegal" is concerned. It is only for this purpose.

Now, are "illegals", in that sense, entitled to the protection and benefits under this bill?

Senator Herrera: Mr. President, this Representation is glad that the distinguished Gentleman raised this issue on whether we have the same understanding of the word "illegal".

The Department of Labor is trying to draw a line on this by using the word "undocumented" rather than using the word "illegal." So, this refers to the "undocumented workers", Mr. President, in the sense that they are not registered in our Government as overseas workers or their employment was not coursed through the regulatory office.

Senator Gonzales: It is in that limited sense that we are using the word "illegal" here. But it will make us more comfortable if we use the word "undocumented overseas workers".

Senator Herrera: We have to emphasize that in the bill during the period of amendments, Mr. President.

That is the reason we are enjoining the responsible Government office to see to it that these undocumented workers will

register so that they can be given the necessary protection by our Government agencies abroad.

Senator Gonzales: The trouble, Mr. President, is that sometimes, appropriate information has not been given to them and there is always a natural fear that when they go above ground instead of living underground, something bad may happen to them, and therefore, they have the natural refusal to register.

The fact, however, is that, as Filipino nationals, whether documented or undocumented, then they are entitled to the protection of our laws. Would that not be a basic principle?

Senator Herrera: The Gentleman is correct. However, in most cases, they come to the Government when they have problems already, and that is what we are trying to avoid.

Second, under the Overseas Workers Welfare Fund, it is only those who are contributors to the fund who can be entitled to the benefits. This is also one area that we would like them to be covered.

Third, I think it is important that we should have the records of all Filipino nationals or Filipino workers in a particular country. That to me is the primary reason why we really have to look for means to register them.

Our experience in the Middle East, if the Gentleman will recall, is that during the Gulf War we had a problem in repatriating the Filipino workers because we did not expect that there were so many Filipino workers there.

We cannot prepare effectively and continue just like that unless we know how large the Filipino population in a particular country is.

Senator Gonzales: I am torn between the right of every Filipino, who is staying in another country, to the protection of her government. I think that is basic. Whether he is documented or undocumented, regardless of his character, it is the bond of nationality that entitles him to the protection of his own country.

On the other hand, I realize, too, that there are affirmative actions being taken by the government to encourage them to register in order to make better and more effective precisely the protection to which they would be entitled from their country.

I agree that with respect to the OWWF, not being contributors thereto, they should not really benefit therefrom.

On the other hand, can they not argue that they are also remitting earnings or part of their earnings, even if they are

undocumented in other countries, and in one way or another the Philippines or its economy is also benefitting from them.

Senator Herrera: From the services of government in terms of protection, whether they are workers and remitting their income to the Philippines or not, they can always demand that service. But for certain programs of OWWA, which their contribution would qualify them to take advantage of that program, then he does not have the right to demand for it.

This Representation would like to view the requirement for them to register as it is the government's desire to service these workers and to provide protection to them. It should not be taken as a sort of something that they have to run away to.

The intention is for the government to know that they are there so that it can service them.

Senator Gonzales: That is correct, Mr. President. So that, in the final analysis, we ought to distinguish between the right to protection of our State from privileges accorded to those who under the law comply with its requirements pursuant to its selective deployment program. Now, I think, as far as the former is concerned, a Filipino national is entitled to that regardless of his status.

Senator Herrera: I do not think there is a debate on that, Mr. President.

Senator Gonzales: But as far as the latter is concerned, naturally, he must have complied with certain requirements of law that precisely establishes those privileges.

Mr. President, I heard the testimony of the president of the Philippine Contractors Association and he claimed that the deployment of Filipino construction laborers by Filipino employers should not in any way be curtailed but in fact should even be encouraged, because they are situated differently. Here, they do not have these problems of having a foreign employer. It is a Filipino-based construction company that sends and deploys them to other countries in order to undertake a contract work, usually a public works project.

Senator Herrera: In fact, under the present policy, Mr. President, if I am not mistaken, one can only be issued a service contract license — these are the kind of recruiters that the distinguished Gentleman is referring to — where they hire and deploy workers as their employees. This is one activity that is being encouraged by the Government. They have difficulty in getting license now as a recruiter. But for a service contractor, one can easily get a contract license because that is the program of Government.

Senator Gonzales: Considering that they are situated differently and there seems to be a recognition that the same should be encouraged, then, could we have a specific provision in this bill for that purpose? Otherwise, they may be covered by all the provisions here that may lead to a phase out of the exportation of Filipino labor.

Senator Herrera: Mr. President, what we are referring in the phase out program is that the exportation of Filipino workers will be deregulated by the Government.

Now on the ban of workers to work abroad, I do not think that can be done, Mr. President.

Senator Gonzales: What I am trying to say is that a part of our policy is to encourage corporate deployment of Filipino overseas workers or construction workers by Filipino-based companies.

Senator Herrera: That is now what is provided under the existing law and we encourage that. But we can, if only to emphasize it, lift that provision from the Labor Code and put it in the bill.

Senator Gonzales: Yes. I think that is advisable because then the law would be more complete. After all, many of the provisions of this bill are restatements of existing laws and existing policies. There ought to be no fear or resistance for doing it with respect to something admittedly that is outside of the evil which we propose to remedy under this bill, Mr. President.

Senator Herrera: In fact, Mr. President, just to complete the information, this is not only true in the case of the land-based, even on the sea-based.

Senator Gonzales: Yes, Mr. President.

Senator Herrera: Many of these manning agencies now are not just hiring seafarers for foreign vessels. They are themselves managing the vessels and they hire these people as their employees and this is also what is being encouraged now.

Senator Gonzales: That is very well, Mr. President, because we now come to realize after the hearings conducted by the Committee of the Whole that there is no uniform situation for all overseas Filipino workers. There are various categories of the same, and they should be treated as their own category would demand.

On the other hand, as far as the definition of "illegal recruitment" is concerned, it is not limited to licensed recruiters

or recruiters granted or holding authority or not; it is not the distinguishing character except as far as those which are not licensees or holders of authority, recruitment by them of Filipino overseas workers is already illegal recruitment.

Senator Herrera: Yes.

Senator Gonzales: But even a duly licensed recruiter can also be guilty of illegal recruitment, Mr. President.

Senator Herrera: Yes. In fact, Mr. President, this is already provided in the Labor Code. We lifted that provision of the Labor Code and incorporated it here.

Senator Gonzales: I am very interested in Section 10 of this bill that establishes the liability of both the principal and the recruiter for money claims and damages under a contract to be joint and solidary. The second paragraph is quite explicit on this particular matter.

It says here in the second paragraph of Section 10 that "the liability of the principal and the recruitment or placement agency and any and all claims under this section shall be joint and several."

Is this a new provision, Mr. President, or is this already an old provision of the Labor Code?

Senator Herrera: This is a new provision, Mr. President, and this is born from the fact that there are several cases now in the POEA where workers have no other recourse but to go after their recruiters. A very recent case is the case of Malaysia and Nigeria.

Senator Gonzales: I am happy to note that because even as of yesterday and up to early this morning, I had intended to propose an amendment of the same nature except that I found out that that this is already provided in Section 10, which made me wonder whether this is a mere restatement of an old provision of the Labor Code. As it turns out, it is a new one.

If it is new, this is a very significant improvement made under this bill. I join the Committee wholeheartedly in making this proposal, but we have to make some refinements.

Under the law on Contracts, only the parties to a contract can be bound by it. Whether the liability be single; whether it is joint, several or solidary, the fact is that only parties to the contract can be bound by the same. Here, we are making one who is not a party to a contract jointly and solidarily liable for all money claims under a contract in which he is not a party.

Senator Herrera: Yes, but the Gentleman must have to consider the circumstances in regard to overseas employment where we have no way, no recourse.

Senator Gonzales: Yes, Mr. President. The law cannot impair the obligation of contracts. That is explicit in our Constitution. Moreover, there must be privity to a contract to be liable under its terms.

How do we cure that? My point is this: Once a labor contract is submitted to the POEA for registration, the recruitment or the placement agency should already sign an undertaking holding itself jointly and solidarily liable with the principal as far as the money claims and damages under that contract are concerned so that he cannot be heard later on to say, "I am not a party to the contract, why hold me liable under its provisions?"

Senator Herrera: Right now, Mr. President, this is now part of the regulation of the POEA but we should strengthen it to make it as part of the law.

Senator Gonzales: Yes, Mr. President, and I think that the law should now explicitly require that the labor contract should contain this statement — a reiteration of Section 10 — that the placement or the recruitment agency is jointly and solidarily liable with the principal insofar as all money claims arising from that contract.

Senator Herrera: That is fine, Mr. President. I think we need that. What I am just trying to impart to the distinguished Gentleman is that this is now the regulation.

Senator Gonzales: But regulation is one thing, Mr. President.

Senator Herrera: Precisely.

Senator Gonzales: It may not be enough to overcome the requirement of privity of contract.

Senator Herrera: That is why I agree with the distinguished Gentleman that let us now translate this regulation as part of the law.

Senator Gonzales: Not only that. We should also provide under this provision that that liability shall not be affected by any changes or any new contract subsequently entered. The liability shall last until the expiration of the original period provided for in the contract itself that has been registered with the POEA.

Senator Herrera: What the distinguished Gentleman is

saying, Mr. President, is that even if the extension of the contract is done in the receiving country, there is an automatic inclusion of this provision in the contract.

Senator Gonzales: Yes, Mr. President, or even if for example, they change the contract, because that is the complaint of our OCWs. They enter into a contract here but when they reach their place of destination, a new contract is required to be signed by them.

Senator Herrera: Contract substitution.

Senator Gonzales: By substitution. Now, what we are saying is that notwithstanding the same, the joint and several liability of the recruiter or the placement agency subsists at least during the entire period of the contract registered with the POEA.

Senator Herrera: We would appreciate, Mr. President, if during the period of amendments, this can be presented by the distinguished Gentleman covering these two instances where there is an extension of the contract by the same employer, or when there is a substitution of contract.

Senator Gonzales: Substitution or modification.

Senator Herrera: Or modification, because there are also instances where a worker with a contract but before the contract expires and with the approval of the employer, he is employed with another employer and that contract is done outside.

Senator Gonzales: Now, how do we remedy the situation that in view of this joint and solidary liability of the recruiter or the placement agency yet when the time arises for the enforcement of that liability, he has no money to answer for it?

Senator Herrera: There is now a bond required by the POEA.

Senator Gonzales: Then by explicit provision of law, that bond should be answerable for the satisfaction of any judgment, Mr. President?

Senator Herrera: In fact, if the distinguished Gentleman will recall, Mr. President, that was the question raised by Senator Ople to the OWWA Administrator, whether there is already an experience where the OWWA confiscated the bond of the recruitment agency.

Senator Gonzales: Ang masama lamang diyan ay baka katulad ng mga bond sa Bureau of Customs. Katakut-takot ang bond, hindi naman nai-enforce.

Senator Herrera: Mr. President, that is also happening in the Department of Labor.

Senator Gonzales: Hanapbuhay lamang iyan sa insurance company but the insurance companies themselves cannot meet their obligations under the bond.

Senator Herrera: If we can only encourage the GSIS to be the insurer.

Senator Gonzales: Mr. President, would the distinguished Gentleman have any objection to a new provision that would prohibit officials and employees of the DOLE, especially those in the POEA and in the OWWA to engage in the recruitment business?

Senator Herrera: That is now prohibited but anyway, we can reiterate that.

Senator Gonzales: Is it in this bill, Mr. President?

Senator Herrera: It is not in this bill but I know it is prohibited, Mr. President.

Senator Gonzales: Because as far as punishment is concerned, I would want to expressly provide that principals, accomplices and accessories should be criminally liable for the acts or omissions made criminal under that Section. Sometimes, many of these officials and employees become coparticipants, if not principals, at least as accomplices and accessories.

Senator Herrera: We welcome that proposal, Mr. President which we will, during the period of amendments.

Senator Gonzales: Section 7 of this bill provides that the victims of illegal recruitment shall automatically be entitled to the Witness Protection Program, although that is far from the original intentment of this bill. I was the author of that bill. I was the Sponsor. This refers to the syndicated offenses. However, there are cases of illegal recruitments that can be done large scale by syndicates in which case the penalty is even life imprisonment under that section. So, probably, that can fall within the ambit and intention of the Witness Protection Program. But, does that not carry or impose upon us an obligation — on the part of Congress — to appropriate more funds for the Witness Protection Program being undertaken by the Department of Justice? These illegal recruitment cases are so many, Mr. President.

Senator Herrera: The distinguished Gentleman will be surprised, if he will check the records. While there are so many

complaints about this, there are only few illegal recruitment cases.

Senator Gonzales: Because they feed the complainants or victims with promises. Pera lamang naman ang pinag-uusapan dito. Sasabihin nila, "Babayaran ka namin. Kung ipapabilid mo kami, wala kang pagkakataong makasingil sa amin. Mabuti pa, bigyan mo kami ng pagkakataon na ikaw ay mabayaran."

Senator Herrera: That is one. The other is the hassle of filing a case. Many of these migrant workers are residing very far from Manila.

Senator Gonzales: I recall when I was Minister and later Secretary of Justice, we created a task force.

Senator Herrera: There is an existing task force.

Senator Gonzales: For the purpose of investigating and prosecuting these cases of illegal recruitment. That was the complaint also of our own investigators and prosecutors, that complainants are so eager to prosecute or to have a case investigated in the original instance. Later, they soften up and they do not show up anymore during the investigation.

Senator Herrera: Maybe because of the cost. Many of these victims of illegal recruitment, malaki na ang utang nila, mayroon pa ba silang pangastos during the prosecution?

Senator Gonzales: Probably, placing them under the Witness Protection Program which, at the very least, would assure them of their expenses when they come to testify during the investigation and during the trial will relieve the victims as far as that problem is concerned.

Senator Herrera: That is the intention of this provision, Mr. President.

Senator Gonzales: Thank you, Mr. President, and I thank the distinguished Sponsor for the time he has afforded this Representation.

Senator Herrera: Thank you.

Senator Biazon: Mr. President.

The President: Senator Biazon is recognized.

Senator Biazon: Thank you, Mr. President.

Would the distinguished Gentleman from Bohol and Cebu yield for some questions?

Senator Herrera: Gladly, Mr. President.

Senator Biazon: Mr. President, Section 5 categorizes the offense of illegal recruitment into two. First is plain illegal recruitment and a penalty is provided correspondingly. Then second, the offense of illegal recruitment as a form of economic sabotage. Again, there is a corresponding penalty provided for which is for life imprisonment, making illegal recruitment, if it is a form of economic sabotage, as a capital offense.

Mr. President, do we have a legal definition of economic sabotage in relation to illegal recruitment? There are offenses that by themselves per se would constitute economic sabotage, probably such as manufacturing and distributing fake currencies. Because of the gravity of the penalty, here which is calling for life imprisonment, it is important for us to really provide a definition of the elements of the offense that would constitute the offense of illegal recruitment as one form of economic sabotage and merits the imposition of life imprisonment.

So, Mr. President, do we have a legal definition of economic sabotage?

Senator Herrera: It is provided on page 5, Mr. President, under paragraph (n) which says:

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.

Senator Biazon: Yes. Mr. President, I think we have to provide still for a definition of the elements that would definitely make it very clear that the offense of illegal recruitment constitutes economic sabotage. Because here, if there is no clear definition, there can be a miscarriage of justice because what may have been intended as pure illegal recruitment by virtue of the definition of the Gentleman could be interpreted as one form of economic sabotage.

So, I think there is a need to clarify this point some more, in order that the possibility of a miscarriage of justice will be prevented.

Senator Herrera: The Sponsor would await with enthusiasm the proposal of the Gentleman during the period of amendments.

At this juncture, the Senate President relinquished the Chair to Senator Freddie N. Webb.

Senator Biazon: Mr. President, I am just asking for a clearer definition of the elements of the offense that would make illegal recruitment as a form of economic sabotage because the degree of penalties differ very greatly from one another. So if indeed, I am an illegal recruiter with the intent of sabotaging the economy, I can plead guilty to the lesser offense without a clear definition of the elements of the crime of illegal recruitment as a form of economic sabotage.

Senator Herrera: We would appreciate if in the period of amendments, as the Gentlemen said, he would like to add certain elements on the crime of economic sabotage.

Senator Biazon: Thank you, Mr. President.

Senator Herrera: May we put into the record that this bill is a consolidation of the bill authored by Senator Mercado on this matter.

Senator Biazon: Thank you, Mr. President.

The Presiding Officer [Senator Webb]: Thank you, very much.

Senator Roco: Mr. President.

The Presiding Officer [Senator Webb]: Senator Roco is recognized.

Senator Roco: May the Gentleman from Bohol and Cebu yield for some questions.

Senator Herrera: This Representation is certainly willing to answer any question from the Gentleman from Bicol.

Senator Roco: Mr. President, I have no problem with the concept of protecting migrant workers. In that respect, my questions should not be deemed to be an opposition. But as a lawyer, I am really trying to understand what is stated in the bill.

In other words, as I study the bill — although I asked for reading materials from the Secretariat two weeks before the suggested special session — we did get them only on the day of the hearings, it was difficult enough to catch up with the reading, and now, reading the report also after that inadequate study it becomes more difficult to understand.

My question initially is very basic, and I hope the Gentleman will bear with me. I tried to look at the provisions as a lawyer on how it adds protection to the migrant workers. In fact, that will be the first question.

If this bill is approved, how does it really improve the status of migrant workers? What are the immediate legal rights that a migrant worker will now enjoy that is not yet enjoyed under the present law? If there is no improvement in the status of the migrant workers rights, maybe there is no need for the bill.

If we approve this bill *in toto*, what then happens to the migrant worker? How is he in a better legal position than where he is now?

