



HOUSE OF REPRESENTATIVES

H. No. 9805

BY REPRESENTATIVES REVILLA (B.), MERCADO-REVILLA, REVILLA (R.J.), ROMUALDEZ (Y.M.),
ROMUALDEZ (A.J.), ACIDRE, TULFO (R.W.), TULFO (J.), DY (F.), MARCOS, CENIZA, SALVACION,
BAUTISTA (J.M.), ISMULA, AQUINO, ELAGO, PLEYTO, CAGAS, SALCEDA, ESCUDERO, DE LIMA,
BAUTISTA-LIM AND VILLANUEVA

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**

*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
7 of this Code, to be undertaken by non-licensees or non-holders
8 of authority, shall be deemed illegal and punishable under
9 Article 39 of this Code. The Department of Labor and
10 Employment or any law enforcement officer may initiate
11 complaints under this Article.
12

13 “(b) Illegal recruitment when committed by a syndicate or in
14 large scale shall be considered an offense involving economic
15 sabotage and shall be penalized in accordance with Article 39
16 hereof.
17

18 “Illegal recruitment is deemed committed by a syndicate if (1)
19 carried out by a group of three (3) or more persons conspiring
20 and/or confederating with one another in carrying out any
21 unlawful or illegal transaction, enterprise or scheme defined
22 under the first paragraph hereof[.], **OR (2) IF THE**

1 OFFENDERS ARE NON-LICENSEES OR NON-HOLDERS
2 OF AUTHORITY AND THE ACT WAS CARRIED OUT BY
3 TWO (2) OR MORE PERSONS.
4

5 "Illegal recruitment is deemed committed in large scale if
6 committed against three (3) or more persons individually or as
7 a group.
8

9 [(c) The Secretary of Labor and Employment or his duly
10 authorized representatives shall have the power to cause the
11 arrest and detention of such non-licensee or non-holder of
12 authority if after investigation it is determined that his activities
13 constitute a danger to national security and public order or will
14 lead to further exploitation of job-seekers. The Secretary shall
15 order the search of the office or premises and seizure of
16 documents, paraphernalia, properties and other implements
17 used in illegal recruitment activities and the closure of
18 companies, establishments and entities found to be engaged in
19 the recruitment of workers for overseas employment, without
20 having been licensed or authorized to do so.]"
21

22 **SEC. 2.** Section 6 of Republic Act No. 8042, otherwise known as the "Migrant
23 Workers and Overseas Filipinos Act of 1995," as amended by R.A. No. 10022, is hereby
24 further amended to read as follows:
25

26 "SEC. 6. *Definition.* – For purposes of this Act, illegal
27 recruitment shall mean any act of canvassing, enlisting,
28 contracting, transporting, utilizing, hiring, or procuring workers
29 and includes referring, contract services, promising or
30 advertising for employment abroad, whether for profit or not,
31 when undertaken by a non-licensee or non-holder of authority
32 contemplated under Article 13(f) of Presidential Decree No.
33 442, as amended, otherwise known as the Labor Code of the
34 Philippines: *Provided,* That any such non-licensee or non-
35 holder who, in any manner, offers or promises for a fee
36 employment abroad to two or more persons shall be deemed
37 so engaged. It shall likewise include the following acts, whether
38 committed by any person, whether a non-licensee, non-holder,
39 licensee or holder of authority:
40

41 "x x x
42

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

1 “(n) To allow a non-Filipino citizen to head or manage a licensed
2 recruitment/manning agency.
3

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

12 **“ILLEGAL RECRUITMENT WHEN COMMITTED BY A**
13 **SYNDICATE OR IN LARGE SCALE SHALL BE**
14 **CONSIDERED AN OFFENSE INVOLVING ECONOMIC**
15 **SABOTAGE.**
16

17 x x x”
18

19 **SEC. 3.** If any provision or part hereof, is held invalid or unconstitutional, the
20 remainder of the law or the provision not otherwise affected shall remain valid and
21 subsisting.
22

23 **SEC. 4.** All laws, presidential decrees, orders, issuances, rules and regulations
24 or parts thereof inconsistent with the provisions of this Act are hereby repealed,
25 amended or modified accordingly.
26

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

 Approved,