



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session



HOUSE BILL NO. **4266**

Introduced by Representatives Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

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 has been a persistent problem among Overseas Filipino Workers (OFWs), often resulting in grave consequences. A notable example is the case of Mary Jane Veloso, whose ordeal highlighted how unscrupulous recruiters exploit the vulnerabilities of Filipino workers seeking employment abroad. Many illegal recruiters operate without proper licenses or authority, taking advantage of the desperation and lack of information among OFWs and their families.

The 1987 Philippine Constitution enshrines the state policy to promote full employment and ensure equal work opportunities for all, as well as to protect the rights of Filipino workers both at home and abroad. This bill supports this mandate by strengthening measures against illegal recruitment, lowering the threshold for prosecution of syndicate perpetrators from three or more persons to two or more persons when committed by non-licensees or those without proper authority. This amendment eases the prosecution of illegal recruitment syndicates

by lowering the required number of perpetrators from three or more to two or more individuals, making it simpler for government prosecutors to file cases.

By curbing illegal recruitment, the bill promotes the protection, security, and dignity of Filipino workers, while fostering social and economic stability for affected families.

This bill was originally filed by Representative Ralph Wendel P. Tulfo, Rep. Jocelyn P. Tulfo, Rep. Gus S. Tambunting, and Rep. Ron P. Salo in the Nineteenth Congress, where it was primarily referred to the Committee on Overseas Workers Affairs and was approved on third and final reading by the House of Representatives.

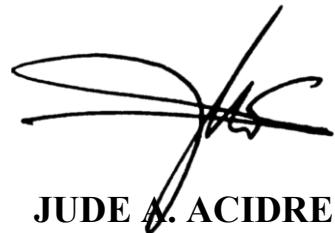
In view of the foregoing, approval of this bill is earnestly requested.



YEDDA MARIE K. ROMUALDEZ



ANDREW JULIAN K. ROMUALDEZ



JUDE A. ACIDRE



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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**

*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.

I(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.]

SECTION 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 non-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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SECTION 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.

SECTION 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.

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

Approved,