PO19CC-548

88th Regular Session

ORDINANCE NO. SP-2500, S-2016

AN ORDINANCE CREATING THE QUEZON CITY MIGRANTS RESOURCE CENTER (MRC), DEFINING ITS FUNCTIONS, DUTIES AND RESPONSIBILITIES, PROVIDING FOR ITS COMPOSITION, AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.

Introduced by Councilor LENA MARIE P. JUICO.
Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ranulfo Z. Ludovica, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar C. Castelo, Candy A. Medina, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, Republic Act No. 8042, otherwise known as "The Migrant Workers and Overseas Filipinos Act of 1995", as amended by Republic Act No. 10022, recognizes and values the important role of the Local Government Unit in providing a higher standard and protection of the welfare of migrant workers, their families and overseas Filipinos in distress and for other purpose;

WHEREAS, Section 11, Article II of the 1987 Philippine Constitution, states that the State values the dignity of every human person and guarantees full respect for human rights;

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WHEREAS, Article 13 of the 1987 Philippine Constitution mandates that the state shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment opportunities for all;

WHEREAS, Section 1 (a), Article 13 of the 1987 Philippine Constitution states that the enactment of measures that protect and enhance the right of the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities shall be given highest priority;

WHEREAS ,migrant labor is often used as a cyclical buffer, like other macroeconomic policies aimed at maximizing growth and minimizing unemployment. For migrants, this means they are often the last to be hired and the first to be fired and their employment relationship are frequently sub-standard, and located in poorly-regulated sectors or activities. In times of economic security, migrants easily become scapegoats, leading further to attitudes that breed xenophobic sentiments and discriminatory practices against them;

WHEREAS, undocumented migrants are the most vulnerable among migrants as they are practically denied of their basic human rights because of their irregular immigration status. They are vulnerable to abuses, are paid lower salaries, and have no benefits. They also lack job security and risk not getting their salaries and benefits when arrested, detained and deported. In 2007, an estimated number of undocumented Filipinos overseas, or those with irregular immigration status reached 900,023, slightly higher than the previous year's 870,000. The United States was the top destination for irregular OFWs, followed by Malaysia. As reported by the Philippine Embassy to Congress, Singapore registered the highest increase in 2007 as 75% of Filipino workers who left for abroad are undocumented, outpacing France, and the United Arab Emirates;

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WHEREAS, around 21 million people around the world fall victims to human trafficking. In the Philippines alone, based on 2012 Department of Social Welfare and Development report, there were 1,376 human trafficking victims as of February 2015. This figure does not include those in many unreported cases;

WHEREAS, according to the 2014 Global Slavery Index (GSI), the Philippines ranks first among Asian countries in terms of government response to modern servitude, including human trafficking, forced labor, and slavery, with an above-average rating in the entire Asia Pacific region;

WHEREAS, the desire for overseas employment is a point of vulnerability which human trafficking syndicates capitalize on. In its 2014 Trafficking In Persons Report, the United States (US) State Department said "a significant number of the estimated 10 million Filipino men, women, and children who migrate abroad for skilled and unskilled work are subsequently subjected to sex trafficking and forced labor";

WHEREAS, according to the Department of Foreign Affairs (DFA) there are about 88 Filipinos facing death penalty abroad, mostly in China and Malaysia, for various crimes including drug trafficking. Migrante International's data are even higher, with 123 OFWs on death row, and at least 7,000 OFWs in jails abroad;

WHEREAS, according to the Philippine Overseas Employment Administration (POEA) there were some 2.2 million OFWs in 2013 and personal remittances from OFWs increased to some $27 billion last year from $25 billion in 2013, based on data from the Central Bank;

WHEREAS, according to the 2015 Overseas Worker Welfare Administration (OWWA) Report, Quezon City has recorded One Hundred Three Thousand Two Hundred Twenty Six (103,226) migrant workers abroad;

