

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 346

Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

This bill seeks to strengthen the regulatory functions of the Philippine Overseas Employment Administration (POEA) amending for this purpose Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995".

This bill seeks to repeal the entire deregulation and phase-out provisions of Sections 29 and 30 of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995.

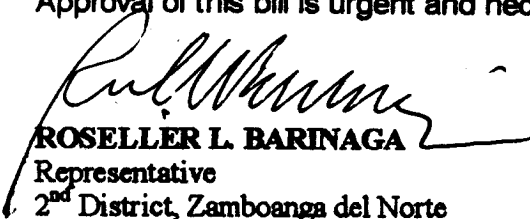
Deregulation of the labor export industry, where *"migration of workers becomes strictly a matter between the worker and his foreign employer,"* places migrant workers at greater risk of violations of their rights.

Further, RA No. 8042 assures that *"the ultimate protection of migrant workers is the possession of skills."* Philippine experience shows that skills have not been a guarantee of protection. Professional and skilled overseas Filipino workers (OFWs), especially women, are not spared from the abuses committed against unskilled workers.

Deregulation will reduce government's responsibility to that of a provider of information regarding the situation of the receiving country where an OFW intends to work, and in case the OFW still decides to work overseas, the responsibility to protect his or her rights is left in the hands of the OFW himself or herself.

This bill ultimately will prove the firm commitment of the national government to uphold the interest and welfare of its OFWs who are considered the heroes of Philippine economy.

Approval of this bill is urgent and necessary.



ROSELLER L. BARINAGA

Representative

2nd District, Zamboanga del Norte

HOUSE OF REPRESENTATIVES

HB NO. 346

Introduced by Rep. Roseller L. Barinaga

AN ACT

STRENGTHENING THE REGULATORY FUNCTIONS OF THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA) AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995"

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

SECTION 1. Section 23, paragraph (b.1) of Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995" is hereby amended to read as follows:

"(b.1) Philippine Overseas Employment Administration. – [Subject to deregulation and phase-out as provided under Sections 29 and 30 herein, t] The Administration shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements."

SEC. 2. Section 29 of the same law is hereby repealed:

"[SECTION 29. Comprehensive Deregulation Plan on Recruitment Activities. – Pursuant to a progressive policy of deregulation whereby the migration of workers becomes strictly a matter between the worker and his foreign employer, the DOLE, within one (1) year from the effectivity of this Act, is hereby mandated to formulate a five-year comprehensive deregulation plan on recruitment activities taking into account labor market trends, economic conditions of the country and emerging circumstances which may affect the welfare of migrant workers.]"

SEC. 3. Section 30 of the same law is hereby repealed:

"[SECTION 30. *Gradual Phase-out of Regulatory Functions.* – Within a period of five (5) years from the effectivity of this Act, the DOLE shall phase-out the regulatory functions of the POEA pursuant to the objectives of deregulation.]"

SEC. 4. All laws, orders, issuances, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 5. This Act shall take effect within fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved.