

Republic of the Philippines
Congress of the Philippines

Senate

Manila City

Seventeenth Congress

Second Regular Session



RESOLUTION No. 104

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE DEPLOYMENT OF OVERSEAS FILIPINO HOUSEHOLD SERVICE WORKERS TO COUNTRIES THAT DO NOT AFFORD MIGRANTS THE SAME RIGHTS AND WORK CONDITIONS AS THEIR NATIONALS AND ALLOW WITHHOLDING OF PHILIPPINE PASSPORTS BE TOTALLY BANNED

WHEREAS, Article XIII, Section 3, Paragraph 1 of the Constitution mandates the State to "afford full protection to labor, local and overseas, x x x," while Section 14 thereof mandates the State to "protect working women by providing safe and healthful working conditions, x x x";

WHEREAS, while our current laws allow the deployment of overseas Filipino workers (OFWs) only to countries where the rights of Filipino migrant workers are protected, it is a grim reality that many of our overseas Filipino household service workers, most of whom, if not all of them women, end up dead at the hands of their abusive employers;

WHEREAS, several resolutions have been filed in the Senate calling for inquiries, in aid of legislation, on the tragedies that befell overseas Filipino household service workers, among them, Irma Avila Edloy who died due to severe injuries from suspected sexual assault, Joanna Daniela Demafelis, whose body was found inside a freezer in Kuwait and Josie Lloren Edloy who died two weeks after returning to the country in January 2018 due to injuries sustained from suspected abuse;

WHEREAS, we have protected the rights of domestic workers in the Philippines through the enactment of Republic Act No. 10361 otherwise known as the "Domestic Workers Act" or "Batas Kasambahay";

WHEREAS, as a matter of policy, we should only allow the deployment of domestic workers to countries that afford migrants the same rights and work conditions as their nationals;

WHEREAS, this unequal treatment between migrant household service workers and their nationals is usually seen in jurisdictions where recruitment is done through a legal sponsorship system that requires unskilled laborers to have an in-country sponsor, usually their employers, who become responsible for their visa and legal status;

WHEREAS, these circumstances allow the employers to treat these unskilled laborers, usually household service workers, as investments, thereby connoting their "purchase" by their employers;

WHEREAS, this system has created easy opportunities for the exploitation of household service workers as many employers withhold the passports of their household service workers and abuse them with little or no legal repercussions on the part of the employers;

WHEREAS, we cannot renege on our constitutional duty to ensure that our domestic workers overseas are afforded the same full protection to labor and that our Filipino women household service workers abroad are provided with safe and healthful working conditions;


WHEREAS, considering the high vulnerability to abuse of household service workers, a total deployment ban of overseas Filipino household service workers to countries that do not afford migrants the same rights and work conditions as their nationals and allow withholding of Philippine passports is urgently needed at this time to fully protect our household service workers, especially women: Now, therefore, be it

Resolved, as it is hereby resolved, To express the sense of the Senate, that the deployment of Overseas Filipino Household Service Workers to countries that do not afford migrants the same rights and work conditions as their nationals and allow withholding of Philippine passports be totally banned.

Adopted,


 AQUILINO "KOKO" PIMENTEL III
President of the Senate

This Resolution was adopted by the Senate on March 21, 2018.


 LUTGARDO B. BARBO
Secretary of the Senate