Senator Herrera: I am glad that the good Senator from Bicol and Bohol raised that point because that is really the heart of the whole exercise of preparing this bill. In fact, as I mentioned during the interpellation of Senator Maceda — that was also my attitude — why call a special session and work hard on this bill when many of these things can be addressed by administrative action or a matter of enforcement? But then, later reviewing existing policies and laws, there are indeed certain improvements that we can make.

Let me now start identifying what improvements or benefits the migrant workers can get or can avail of under this law.

First, we made it a very clear mandate now that the servicing of migrant workers should be the primary function of our embassies. This will completely change the perspective and the dimension of the activities of our embassies.

Second, we made it clear that the Government does not intend to perpetuate migrant workers. It is a very important responsibility of the Government to see to it that our migrant workers will be reintegrated into our economy in the future.

With that, this will also mandate the appropriate government agencies in providing that support of reintegration like training and retooling overseas workers.

Then on the issue of illegal recruitment under this bill now, this will make effective our campaign. There is an improvement in the campaign against illegal recruitment for various reasons. First, now the victim can even file the complaint in the place of residence which was not the case before. Second, Mr. President, there is now a legal service provided here in this bill that will afford not just free services to the workers but also additional support under the Witness Protection Program. Usually, there is failure to prosecute illegal recruitment, because of desistance or refusal of the workers, considering that there are certain burden that they have to assume such as cost of litigation, “pamasahe” — they stay here in Manila when cases are filed here.

There is also a provision, providing legal assistance now

under the Legal Welfare Commission when they have problems outside the Philippines.

Senator Roco: Yes. That seems to be definitely a new provision that adds to the status of the migrant workers.

Senator Herrera: Yes. As I mentioned earlier it was also the subject of interpellation by Senator Gonzales in the case of money claims.

Then, right now there is a mandate that our Embassy, our Department of Foreign Affairs must have to come out with advisory, periodic advisory — on the condition of work in certain places, incidence of violations, changes of policies so that potential or prospective overseas workers will know, and can anticipate what will happen in case they will journey to a particular country to find jobs.

In the case of unprotected underage workers, now they will be repatriated. In the case of undocumented workers, there is now a fund for repatriation. Then, there is also a mandate that in case of repatriation not as a result of war or *force majeure*, this will be shouldered now by the recruiter or the agency or rather the principal or the agency so that as a consequence of this, the repatriation bond which the workers are paying will be abolished.

So, that is one. Of course, there are other benefits here — to mention the Loan Guaranty Fund — ang nangyari ngayon many workers, migrant workers resorted to borrowing because they cannot afford to pay the placement fee. If one goes to Taiwan, he has to pay P45,000 to P75,000, so, they have to sell their carabaos or borrow money from loan sharks. Now, there is a Loan Guaranty Fund here where they can borrow at very reasonable interest guaranteed by the OWWA, Mr. President.

There is a provision here on the scholarship for the dependents of overseas workers.

These are among the provisions here that would provide improvements, and of course, the assurance that there will be no increase on the fees.

Senator Roco: Yes. I guess we could also say it has elevated to a continuing monitoring by Congress because of the reporting requirements.

Now, the first advantage stated in terms of the reorientation of the Department of Foreign Affairs, as I understand it from the hearing, and from the answers of the Gentleman, Mr. President, seems to indicate that we have resolved the policy issue of the Lady from Pangasinan as regards the role of DFA, whether they

will pursue their elitist or what was referred to as “elitist functions” as against the role of the DFA as a social welfare support agency.

Do I take it from the Gentleman that, in fact, in this law, we are now saying that the Department of Foreign Affairs will focus among its higher priorities the need to act as a social welfare support agency?

Senator Herrera: There is now a mandate on this, Mr. President. I suppose this will trigger a lot of adjustments and programs in the DFA. That is why, in the earlier interpellation, I mentioned that I recall during the '60s and the '70s that there was this program at the University of the Philippines by the Philippine Executive Academy for government executives. As part of the program, they have this barrio exercise in order that these government executives will always understand and appreciate the realities in the rural Philippines, not just meeting always with executives in the private sectors or the “elitists” in the performance of their jobs. Programs like these, I think, will be triggered as a result of this.

Senator Roco: If this then is the mandate that we are suggesting to the DFA, what, in the view of the Gentleman, will be the guideline of the DFA officials as regards their relations with Filipinos who are illegally staying abroad?

To be concrete, if a Filipino migrant worker is totally illegal in Italy, what is the Philippine Embassy in Italy supposed to do about him? Get him legalized? Report him? Try to deport him? What should be the attitude of the DFA for such a migrant worker?

Senator Herrera: It is to always assist the workers. One is the matter of documenting him, in order to legitimize his being a worker in that country. In fact, that is one of the mandates under this bill. In effect, Mr. President, that should not give the Department of Foreign Affairs officer the idea that because he is undocumented or an illegal entrant, he should be discriminated and treated differently from the documented and legal entrant. What is important is that he should protect him because he is a Filipino national and help him legalize his activities in that country.

Senator Roco: I share the view of the distinguished Gentleman, Mr. President.

In the few instances though when I have seen this problem arise in some embassies, they seem to take the position that they cannot subvert the law of the host country. Because a man is an illegal entrant in a certain country — I am not referring to Italy in particular — they seem to feel that since they are representing

the sovereign Republic of the Philippines there and they are supposed to be law-abiding, if a Filipino is therefore in an illegal situation, they are constrained by Italian law to do something about it so that the Italian authorities are guided to the illegal Filipino. Based on the answer of the Gentleman, Mr. President, this kind of attitude will vanish forever when we pass this law.

Senator Herrera: Well, we do not expect that it can happen that soon but, at least, there is now a policy direction. But let me emphasize, also so that this can be reflected in the record, that it does not mean that we have to condone or protect them when they commit criminal acts in these countries. That is why I always phrase it that these undocumented workers should be related to their work.

I would say that this will lead to sort of an overhaul in the changing of the attitude of our people in our overseas offices of the Government.

Senator Roco: It would also encourage the embassies then to be some kind of a safehouse for Filipinos. But when this happens, Mr. President, in terms of our own relations with other countries, will the host country not feel offended that our embassies will now be a safe haven and, rightfully so, will be a safe haven for the migrant workers who got in illegally?

Do we not have now a problem of diplomatic relationships?

Senator Herrera: I can see that problem. In fact, this was emphasized by the Secretary of Foreign Affairs in yesterday's hearing with Senator Shahani. This is something also that we really have to consider, our relation with the host countries.

So, things like this really needs a very careful handling. But I think what is important is that when these illegal or undocumented workers meet problems there when they are charged of any crime or when they have problems with their employers, we have to make sure that at least they are fully protected in the sense that due process is accorded to them.

We do not want to condone criminal acts but they should be given due process. When their gripes or their complaints are legitimate, we should also be able to effectively address these problems in dealing with the host countries or with their employers in these countries, Mr. President.

Senator Roco: I agree, Mr. President. This leads me precisely to my concern, that the impact of this bill as explained to us now is so far reaching even in terms of diplomatic relations of the Philippines. That if we approve it soon, even the DFA will not be in a position to understand its proper role, so that they will find themselves either lost in the new law — because they will

violate the law for lack of understanding — or they will find themselves committing illegalities for which we now, let us say the illegal Filipino in my example in Italy, can sue DFA personnel because when he needed documentation or whatever to cure a violation of Italian law, the DFA was not able to help. And it does bring me to wonder whether such a major and drastic repositioning of foreign affairs direction has been given sufficient time. Because from what I heard from our guests, they are not ready to reposition their thinking on the matter.

Senator Herrera: The problems of migrant workers, especially the undocumented migrant workers, is not a new phenomenon. This has existed for several years already. I think it is about time that we tell the DFA and the other agencies that they better shape up in relation to the present requirements of their functions rather than keep on waiting and waiting until they will be prepared. I do not think they will be prepared, if that will be our attitude, Mr. President.

I think it is about time now that we really mandate this in a legislation; that they have to do something to change the attitude and the way they function as officials of the foreign service.

Senator Roco: Let me then pursue, Mr. President, to its logical conclusion my assumption. If that is then the mandate of the law, then will my example of an illegal undocumented Filipino in Italy a cause of action against a DFA personnel who does not help him get legalized in Italy?

Senator Herrera: This is a policy framework that we are trying to design for our overseas employment program.

There is a provision in the bill, Mr. President, where we require, as a matter of responsibility, on the part of the undocumented workers to register and to enjoin our foreign service office to take the initiative of locating and registering these workers. Because the problems affecting the migrant workers, Mr. President, are usually those of the undocumented workers. This particular provision must be viewed from the standpoint that the intention is for the Government to serve and protect these people.

Senator Roco: We now go to the Declaration of Policies, since that was where the Gentleman from Bohol and Cebu had brought us.

In Section 2, Mr. President, I can understand and appreciate paragraph (a). I do not understand why paragraph (b) is stated. Maybe this should be explained because it seems to be a mouthful and very difficult to understand in interpreting the law. The Declaration of Policies is normally to guide us in interpreting the law. And when we read paragraph (b), it becomes very difficult.

(b) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, endeavor to uphold the dignity of its citizens, in general, and Filipino migrant workers, in particular.

I know that they all seem to be unobjectionable, but I do not know why it has to be here. The different elements of the statement are in the Constitution, and I do not know what we are trying to impart in terms of intent. So what does this add to the bill, if it adds anything?

It is a very long sentence and very difficult to interpret. Let me read it to the Gentleman:

(b) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states,....

Senator Herrera: Maybe we have to view this as a result of the incidence of Flor Contemplacion. But I agree with the Gentleman that this can be toned down.

Senator Roco: Maybe that should be, and it will be simpler to interpret.

Senator Herrera: In the period of amendments, Mr. President, we will see to it that this will be simplified.

Senator Roco: Yes.

In paragraph (c), line 17, it is also very difficult.

While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizen shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development.

Senator Herrera: Mr. President, this is merely emphasize-

ing that the overseas employment program is not a permanent program and that the more stable solution to the problem of the overseas employment is really the development of our own economy. So that the mandate of the Government is to reintegrate these migrant workers in our own economy. We will find in the related provisions the requirements for free access to training and retooling by overseas workers as part of this preparation for the reintegration.

Senator Roco: I think the explanation of our good Chairman is even better than the provision. It might be better to just say that the overseas employment is a temporary policy rather than the way it is phrased. I am sure the staff of the Gentleman can put this together.

Senator Herrera: We will do that during the period of amendments, Mr. President.

Senator Roco: In "(d)", when we refer to free access to the courts and quasi-judicial bodies, are we referring to Philippine courts here or courts abroad?

Senator Herrera: Philippine courts, Mr. President. That is why the Gentleman will find that there is a provision here on free legal services. This is more urgent in the case of illegal recruitment cases where workers are discouraged to prosecute cases like these for various reasons. Many of these reasons, of course, are problems of lawyers and cost.

The other problem, let me just pursue this a little further, Mr. President, is: Under the present setup in the POEA, they have lawyers who have jurisdiction on cases filed by these migrant workers, contract violations, et cetera. Now, we are also transferring this jurisdiction and locating this to the National Labor Commission. The problem in this present office is that no lawyers are applying for this position because they are not well-paid; the salary scale is too low. It will take several years before they can have the final decision. We thought we eliminated them all these years, and all labor-related laws are now located in one body.

Senator Roco: Are we saying, Mr. President, under this provision, that there had been instances of a Filipino migrant worker who, while in the Philippines, was denied access to courts and quasi-judicial bodies?

Senator Herrera: For reasons of poverty, Mr. President.

Senator Roco: Because we are referring to migrant workers, so they may be migrant workers while in the Philippines.

Senator Herrera: Some of them are being repatriated...

Senator Roco: So this provision is in support of the other implementing provisions on legal aid.

Senator Herrera: In regard to support to foreign courts, we have this provision of Legal Welfare Commission, Mr. President.

Senator Roco: In "(f)", we talk of deploying only skilled Filipino workers only to countries that guarantee their protection, and this is enumerated here. But the way it is mentioned, it would seem that all countries can qualify and we are articulating a policy of deployment to certain countries under certain conditions.

Senator Herrera: Let me explain this. In effect, we are talking of selective deployment than as a policy that we should deploy skilled workers. But it does not mean that we have to ban the deployment of unskilled workers immediately. This particular provision now would mandate the appropriate government agencies to provide training to our overseas workers first, so that they have the skills and therefore they can command a more remunerative jobs. Second is that their skills are also their protection.

The records will show that skilled workers are less vulnerable to abuses and exploitation. So, it has to be viewed from that dimension.

As pointed out during the hearing by no less than the father of overseas employment, Senator Ople, when we ban the deployment of unskilled workers, we have a vast army of unemployed immediately in the country, because majority of these migrant workers are either unskilled or semi-skilled.

Senator Roco: As I understand it, Mr. President, the two elements here are selective deployment and skills development. But it does seem to restrict them the right to travel. How shall we then, in this bill, address the restriction of the right to travel since I am under the impression that any Filipino, whether he wants to be a migrant worker or not, is guaranteed the right to travel and so he can go anywhere he pleases as long as he can probably afford the ticket and he is given a visa by the country? How do we address then the possible objection?

Senator Herrera: Mr. President, this does not mean that they will be restricted to travel. In fact, we will find that there is also a provision here for those undocumented workers where many of them travel as tourists. Once they are in the country of destination and they decide to work there, our Government is now mandated to locate them and include them as among those documented workers.

Senator Roco: Yes. Thank you, Mr. President.

Now, the definition of "illegal recruitment", was there a conscious desire to delete reference to placement? I was looking at the Labor Code, and the original definition refers to illegal recruitment and placement and some reason. Maybe, the distinguished Gentleman would want to share with us the reason. This is deleted from the definition now.

Senator Herrera: Mr. President, this particular section is actually lifted from the Labor Code. We will check on that, because this is a reiteration of what is provided now in the Labor Code.

Senator Roco: There is one thing I do agree with. Most of it is lifted from the Labor Code. Maybe, I have an outmoded Labor Code that I am looking at, but it came from POEA. It seems that the critical element here is licensing. It says that all these illegal recruitment acts defined occur, "when undertaken by a non-licensee or non-holder of authority."

Senator Herrera: No, that is no longer true here. We have modified it.

Senator Roco: I am sorry. I am just looking at line 31.

Senator Herrera: So even those who are licensed or holders of the license can still be charged of illegal recruitment, Mr. President.

Senator Roco: I am sorry, Mr. President, I missed that. But just for my guidance, where do I find that provision? Because, it says, "shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers and includes referrals..."

Senator Herrera: It is on page 4, lines 1 and 2.

Senator Roco: Yes.

Senator Herrera: It says: "It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority."

Senator Roco: "...whether a non-licensee, non-holder, licensee or holder of authority." All right.

Now the departure from the present definition, Mr. President, is that all these proscribed acts will be criminal whether or not the person doing the act has a license or is a holder of authority.

Senator Herrera: I am glad that the distinguished Gentleman has raised this, Mr. President, because there is really an

almost universal clamor for expanding those who can be charged with illegal recruitment. Many recruiters are also charging exorbitant fees.

Senator Roco: For purposes of guidance later on, for whoever may be reading the transcript of this proceeding, would our good Sponsor explain the meaning of paragraph "(d)", on page 4, starting line 14, especially the provision "...unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment."

The reason I am asking this, Mr. President, is, if my memory is correct, there are provisions in the Civil Code which allow people to guide their actions according to contract. In this particular case, when does this prohibition occur? When is a person trying to liberate a worker from oppressive terms and conditions? What exactly does that mean? Because if it is happening in the Philippines, if there are oppressive terms and conditions, there must be a violation of a labor law somewhere. If it is happening abroad, what legal standard will apply — the Philippine standard of oppressive terms or the Saudi Arabian standard of what may be an oppressive term? Could this please be explained?

Senator Herrera: I suppose, Mr. President, that there must be decisions of the courts which define "oppressive terms". I will ask my researcher to dig into this further in order that we can be guided if there are definitions as to what are considered "oppressive terms" as defined by our courts.

Senator Roco: Yes, Mr. President. Again, just a legal issue. This prohibition if committed by some person who is licensed or nonlicensed, does this preclude prosecution, for instance, based on the Penal Code, just as it says, "To engage in the recruitment or placement of workers in jobs harmful to public health and morality...?"

Again, this is purely for the guide of our workers. Will this mean that when we approve this the remedies based here will exclude possible prosecution under other laws?

Senator Herrera: This is now a criminal case, Mr. President. We are talking of a sort of civil case.

Senator Roco: Will this be in addition to the Penal Code or other laws, or separate, or will this take the place?

Senator Herrera: This will take the place now.

Senator Roco: This will take the place. May the good Gentleman, Mr. President, want to reconsider that so that we make it very clear that all the penal provisions for these acts,

will be in addition to any other penal provision if there is any other existing law. I am just referring to the difference because we have an enumeration of other prohibited acts, but are we not better off if we can prosecute under this or under the Civil Code? If there are other existing laws, we also prosecute under them?

Senator Herrera: We shall entertain that during the period of amendments, Mr. President.

Senator Roco: Mr. President, I hate to request for continuance but I have a small appointment at 12:30. Will it be all right since the Gentleman, even when I arrived at 10:30 this morning, was already working? May we have a break until 12:30.

Senator Herrera: It is already 12:30.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Webb]: The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 2077

Senator Romulo: Mr. President, I move that we suspend consideration of Senate Bill No. 2077 until three o'clock this afternoon.

The Presiding Officer [Senator Webb]: Is there any objection? [*Silence*] There being none, the motion is approved.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, this afternoon we shall take up the International Agreement on the Protection of Migrant Workers, but we will continue with the interpellations on this bill, Senate Bill No. 2077.

Mr. President, I move that we suspend our session until three o'clock this afternoon.

The Presiding Officer [Senator Webb]: Is there any objection to suspend the session until three o'clock this afternoon? [*Silence*] There being none, the session is suspended until three o'clock this afternoon.

It was 12:34 p.m.

RESUMPTION OF THE SESSION

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

The Presiding Officer [Senator Webb]: The session is resumed.

BILL ON SECOND READING
S. B. No. 2077 - Migrant Workers Act of 1995
(Continuation)

Senator Romulo: Mr. President, I move that we resume consideration of Senate Bill No. 2077 as reported out under Committee Report No. 999.

The Presiding Officer [Senator Webb]: Resumption of consideration of Senate Bill No. 2077 is now in order.

Senator Romulo: We are still in the period of interpellations, Mr. President. I ask that the distinguished Chairman of the Senate Committee of the Whole, Senator Herrera, be recognized.

The Presiding Officer [Senator Webb]: Senator Herrera is recognized.

Senator Romulo: Mr. President, for the first interpellation this afternoon, I ask that the distinguished Senate President Pro Tempore, Senator Shahani, be recognized.

The Presiding Officer [Senator Webb]: Senator Shahani is recognized to interpellate Senator Herrera.

Senator Shahani: Thank you, Mr. President.

Mr. President, I wonder whether the Chairman of the Committee of the Whole would entertain some questions from this Representation.

Senator Herrera: I am glad to answer questions, Mr. President.

Senator Shahani: Mr. President, I would like to say at the outset that I am indeed happy that the Congress of the Philippines is finally coming up with the Magna Carta for Overseas Contract Workers.

In instituting this bill, however, it is important that it is not only the sending country which observes the rights which we have enunciated in this bill. But more important, we have to make sure that the host country will also recognize these rights embodied in our laws.

How shall we ensure, Mr. President, the applicability of Philippine laws concerning the rights of our migrant workers in the receiving countries?

Senator Herrera: Mr. President, first of all, we have to accept the limitation of the applicability of our laws because our laws are only applicable within our jurisdiction. However, this protection and respect of our laws can be accomplished if we succeed in entering into a bilateral agreement with the receiving country. That is why in our Statement of Policy, we gave priority to the deployment of Filipino workers to countries where we have bilateral agreement or countries which are signatory to the United Nations' Convention on Migrant Workers.

Senator Shahani: May I know, Mr. President, with how many countries do we have bilateral agreements on the protection of our overseas workers?

Senator Herrera: If I am not mistaken, Mr. President, there are three countries which we have bilateral agreements. And I think in the past, we had bilateral agreements with some other countries, unfortunately, we had not renewed them not because of lack of initiative on our part. It is because the policy or the attitude of these countries is that by entering into bilateral agreements with us, they feel that there is also a compulsion on their part to extend bilateral agreement with other countries.

Senator Shahani: This is why, Mr. President, I feel that the passage of a bill like this is really just one half of the story. We may say that these are the rights which we expect to be given to our overseas workers, but as the distinguished Sponsor says, there are only three countries with whom we have bilateral agreements. So, that is still a very limited protection to our OCWs.

Senator Herrera: Not necessarily, Mr. President, because while it is true that we have only limited bilateral agreements, there are countries, even in the absence of bilateral agreements in their own system, that have protection of migrant workers and that we have to recognize it.

The other, Mr. President, is that in many countries where we also have Filipino workers, like in the case of many European countries, or even in the case of Hong Kong, there is a positive attitude and action on the part of their governments to protect the welfare and interest of the migrant workers, although we do not have bilateral agreements with them.

Senator Shahani: Does the distinguished Sponsor not think, Mr. President, that our country, even if this bill will be signed into law, should continue to persevere in having bilateral agreements with the other countries because, really, a law like this is just half of the story?

Senator Herrera: I fully agree with the distinguished Lady Senator and in fact in this bill, there is a strong exhortation for

taking the initiative of entering into bilateral agreement with receiving countries. It is a very important mandate in this bill. That is why, one of the priorities is to deploy Filipino workers only to countries where we have a bilateral agreement.

Senator Shahani: Mr. President, connected with the issue of jurisdiction, because we are really going beyond our shores here — and I am glad to see that this bill before us talks about the establishment of the Legal Welfare Commission which I believe was taken from the bill proposed by Senator Ople — may I know what rights our lawyers have to represent our OCWs in court litigation in other countries? How, in fact, can we provide legal assistance to our OCWs if our own lawyers have no legal personality to appear before foreign courts?

Senator Herrera: The Lady Senator is correct, Mr. President, that there are certain legal restrictions — depending on the country — on the practice of law profession. But one way of providing legal services to our workers is to enter into a contract with a law firm in the receiving country, and while they will be handling the cases of our migrant workers, it should be in close consultation and coordination with our government representative.

I suppose under this bill, it will be the Legal Welfare Commission that will be supervising the handling of legal cases of our migrant workers, although they might be hiring foreign lawyers.

Senator Shahani: Is it not true, Mr. President, that there are many groups of human rights lawyers all over the world who are willing to defend the rights of workers and they do not have to be commercial lawyers? There is a network of human rights lawyers all over the world. In the same way, I know that the rights of the Japayukis in Japan have been defended by Japanese human rights lawyers.

Senator Herrera: Yes, Mr. President. I confirm that there are several human rights lawyers — in fact, nongovernmental organizations — that are only too willing to cooperate with our Government in the pursuit of protecting the rights and the welfare of our migrant workers. That is why, in this bill, there is a policy enunciated to consider these nongovernmental organizations and organizations, like the ones mentioned by the Lady Senator, as a sort of a partner of our Government in the pursuit of protecting our own migrant workers.

Senator Shahani: Mr. President, I notice that on Section 24, there is reference here to country-team approach, and I guess this is a multilateral-agency approach. May we know what agency is responsible for the welfare of the OCWs abroad?

Senator Herrera: In this concept of country-team ap-

proach which is now being institutionalized under this bill, since this is a program initiated by the Executive Department, the Department of Foreign Affairs, through our Ambassador, is supposed to be the head of this country-team approach.

Senator Shahani: I wonder how practical that is, Mr. President. If the Gentleman remembers during the Gulf War, it was actually the Secretary of Labor who was touring the Middle East and “calling the shots” so to speak. Does the Gentleman think that that is proper?

Senator Herrera: I think it is about time that after the lesson we derived from our experiences of the Gulf War and various contingencies we experienced in the Middle East and other parts of the world, it is proper that we have this country-team approach. Since the Ambassador is the representative of our President in these host countries, logically it should be the Ambassador who should head this team and responsible for the performance of the function of our Overseas office.

Senator Shahani: Does that mean that it is the Department of Foreign Affairs then that should raise the money for repatriation? It is all right if we have, maybe, one or two, but suppose we have 50 or 100 where the regular budget of the Embassy is not adequate for massive humanitarian operations?

Senator Herrera: I am glad that the distinguished Senator mentioned this matter, Mr. President, because in this bill we have allocated repatriation fund of about P100 million. At the same time, we have also identified as to who is responsible for the repatriation of the documented workers. In this bill, it is the responsibility of the principal and the recruitment agency to shoulder the cost of repatriation.

Senator Shahani: But who administers the Repatriation Fund in the Government, Mr. President?

Senator Herrera: The Repatriation Fund will be administered by the OWWA since the funds will be taken from the OWWA budget.

Senator Shahani: And the distinguished Senator is certain that the Philippine Ambassador will automatically be given the adequate funds in time of emergency, for instance, because that is the important thing. I mean there are times when action has to be done so quickly and no one really knows who is responsible for what.

Senator Herrera: I would agree with the distinguished Senator that this is more of an administrative matter. But since the mandate of this bill when it becomes a law is that the one responsible is the Ambassador, I suppose that he should have the

immediate access to this fund.

Senator Shahani: Mr. President, during the debate on this important piece of legislation, much was said about the function of a Philippine Embassy abroad. I see here stated in Section 24, and this is on page 15, to the effect that:

The protection of the Filipino migrant workers, the promotion of their welfare, in particular, and the protection 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.

May I know, Mr. President, the reason for establishing a Philippine Embassy abroad?

Senator Herrera: Let me first explain the import of this particular provision, Mr. President.

This provision is more relevant in countries where the primary activities of our Embassy are really in dealing with our overseas workers because of the concentration. There is a large number of Filipino migrant workers in these countries. That is where the superiority of the function of seeing to it that the protection of the dignity and fundamental rights of our migrant workers is a high priority.

As to the question of the primary purpose of putting our Embassy in a particular country, this is of course to take care of the political trade and commercial relationship with that particular country. But there is also the other fundamental function which is to take responsibility for the protection of Filipino nationals in this country.

I can anticipate, Mr. President, that this mandate of giving high priority over other diplomatic functions to the servicing of our Filipino workers in these countries is one that is a bit controversial. But let us face the reality squarely. We are dealing with human lives. These are the contributions of our Filipino migrant workers not only as sort of goodwill ambassadors but also to our economy.

Putting these factors, together with other factors, would justify the mandate, especially in countries where we have large concentration of workers that this particular function should be superior or should be given priority over the other functions.

Senator Shahani: Mr. President, let us say we want to establish relations with the Kingdom of Saudi Arabia. We ask the Saudi Arabian authorities that we want to establish an embassy in their own territory. Is it just then to say we want to

establish relations with the Kingdom of Saudi Arabia just because the most important reason is that we want to protect the rights of our workers? How would that sit with the Saudi Arabian Government? After all, the relationship, the development of good and harmonious relations with the host country is really a very important matter. That is why we need permission to enter the country. That is why we ask diplomatic immunity for our diplomats.

In other words, there is a unique relationship in bilateral relations. We just do not go to a country and say, "We want to protect the rights of our workers that is why we are here."

Mr. President, I would like to make it clear. Of course, I am for protecting the rights of our citizens everywhere. But I do not think it would also sit well with the receiving country if we tell them that this is why we are putting up an embassy. They may as well say, "Why don't you put up a labor office in our country?" Why put up an embassy which is also there to develop friendly and harmonious relations with the host country?

Senator Herrera: I do not think we have a quarrel on that, Mr. President. The putting up of an embassy is not solely anchored on the fact that we have overseas workers in this country. There are, of course, other reasons — the preservation, the protection of that relationship with the host country is a very important function. But we are now referring to the duty of protecting our workers on which we are trying to give a focus — a strong attention in this particular bill.

It does not mean that by giving priority to protecting the interest and welfare of Filipino migrant workers that we have to abandon that important responsibility of preserving good relations and cultivating the good relations with the host country. I agree fully with that thrust. But the duty to protect, to serve our own countrymen should be a high priority.

In fact, the Flor Contemplacion incident was a good example where the President made an announcement that if there was, in fact, injustice in dealing with Flor Contemplacion, the Government is prepared to reexamine its relationship with Singapore.

While there are important diplomatic functions, the interest of our own nationals should also be given high priority.

Senator Shahani: Mr. President, the way I understand it, I do not think we are in contradistinction with the distinguished Sponsor of this bill. I think it is just the language of the law when we say it is superior to other diplomatic functions. I mean, we are not just talking here about the domestic market; we must also take into account the fact that we are being received by a foreign

country. And, although we will be, of course, sensitive to the political implications of this issue and if, let us say, Singapore was at fault, Singapore still is the receiving country. It is still the country which demands the employment.

So, I think the language could be slightly adjusted to the actual realities of the functions of a diplomat or an embassy abroad, Mr. President. Because if we are there to protect the interest of our nationals, I believe that there are other functions. This is why we go abroad — to promote our products, to protect our sovereignty, our own national territory. As I said, maybe the language could be better improved.

Senator Herrera: As long as we have to give meaning and substance to the provisions of the Constitution with regard to this matter, Mr. President, that the dignity of our citizens must be given full protection. In fact, the underlying philosophy in this principle as we included in this bill, in Sections (a) and (b), is to put the interest of our citizens at a very high level in relation to other functions of our embassies. Probably, it is the word which we can later refine during the period of amendments.

Senator Shahani: Maybe it is that word “superior”, Mr. President, which makes me somewhat uncomfortable. Because if we say “superior,” then the others are inferior. As I said, maybe there are countries where that might be, but I believe that foreign policy embraces such a wide and diverse dimension of national activity. And for foreign policy now to be limited to the policy of overseas workers, no matter how humanitarian that policy may be, I would like to voice some concern.

For instance, if we shall be viewed by Saudi Arabia and the Middle East countries as a country sending its citizens to work abroad because they have no employment opportunities in their own domestic front, then naturally the perception is that we are a weak country; a country which is vulnerable to the vagaries of the employment market.

This is what I am trying to say, Mr. President. In foreign policy, we must also show a position of strength. I am for the protection of the overseas migrant workers. I am for giving highest priority to that. But I would also be concerned if we neglect the promotion of our export trade — for instance, the sale of our own products; if we neglect the exchange in the field of science and technology, for instance. These are legitimate concerns, which in the end, would also redound to the masses of our people.

Senator Herrera: These are legitimate concerns. But in the event where there is collision between the responsibility, the duty to protect the workers and the other functions, the Constitution mandates that there should be priority in the protection of our Filipino workers.

Senator Shahani: All right, Mr. President. As I said, it is just a matter of phraseology which I am questioning here.

In Section 2, Declaration of Policies, I wonder whether that first policy concerning the promotion of full employment and equality of employment opportunities could not be expanded to say that migration abroad should not be a substitute to the effort of the Government to provide full employment opportunities for our people.

Precisely, that is what is happening. One goes abroad because there is no work here, and that removes the responsibility of any government to really make full employment a basic policy.

Senator Herrera: That is being addressed in paragraph (c), Mr. President.

Paragraphs (a) and (b) are actually provisions of the Constitution that we reiterated in this bill. The point that the Lady raised regarding full employment is addressed in paragraph (c).

Senator Shahani: Yes, Mr. President. I see the relationship between paragraphs (a) and (c), and I believe that is the amplification which I was looking for.

As I said yesterday, the majority of migrant workers are women. This is a fact. The abuses and the violence against human dignity are really directed towards the women workers and hardly to the men workers.

I do not really see much of a recognition of this fact which is a major influencing element in our society today. This explains why there is a lot of instability in the Filipino family, why there are many broken homes, and why there are many single parents, for instance.

May I know whether in this new version, there are references to looking after the concerns of women who comprise more than half of the migrant workers of this country?

Senator Herrera: Yes, Mr. President. Under Section 2, Declaration of Policies, we have a provision in paragraph (g) which says:

The State recognizes the role of women in nation building. Toward this end all programs of the Philippine Overseas Employment Administration shall recognize the special need and characteristics of women migrant workers.

There is also a provision for their participation in the highest

policy-making body of our Government, and that is in Congress. It is mandated under this bill that of the five sectoral representatives in the House of Representatives, two must come from the women sector. On the level of the Overseas Workers Welfare Administration, especially in the planning and implementation of programs, the women sector of our migrant workers is also represented in the Board.

I would anticipate that the policy framework enunciated in this bill regarding the women sector will trigger programs and initiatives by appropriate government agencies servicing migrant workers.

Senator Shahani: Thank you. I am glad to see that these additions have been made. But it would still be useful to mention the need to gather statistics on our workers in terms of sex disaggregation because this will give a bigger, a fuller picture of the actual needs.

In terms of women workers, I would like to see, Mr. President, some assistance in making them integrated again into their family and homelife when they return back home because they have left their children and their husbands to go abroad.

Mr. President, in the period of amendments, if I may, I would like to put into fuller detail some of the ways and means by which we can ensure that the full participation of women in the migrant labor market is fully understood, recognized and appreciated.

Senator Herrera: We would await the Gentle Lady's recommendation during the period of amendments, Mr. President.

Senator Shahani: Thank you, Mr. President.

Senator Romulo: Mr. President, I ask that Senator Alvarez be next considered for his interpellations.

The Presiding Officer [Senator Webb]: Senator Alvarez is recognized.

Senator Alvarez: Will the distinguished Gentleman, the leader of the labor movement in this Chamber, the inspiration of the working class in this Chamber, accede to a few questions?

Senator Herrera: Gladly to the greatest living Ilocano leader.

Senator Alvarez: Mr. President, may I go into certain key concepts which are embodied in the Gentleman's comprehensive effort to embrace the issues on our migrant workers in the different proposed legislation.

Principally, may I first be informed, Mr. President, under the entitlement of "DEREGULATION AND PHASE-OUT" and ultimately within the same subject matter, there is a section there which says, "Gradual Phase-out of Regulatory Function." What is meant by "Deregulation and Phase-out" of the regulation here?

Senator Herrera: In effect, Mr. President, in areas where the private sector can do it, the Government should not be involved. So that, in the recruitment of overseas workers, the less regulations by the Government should be the direction of our overseas employment program. But this must not be understood as abandoning the responsibility of protecting the workers because there is a constitutional mandate in this regard. So that as we deregulate, we would shift the attention of Government to strengthening these agencies of government that protect the interest and welfare of the workers.

For instance, we can now give more attention to our overseas offices of the Government, like the Labor Attache, the Embassy, the Labor Centers that we have there, so that we can channel government resources to strengthen these services and phase out activities which can be done by the private sector.

Senator Alvarez: So, if more responsibilities are assumed, let us say, by corporate employers, then we will encourage this and withdraw from the scene.

Senator Herrera: Yes, Mr. President. In fact, that is now the program to encourage the contract services.

Senator Alvarez: How about the presence of intermediaries like recruiters, Mr. President?

Senator Herrera: Well, this Representation do not see the possibility that we can eliminate these people. They are really the ones looking for the labor markets. They can be encouraged by restricting Government's involvement in competing with them.

Senator Alvarez: In certain cases, the labor recruiting agencies proved to be the problem. Does deregulation mean that the Government withdraws and allow these private agencies to be self-regulating so that rules and regulations will have to be fashioned out by them?

Senator Herrera: Mr. President, let me cite one specific provision here.

In the case of the repatriation cost, instead of the Government paying this cost, we are giving it now to the principal and the recruitment agency. More responsibilities are given to the

private sector. Even on the matter of money claims, where there are violations of terms and conditions of employment, we would like now the recruiter and the principal to be jointly responsible.

