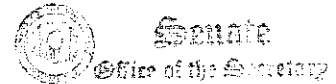


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



23 MAY 18 P3:52

SENATE
S. No. 2216

REGISTERED 

Introduced by Senator Robinhood Padilla

AN ACT
REDEFINING THE CRIME OF ILLEGAL RECRUITMENT COMMITTED BY A SYNDICATE, AMENDING FOR THE PURPOSE ARTICLE 38 (B) OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE "LABOR CODE OF THE PHILIPPINES," AS AMENDED, AND SECTION 6 OF REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995," AS AMENDED

EXPLANATORY NOTE

The Philippines, with an estimated 2.2 million Overseas Filipino Workers (OFWs) as of 2019¹, plays a substantial role in the global labor market. However, this significant number of OFWs has also exposed many Filipinos to the risks of illegal recruitment and human trafficking.

A report from the International Organization for Migration (IOM) in 2022 highlighted that the Philippines, with its large overseas workforce, remains a significant source for human trafficking syndicates.² A crucial component of these trafficking operations is illegal recruitment, often orchestrated by syndicates exploiting many Filipinos' aspirations for overseas employment.

Between the months of January and October 2021, over 1,800 cases of illegal recruitment of overseas Filipino workers had been reported in the Philippines.³ This

¹ Philippine Statistics Authority, 2019 Survey on Overseas Filipinos. PSA Publications, <https://psa.gov.ph/sites/default/files/2019%20Survey%20on%20Overseas%20Filipinos.pdf>

² International Organization for Migration. (2022). Migration in the Philippines: A Country Profile 2022. IOM Publications.

³ <https://www.statista.com/statistics/1271359/philippines-illegal-recruitment-cases-of-ofws/>

alarming figure underpins the urgency to address this issue at the legislative level. This Bill seeks to redefine the crime of illegal recruitment committed by a syndicate by amending Article 38 (b) of Presidential Decree No. 442, known as the "Labor Code of the Philippines," and Section 6 of Republic Act No. 8042, known as the "Migrant Workers and Overseas Filipinos Act of 1995."

The current definition of illegal recruitment fails to capture the severity of the crime when committed by syndicates and on a large scale. The proposed amendments expand the definition to include illegal recruitment committed by a group of two or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise or scheme, instead of the original stringent three-person requirement.

This Act, once passed into law, represents a significant step towards safer, fairer, and more ethical recruitment practices by protecting our workers against illegal recruitment. It affirms our unwavering commitment to safeguard the rights and welfare of our workers, making our legal frameworks adapt and respond to the changing landscape of labor migration. It is hoped that the passage of this bill will help strengthen the protection of Filipino workers, prevent economic sabotage, and promote the country's economic development.

In light of the foregoing, immediate passage of this bill is earnestly sought.



ROBINHOOD PADILLA
Senator

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

1 Section 1. Article 38 (b) of Presidential Decree No. 442, as amended, otherwise
2 known as the "Labor Code of the Philippines," is hereby further amended to read as
3 follows:

4 "Article 38. *Illegal Recruitment.* — x x x

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

9 Illegal recruitment is deemed committed by a syndicate if
10 carried out by a group of **TWO (2)** [~~three (3)~~] or more persons
11 conspiring and/or confederating with one another in carrying
12 out any unlawful or illegal transaction, enterprise or scheme
13 defined under the first paragraph hereof. Illegal recruitment is

1 deemed committed in large scale if committed against three (3)
2 or more persons individually or as a group."

3 Sec. 2. Section 6 of Republic Act No. 8042, as amended, otherwise known as
4 the "Migrant Workers and Overseas Filipinos Act of 1995," is hereby further amended
5 to read as follows:

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

20 x x x

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

23 "Illegal recruitment is deemed committed by a syndicate if
24 carried out by a group of **TWO (2)** [~~three (3)~~] or more persons
25 conspiring or confederating with one another. It is deemed
26 committed in large scale if committed against three (3) or more
27 persons individually or as a group.

28 x x x

29 Sec. 3 Implementing Rules and Regulations. — The Department of Labor and
30 Employment and Philippine Overseas Employment Administration, acting singly or

1 jointly, shall promulgate the implementing rules and regulations of this Act within sixty
2 (60) days after the effectivity of this Act.

3 Sec. 4. Separability Clause. — If any provision of this Act is declared invalid or
4 unconstitutional, the other provisions not affected by such declaration shall remain in
5 full force and effect.

6 Sec. 5. Repealing Clause. — All laws, executive orders, administrative orders,
7 and rules and regulations inconsistent with this Act are hereby repealed or amended
8 accordingly.

9 Sec. 6. Effectivity. — This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspapers of general circulation.

Approved,