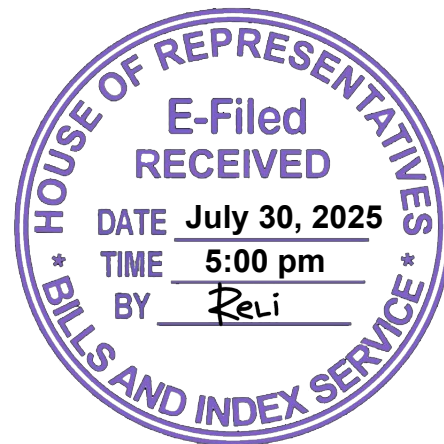


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **2721**



Introduced by Representatives Bryan B. Revilla, Lani Mercado-Revilla, and Ramon Jolo B. Revilla III

AN ACT
REDEFINING THE CRIME OF ILLEGAL RECRUITMENT COMMITTED BY A SYNDICATE, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED, AND REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED

EXPLANATORY NOTE

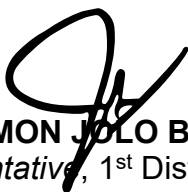
Illegal recruitment remains a serious threat to the safety and dignity of Filipino jobseekers, particularly those aspiring to work overseas. Recruiters operating in syndicates continue to exploit legal loopholes and outdated definitions in existing laws, making it difficult to hold all perpetrators accountable—especially when only a few individuals are directly identified or charged.

This bill seeks to redefine the crime of illegal recruitment committed by a syndicate by lowering the required number of conspirators involved in the act. By amending the relevant provisions of the Labor Code of the Philippines (Presidential Decree No. 442) and the Migrant Workers and Overseas Filipinos Act (Republic Act No. 8042), the measure aims to reflect the evolving and often covert nature of syndicate operations. This reform will strengthen enforcement efforts and improve access to justice for victims of recruitment scams.

Through this measure, the government reaffirms its commitment to protecting Filipino workers from exploitation and abuse. Updating our laws to respond to the modern tactics of illegal recruiters is essential to creating a safer, fairer labor migration system. In view of the foregoing, the passage of this bill – which was previously approved on third and final reading by the House of Representatives in the 19th Congress – is earnestly sought.


REP. BRYAN B. REVILLA
Representative, AGIMAT Partylist


REP. LANI MERCADO-REVILLA
Representative, 2nd District of Cavite

A handwritten signature in black ink, appearing to be 'JR', is positioned above the printed name.

REP. RAMON JOLO B. REVILLA III
Representative, 1st District of Cavite

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

SECTION 1. Article 38 of Presidential Decree No. 442, otherwise known as the “Labor Code of the Philippines,” as amended, is hereby further amended to read as follows:

“Article 38. Illegal Recruitment. – (a) Any recruitment activities, including the prohibited practices enumerated under Article 34 of this Code, to be undertaken by non-licensees or non-holders of authority, shall be deemed illegal and punishable under Article 39 of this Code. The Department of Labor and Employment or any law enforcement officer may initiate complaints under this Article.

“(b) Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage and shall be penalized in accordance with Article 39 hereof.

“Illegal recruitment is deemed committed by a syndicate if (1) carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise or scheme defined under the first paragraph hereof[.], **OR (2) IF THE OFFENDERS ARE NON-LICENSEES OR NON-HOLDERS OF AUTHORITY AND THE ACT WAS CARRIED OUT BY TWO (2) OR MORE PERSONS.**

Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons individually or as group.

[(c) The Secretary of Labor and Employment or his duly authorized

representatives shall have the power to cause the arrest and detention of such non-licensee or non-holder of authority if after investigation it is determined that his activities constitute a danger to national security and public order or will lead to further exploitation of job seekers. The Secretary shall order the search of the office or premises and seizure of documents, paraphernalia, properties and other implements used in illegal recruitment activities and the closure of companies, establishments and entities found to be engaged in the recruitment of workers for overseas employment, without having been licensed or authorized to do so.]

SEC. 2. Section 6 of Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995,” as amended by R.A. 10022, is hereby further amended to read as follows:

“SEC. 6. Definition. – For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by non-licensee or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: *Provided*, That any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non²⁶ licensee, non-holder, licensee or holder of authority:

“(a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay or acknowledge any amount greater than that actually received by him as a loan or advance;

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“(m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault[. Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage]; and

“(n) To allow a non-Filipino citizen to head or manage a licensed recruitment/manning agency.

ILLEGAL RECRUITMENT WHEN COMMITTED BY A SYNDICATE OR IN LARGE SCALE SHALL BE CONSIDERED AN OFFENSE INVOLVING ECONOMIC SABOTAGE.

Illegal recruitment is deemed committed by a syndicate if (1) carried out by a group of three (3) or more persons conspiring or confederating with one another, **OR (2) IF THE OFFENDERS ARE NON-LICENSEES OR NON-HOLDERS OF AUTHORITY AND THE ACT WAS CARRIED OUT BY TWO (2) OR MORE PERSONS.** It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

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SEC. 3. If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

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

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,