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WHEREAS, Section 10 of Republic Act No. 10022 provides for the establishment of a National Reintegration Center for Overseas Filipino Workers (NCRO) created in the Department of Labor and Employment for returning Filipino Migrant Workers which shall provide for a mechanism for their reintegration into Philippine Society, serve as promotion house for their local employment, and tap their skills and potentials for national development;

WHEREAS, Executive Order No. 13, Series of 2015 issued by the City Mayor, Honorable Herbert M. Bautista, stated that there is a need to strengthen the contribution of migration to development by reinforcing its local dimension and it is imperative that the migration and development (M&D) in Quezon City be mainstreamed in the development and investment plans of Quezon City, and there is likewise a need to institutionalize migration and development initiatives through the existing local government structure and the creation of M&D mechanisms in the city;

WHEREAS, in 2012 the Quezon City Council passed Ordinance No. SP-2125, S-2012, entitled "An Ordinance Creating A Local Reintegration Section For Overseas Filipino Workers pursuant to Section 10 of Republic Act No. 10022, an Act Amending Republic Act No. 8042, otherwise known as the Migrant Overseas Filipino Act of 1995 and appropriating funds therefor";

WHEREAS, under the said ordinance, the Quezon City Public Employment Service Office (QC-PESO) shall provide reintegration assistance services to returning Overseas Filipino Workers (OFW) pursuant to the Department of Labor and Employment (DOLE) Department Order No. 7 Series of 2000 and the Implementing Rules and Regulations of Republic Act No. 8759, otherwise known as the Public Employment Service Act of 1999;

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WHEREAS, Resolution No. SP-5151, S-2011 authorized the City Mayor, Honorable Herbert M. Bautista, to enter into a Memorandum of Agreement (MOA) with the Overseas Workers Welfare Administration (OWWA) in coordination with the Public Employment Service Office (PESO) relative to the establishment of OFW Desk within Quezon City;

WHEREAS, Quezon City is the first local government unit in Metro Manila to establish an OFW help desk, which extends services to OFW households within Quezon City. The OFW help desk accommodated applications for employment abroad, OWWA benefits and other OFW concerns. It also offered other services to OFWs such as pre-departure and pre-employment trainings, and anti-illegal recruitment seminars.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE - This Ordinance shall be known as An Ordinance creating the Quezon City Migrants Resource Center (MRC).

SECTION 2. ESTABLISHMENT OF THE QUEZON CITY MIGRANTS RESOURCE CENTER (MRC) – There is hereby created the Quezon City Migrants Resource Center (MRC) under the Public Employment Services Office (QC PESO);

SECTION 3. DECLARATION OF POLICY - It is hereby declared a policy of Quezon City: to uphold the dignity and fundamental human rights of overseas Filipinos, and of permanent, temporary and undocumented migrant workers; and to promote full employment and equality of employment opportunities for all and to protect every citizen desiring to work overseas by securing the best possible terms and conditions of employment.

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SECTION 4. DEFINITION OF TERMS

1) Overseas or Migrant Filipino Worker (OFW)- shall refer to any person , eighteen years of age or above, as provided in R.A. No. 8042, who is to be engaged, or is engaged, or has been engaged in a remunerated activity in a State of which the worker is not a legal resident.

2) Overseas Employment - shall refer to employment of a Filipino Worker outside the Philippines covered by a valid contract.

3) Worker-on-leave or Balikbayan - shall refer to an overseas worker who is on vacation or on leave and is returning to the same employer.

4) Recruitment and Placement - shall refer to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers and includes referrals, contract services, promising or advertising for employment abroad, whether for profit or not; provided that any person or entity which, in any manner, offers or promises for a fee employment to two or more persons shall be deemed engaged in recruitment and placement.

5) Illegal Recruitment - shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-license 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 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 any amount greater than that actually received by him as a loan or advance;*

b. *To furnish or publish any false notice or information or document in relation to recruitment or employment;*

c. *To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;*

d. *To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;*

e. *To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;*

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f. To engage in the recruitment or placement of workers in jobs harmful to public health or morality, or to the dignity of the Republic of the Philippines;

g. To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment, or by his duly authorized representative;

h. To fail to submit reports on the status of employment, placement, vacancies, remittances of foreign exchange earnings, separations from jobs, departures, and such other matters or information as may be required by the Secretary of Labor and ployment;

i. To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to, and including the period of the expiration of the same, without the approval of the Department of Labor and Employment;

j. For an officer or agent of the recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;

k. To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under the Labor Code and its implementing rules and regulations;

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l. *Failure to actually deploy without valid reasons as determined by the Department of Labor and Employment; and*

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 as an offense involving economic sabotage.*

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.

6.) *Migrants Resource Center - shall refer to the center in Quezon City created for the purpose of upholding the rights of migrant workers and other overseas Filipinos and their families by promoting and ensuring full employment and equality of employment opportunities abroad, by protecting the OFWs against illegal recruitment and related cases, by affording them the best*

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possible conditions of by securing the efficient delivery of goods and services as well as by initiating projects and programs dedicated in advancing a self-reliant socio-economic well-being through a sustainable and effective policy direction. The Migration Resource Center (MRC) is the international term used for such centers. Furthermore, the term migrants' resource center includes all other types of migrants of the Philippines. There are three (3) types: permanent migrant, temporary migrants and illegal or undocumented migrants.

7.) *Permanent migrant - refers to a person who is allowed to reside perpetually within a country of which he/she is not a citizen.*

8.) *Temporary migrant - refers to a person who migrate for a limited period of time in order to take up employment in a country of which he/she is not a citizen.*

9.) *Unskilled workers - refers to a person who possesses no special training and whose work involves the performance of the simple duties which require the exercise of little or no independent judgement or previous experience.*

10.) *Irregular/Undocumented/Illegal migrant - refers to a person who enters a country, usually in search of employment without the necessary documents and permits.*

11.) *Unemployed - includes all persons who are 15 years old and over as of their last birthday and are reported as:*

a. without work, i.e., had no job or business during the basic survey reference period;

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b. currently available for work, i.e., were available and willing to take up work in paid employment or self-employment during the basic survey reference period, and/or would be available and willing to take up work in paid employment or self-employment within two weeks after the interview date; and

c. seeking work, i.e., had taken specific steps to look for a job or establish a business during the basic survey reference period; OR not seeking work due to the following reasons: (a) tired/believe no work available, i.e, the discouraged workers who looked for work within the last six months prior to the interview date; (b) awaiting results of previous job applications; (c) temporary illness/disability; (d) bad weather; and (e) waiting for rehire/job recall.

12.) Administration - shall refer to the Philippine Overseas Employment Administration (POEA).

SECTION 5. FUNCTIONS DUTIES AND RESPONSIBILITIES – The Quezon City Migrants Resource Center (MRC) shall have the following powers and functions :

A. APPLICATION

1. To assist in the review of the recruitment documents of foreign principals, including the employment contracts of Filipino nationals, with the view to establish the existence of the employing person, company or project, its capability to hire workers at the acceptable rates, and at desirable working conditions in conformity with the minimum standards prescribed by the Administration and taking into consideration the labor laws and legislations of the host country;

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2. *To disseminate and allow free flow of information which will properly prepare individuals into making informed and intelligent decisions about overseas employment;*

3. *To recognize the participation of the private sector in the recruitment and placement of overseas workers to serve the national development objectives;*

4. *To provide information that applicants are only charged the amount specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment;*

5. *To develop a manual designed to be a roadmap for conducting trainings to increase awareness of gender issues, suggest guidelines for gender sensitive approach to labor, and promote respect for equality valid roles and prevent violence against women and children;*

6. *To provide a mechanism to strengthen the capacity of barangays in directly assisting migrant workers and other overseas Filipinos and their families, in curtailing illegal recruitment activities, in combatting human trafficking, and in addressing the social costs of migration;*

7. *To create added measures for monitoring Quezon City-based recruitment agencies to ensure that migrants' welfare are secured and that recruitment agencies participating in Quezon City job fairs have no illegal recruitment record;*

8. *To promote and implement a Knowledge Exchange Program on M&D among local government units.*

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