Senator Alvarez: Precisely, it is going to be a system of self regulation.

Senator Herrera: In a way, yes, Mr. President.

Senator Alvarez: Mr. President, does the Gentleman not agree that there are certain vulnerable sectors which a deregulated system may show or prove to show to be incapable of coping with self regulatory practices or rules?

I can imagine that if corporate employees come in — especially of the upper end like engineers, computer science, skilled workers — there will be association of these pool of talents. Because of their preparation and their organizational cohesiveness, they themselves can bargain. Perhaps, even with the recruitment agencies, they will be able to have a relationship of equal competitiveness.

But what about the workers in the underclass, workers in the entertainment field, in the domestic sector which, in recorded cases, 95 percent of all reported abuses have been committed against them? Does the distinguished Gentleman think that we can really phase that out or should we not fashion out more imaginative intervention on the part of the public sector?

Senator Herrera: Mr. President, that is the reason we strengthened, for instance, the legal services.

Internally, we now have free legal assistance especially for those who are victims of illegal recruitment. Overseas, we have now the Legal Welfare Commission. We are strengthening the arm of the Government whose task is to protect the workers.

As regards to, let us say, the vulnerable sector where we have child labor overseas, those who are underage, there is now a mandate here that not only that the government agency must have to take the initiative now, more active role in documenting these workers, but those underage can immediately be repatriated.

So, this is a good example. While we are moving towards deregulating, we are strengthening the arms of the Government whose functions are to protect these migrant workers overseas.

Senator Alvarez: So, in more specific terms, Mr. President, what we are articulating here as a rule is a diminution of the overall presence of regulatory rules and yet, a more focused

regulatory or intervention presence of the public sector on the vulnerable sectors?

Senator Herrera: Yes, Mr. President. That is why, for instance, one of the important mandates that the Department of Foreign Affairs must have to do now is to issue periodic advisories to the country, to the nation in general, in order to inform the workers who would like to work abroad, of the working conditions of certain countries, their policies, their records in respecting human rights, of the freedom of association; whether these nations are signatories to international conventions that would give protection to migrant workers so that they will know the risk that they will have to take if they will insist or decide to work in these countries.

This is one function that should be strengthened by the Government so that the workers themselves will know whether he has to go to this particular country to work or not.

The incidence of contract violation is sometimes the result of lack of information of the workers and, unfortunately, even our regulatory body can be faulted. There is really neglect on the part of our regulatory body to properly inform these workers.

We come out with our standard on what should be the level of wages and yet, we know that in these countries where they are supposed to work, the labor cost in these countries are much below the contract supposed to be complied or enforced by the POEA.

Senator Alvarez: I am trying to clarify this concept, Mr. President, because throughout all this document that we are fashioning out and which was proposed by the Gentleman, there is an earnest effort at empowerment of workers organization, workers participation, giving them some institutional sharing in the current systems organized to regulate and to protect them.

So, perhaps the kind of regulation that we are articulating here is not the withdrawal of rule-making but the enhancement of the capacity of the workers themselves or workers organization to put out the rules and participate in the interpretation and the enforcement of the rules.

As matter of fact, the legal assistance scheme that we have here is again a mode of intervention. It does not take away the protective mantle or diminish it as if we are withdrawing from the scene of contractual relationship and taking out the institutions that are supposed to be there to ensure workers' humanity and legal defense.

Senator Herrera: Does the Gentleman not think that the better approach, Mr. President, is that we provide the workers the

necessary skills that would put them in a position to demand for higher wages rather than imposing certain deregulations, like what is happening now?

When we talk of people empowerment, I would rather view it from that standpoint where we equip person with the necessary skills, because these skills are his protection. That is also his leverage to demand for higher wages and this is where the Government should focus its attention. Complementary to this is the strengthening of our agencies overseas whose function is to see to it that the workers' rights and interests will be protected.

Senator Alvarez: We are trying to put the Gentleman's ideas into the record, Mr. President, because these words "Deregulation and Phase-out" may have a chilling effect on workers who feel they were left out in that strange and sometimes harsh environment where they need to be because they have to survive and find work. The whole thrust of the Convention, which may be ratified, is really to expand the power of public intervention, to put safety nets and more of this, if necessary. But if this can be done through workers empowerment, then the better, and I think it should be welcome.

The skills training, for instance, is still a form of intervention.

Senator Herrera: Precisely. That should be the kind of intervention that we should focus our resources on.

Senator Alvarez: But there are necessary interventions, even as we do skills training, which will be needed for certain vulnerable sectors. Usually the least skilled, the women, and the children, where the participation of a certain sector — the recruiting agencies specifically or brokers — may have to be carefully understood. These practices on job placement, documentation, et cetera are instrumentalities that nibble at the economic income of this underclass because we fail to intervene appropriately. I think deregulation, while it may mean empowerment of the workers for this class of workers, even more sophisticated rules and regulations may have to be deployed to protect them adequately.

Senator Herrera: Who should be in a better position, Mr. President, to decide where a worker should work, how much should be the price of his skill, what should be the working condition? Does the Gentleman not think it should be the worker and the employer who decide these things, and that the role of the Government is only to see to it that on the terms that they have agreed, the employers will comply?

That is where we are strengthening the legal assistance,

giving him access to the possibility of retraining and retooling so that he can continue to increase his capability to earn and for the Government to inform him of the risk of working in this particular country. It is up for him to decide whether he has to go to that country or not. I think that should be the limited function of the government.

Senator Alvarez: I agree with the Gentleman, Mr. President, that in a situation like that where the worker will have the capacity to make the decision, there should have been institutions that will give him sufficient information.

Senator Herrera: That is precisely the point, Mr. President, why we are now giving priorities to this kind of institution and function.

Senator Alvarez: Right now, what is happening is that we have 1.8 million undocumented workers. These are what we call the vulnerable sector. They have no information as to the risk they have to take in countries where they would like to work because there is no government agency providing them the necessary information. When they are there in these receiving countries, they always have problems of being exploited or abused because, for one, our Government's capability to protect them is so limited and probably, they do not even know where to go when they have problems.

Senator Alvarez: I wanted to elicit from this exchange, Mr. President, the position to which the Gentleman agrees, because of the way he has handled the questions — that deregulation does not mean the withdrawal in order to protect the benefits or the intervention of the public sector...

Senator Herrera: That is correct.

Senator Alvarez: ...but the creation of institution and systems to enhance and protect, even further the rights of the worker to empower him, to give him the necessary information to make decisions for employment — that this has no relation as in the marketplace to allow market forces to compete freely and occasionally, if not, in all cases to the detriment of the weak and the underclass.

Senator Herrera: And at the same time, give to the principal and the recruitment agencies certain responsibilities like repatriation. This is a very important responsibility. At present, it is actually the worker who is paying the repatriation cost, or, if not, it is the government. The policing of the ranks of the recruiters, why not give this to their organization?

Senator Alvarez: We have 1,800 recruitment agencies, Mr. President. I would like to imagine that it can be done.

Senator Herrera: Probably, we can reduce the number of recruitment agencies and officers of agencies found guilty of illegal recruitment will no longer be allowed to be involved in the recruitment business.

Senator Alvarez: It is clear that the deregulation which the Gentleman speaks of in this rule is not the deregulation of the marketplace...

Senator Herrera: It is not really abandoning the...

Senator Alvarez: ...or not involved in economic commodities but with lives and welfare of individuals. That is the reason we intervene in the market.

Senator Herrera: I think even in the intervention of the market, Mr. President, the best intervention is to enable our overseas workers to have the skills so that they can command a better price.

On the long term, I do agree with the Gentleman, but on the short and medium terms, for as long as we may not be able to develop or modernize, we will always have workers who may need the safety net of regulatory bodies to protect them.

That is the reason I am wary of phasing out completely or introducing the concept of phasing out the regulatory functions of the public sector where the workers themselves participate.

I wanted to put that on record and at the opportune time, I am sure the Gentleman and this Representation can agree on appropriate changes and amendments.

Another section where the adjudicatory function of the POEA is transferred to the NLRC. We know that it takes a long time for things to be settled at the POEA. We all know of its incompetence in many cases. It is slow, sometimes corrupt. But if we move it to the NLRC, which has a big backlog of cases on employer-employee relationships—the Gentleman is an expert on this more than this Representation—does the Gentleman not think that we are burdening that sector which is already overburdened?

Approximately later on, we will put the workers in a far more difficult situation than where they are now with the POEA.

Senator Herrera: Mr. President, there are two problems under the present system. Here we have lawyers in the POEA handling these cases. For one, these are additional layers before final decisions can be reached.

Second is, we really have a problem in attracting lawyers to

join the POEA because their salary grade level is quite low compared to the labor arbiter.

The idea of transferring this to the NLRC is, first, these are work-related. Second, it is easier for the NLRC to hire additional labor arbiters because their salary structure is very, very much higher than the lawyers of the POEA. Third, and this is important, we eliminate certain layers because the decision of these POEA lawyers are also appealable to the NLRC.

Senator Alvarez: Have we specified here, Mr. President, that we should be creating special attorneys for the purpose of attending to these cases of OCWs that will now be shifted from the POEA to the NLRC?

Senator Herrera: Yes, Mr. President. That will be the jurisdiction maybe now in the NLRC and we can specify that there should be labor arbiters who will handle OCWs' cases.

Senator Alvarez: Is it specified here now as to who are going to handle those cases?

Senator Herrera: We can put that as an amendment, although this can be done administratively. We can furnish the DOLE and the NLRC the debate on this issue, and this can guide them by appointing labor arbiters just to handle labor cases affecting overseas workers.

Senator Alvarez: Mr. President, that would be a suitable arrangement, I believe, if we specify this at the appropriate time during the period of amendments, instead of creating special courts to look into the cases of overseas workers.

The Legal Welfare Commission, Mr. President, which have been created here poses some kind of special concern to me. As the Gentleman pointed out in the case of POEA, we have removed a layer but this adds on another layer.

Is this function something that we cannot do by expanding existing institutions?

Senator Herrera: What section is the distinguished Gentleman referring to, Mr. President?

Senator Alvarez: There is a whole section on the creation of the Legal Welfare Commission. I wanted to explore with the distinguished Sponsor the idea of the Commission.

Senator Herrera: The Legal Welfare Commission, Mr. President—by the way, I just like to put this into the record that this is taken from the bill sponsored by Senator Ople—primarily handles overseas cases. That is their function, to assess migrant

workers who have legal cases in receiving countries. So the Commission is more of giving assistance to our migrant workers.

This is a serious problem because many of our migrant workers do not really have the capability to hire their own lawyers and our government agencies overseas also lack lawyers or funds to hire lawyers in these receiving countries.

So this is an important provision of the bill which would give added protection to our migrant workers. This is what I said earlier that when we deregulate, we are merely refocusing our concern in strengthening the arms of government whose function is to protect these overseas workers.

Senator Alvarez: I am all with the distinguished Sponsor on that, Mr. President. The process of our exchange has clarified the thrust of the so-called phaseout or deregulation. It is not cast in iron that we should withdraw from the scene but we are creating better systems to protect our overseas workers.

Senator Herrera: Just to have a total picture of this, Mr. President. In the country, we have the free legal assistance; for overseas cases, we have the Legal Welfare Commission.

Senator Alvarez: Let me point out one minor concern. We have stipulated here a targeted budget of P100 million.

Senator Herrera: Yes, this is an Executive action, Mr. President. It is the President who provided these funds and in the succeeding years, these will be included in the General Appropriations Act.

Senator Alvarez: We have a case in Israel. The lawyers were asking for fees ranging from P2000, P5000 but not more than P5000. When they found out that certain set amounts were being prepared for overseas lawyers, the lawyers demanded P50,000 in legal fees. I do not know. Fees may really be expensive in those jurisdiction, especially in the American and European jurisdiction.

I was computing and the P100 million can take care of the problem of some 80 workers. I do not know, Mr. President, whether there has been an actuarial computation so that we can take care of the whole six million workers overseas by looking after the legal problems of 80 workers with P100 million.

Senator Herrera: In fact, this is also the apprehension raised by Secretary Siazon, in my private talk with him, that the P100 million may not be enough. But I think this is a good start. We should also remember that while it is true that there are several cases affecting our workers, not all of them might need the hiring of foreign lawyers.

Senator Alvarez: So that we will deploy our own lawyers.

Senator Herrera: In places where our lawyers are allowed to practice, Mr. President.

Senator Alvarez: In Section 16 on Migrant Workers Loan Guarantee Fund, the grant of pre-departure loan and family assistance loan is taken out from a migrant worker's loan fund, from P100 million now under the OWWA. Is this within the ambit of the OWWA funds?

Senator Herrera: Yes, Mr. President.

Senator Alvarez: Can we legislate and say that OWWA funds should be used for this particular purpose?

We are saying here that we will use this as a guarantee loan fund. Are there no stipulations on the OWWA Fund? Is this quasi-government private sector fund?

Senator Herrera: I do not think there will be a problem on that. In fact, if only to play safe, the OWWA Board can just allocate that amount.

This is a very important fund because one of the anomalies in the Overseas Employment is that there are recruitment agencies asking fantastic amounts. I understand that in the case of Hong Kong and Korea, it would range from P45,000 to P75,000. So we have workers borrowing money, some of them selling their own properties just to pay for the cost of placement, and many of them borrowing money from loan sharks.

So with this scheme guaranteed by this fund, this will help our migrant workers, Mr. President. They do not have to go anymore to loan sharks or sell their own properties.

Senator Alvarez: My concern, Mr. President, is that the OWWA fund is a trust fund of a special character managed within the System for the benefit of contributors. Those who are departing are not even members of the System yet. They have not contributed; and yet we are appropriating the OWWA fund as if it were government money.

Senator Herrera: The funds of OWWA can be used for the members of the OWWA Fund. Under this scheme only the members of the OWWA Fund can take advantage of the scheme.

This money, Mr. President, will be paid. This is merely a guarantee fund. They will secure the loan from the GFIs, and this loan is guaranteed by the P100 million fund of OWWA.

Senator Alvarez: But the new departures are not yet

members of the System, Mr. President. They have not paid the dues.

Senator Herrera: Their contribution to the OWWA is paid by the employer. So when they secure the loan from the GFIs guaranteed by the Fund, perhaps, one of the conditions is that they really have to submit their employment contract, and it is the employer who pays the contribution to the OWWA fund in the case of the land based.

Senator Alvarez: So that the beneficiaries are in effect already members of the System?

Senator Herrera: Yes, Mr. President, once he pays the contribution or the employer pays the contribution.

Senator Alvarez: Mr. President, have we stipulated in this legislation political representation? I mean the right to exercise the vote?

Senator Herrera: It is in the Statement of Policy, Mr. President.

Senator Alvarez: How do we reconcile that with sectoral representation? We, at the same time appoint or cause to be appointed sectoral representatives, and yet we are going to invest them with a right to vote that looks, on its first impression, redundant investiture of sovereign power because we have sectoral representation and then we anoint them with the authority to vote.

Senator Herrera: In the policy statement, Mr. President, we are referring to the absentee voting. In the case of the sectoral representation, it has something to do with the provision of the Constitution regarding the sectoral representative in the House of Representatives where we mandated under this bill that there should be five sectoral representatives for the migrant workers in the House of Representatives.

Now, may I just remind the distinguished Gentleman that this will only be for 1995 up to 1998 because under the Constitution, there will be no more appointed sectoral representatives after 1998. At least for the 10th Congress, they can be assured of five representatives of which two of the five are women.

Senator Alvarez: So that after 1998, we would have invested them with the power to participate in the selection of...

Senator Herrera: The absentee voting is now pending with the Electoral Reforms Committee, Mr. President. It is merely a policy statement here that the Government should enact the

absentee voting bill. I understand this is being certified. The President would like this to be acted upon in this special session. The representative from Malacañang approached this Representation today and I referred her to our Majority Leader. That is a separate bill.

Senator Alvarez: So that if we have the absentee voting which is intended really to hear the sovereign voice of our OCWs before 1998, theoretically we have that, would that mean that we will now shift the sectoral representatives to other sectors in the community and find it unnecessary because now they can already participate?

Senator Herrera: The right to vote under this absentee voting is the right of the citizens to participate in electoral process. There is a constitutional mandate on that. Unfortunately, until now Congress has failed to enact a legislation giving that right — to exercise the right of suffrage.

Senator Alvarez: Precisely, now one can exercise his right of suffrage; he can appoint his spokesman; and then we will continue to appoint the sectoral representative who will still be spokesman because he is a class that needs representation.

Senator Herrera: The sectoral representative, Mr. President, is only for 1995 to 1998 because there is that provision in the Constitution, that in addition to the duly elected district representatives, we have also sectoral representatives to be appointed by the President.

Senator Alvarez: I understand that, Mr. President. I appreciate that. I am just going through the refinement of this concept that precisely because of a gap that they are not heard and they are another class, then we are appointing people who can speak and articulate their needs. But now if they are going to be represented because they will vote — they are absentee voters — politicians will now go to Saudi Arabia and campaign and listen to them as well and then come back and say these are what the employers in Saudi Arabia want. We may not need to appoint sectoral representatives. I am hopeful that the right of absentee voting would be approved before 1998 as an achievement of this Congress. And that is a conceptual refinement that we have to tackle.

Senator Herrera: But even if that absentee voting will be enacted by Congress, there is still that provision in the Constitution about sectoral representatives. Of course, it is up to the President to appoint or not.

Senator Alvarez: He can still appoint but no longer from the OCWs. He can get from the local sectors in society who are underprivileged because we have another class in our society that

needs to be represented and their representation should be picked out from them and not from the OCWs who can now be heard.

