

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. **4422**



**INTRODUCED BY REPRESENTATIVES RALPH WENDEL P. TULFO
AND JOCELYN P. TULFO**

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

The Philippines is one of the top labor-exporters in the world. Personal remittances from Overseas Filipino Workers ("OFWs") grew by 3.0 percent to an all-time high of US\$3.73 billion in December 2024 from the US\$3.62 billion registered in December 2023. The full-year 2024 remittances represented 8.3 percent of the country's Gross Domestic Product and 7.4 percent of the country's Gross National Income.¹ While OFWs are dubbed as our modern-day heroes, many are left as victims of fraudulent recruiters.

In 2024, the Bureau of Immigration ("BI") referred 998 victims of human trafficking to the Inter-Agency Council Against Trafficking ("IACAT"). The BI also referred 215 Filipinos to the Department of Migrant Workers ("DMW") for illegal recruitment cases.²

Moreover, on March 2025, the National Bureau of Investigation – International Airport Investigation Division received an endorsement from the NAIA Taskforce Against Trafficking – IACAT regarding six (6) passengers who were denied departure by the BI. The investigation revealed that the passengers were originally bound for

¹ "Personal Remittances Reach a Record High of US\$3.7 Billion in December 2024; Full-Year Level of US\$38.3 Billion Highest to Date", *BANGKO SENTRAL NG PILIPINAS*, 17 Feb 2025, <https://www.bsp.gov.ph/SitePages/MediaAndResearch/MediaDisp.aspx?ItemId=7426>.

² Manalo, Jown, "BI referred over 990 human trafficking victims to IACAT in 2024", *INQUIRER.NET*, 31 Dec 2024, <https://globalnation.inquirer.net/259830/bi-refers-over-990-human-trafficking-victims-to-iacat-in-2024>.

Singapore on a company incentive tour. However, the true purpose of their travel was to seek employment as performers. Verification with the DMW confirmed that their two (2) companions who were acting as their escorts are neither licensed nor authorized to recruit workers for overseas employment and were arrested.³

The 1987 Constitution mandates that the State shall afford full protection to labor, whether local and overseas.⁴ Towards this goal, the Labor Code of the Philippines and The Migrant Workers and Overseas Filipino Act of 1995, including their amendments, define and penalize the crime of illegal recruitment committed by a syndicate, which is illegal recruitment carried out by a group of three (3) or more persons conspiring or confederating with one another. Due to the gravity of the offense, offenders convicted of illegal recruitment committed by a syndicate are meted with a harsher penalty vis-à-vis simple illegal recruitment. However, many unscrupulous recruiters escape the stiffer penalty simply by failing to prove that three (3) persons acted in concert to commit the crime. It is not unlikely that two (2) persons ganging up on unsuspecting victims would do as much or even more damage than three (3) or more illegal recruiters. As the saying goes, *it only takes two to tango*.

In the spirit of protecting our local and overseas workers and curbing illegal recruitment activities, this proposed bill seeks to amend and redefine the definition of illegal recruitment committed by a syndicate by lowering the required number of perpetrators from three (3) to two (2) persons.

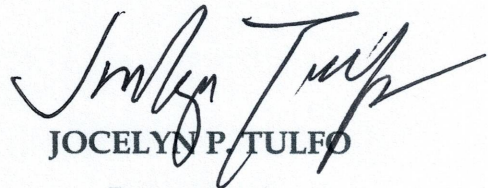
In view of the foregoing, the urgent passing of this bill is earnestly sought.



RALPH WENDEL P. TULFO

Representative

2nd District of Quezon City



JOCELYN P. TULFO

Representative

ACT-CIS Partylist

³ "NBI Arrests Two For Illegal Recruitment in Large Scale", NATIONAL BUREAU OF INVESTIGATION, 14 Mar 2025, https://nbi.gov.ph/press_releases/2025/03142025/7760/.

⁴ Article XIII, Section 3 and Article II, Section 18 of the 1987 Constitution.

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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

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

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

4
5 “Article 38. Illegal Recruitment. - (a) Any recruitment activities,
6 including the prohibited practices enumerated under Article 34 of this
7 Code, to be undertaken by non-licensees or non-holders of authority,
8 shall be deemed illegal and punishable under Article 39 of this Code.
9 The Department of Labor and Employment or any law enforcement
10 officer may initiate complaints under this Articles.

1 “(b) Illegal recruitment when committed by a syndicate or in large scale
2 shall be considered an offense involving economic sabotage and shall be
3 penalized in accordance with Article 39 hereof.
4

5 “Illegal recruitment is deemed committed by a syndicate if (1) carried
6 out by a group of three (3) or more persons conspiring and/or
7 confederating with one another in carrying out any unlawful or illegal
8 transaction, enterprise or scheme defined under the first paragraph
9 hereof[.], OR (2) IF THE OFFENDERS ARE NON-LICENSEES OR
10 NON-HOLDERS OF AUTHORITY AND THE ACT WAS CARRIED
11 OUT BY TWO (2) OR MORE PERSONS.
12

13 Illegal recruitment is deemed committed in large scale if committed
14 against three (3) or more persons individually or as group.
15

16 [(c) The Secretary of Labor and Employment or his duly authorized
17 representatives shall have the power to cause the arrest and detention of
18 such non-licensee or non-holder of authority if after investigation it is
19 determined that his activities constitute a danger to national security
20 and public order or will lead to further exploitation of job-seekers. The
21 Secretary shall order the search of the office or premises and seizure of
22 documents and entities found to be engaged in the recruitment of
23 workers for overseas employment, without having been licensed or
24 authorized to do so.]
25

26 SEC. 2. Section 6 of Republic Act No. 8042, otherwise known as the “Migrant
27 Workers and Overseas Filipinos Act of 1995,” as amended by R.A. 10022, is hereby
28 further amended to read as follows:
29

“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;

XXX

“(m) Failure to reimburse expenses incurred by the workers 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.

1
2 **ILLEGAL RECRUITMENT WHEN COMMITTED BY A SYNDICATE**
3 **OR IN LARGE SCALE SHALL BE CONSIDERED AN OFFENSE**
4 **INVOLVING ECONOMIC SABOTAGE.**
5

6 Illegal recruitment is deemed committed by a syndicate if (1) carried out
7 by a group of three (3) or more persons conspiring or confederating with
8 one another, **OR (2) IF THE OFFENDERS ARE NON-LICENSEES OR**
9 **NON-HOLDERS OF AUTHORITY AND THE ACT WAS CARRIED**
10 **OUT BY TWO (2) OR MORE PERSONS.** It is deemed committed in
11 large scale if committed against three (3) or more persons individually
12 or as a group.
13

14 XXX
15

16 **SEC. 3.** If any provision or part hereof, is held invalid or unconstitutional, the
17 remainder of the law or the provision not otherwise affected shall remain valid and
18 subsisting.
19

20 **SEC. 4.** All laws, presidential decrees, orders, issuances, rules and regulations
21 or parts thereof inconsistent with the provisions of this Act are hereby repealed,
22 amended or modified accordingly.
23

24 **SEC. 5.** This Act shall take effect fifteen (15) days after its publication in the
25 *Official Gazette* or in a newspaper of general circulation.
26

27 Approved,