Senator Herrera: The sectoral representatives, Mr. President, come from six sectors. We have the overseas workers, the organized labor, the urban poor and the farmers. They are supposed to have representatives in the House of Representatives to be appointed by the President. But as of now, there is only one from the overseas contract workers. He is Congressman Concepcion. So, under this bill, we are mandating that there should be five sectoral representatives.

Senator Alvarez: Have we clearly emphasized here the vulnerabilities of our women workers?

Senator Herrera: Yes, Mr. President. In fact, there are provisions in the bill which are concerned about the women workers. In the Declaration of Policy, there is a statement for the women workers. There are two or three provisions which would guarantee the empowerment of the women sector.

Senator Alvarez: Mr. President, much of the abuse, and in the case of the OCWs, much of the exploitations happen from inadequate or total lack of information, both of the institutions that attend to the needs of the workers and the workers themselves.

Does the distinguished Sponsor really have a special objection in expanding the system of information in order to enrich the capacity of the institutions that attend to workers and information of workers themselves?

Senator Herrera: In fact, under Section 11 of this bill, we are mandating that responsibility of the Government to provide periodic information to workers, especially prospective migrant workers.

Senator Alvarez: I agree that is an improvement, but what I mean by system of information is the collating or pooling so that we can have a brain system — not separate institutional systems. We pool the information of DFA. We pool the information of POEA, OWWA, and even Department of Tourism on the appropriate and needed documentation — information about the workers through available systems of computerization. Then we create an interagency exchange of information so that we really have a whole panoply of information system and we do not work out of lack of information. We push the button at the POEA; we are connected right away to the Department of Foreign Affairs. The Department of Foreign Affairs, hopefully, will eventually be connected to the local organizations, whether it is an NGO or something in Tokyo, Japan, and there is a pooling of information.

Senator Herrera: Frankly, Mr. President, what the Gentleman is suggesting is very ideal. But even right now, we even have the problem of recording the number of overseas workers. That is how deficient we are.

I recall yesterday that one of our Senators here raised the question whether we have the capability or we have the necessary set up where a worker, upon reaching the airport of the receiving country and he has a problem, can get in touch with the consuls and the ambassadors. That is also a problem — to get information. But I guess these are problems that can be solved not necessarily by enacting a legislation on that. This can be done by purely administrative action.

Senator Alvarez: Mr. President, if the Sponsor will find this difficult, then perhaps, a mandate in this kind of a legislation which seeks to protect the rights of workers may help. I subscribe to the E-mail system.

Under the E-mail system, I can scour many libraries in the world to look for certain issues or publications. It seems impossible, but the computer system is so extensive now that I think the Government is very much in a position to put that in the hands of institutions that seek to protect our workers. So that the vital information, whether of an entertainer in Tokyo or Hong Kong, maybe, needing for his family or for herself would be there for us.

So, perhaps, in the appropriate period of amendments, I will be making the amendment and I hope the Chairman will consider this. On this day and age of global and extensive computer service, we can put this service at the hand of the working class.

Senator Herrera: In fact, Mr. President, it should not only be in the overseas employment program that we have to employ the technology that the Gentleman is suggesting. The entire Government should have access to this kind of technology.

Senator Alvarez: Let us begin with the piece of legislation of the Sponsor so that he can set the model for this nation, Mr. President.

Senator Herrera: We have already started that in the Bureau of Customs and the BIR. I hope this can work in the other government agencies.

Senator Alvarez: I am sure the Sponsor would not allow them to get the headstart on us, especially if we can use them for the protection of our workers.

Senator Herrera: Thank you, Mr. President.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Webb]: The Majority Leader is recognized.

Senator Romulo: May I ask that for the next interpellations, Senator Mercado be recognized.

The Presiding Officer [Senator Webb]: Senator Mercado is recognized.

Senator Mercado: Mr. President, will the Sponsor of the measure yield for some questions?

Senator Herrera: Gladly, Mr. President.

Senator Mercado: Mr. President, considering the time, I shall make my interpellation as brief as possible. I have gone through the measure and I would like to congratulate Senator Herrera for the difficult task of crafting legislation in response to a myriad of problems that the overseas contract workers face.

One of the more important chapters of this measure, Mr. President, is the provision on illegal recruitment. To my mind, as it has been shown in the hearings and as indicated in the white paper of the DOLE and the position papers given to us during the hearings, the problem of illegal recruitment is one of the more vexing problems that is difficult to solve. We have had an increase in the number of agencies that are allowed to recruit, and this is what appears to be a relaxation in the rules. This twin problem is one of the heavy millstones over the neck of our overseas contract workers.

There are new licensees, and I have been informed that there are more waiting to be approved. I do not know how many of the licensees who were banned before are now in operation, utilizing new names. There seems to be some ease in being able to get a new licenses.

Would the Sponsor of the measure tell us if the provisions of this proposed bill would correct what appears to be one of the most difficult problems of the OCWs?

Senator Herrera: The provisions of the bill, specifically on the matter of illegal recruitment, will greatly help in ferreting out illegal recruiters. As to the matter of controlling or reducing the number of recruitment agencies, this can be done administratively by the POEA. All it has to do is not to issue licenses.

What I know is that, right now, one can only secure a license on contract service where he hires and deploys in his own company.

Senator Mercado: Mr. President, I do realize that many of the problems of the OCWs can be solved by administrative measures. However, we have a problem in this country wherein when we have a new Secretary of Labor or a new head of the POEA, policies change. This is one of the big problems that we face. Maybe it should be better for us to incorporate these policies and set it in the statute books, the measures.

Sometimes, we have a tendency to micro manage departments, and which maybe we should not. But then again, there is also a need to set more permanent policies especially for our OCWs. What does the Sponsor think of that line of reasoning?

Senator Herrera: I really do not have objections to controlling the number of institutions, firms or individuals authorized to engage in recruitment. In fact, the requirement now is, in a way, a restriction where one has to put up a bond, and that there is a need of a certain capitalization. This is in a form of restricting the number of recruitment agencies because not just anybody can apply for a license. There are certain requirements.

The other is that, if we will be very strict in the enforcement of laws regarding illegal recruitment, this will tremendously reduce the number of recruitment agencies especially that under this bill now, illegal recruitment may be committed by one who is a license holder. Once he is found guilty of committing a crime of illegal recruitment, there is automatic cancellation of his license and he is barred from engaging in recruitment.

Senator Mercado: In Section 5, do we have a provision on fines and imprisonment?

Senator Herrera: In Section 5, Mr. President, we classified two types of illegal recruitment. One, is that considered as economic sabotage, which I think, is in accordance with the Gentleman's bill where the penalty is life imprisonment and a fine of P1 million, is quite stiff, a very severe penalty.

Now, we have also provided a provision here which makes it easier to file an illegal recruitment case because one can file the charge in the place of residence of the victim. Then, under this bill also, the victim can be placed under the Witness Protection Program so that the cost of litigation will already be absorbed by the Government because this really is one of the obstacles in our campaign against illegal recruitment.

We received so many letters; we heard over the radio workers complaining about illegal recruitment, but when one looks at the number of cases filed, there are only very few because of the costs of litigation.

So, under this bill, we address this problem. We are now

providing free legal service. The charge can be filed in the place of residence of the victim, and they can be placed under the Witness Protection Program.

To me, these are improvements in the enforcement of our laws on illegal recruitment.

Senator Mercado: I am just curious, does the Sponsor know how many illegal recruiters have been sent to jail?

Senator Herrera: As far as I can recall, I think, last year there was one decision, one conviction.

Senator Mercado: So, one person.

Senator Herrera: There is a special task force in the Department of Justice, and the OWWA appropriated funds for this. I am afraid the records of this special task force is a failure.

Senator Mercado: So, what the Gentleman is saying is that, there are a lot of complaints but very few convictions because the cases are not pursued?

Senator Herrera: Yes.

Senator Mercado: And as far as this measure is concerned, we are providing the mechanism by which the victims will be able to pursue their cases because the Government takes over?

Senator Herrera: Yes.

Senator Mercado: So, after this measure is enacted, is the Gentleman saying that we will be able to convict more illegal recruiters?

Senator Herrera: Hopefully, Mr. President, because then we will have more victims who are willing to testify.

Senator Mercado: How about the chameleon-like mechanism being used by the recruiters when they are banned, they organize another recruiting company, thus they are still in business although their names do not appear there anymore? Has this been addressed, Mr. President?

Senator Herrera: Well, there is a prohibition or a restructure on this. Once the recruitment agency is found to have committed illegal recruitment, he can no longer engage in the business, he can no longer form his own company. But as the Gentleman said, "Well, why not use another person just so one can continue?" But the penalty now, especially if the act of illegal recruitment would amount to an economic sabotage, is very severe. So, this is a deterrent. The other is that, since the

workers or the victims can easily file the charges now, this is also another deterrent.

Senator Mercado: Under this measure, Mr. President, what happens if there is a case against a recruitment agency? How many cases of illegal recruitment are required to be filed against a recruitment agency before the same is suspended or its license cancelled?

Senator Herrera: Well, it is not only on an illegal recruitment case or cases that a license can be revoked. There are certain requirements also, such as noncompliance of legal requirements which would result to the revocation of the license. But in the case of the illegal recruitment, there should be conviction.

Senator Mercado: Not only suspension?

Senator Herrera: And once there is conviction, then there is a cancellation of its license.

Senator Mercado: Mr. President, I just have one other point on this particular issue.

Senator Mercado: This Representation believes that the penalty should be related to the number of victims. Because it can be one case but it can victimize thousands and ruin the lives of more because of the families who are affected.

Is there a way that we can incorporate a heavier penalty, subject to the number of victims instead of just the number of the contracts or the cases involved?

Senator Herrera: This is now addressed in this bill, Mr. President.

Senator Mercado: How is it addressed in this particular measure, Mr. President?

Senator Herrera: We classified them as economic sabotage where the victims are numerous.

Senator Mercado: Thank you very much. I would like to go to another issue, and this is the issue of the POEA and the OWWA.

Mr. President, even in the white paper submitted to us by the Department of Labor and Employment, they speak of reforms that should be done with the POEA and the OWWA. In fact, there is a suggestion that the same should be merged. Is that particular issue addressed in this measure?

Senator Herrera: It is not addressed here because of the

risk involved. By merging POEA and the OWWA, POEA would be using the funds of OWWA, and this needs a very careful study, Mr. President.

Senator Mercado: Mr. President, I have heard a lot of complaints about the OWWA. I am not too conversant on its structure, but can I inquire how the OWWA funds are audited? How were the OWWA funds formed, how were they originally constituted, who contributes now to the OWWA, how is it administered, and what controls are being instituted in the monitoring of the expenditures of its funds?

Senator Herrera: First, the OWWA is subject to COA audit. Second, originally, the OWWA fund is a contribution of the employers. The employers contribute to the OWWA. At that time, it was primarily landbased. Later, the seabased workers were also covered. In the case of the seabased, the employer contributes US\$15 and the worker contributes US\$10. The reason why in the case of the seabased the worker has to contribute is, in the case of the seabased workers, the manning agencies or recruiting agencies are not allowed to charge placement fees. It is only the landbased recruiters who are allowed under the policy to charge placement fees. That is how the OWWA funds started.

Senator Mercado: Today, do the employers still contribute or is it basically now just the workers contributing? Is there a reduction in the contribution by the employers?

Senator Herrera: There is no change in the policy now. Whether in the implementation of this policy some unscrupulous recruiters or principals charge this to the workers, that is something that we really have to investigate although there are some rumors about this.

Senator Mercado: Is there a control mechanism as to how much it can spend for administrative costs, for example?

Senator Herrera: There is. They are only allowed a certain percentage for administrative cost. In fact, this is one of the requests of the OWWA that there should be a reexamination on that. If I am not mistaken, they cannot spend 10 percent. Senator Ople is more familiar with this. But I think it is 10 percent of the total funds of OWWA.

Senator Mercado: So, Mr. President, if we are not addressing the issue of overlapping of functions of the OWWA and the POEA, what would this bill do? This is the oft-repeated suggestion that I have heard in the hearing.

Senator Herrera: There is no overlapping of functions of OWWA and POEA. There are complaints against OWWA.

There are also complaints against the POEA, but it is not on the matter of overlapping of functions. There is a clear delineation of the functions of POEA and that of OWWA.

As I said earlier, there has been a proposal to merge the two. I think we have to study that carefully. In fact, one of the risks involved in merging the two is that we will find that the POEA might be using the OWWA funds. That would be wrong because the OWWA fund is contributed by the documented workers. The POEA has a different function, and its constituency is bigger than that of OWWA.

Senator Mercado: Does this measure address the complaints against the POEA? It has been brought to our attention that, for example, several POEA officials have recently been assigned to different postings outside the country.

For example, POEA Deputy Administrator for Management Services, Manuel Imson, is presently Labor Attache-designate to Washington; POEA Director for Adjudication, Jaime Jimenez, is also Labor Attache-designate to Dubai; POEA Director for Employment, I hear, is acting Labor Attache to Singapore, while POEA Director for Welfare and Employment is currently on leave.

Now, the question is: Why do we have these things, if true, when they have mandated functions of the POEA for service of workers overseas, for which many of its functions remain unimplemented, and they are dormant in paper?

Would the Sponsor please tell us if this is allowed? Of course, this is basically an administrative matter but if this is true, maybe we can do something to correct it by way of legislation.

Senator Herrera: I guess this information is correct. What I can only say is that the function of these people now who are assigned or designated as labor attaches must be performed by other officials. I suppose they are performed now by their assistants, whoever they are.

The practice of designating these people as labor attaches instead of appointing them as full labor attache is due to the limited period of assignment as a labor attache. After two or after a number of years, he will be recalled. And when he is recalled, his category is very much lower than the position that he formerly occupied.

Ang nangyayari ryan, for instance, in the case of Deputy Manny Imson, he must be receiving something like P14,000 if he will be appointed as a full labor attache. And when he will be recalled, I think his salary will be P8,000 because the level of

a recalled labor attache now without the allowances, is even lower than that of a division head. That is the problem.

So that, if we will recruit internally and take advantage of those more competent officials in the Department, nobody will accept the position unless he is assured that when he comes back his salary will be maintained; at least, the salary before he was assigned as a labor attache.

Senator Mercado: When we speak of labor attache, is it the same as welfare attache?

Senator Herrera: No, it is different.

Senator Mercado: What is a welfare attache?

Senator Herrera: The welfare attaches are those with OWWA and they are the one manning our labor centers. They are lower in category compared to our labor attache.

Senator Mercado: We have labor attaches, we have welfare attaches. If we have so many attaches, why do we still have so many problems that ...

Senator Herrera: No, there are only a few.

The Gentleman will be surprised to know that, in the case of Saudi Arabia, we have about 450,000 Filipino workers with only two labor attaches.

Senator Mercado: Is the solution to put more labor attaches?

Senator Herrera: It helps.

Mr. President, this is one of the anomalies that I noticed when I went there. For example, the labor attache wherein one of the mandates is to visit workplaces is only given \$150 as his transportation allowance. Then, we have a finance officer from the Department of Finance, or representatives of the BIR or PNB, wherein they have \$1,000 transportation allowance, and yet these are people who are not mandated to travel. But they have higher, bigger transportation allowance compared to our labor attaches.

When one is assigned as a labor attache and some of these workplaces are located sometimes 100 or 200 miles from the embassy or from the office, they really need support, not to mention the fact that it is just impossible for one labor attache to service 500,000 workers.

Senator Mercado: Will that be solved by the country-team

approach as embodied in this measure? Will that solve the problem?

Senator Herrera: In a way, yes, because then we have the entire embassy helping the workers.

Senator Mercado: Is it safe to say that we do not have to increase the personnel complement because now, with the country-team approach, with the ambassador at the helm ...

Senator Herrera: Not necessarily.

In fact, if we look at the budget of the Department of Labor and Employment, every year we are increasing the allocation for our labor attaches under the Office of the Secretary and it is because of that bid, Mr. President.

The Gentleman will be surprised that the Department of Trade and Industry has 37 trade attaches. If I am not mistaken of the 37, 24 are not yet filled up. But the labor attache has a smaller number. If I am not mistaken, there are only 32 labor attaches.

Senator Mercado: Precisely, Mr. President, because in the statement of principles, we are saying here that the export of labor is not a permanent fixture of the economy.

Senator Herrera: Let me clarify this, Mr. President. It may not be a permanent program but it does not mean that we do not have anymore migrant workers. Because if we look at the bulk of our migrant workers, these are the undocumented. These are the workers who go to these countries using fake passports or with tourist visas and then they work there, and we are talking of 1.8 million.

Senator Mercado: Precisely, Mr. President. What I am trying to say here is that, if indeed we see, years from now, an end to the phenomenon of migrant workers, then in the country-team approach the entire embassy should be oriented. It is not a matter of increasing the labor attaches, but a reorientation of the entire bureaucracy so that they attend to the needs of the overseas contract workers. This does not necessarily mean enlarging the bureaucracy. I think the problems is the thinking in the bureaucracy. It is a matter of turf. "Hindi ko trabaho iyan. This is not my area. I am supposed to be a consul. That is not my work." Even the ambassadors have that particular problem. That is the point I would like to raise.

Senator Herrera: That is now being addressed under this bill, Mr. President, where under the country team approach, it is mandated that the servicing, the protection of the interest and welfare of the workers should be a superior function compared to other diplomatic functions.

Senator Mercado: As I said, I am not going to make my interpellation very long. I will just propose amendments, if necessary. I would like to congratulate the Chairman of the Committee of the Whole and his co-Chairman as well, for the work that they have done. Although I do believe that this is a good measure, I am of the opinion that this is indeed not a panacea. We have a lot of problems that we have yet to face. Let us not raise the hopes of our people that we will solve the problems of the OCWs because we have passed a magna carta.

Thank you very much, Mr. President.

Senator Herrera: Thank you, Mr. President. In fact, that is the reason we avoid using magna carta for overseas workers.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Webb]: Senator Romulo is recognized

Senator Romulo: Mr. President, I ask that the distinguished Senator from Mindanao and Sulu, Senator Rasul, be recognized to interpellate.

The Presiding Officer [Senator Webb]: Senator Rasul is recognized.

Senator Rasul: Thank you, Mr. President. Let me start by saying that I fully support any legislative measure, any program or strategy that will provide protection and promote the welfare of the OCWs. I think we can never do enough for our overseas contract workers, especially the women overseas workers. I do not think we can do enough to assuage the feeling of loneliness, insecurity and the pangs of desire to be with their family which they cannot do. But for want of an income, they have to leave their families behind and risk the dangers to life and limb when they are abroad and perhaps, could even be abused and maltreated as in the recent case in Singapore, an OCW was brought back in a coffin.

I would like to congratulate the distinguished Senator from Cebu and Bohol, the leader and inspiration of the labor sector, for this well-crafted piece of legislation which seeks to improve and strengthen the protective measures for our overseas contract workers.

Senator Herrera: Thank you, Madam Senator.

Senator Rasul: I will not go into the examination of the section on illegal recruitment, Mr. President. We have, in fact, on a number of occasions, brought about by our investigations the abuse and maltreatment of women overseas workers. In fact,

we have a number of laws and enough rules and regulations, but what we need is a serious and an honest-to-goodness implementation of these rules and regulations. However, there are some provisions in this bill which I would like the distinguished Senator to clarify, if he will yield for some questions.

Senator Herrera: Gladly, Mr. President.

Senator Rasul: Under Section 12 on repatriation, it seeks to create an emergency repatriation fund under the administration, control and supervision of the OWWA. Why is there a need to designate such a fund? I understand there are already hundreds of millions in the coffers of the OWWA which is supposed to take care of the needs of overseas contract workers. In fact, every worker who goes abroad has to contribute \$100 to that OWWA Fund. Why is there a need to designate such a fund wherein the amount of P100 million would be taken from the existing fund under the control and administration of the OWWA?

Senator Herrera: This is a sort of a standby fund. We merely allocated that fund that in the event of emergencies like *force majeure*, like the Gulf War, at least we will not be in a quandary as to where to look for funds to pay for the cost of repatriation.

May I emphasize, Mr. President, that there is one important provision here that mandates the principals and the recruitment agencies as jointly responsible for the repatriation of workers.

This is a recurring problem of the industry and the entire overseas employment program.

But even if this provision, when complied with honestly and religiously by the employers and the recruiters, we still have, in reality, 1.8 million undocumented workers. So that when there is an emergency and there comes the need to repatriate them, we will always have the problem of where to get the money.

If we will recall, during the Gulf War, we even asked contributions from the Filipino communities abroad to pay part of the cost of repatriation. And I understand there were international agencies helping us.

We do not want that situation to happen in the future. The allocation of this P100 million as standby fund also convey a very important message that the Government is really sincere in protecting the migrant workers especially in times of emergency.

Senator Rasul: Mr. President, does that mean that we absolve the employers from the responsibility of repatriating the overseas contract workers if we already have to provide the P100 million rather than to collect from them?

Senator Herrera: Not really. Normally, in an employment contract, employers pay the cost of repatriation during normal times. But in cases of *force majeure* or emergency, this problem arises, especially with the undocumented workers who do not have a contract to protect them.

Senator Rasul: Yes.

Senator Herrera: Let it not be understood that this provision would mean that we are absolving the employers from their responsibilities to assume the cost as covered in this bill.

These funds, as I said, is intended primarily for those workers who are illegal entrants. Actually, some of them do not even have employers because they are still looking for employers. So to whom do we charge the repatriation cost? They are also Filipinos and they have to be attended, too, by us.

Senator Rasul: If we will recall, I think three years ago, there was the case of 300 Filipino women workers who were stranded in Beirut. We investigated that case, Mr. President. We found out that these 300 women actually left the country as tourists. They left for Cyprus and when their visas expired, they went to Beirut because Beirut was in a state of war and nobody cared to look at the visas of any incoming foreigners, but these women ran out of funds and were forced to sell themselves to be able to survive.

When the news broke out, Mr. President, not one of our labor agencies, whether POEA or OWWA or any agency which has to do with overseas Filipinos, came to the rescue of these 300 Filipinas because they were not documented. They were not legal in the sense that they never went through POEA and they did not contribute to the welfare fund — the \$100 which is required of every Filipino who go abroad. That was the problem.

Now, with this repatriation fund, Mr. President, does the distinguished Sponsor not think that this will encourage Filipinos to go abroad and do the same thing, knowing fully well that if something happens to them, there is already this repatriation fund which will be used to send them back home?

Senator Herrera: Not really, Mr. President, because we have also clarified here in what instances the fund can be used. This is only in the case of war, *force majeure*, where abnormal emergencies occur that the funds can be used.

I agree with the distinguished Lady Senator that sometimes it is unfair really to the taxpayers to pay the cost of repatriation, especially for these women who went abroad, engaged in prostitution and had problems. But, unfortunately, they are there; they are Filipinos. We really have to service these people.

It is very difficult to discriminate; that we must not pay the cost of their repatriation because they are prostitutes or they traveled as tourists and they are stranded there. This is really the problem in our overseas program.

Senator Rasul: Mr. President, I have no problem with providing transport for Filipinos who find themselves stranded abroad even if they are prostitutes. But my fear is, this might encourage Filipinos to go abroad because they can always expect the Government to come to their rescue.

I am not saying that our Government should not be responsible for its nationals, especially if they encounter problems abroad, but my apprehension is, this might just serve as a safety measure in a sense for women especially or Filipinos to go abroad. Anyway, if something happens, there is the money that will provide transport for them. But I am sure there will be some guidelines to provide for those who should qualify under this provision.

Senator Herrera: Certainly, there will be implementing rules to implement the provisions of this bill once it becomes a law.

Senator Rasul: Mr. President, Section 13 on the Mandatory Repatriation of Underage Migrant Workers. All that it says here is, upon the discovery of the presence of migrant workers whose actual ages fall below the minimum age requirement, all that is done is to deport, to send immediately this underage migrant worker back to the Philippines and advise the Department of Foreign Affairs of the discovery of this migrant worker and other relevant information.

Mr. President, is this all that we are going to do? Are we not going to penalize the people responsible? I think this involves falsification of public document. How can someone who is underage be given a passport without collusion with some officials of the Department of Foreign Affairs.

This is very relevant, Mr. President, because in my frequent trips abroad, I always make it as a matter of course to visit OWWA Centers. And on one occasion, I noticed there was one young migrant worker in Jeddah who wanted to come home after a few days. When I asked her why? Well, she was homesick. I asked her how old she was; she said she was 23. But looking at her, I thought she was only 14 years old. Upon questioning, she really admitted, she confessed that she was only 16. This is way below the age requirement for women who go abroad to work as domestics.

So, should there be no penalty, Mr. President? I think there should be stringent penalty not only for the recruiting agency but

also for the officials involved in the falsification of public documents.

Senator Herrera: In fact, Mr. President, this is one of the proposals mentioned by Senator Gonzales when he interpellated this morning in regard to the illegal recruitment case, that those who conspire with the recruiter to commit acts, like falsification, should also be charged or that act should be classified as illegal recruitment and that official can be charged for illegal recruitment. In the period of amendments, this will be taken care of.

I agree with the Lady Senator, Mr. President, that the official, knowing that she is underage but then helped in the documentation so that she can be deployed abroad should also be charged as illegal recruiter.

Senator Rasul: This bill seeks to establish a migrant workers' resource center within the premises and under the administrative jurisdiction of the Philippine Embassy.

Mr. President, the Gentleman had been in Saudi Arabia a number of times. Can he imagine a welfare center within the premises of the Embassy. The Embassy will become a marketplace. I think the Philippines can afford to have an embassy with a huge ground where one can have a space where OCWs can move around.

I recall even before the Gulf War, the day-to-day activities of the OCWs in the Embassy in Saudi Arabia is too small. Now we can imagine if we put a center right within the premises of the Embassy, there will be a tremendous disturbance and the functioning of the Embassy will be truly impaired.

Senator Herrera: Maybe the Center can be located a distance from the Embassy but still technically that can be considered as part of the premises of the Embassy. So that can be interpreted that way, Mr. President. We will see to it that there will be no misunderstanding on that particular provision that there should be physical location within the immediate premises of the Embassy.

I can see the problem. I visited the Embassy in Saudi Arabia. In fact, the premises of that Embassy in Saudi Arabia are quite comfortable compared to other embassies. I can see the point of the Lady Senator. But I think that should be understood that although it might be located far from the Embassy, it is still a part of the premises of the Embassy.

Senator Rasul: There is also this scheme of registration of undocumented workers. I recall, Mr. President, in one of my trips to London, I was talking to the Consul in London and he told me of the existence of a number of undocumented workers,

especially domestic helpers. He admitted to me that the employers of these girls know that they are undocumented. Just the same, because they really needed the services of these girls, they closed their eyes and hired them.

But there were occasions when they were found out and they had to report to the Embassy. When they were advised to leave immediately, they begged and pleaded to be allowed to stay and risked the danger of being again apprehended and penalized or maybe imprisoned because they still wanted to stay in the country to work.

I do not know how effective this section would be because I have a feeling that when the undocumented workers leave the country, they run the risk of being caught. Just the same, they would just run the risk rather than come home and risk unemployment and the lack of income.

I do not know how this can be implemented, Mr. President.

Senator Herrera: I guess there are certain kinds of undocumented workers who might be very difficult to cause their registration even with this provision. But, workers with valid passports but with tourist visas and who are there already for six months, are required to register because we would like to help them. If we can document their stay there and make it legal since they are looking for jobs or they are already employed, that is part of our assistance to cover them also with our OWWA.

With the sanction that their passport will be cancelled if they will not report, I think it will induce these people to register. But those who are really using fake passports — probably they purchased these passports in Binondo — I am sure that even with this provision, they will not come to the Embassy in order to register.

But look at this provision also from another dimension — that this will now also enjoin and compel our government officials to take initiative in looking for these people. For instance, if we ask our officials in the Embassy, they can meet all the undocumented workers in the plaza during Sundays. So they will really know where these workers are especially in small countries.

For instance, in Singapore, it is not difficult to look for the undocumented workers. It is just that we really do not take the initiative in doing it. In Hong Kong, it is not difficult to look for undocumented workers. These are not big places. Macau is a small place also.

I also experienced that in London. I stayed in one hotel; we had there undocumented workers. Originally, they

worked in Riyadh then came vacation time, they went to London to take their vacation. Later, they decided to stay there and so they became undocumented also. But they can easily be located.

The only problem is that our Embassy officials are just waiting in their office for these people to come. I think there should be some initiatives, maybe some information drive—the advantage of registering, reconfirming their passports and being part of the OWWA.

Senator Rasul: It occurred to this Representation, Mr. President, that in the event we approve the bill that will provide absentee voting, I wonder who are the Embassy officials who will not be pressured to close their eyes because of the votes of these undocumented workers who have families back home. It is all right if there are only one or two, but for example, in the Middle East we have hundreds of thousands of workers although they are not that many undocumented.

In other countries, for example, in Europe, where there are a number of undocumented workers, I wonder how feasible this provision would be because somebody close to the Embassy who is campaigning for a candidate, let us say, for President in 1998—maybe Senator Romulo or Senator Angara might be a candidate in 1998—and we have 10,000 undocumented workers, that is a sizeable force that can mean the victory or defeat for the candidate. And if they are allowed to vote, certainly they are qualified voters even if they are undocumented as workers.

Now, does the distinguished Gentleman not think the Embassy officials will be able to resist pressure from the families of these undocumented workers who are voters?

Senator Herrera: Frankly, Mr. President, the absentee-voting bill should be the real Magna Carta for Overseas Contract Workers. That is why I have been saying that it should be the one that should be tackled here because if these workers would be able to vote, then we will also find the Government very concerned and responsive to the needs of these workers.

Unfortunately, it is still pending in one of the Committees and I understand that the President has certified that, and hopefully, we will be able to tackle that issue. I am also very confident that once the absentee-voting bill becomes a law, it will reduce the number of undocumented workers because now they have to come out in the open and register if only to be registered and in order to exercise that right to vote.

Senator Rasul: That is a good point, Mr. President.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Webb]: The Majority Leader is recognized.

Senator Rasul: I have not finished, Mr. President.

Senator Romulo: With the permission of Senator Rasul.

Senator Rasul: All right.

Senator Romulo: May I just pose a question with regard to absentee voting.

Mr. President, if even in our country now we cannot seem to protect the votes of poorer candidates and we are already in our country, how does the distinguished Sponsor think the grant of absentee voting will protect the rights of poorer candidates who have no resources to be able to protect their votes in so many areas all over the world when even here right now like Senator Biazon, he is having a difficult time because of resources?

We heard the speech of Senator Coseteng. They cannot even be protected in the places where they actually received against those who are more moneyed and, therefore, have resources to resort to whatever is being resorted to.

Senator Herrera: I think that is a very important question. On the other hand, Mr. President, there is also this fundamental issue: Will I be deprived of my right to vote just because there are crook politicians? Is it fair? Is it fair that I will be disenfranchized just because there are politicians who will cheat in the election? I think that is a very important issue that we have to resolve in the discussion of this absentee vote.

My point here is that it is a supreme right of a citizen to participate in the electoral process. It is the responsibility of the Government to see to it that the integrity of the electoral process is protected.

Senator Maceda: Mr. President.

The Presiding Officer [Senator Webb]: Senator Maceda is recognized.

Senator Maceda: With the permission of the Lady Senator from Sulu and Tawi-Tawi.

I agree with the trend of thought of the Majority Leader. But what came into my mind after he spoke of the fact that even in the House version of the Absentee Voting Bill, they would like to limit it to voting for national candidates. I think before we

should tackle the Absentee-Voting bill, we should first wait as to whether the proposal to shift into a parliamentary unicameral system is dead because once we shift into a parliamentary unicameral system and there is no voting for President and Senators, even the workers abroad either will not be that interested to vote for individual congressman or if so, we will have a bigger practical problem of six million Filipinos being classified into the districts where they are supposed to cast their votes for the congressman of the district.

I am just pointing that out, that this matter of absentee voting will no longer be relevant or not relevant, if I may correct myself, if we shift to a parliamentary system of government. Would that not be correct, Mr. President?

Senator Herrera: This is a very complicated matter. As I said, let us examine all the dimensions. There is that right to vote which I consider supreme. But on the other hand, there is the problem also pointed out by the Majority Leader. This is further complicated by this parliamentary system that the distinguished Gentleman is mentioning.

That should not be an obstacle for Congress to really legislate this. I think we really have to come out. There is no such perfect scheme but I just do not think it is correct to deprive these people of their right to vote.

Senator Maceda: I agree with that, Mr. President, and certainly, once we give absentee voting to the overseas contract workers, I think that will be the time a candidate from the labor sector like the distinguished Gentleman could be elected President.

Senator Herrera: I will only be a campaign manager of Senator Romulo.

Senator Rasul: Mr. President.

The Presiding Officer [Senator Webb]: Senator Rasul is recognized.

Senator Rasul: Mr. President, the Center in this bill seeks to obtain the services of a lawyer and a social worker as well, in addition to the welfare officer. Does the labor attache or this lawyer and social worker, have diplomatic immunity?

Senator Herrera: I understand now that the labor attache has diplomatic immunity.

Senator Rasul: But the welfare officers, do they not have?

Senator Herrera: The welfare officers do not have that. It

is only, of course, the ambassador and, I understand, the consul, and the labor attache.

Senator Rasul: In that case, I wonder Mr. President, what utility they would have if they do not enjoy diplomatic immunity. They cannot visit the prisons, they cannot escort runaways, they cannot move around because — well, I am again talking of the Middle East, especially Saudi Arabia where one needs to be a diplomatic officer, or even if one is a labor attache, he has to have diplomatic immunity to be able to deal with offices in the Government.

Now, if we were to provide that privilege or that protection to the labor officers or the lawyer or the social worker, it seems to me, Mr. President, that this would be duplicating the work of the Assistance to National Unit of the Department of Foreign Affairs which exists precisely for that same purpose — to provide assistance to Filipinos who are in distress or who find themselves confronted with some problems which the labor attache cannot handle. The labor attache is there mainly for labor problems. But all other matters, all other problems, it is handled by the assistance to national unit.

Now, if we were to provide a lawyer for the welfare of this Center, we would be duplicating the work of the Assistance to National Unit which is better-situated to protect the interest and the welfare of the OCWs rather than having this Welfare Center look after their interest.

Senator Herrera: Well, the Welfare Center is one of our instruments to assess migrant workers. We know very well in Saudi Arabia, which the distinguished Senator is very familiar with, at a given time we will find several workers, especially those runaways staying in our welfare center. Many of them are in need of advice. That is where the justification for this provision is made.

Unfortunately, the existing Welfare Center that we have is practically lacking of that support. We do not have social workers there. The case of Flor Contemplacion is one good example where she was not able to have access to legal advice.

Now, on the function of this office, I can see certain limitation. As the Lady Senator said, the diplomatic immunity is very important. In this country-team approach, it is really the ambassador who is the one responsible in the entire overseas workers servicing of the embassy.

Senator Rasul: Mr. President, during the proper time I will introduce some amendments. I feel that the Assistance to National Units should be strengthened. There is no reason why the ANU and the Welfare Center cannot coordinate their efforts

to protect the OCWs who find their way to the Center for one reason or another. Unless they have diplomatic immunity, they will just be in the Center, Mr. President.

I recall during the Gulf war, when our evacuees from Kuwait went through the eastern province, the ANU people had to meet them at the border and then bring them to the Welfare Center or bring them back to the consulate or to the embassy because the welfare officer cannot do the job. So, we created there a position, an office or an entity which cannot serve its purpose. But we have an existing one which can readily do it. All it needs is a strengthening — maybe more personnel, maybe more funding support.

Senator Herrera: Well, we can strengthen both. If we will recall, our Welfare Centers in the Middle Eastern countries are practically the centers of activities of our overseas workers. These are where they converge; these are where they meet our labor attaches and welfare officers. It is difficult to quantify or measure the services of these labor centers, but I find it very important.

I recall when we were in Jeddah, at that time, there were about 119 domestic helpers who ran away from their employers staying there, and they were serviced by our Welfare Officers. We cannot measure the services they extended to these workers.

Senator Rasul: There is no doubt, Mr. President, that there is really a need to have a Welfare Center for our OCWs. But what then would be the function of the ANU, the Assistant to the National Unit? What will they be doing?

Are they there to protect the OCWs or Filipinos who find themselves in a problematic situation? Not just overseas contract workers, but other Filipino nationals who are not contract workers.

Senator Herrera: Probably this is where they should concentrate — the nonworkers or the immigrants in these areas. That is where they can perhaps focus their attention. The Welfare Officers will be for the overseas workers.

Senator Rasul: This bill really is very innovative, Mr. President.

We have also here a Migrant Workers Loan Guarantee Fund. What would be the rationale for this Fund, Mr. President?

When the OCWs go abroad, it is presumed that they earn something, and they are able to send money to their families. Would we not be accused of overly protecting or providing support for people who are already earning when there are

Filipinos who are unemployed and who have no means of looking for capital to fund maybe some small businesses that they want to engage in?

Senator Herrera: This Fund is a guarantee fund so that when these workers secure credit to pay for the placement fees, they do not have to sell their properties or go to loan sharks. Under this bill, the GFIs, or the government financial institutions, are mandated to come out with a scheme to extend credit for purposes of paying the placement fee. This will be guaranteed by this P100 million placement fund.

What is happening now is that, many of these overseas workers are required to pay exorbitant fees, especially those going to Taiwan or Korea. In fact, even in the Middle East, I recall of those over 100 domestic helpers staying at the Welfare Center. I talked to the two of them and they confided to me that they paid P19,000.00 to their recruiters. Unfortunately, the recruiter was a member of the House of Representatives before. They paid P19,000.00 which is very much overpriced because what is allowed is only P5,000.00. The poor workers had to mortgage their houses for the placement fees. We are trying to address this problem now.

At this juncture, the Presiding Officer, Senator Webb, relinquished the Chair to Senator Mercado.

Senator Rasul: There is created here a Legal Welfare Commission which is lodged in the Office of the President. I cannot quite comprehend the logic for having a Legal Welfare Commission to protect overseas workers but is right here in the country. I think it would be more useful if such an office is found within the premises of the Embassy, or as part of the Embassy. The Embassy has a legal staff but they do not have people with the expertise to protect the OCWs.

Mr. President, I do not know, maybe the Gentleman can explain to us why we have a Legal Welfare Commission under the Office of the President. How can they react to problems of the OCWs abroad?

Senator Herrera: I am glad that the Gentle Lady raised this question because this is really one of the recommendations of the Gancayco Commission and this is taken from the bill of Senator Ople.

The idea here, Mr. President, is that this Legal Welfare Commission handles the cases overseas because on cases, like illegal recruitment, in the country, we have the free legal service of the Department of Labor created also under this bill. The Legal Welfare Commission, under this new mandate, is allowed to hire foreign lawyers if our own lawyers cannot or are not

allowed to practice in a particular country because there are countries which require licensing of these lawyers in their own country before they can practice. So, there are certain restrictions.

The Commission is not really a big bureaucracy, considering that lawyers may come from various agencies of the government — the Department of Justice, the Department of Foreign Affairs, or the Department of Labor. They are attached to the Office of the President because we would like the Office of the President to be accountable when there are failures to extend legal assistance to migrant workers who have legal problems abroad.

The case of Flor Contemplacion is a classic example of this, where, from the time she was arrested, she should have been afforded a lawyer in order that her rights under the laws of Singapore would be fully protected.

So, we are trying to address this problem, and there is a debate as to where this Commission should be attached. In fact, Justice Gancayco, when asked as to where this Commission should be attached, recommended that it should be with the Department of Foreign Affairs for purposes of effective coordination since the Department of Foreign Affairs is the office which has extension overseas. But on the other hand, there is also good justification to put it under the Office of the President because when it is under the Office of the President, it can really exercise also some degree of clout, so that lawyers that they may tap from the other agencies will really perform their work, and the Office of the President will be made accountable when there is failure.

Senator Rasul: Would not that be imposing, Mr. President, too much responsibilities on the Office of the President since it is already overburdened with other matters of the State? And would not the Ambassador be a better person to choose, to hire the lawyer who would attend to the cases of the Filipino contract workers right within the area of his responsibility?

Senator Herrera: Well, in effect, there can be close coordination in the hiring of foreign lawyers with our Embassy. But we are just lodging the responsibility in this Commission.

If the Gentle Lady recalls, the President issued a Letter of Instruction allocating P100 million for the legal fund. This is the fund now that we are using for this Legal Welfare Commission.

Senator Rasul: Can the legal fund not be there, Mr. President, but to be tapped by the embassies as fees for the lawyers they would want to hire in the host country?

Senator Herrera: If we really have to make a choice where to put or locate this in the existing departments, I would suggest

it should be the Department of Justice because it is there where they are trained to prosecute. They are really engaged in actual lawyering; not in the Department of Foreign Affairs or in the Department of Labor. The recommendation here is to put this under the Office of the President.

But let us debate on this and maybe in the period of amendments, we can make some adjustments. Let us try to study the pros and cons whether it should be placed under the Office of the President or the Department of Foreign Affairs.

Senator Rasul: What would be the difference between this Legal Welfare Commission and the Commission on Human Rights?

Senator Herrera: Well, for one, the Commission on Human Rights' jurisdiction is not only limited to migrant workers. This is a Constitutional Body primarily more for the protection of citizens from abuses committed by Government. This office, the LWC, is to assist our own overseas workers.

Senator Rasul: Can the Commission not also assist the OCWs in cases where their human rights are violated?

Senator Herrera: I do not see any restriction on that. I recall that even in the Flor Contemplacion case, the Human Rights Commission was also asked to investigate. But the cases that will be handled by this Legal Welfare Commission are not only limited to human rights violation. These cases can also be work-related overseas.

Senator Rasul: Mr. President, Section 28 provides for reporting to Congress, "to update Congress on the situation of Filipino migrant workers." I wonder how this law can compel departments to report to Congress.

If the distinguished Gentleman will recall, during the last Congress, we passed Republic Act No. 7192. Republic Act No. 7192 mandates the Government to allocate substantial funds to provide the capital for women, especially in the rural areas, so that they can start a little business of their own. That Senate Bill No. 1200, which we sponsored, was the answer to the plight of Filipino women who go abroad to work as domestics or as entertainers. Because they cannot find any work here in the country, they had to go abroad and seek employment.

That law also provides for a reporting system where the departments involved had to report to Congress, I think, twice a year. So far, this Representation have no knowledge of any report that has been submitted to the Senate that has to do with the implementation of R. A. No. 7192. And yet, R. A. No. 7192, if implemented, could be the answer to the likes of the Flor

Contemplation case which we find all over the world, Mr. President.

Senator Herrera: I think it is our own failure if we do not insist on the enforcement of this particular mandate of the law. All we have to do is not to take up their budget during budget hearings if they will not submit the report that we require of them.

Senator Rasul: That is a good strategy, Mr. President. I think Congress has to start flexing its arms.

We also find the need to have five sectoral representative for migrant workers in Congress.

How many sectoral representatives do we actually have now?

Senator Herrera: There are 25 under the Constitution. This is actually limited because this is only for the 10th Congress. Under the Constitution, after 1998, there will be no more sectoral representatives. So, this is only for the 10th Congress.

Senator Rasul: Only for this year.

Senator Herrera: This year, 1995 up to 1998. After that, this law becomes ineffective because it is no longer allowed under the Constitution.

Senator Rasul: Does the Gentleman not think that there are sectors that are not represented at all in the House?

For example, during this Congress I do not know of any sectoral representative representing the Muslims and the cultural minorities, and yet they number in millions. I think the number of Muslims and cultural minorities is over 10 million, and they do not have a single representative except, of course, the late Congressman Sibug who stayed only for a short while. But there has been no representation from the Muslim sector.

Now, if we are to give five representatives to the overseas contract workers, that would give them 20 percent of the total representation. What happens to the other sectors, the women sector, which number more than 50 percent of the Filipino population?

Senator Herrera: The women sector is represented in this Congress, I think, two or three.

Senator Rasul: Only one.

Senator Herrera: No. We have Justice Luciano and then

that old lady, the President of the...

Senator Rasul: She represents the senior citizens, Mr. President.

Senator Herrera: I do not think that there is a representative for senior citizens because it is not included among the sectors enumerated in the Constitution.

The problem of appointing a Muslim sectoral representative probably can just be worked out with the President. I am sure that the Senator has an easy access to the President and she can recommend.

Senator Rasul: Well, perceptions can be misleading, Mr. President.

Anyway, there is this section that would provide funding support for scholarship program to deserving immediate descendants of OCWs.

Now, what could be the justification, Mr President? The OCWs have income of their own, while we have millions of Filipinos who do not earn anything at all. If we are to provide scholarships for the children or descendants of OCWs who earn dollars, what about the indigents who have nothing at all? How will they be able to send their children to school? Would this not be unduly giving everything to the OCWs?

Not that I begrudge them this privilege, but I am also thinking of the other sectors which do not enjoy similar privileges from the Government.

Senator Herrera: I do not think we are discriminating the other sector, Mr. President, because if we will look at the present budget of the DOST, if I am not mistaken, there is about P50 million for scholarship program in the field of science and technology. This is open to all deserving Filipinos. I am sure that in the Department of Education there is also an amount for scholarship program.

This particular provision here, Mr. President, is intended for dependents and immediate descendants of overseas workers who are interested to pursue higher education in science and technology. The reason for this is that many of our overseas workers — and I would like to correct the impression that they are receiving so much — are in fact receiving salaries or wages below the minimum standard that we have here, especially the undocumented, the unskilled workers.

They have to go abroad, leave their families here in order to find jobs because of poverty. And they cannot find jobs here.

These are the classes in our society who are vulnerable to certain risks, Mr. President. These are the people in our society who contribute so much to our economy. The estimate based on the amount remitted by these workers is about \$18 billion in two years. It is important that we have to show some kind of appreciation of what they are doing for our country.

Senator Rasul: Mr. President, the OCWs are truly fortunate to have a champion in the person of the distinguished Senator from Cebu and Bohol.

Senator Herrera: I think, Mr. President, the Gentle Lady is just too modest. I know that deep in her heart, she is also a champion of the overseas workers.

SUSPENSION OF THE SESSION

May I ask for a one-minute suspension of the session, Mr. President?

The Presiding Officer [Senator Mercado]: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 7:11 p.m.

RESUMPTION OF THE SESSION

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

The Presiding Officer [Senator Mercado]: The session is resumed.

Senator Romulo: Mr. President, I ask that the distinguished Gentleman from Bicol and Aklan, Senator Tatad, be recognized to interpellate.

The Presiding Officer [Senator Mercado]: The Chair recognizes Senator Tatad.

Senator Tatad: Thank you very much, Mr. President. Due to the lateness of the hour and the need to abbreviate the proceedings, I shall try to be very brief.

First, a question of principle, Mr. President. This bill is a direct response to recent developments touched off by the Flor Contemplacion case. So we are here specifically looking at the problems of our overseas workers or migrant workers, as they are called in this bill, and their rights that need to be protected. But there is a fundamental issue, bigger than the rights of migrant workers, which refers to these workers not simply as workers but as Filipinos abroad in search perhaps of identity, in search of self-esteem.

My impression, Mr. President, is that if we institutionalize the term "migrant workers" in the law, we would simply be institutionalizing the problem.

The term "migrant worker" has a colonial origin. It goes back to the colonial times when imperial powers brought workers to colonies in order to produce things for them. My impression is that this bill should afford us an opportunity to provide a new concept or a new term that would embrace these migrant workers, as we call them, and all other Filipinos abroad. I wonder if the distinguished Sponsor could respond to that issue.

Senator Herrera: The bill, Mr. President, is more consistent to the United Nations's and ILO's definition of migrant workers.

I do not see the problem mentioned by the Gentleman that we might be perpetuating by using this term "perpetuating the migrant workers". It is clearly enunciated in the statement of policy that this is a temporary program. The reality is, they are there.

A more stable approach to the problem of migrant workers is to improve and stabilize the economy so that we will be able to attract these migrant workers to come back and be integrated into our own economy.

The policy statement in this bill has several implications. One of these implications in order to give meaning to the bill, is that the Government is mandated to come out with activities that would facilitate or pave the way for the integration of these migrant workers into our own economy. One of them is, of course, retraining these workers as we develop our economy.

So, if the apprehension of the distinguished Senator from Bicol is that this might be understood as a program to perpetuate, then I assure the Gentleman that it is clearly defined in the bill not as a permanent program.

Senator Tatad: Thank you for that statement, Mr. President.

Now a very important point came out in the hearings of the Committee of the Whole, and this point is reflected in Letter C of the Declaration of Policies. It says that "the State does not promote overseas employment as a means to sustain economic growth and achieve a national development."

I think we all share this point of view. The State does not and should not export labor. Filipino individuals seek employment overseas on their own and the task of Government is to facilitate the departure of these workers and to provide protec-

tion for their rights in all circumstances.

If this is the case, as we understand it, then the term "deployment of Filipino workers overseas" seems to be out of place.

Senator Herrera: Mr. President, if the Gentleman will read the entire text of the bill, he will find that there are supportive provisions to the policy statement; that it is a temporary program, and that the government should not promote overseas employment.

One of the important provisions here is the deregulation. It means that it will be a voluntary agreement between the worker and the principal, if he has to work abroad.

Second is that, there is this empowerment program for the workers. One of these empowerment programs is to develop skills so that these workers can be reintegrated and they can find jobs in our own economy. And if at all they have to go abroad, their skills will assure them remunerative jobs and protection because skill, to me, is a very important protection against exploitation and abuses.

There is a provision here, Mr. President, providing support for livelihood programs so that there is economic empowerment of these workers through self-reliance program by giving them access to financial support that they can use to engage in entrepreneurial activities. All these provisions are intended to support or give meaning to this policy of not promoting overseas employment.

On the other hand, Mr. President, the bill also provides mechanism and assistance to the existing migrant workers as an acceptance of the reality that migrant workers are here and that they have to be assisted.

Senator Tatad: I appreciate the point being made by the distinguished Sponsor, Mr. President. I share fully everything that has been said. The only point I am trying to make here is that I am uncomfortable with the term "deployment of overseas workers", because it is a very active word which means that the Government is the one deploying workers abroad when in fact the policy says the Government does not promote overseas employment as a means to sustain economic development.

So I am just questioning the usage of the word "deployment" in the sense that it puts the Government as the actor, the principal source of the effort to deploy, and this is not the concept we are trying to bring into the bill.

Senator Herrera: I understand what the distinguished

Gentleman is trying to point out, Mr. President. The policy of discouraging or making it a temporary program is a long-term policy which is to reintegrate, to provide jobs at home — here in the Philippines — for these workers. But right now, there is this regulatory body which, in effect, the intervention of the Government in the recruitment of these workers can be considered an active role in the deployment. But this will be gradually phased out within the period of five years.

We will note that a provision here in the deregulation, the Department of Labor and Employment is given five years for a gradual phase out because we cannot just do it in one strike. I mean, if we cannot do it tomorrow, we really have to do it by stages.

This is now the concept, the policy direction that deployment of workers will be deregulated. So that after five years, if at all there will be a worker working abroad, that he is now on his own and voluntary on his part, and the terms and conditions will be worked out between him and his principal — the employer. The Government has nothing to do with it, except that the role of the Government will be to strengthen the agencies of the Government that will protect the rights of the workers based on the terms and conditions of their employment and to see to it also that his interests and welfare when he is abroad are also protected.

Senator Tatad: Given that statement, Mr. President, I hope the distinguished Sponsor will be hospitable to a proposal, at the proper time, to provide the phraseology that would capture more appropriately and more accurately what has been said. Probably, we can speak in the bill of temporary deployment.

Mr. President, let me proceed to one or two more points.

The bill speaks of a country-team approach in responding to the needs of our overseas workers. And under this country-team approach, the Ambassador will be in charge of all the other officers coming from the various agencies having to do with looking after our overseas workers. This means that specifically the Ambassador is in charge.

Institutionally, does this mean that the Department of Foreign Affairs becomes the primary agency responsible for the protection of overseas workers? If this is so, what becomes of the Department of Labor and Employment and the related agencies?

Senator Herrera: The Department of Labor is responsible within the jurisdiction of the country. The Labor Attaches, although they are officials of the Department of Labor, in their post abroad, they are under the supervision of the Ambassador.

Under this country-team approach, all agencies, all officials and personnel in charge of servicing the workers will now work as a team with the Ambassador as the leader of the team. In that way, we pinpoint responsibility.

I think this is a very good development because there are incidents in the past where we have the Labor Attache and the Ambassador quarreling; we have the Labor Attache and the Ambassador competing to perform the job of servicing the workers. With this now, it is clearly defined that the Ambassador is the head of the team.

Senator Tatad: I thank the Gentleman for that statement, Mr. President.

There are a few things I was hoping to find in the bill but they are not there. Would the distinguished Sponsor care to consider the possibility of inserting somewhere in the bill a provision that would acknowledge the need for the policy on this issue to evolve on a continuing basis, and in that respect, for a policy advisory council, for instance, to be constituted coming not only from Government but from the private sector, say the NGOs, welfare organizations, Church and other institutions, to enable them to submit their inputs to the appropriate agencies in a way that would be helpful to the objectives being sought by the bill.

Senator Herrera: I do not think there will be a problem on that, Mr. President. In fact, this is being done now by the Department. They have this tripartite consultation in almost all industries. Probably, they can institutionalize this in the case of overseas employment.

Senator Tatad: Another point, Mr. President, as I see it, would be the need to have a systematic building of a data bank on all overseas workers. Perhaps we can institutionalize that with the consent of the distinguished Sponsor?

Senator Herrera: I think that is a very important suggestion. Although I have been assured that this is being done now by the POEA and the OWWA, I can see the urgency to institutionalize this. Everytime we have the budget hearing of the OWWA and the POEA, we always have a problem of data and information.

Senator Tatad: In that respect, I wonder if the distinguished Sponsor would consider a third suggestion — the need to ensure continuing research and studies on all aspects of life and work of Filipinos abroad. Perhaps, in this respect, we could provide for assistance to academic institutions to carry out this very important work.

Senator Herrera: Frankly, Mr. President, that is where I

have an aversion when it comes to funding academic institutions to conduct research on matters like this. At one time, I handled the DOST budget and I noticed that there were several millions used for that only to be spread to, sort of network, as an additional honorarium to certain members of the academe and the result is not really useful to the Government. So I wish there should be a better way of handling this problem rather than again providing funds for some things that we cannot be assured of its result.

Senator Tatad: In any case, the main proposal there, Mr. President, is for continuing studies and research to help the formulation of policy on a continuing basis, and I submit that to the wisdom of the distinguished Sponsor.

My last issue, Mr. President. I refer to Section 29, and this has been touched upon by the previous speakers. This has to do with the representation of overseas Filipinos in Congress.

The proposal states:

Pursuant to Section 5(2) Article VI of the Constitution and in line with the objective of empowering overseas Filipinos to participate in the policy-making process to address Filipino migrant concerns, five (5) sectoral representatives for migrant workers in the House of Representatives shall be appointed by the President on the basis of proportional representation from the regional distribution of migrant workers.

I should like a little clarification on this phrase "from the regional distribution of migrant workers." What does "regional distribution" mean?

Senator Herrera: We would like to assure the distinguished Gentleman, Mr. President, that it is not only the migrant workers in the Middle East who will be represented but also those in Southeast Asia and in Europe.

Senator Tatad: Now, by "regions", do we refer to the areas where they are working...

Senator Herrera: Where they are employed.

Senator Tatad: ...not the areas where they come from?

Senator Herrera: ...No, otherwise we will take the risk of having all Ilocanos there.

Senator Tatad: Mr. President, earlier in the bill, there is mention of absentee voting to be facilitated. This is the subject of another legislation but it is the desire of this bill that this be instituted immediately.

Now, if we envision the overseas workers participating in the electoral process, should they not elect their own representatives to Congress?

Senator Herrera: Unfortunately, Mr. President, consistent with the provision of the Constitution, the sectoral representative is only for 1995 up to 1998 because after 1998, there will be no more appointed sectoral representative in Congress. So this is only for one term.

Senator Tatad: My question, Mr. President, is why should the one representing these people be appointed by the President when they are going to be voting under the absentee-voting law if that is passed? Why should they not be allowed to vote for their own representative to Congress? Is there a constitutional impediment to that?

Senator Herrera: There is no constitutional impediment. On the other hand, there is also that constitutional mandate that we shall have 25 sectoral representatives and of the 25 sectoral representatives, overseas workers sector is among the six sectors to be represented. So this is in compliance with that provision.

Senator Tatad: This is an enabling legislation.

Senator Herrera: An enabling provision.

Senator Tatad: But if the distinguished Sponsor says that beyond 1998 the appointing facility will no longer be there, why do we not institutionalize in the law the election of overseas representatives by the overseas workers themselves?

Senator Herrera: This is more of an enabling provision of the Constitution. This has a very limited application since this is only from 1995 up to 1998, the three-year term for the 10th Congress, specifically.

Senator Tatad: So beyond that, the distinguished Sponsor will be sponsoring the other proposal later?

Senator Herrera: The Constitution does not allow for the appointment anymore.

Senator Tatad: Thank you very much, Mr. President.

Thank you very much, Senator Herrera.

Senator Herrera: Thank you.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Mercado]: The Majority

Leader is recognized.

Senator Romulo: That ends the interpellation, Mr. President. I therefore move that we close the period of interpellations.

The Presiding Officer [Senator Mercado]: Is there any objection to the motion? [*Silence*] Hearing none, the motion is approved.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may I move for a one-minute suspension of the session in the event that Senator Herrera is prepared to propose the Committee Amendments.

The Presiding Officer [Senator Mercado]: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 7:40 p.m.

RESUMPTION OF THE SESSION

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

The Presiding Officer [Senator Mercado]: The session is resumed.

Senator Romulo: Mr. President, I move that we now consider the amendments. First, the committee amendments, if any.

COMMITTEE AMENDMENTS

Senator Herrera: We have a number of committee amendments.

On page 7, line 6, delete the word "offer" between the words "prosecution" and "and" and insert the capitalized word "OFFICER".

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Herrera: On page 12, line 7, between the word and comma symbol "practicable," and the word "pursue", insert the capitalized phrase AND THROUGH THE LEGAL WELFARE COMMISSION FOR MIGRANT WORKERS CREATED UNDER THIS ACT.

The Presiding Officer [Senator Mercado]: Is there any objection?

Senator Herrera: Excuse me, Mr. President. Since there is also an amendment in Section 18, may I ask for a reconsideration.

The Presiding Officer [Senator Mercado]: Shall we repeat the line?

Senator Herrera: On page 12, line 7, between the word and comma symbol "practicable," and the word "pursue", insert the capitalized phrase AND THROUGH THE PRESIDENTIAL LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS CREATED UNDER THIS ACT.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] Hearing none, the amendment is approved.

SUSPENSION OF THE SESSION

Senator Herrera: May I ask for a one-minute suspension of the session, Mr. President?

The Presiding Officer [Senator Mercado]: The session is suspended for one minute, if there is no objection. [There was none.]

It was 7:42 p.m.

RESUMPTION OF THE SESSION

At 7:43 p.m., the session was resumed.

The Presiding Officer [Senator Mercado]: The session is resumed.

Senator Herrera: On page 13, line 27, between the words "Section" and "hereof", change the number "20" to "22".

The Presiding Officer [Senator Mercado]: Is there any objection to the amendment? [Silence] Hearing none, the amendment is approved.

Senator Herrera: On page 14, line 31, delete the word and quotation symbol "Fund" between the words "the" and "in" and thereafter insert the capitalized phrase LEGAL ASSISTANCE FUND.

The Presiding Officer [Senator Mercado]: Is there any objection to the amendment? [Silence] Hearing none, the amendment is approved.

Senator Herrera: On page 15, line 13, insert the capitalized words "LEGAL ASSISTANCE" between the words "the" and "FUND".

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Herrera: On the same page, line 13, decapitalize the letter "f" in the word "Fund".

The Presiding Officer [Senator Mercado]: Is there any objection to the amendment? [Silence] Hearing none, the amendment is approved.

Senator Herrera: On the same page, line 27, insert the capitalized phrase "SERIES OF 1993" after the phrase "Order No. 74,".

The Presiding Officer [Senator Mercado]: Is there any objection to the amendment? [Silence] Hearing none, the amendment is approved.

Senator Herrera: On page 17, line 26, after the word and period symbol "workers.", insert the following proviso: PROVIDED, THAT TWO (2) OF THE FIVE (5) SECTORAL REPRESENTATIVES SHALL COME FROM THE WOMEN MIGRANT WORKERS SECTOR.

The Presiding Officer [Senator Mercado]: Is there any objection to the amendment? [Silence] Hearing none, the amendment is approved.

Senator Herrera: On the same page, line 27, delete the word "The" and thereafter, insert the following capitalized phrase: "PROVIDED FURTHER THAT ALL".

The Presiding Officer [Senator Mercado]: So, the line would read....?

Senator Herrera: The line will read: "PROVIDED FURTHER THAT ALL nominees must have at least five (5) years experience as a migrant worker."

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Herrera: 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 TRAININGS PRIMARILY IN THE FIELD OF SCIENCE AND TECHNOLOGY.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Herrera: THE INITIAL SEED FUND OF TWO HUNDRED MILLION PESOS (P200,000,000.00) SHALL BE INSTITUTED FROM THE FOLLOWING SOURCES:

1. FIFTY MILLION (P50,000,000.00) FROM THE UNEXPENDED COUNTRYWIDE DEVELOPMENT FUND (CDF) FOR 1995 IN EQUAL SHARING FOR ALL MEMBERS OF CONGRESS.

2. REMAINING ONE HUNDRED FIFTY MILLION (P150,000,000.00) WILL BE FUNDED FROM THE PROCEEDS OF THE LOTTO DRAW.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

SUSPENSION OF THE SESSION

Senator Herrera: May I have a one-minute suspension of the session?

The Presiding Officer [Senator Mercado]: Before I suspend the session, as a consequence of the amendment, all of the other sections will be renumbered accordingly.

Senator Herrera: Yes, Mr. President.

The Presiding Officer [Senator Mercado]: The session is suspended for one-minute, if there is no objection. [*There was none.*]

It was 7:47 p.m.

RESUMPTION OF THE SESSION

At 7:48 p.m., the session was resumed.

The Presiding Officer [Senator Mercado]: The session is resumed.

Senator Herrera: On page 18, entries from lines 11 to 17 will be deleted.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, lines 11 to 17 are hereby deleted.

Senator Herrera: And then, Section 33, still on page 18, insert the following: 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.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Herrera: Those are all the amendments, Mr. President.

Senator Romulo: Mr. President, I move that we close the period of Committee amendments.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Romulo: Mr. President, I move that we consider the individual amendments. May I ask that Senator Gonzales be recognized.

The Presiding Officer [Senator Mercado]: Senator Gonzales is recognized.

GONZALES AMENDMENTS

Senator Gonzales: On page 4, between the last paragraph of Section 5, insert a new paragraph to read as follows:

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.

The Presiding Officer [Senator Mercado]: What does the Sponsor say?

Senator Herrera: It is accepted, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] There being none, the amendment is approved.

Senator Gonzales: Between Section 5, paragraph (b), and Section 6, insert a new section, the number of which will be indicated later, and the caption would be: PROHIBITION ON OFFICIALS AND EMPLOYEES. The body of the provision is as follows:

IT SHALL BE UNLAWFUL FOR ANY OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OF LABOR AND

EMPLOYMENT, THE POEA OR THE OWWA, OR THEIR RELATIVES WITHIN THE FOURTH CIVIL DEGREE BY 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.

The Presiding Officer [Senator Mercado]: What does the Sponsor say?

Senator Herrera: It is accepted, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] There being none, the amendment is approved.

Senator Gonzales: In the second paragraph of Section 7, second line, remove the word "automatically". They shall be entitled to the Witness Protection Program, but the law itself provides for certain procedures for admission into the program.

The Presiding Officer [Senator Mercado]: What does the Sponsor say?

Senator Herrera: It is accepted, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] There being none, the amendment is approved.

Senator Gonzales: On page 7, Section 10, after the word "several" in the second paragraph. This has reference to the paragraph which reads: "The liability of the principal and the recruitment/placement agency or any and all claims under this Section shall be joint and several." I propose to add the following amendment:

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.

The Presiding Officer [Senator Mercado]: What does the Sponsor say?

Senator Herrera: It is accepted, Mr. President. This is what we have agreed during the interpellation.

Senator Gonzales: Another sentence after that. 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 A FOREIGN COUNTRY OF THE SAID CONTRACT.

Senator Herrera: It is accepted, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? Hearing none, the amendment is approved.

Senator Gonzales: That will be all, Mr. President.

Senator Ople: Mr. President.

The Presiding Officer [Senator Mercado]: Senator Ople is recognized.

Senator Ople: Mr. President, we have additional amendments.

Delete Sections 18 to 21 on the Legal Welfare Commission appearing on pages 12 to 14, and in lieu thereof, substitute the following provision, to read as follows:

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 ONE OF PROVEN COMPETENCE IN THE FIELD OF LAW WITH AT LEAST TEN (10) 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 THE PROVISION OF LEGAL ASSISTANCE SERVICES TO FILIPINO MIGRANT WORKERS;

(B) TO ESTABLISH CLOSE LINKAGES WITH THE DEPARTMENT OF FOREIGN AFFAIRS, 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 OUR 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 AUTHORITY TO HIRE PRIVATE LAWYERS, DOMESTIC OR FOREIGN, IN ORDER TO ASSIST HIM IN THE EFFECTIVE DISCHARGE OF THE ABOVE FUNCTIONS.

Senator Herrera: May we first approve that amendment, Mr. President.

The Presiding Officer [Senator Mercado]: What does the Sponsor say?

Senator Herrera: We accept the amendment, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Ople: May I continue, Mr. President?

On page 15, line 15, delete the word "such" at the end of the line and substitute it with the word "THE";

The Presiding Officer [Senator Mercado]: What does the Sponsor say to that?

Senator Herrera: We accept the amendment, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Ople: Mr. President, on the same page, line 16, insert the word "CRITERIA" between the words "guidelines" and "procedures". Also on the same line, delete the words "as may be" and insert the words "IN ACCORDANCE WITH SECTION 18(A) HEREOF" after the word "promulgated";

The Presiding Officer [Senator Mercado]: What does the Sponsor say?

Senator Herrera: We accept the amendment, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Ople: No. 4, on the same page, lines 16 and 17, delete the words "by the Commission" appearing after the word "promulgated";

The Presiding Officer [Senator Mercado]: What does the Sponsor say?

Senator Herrera: It is accepted, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] The amendment is approved.

Senator Ople: Finally, Mr. President, on the same page, line 19, delete the word "Commission" and substitute the words "PRESIDENTIAL LEGAL ASSISTANT FOR MIGRANT WORKERS' AFFAIRS."

The Presiding Officer [Senator Mercado]: What does the Sponsor say?

Senator Herrera: It is accepted, Mr. President.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] The amendment is approved.

Senator Ople: Those are all, Mr. President. Thank you.

Senator Romulo: Mr. President, I ask that we recognize Senator Alvarez.

The Presiding Officer [Senator Mercado]: Senator Alvarez is recognized.

Senator Alvarez: Mr. President, may I have the privilege to introduce my proposed individual amendments based on the conversation with the Chairman a while ago.

In the title, delete the word "Program".

The Presiding Officer [Senator Mercado]: Can we amend the title last?

Senator Alvarez: It is all right, Mr. President.

On Section 2(a), line 5 of page 1, add the words "DOCUMENTED AND UNDOCUMENTED" after the words "unorganized."

Senator Herrera: Mr. President, this provision is lifted from the provision of the Constitution. We will be distorting the provision of the Constitution.

The first two provisions on the Declaration of Policies are provisions of the Philippine Constitution.

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Mercado]: The session is suspended for a few minutes.

It was 8:02 p.m.

RESUMPTION OF THE SESSION

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

The Presiding Officer [Senator Mercado]: The session is resumed.

Senator Herrera: May I suggest, Mr. President, that we have a clean draft. Let us not close the period of amendments this evening. We can meet tomorrow so that Senator Alvarez will have the time to prepare the amendment.

Senator Alvarez: May I move that we have a clean draft, Mr. President, so that tomorrow I will see my way very clear because I have such a long set of proposed amendments. I would like to know the previous amendments introduced so that I will be able to set this appropriately.

May I reserve my period for tomorrow so that I can make the

appropriate introduction of the amendments, after the clean draft is printed.

The Presiding Officer [Senator Mercado]: It seems like a fair request and I believe the Sponsor agrees.

Senator Herrera: Definitely, Mr. President. I have been standing here for the past five hours.

Senator Alvarez: Perhaps, we should suspend the session, Mr. President.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Mercado]: The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 2077

Senator Romulo: Mr. President, the spirit is willing.

Mr. President, after discussing with the Chairman of the Committee of the Whole as well as our Colleagues, I move that we suspend consideration of Senate Bill No. 2077 until tomorrow.

The Presiding Officer [Senator Mercado]: Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Romulo: Before we move for the suspension of the session, Mr. President, may I ask the Secretary to read the Additional Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

The Secretary:

25 May 1995

Honorable 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: Honorable Jose de Venecia
Speaker
House of Representatives
Batasang Pambansa Complex
Quezon City

The Presiding Officer [Senator Mercado]: Referred to the Committee on Rules.

Senator Romulo: Mr. President, tomorrow, we shall resume consideration of Senate Bill No. 2077. The Secretary has stated that we will have clean copies of Senate Bill No. 2077 with the Committee amendments and two or three individual amendments that have been proposed and accepted here.

We shall also take up for tomorrow proposed Senate Resolution No. 1143 on the International Convention on the Protection of the Rights of all Migrant Workers.

Both this resolution and bill, Mr. President, are certified by the President. So that after the amendments, we can approve them on Second Reading and, thereafter, go to Third Reading.

We shall also take up tomorrow the four or five bills for Third Reading, printed copies of which have already been distributed and, in accordance with the three-day rule, we can take them up on Third Reading tomorrow.

They are in the Calendar pending Third Reading.

MOTION OF SENATOR ROMULO
(Designation of New Members of the Senate Panel on S. No. 1998)

Mr. President, in view of the resignation of some of our Colleagues, and in lieu of the former membership of the Senate panel on the disagreeing provisions of the Optometry Bill, may I now propose the new Senate panel — Senators Webb as Chairman, Shahani, Biazon, Romulo, Mercado, Herrera, and Maceda.

The Presiding Officer [Senator Mercado]: Is there any objection? [Silence] Hearing none, the motion is approved.

SUSPENSION OF THE SESSION

Senator Romulo: I move that we now suspend this evening's session until nine o'clock tomorrow morning.

The Presiding Officer [Senator Mercado]: The session is suspended until nine o'clock tomorrow morning, if there is no objection. [There was none.]

It was 8:09 p.m.