

LEGISLATIVE ADVOCACY

The Plight Of Filipinas Working Overseas

P.S. Resolution No. 365

P.S. Resolution No. 555

P.S. Resolution No. 556

Congress of the Philippines
Third Regular Session

COMMITTEE REPORT NO. 1033

Submitted by the Committee on Women and Family Relations on April 6, 1990. Recommending the adoption of the conclusions and recommendations contained in this report.

Sponsored by: Senators Rasul, Maceda and the Committee on Women and Family Relations

MR. PRESIDENT:

The Committee on Women and Family Relations, to which was referred P.S. Resolution No. 365, entitled:

"RESOLUTION DIRECTING THE COMMITTEE ON WOMEN AND FAMILY RELATIONS, IN AID OF LEGISLATION, TO IMMEDIATELY INVESTIGATE THE CASE OF JOCELYN GUANEZO, WHO LEFT FOR JAPAN IN 1985 TO WORK AS A NIGHTCLUB DANCER BUT ARRIVED YESTERDAY AT THE NAIA APPEARING BATTERED AND HEAVILY DRUGGED, WITH THE END IN VIEW OF SECURING JUSTICE AND RESTITUTION FOR HER AND AFFORDING APPROPRIATE LEGISLATIVE MEASURES GIVING ADDITIONAL PROTECTION TO FILIPINO WOMEN WORKING OVERSEAS AS ENTERTAINERS AND HOUSEMAIDS AND FOR OTHER PURPOSES."

P.S. Resolution No. 555, entitled:

"RESOLUTION DIRECTING THE COMMITTEE ON WOMEN AND FAMILY RELATIONS AND THE COMMITTEE ON LABOR AND OTHER APPROPRIATE COMMITTEES, IN AID OF LEGISLATION, TO IMMEDIATELY LOOK INTO THE CASE OF SOME 300 FILIPINO WOMEN IN LEBANON FORCED TO SELL THEIR BODIES TO EARN ENOUGH MONEY TO BUY BACK THEIR FREEDOM FROM THEIR EMPLOYEES

WHO ARE PRESENTLY WITHOLDING THEIR PASSPORTS WITH THE END IN VIEW OF SECURING THEIR SAFE AND IMMEDIATE RETURN TO THE PHILIPPINES AND ENSURING THROUGH APPROPRIATE LEGISLATIVE MEASURES ENOUGH SAFEGUARDS TO PREVENT SITUATIONS LIKE THIS FROM RECURRING AND FOR OTHER PURPOSES."

P.S. Resolution No. 556, entitled:

"RESOLUTION DIRECTING THE COMMITTEE ON WOMEN AND FAMILY RELATIONS, IN AID OF LEGISLATION, TO INVESTIGATE THE REPORTED "HOSTAGING" IN LEBANON OF SOME 300 FILIPINA ENTERTAINERS BY THEIR LEBANESE EMPLOYEES, IN LINE WITH CONTINUING EFFORTS TO FORMULATE LEGISLATIVE MEASURES AFFORDING ADDITIONAL PROTECTION TO ALL FILIPINO WOMEN WORKING OVERSEAS, AND FOR OTHER PURPOSES."

has considered the same and has the honor to submit, together with additional findings on the plight of Filipino domestics and entertainers abroad, the following report to the Senate.

INTRODUCTION

The Senate Committee on Women and Family Relations has consistently strived to give meaning to its mandate of, among others, effectuating the constitutional provisions on women and the family. This it has done not only by introducing legislation and conducting inquiries intended to safeguard and promote the welfare of women, but also by establishing linkages with concerned government and non-government organizations for the same purpose.

Of special concern to the Committee are the reported exploitation of our women workers abroad in terms of inadequate pay and intolerable working conditions, as well as their maltreatment and even sexual harrasment by foreign employers. The grievances of our workers are graphically illustrated in the case of Jocelyn Guanezo and that of the reported 300 women workers in Beirut, and which cases are the subject of the resolutions principally referred to Your Committee on Women and Family Relations for investigation in aid of legislation.

Aside from the hearings conducted by the Committee on the matter, the chairperson has personally held dialogues with the Filipino domestic helpers in Geneva, London, Paris, and Hongkong in 1988. Position papers of various governmental and non-governmental entities have been secured, including those submitted in conjunction with the First Overseas Filipino Conference Workshop held last December 19, 1988 and sponsored by the POWER Foundation and the Concerned Seamen of the Philippines.

The findings of Your Committee bolsters, as in fact it also purports to supplement, the conclusions of the Committee on Accountability of Public

Officers and Investigations and the Committee on Labor, Employment and Human Resources Development, on the problems of the Overseas Recruitment Industry and the exploitation of Filipino Entertainers and Migrant Workers in Japan, as per Committee Reports No. 287 and No. 108, respectively.¹

FINDINGS

Overseas Workers: A Situationer

Figures² reveal that of the country's 58.72 million total population, 35.4 million are of the working age population of fifteen years old and above. Of the working age population, 50.35% or 17.8 million are women.

Most recent statistics from the Philippine Overseas Employment Administration reveal that for the first quarter of 1987, there were a total of 42,709 legitimate female contract workers distributed as follows: Middle East-20,270 (47%); Asia- 19,624 (46%); Europe/America-2,394 (6.8%); and Africa/Oceania/Trust Territories-421 (1.0%).³ 61.5% of these women contract workers are service workers, that is, domestics, janitors and cooks. The remaining 32% are categorized as professional, technical and related workers.⁴

The close of 1987 revealed the following pertinent statistics:

-Of the 382,229 deployed contract workers, 201,788 were males and 180,441 were females.

-Of the 180,441 deployed female workers, service workers numbered 106,800 while entertainers numbered 31,579.

-Of the deployed 106,800 women service workers, 81,041 were domestic helpers; 31,221 were professional technical and related workers; and almost 7,000 were involved in administrative, clerical, sales, production, agricultural, managerial, and executive work.⁵

¹Meetings were held on the plight of domestic workers abroad, in general, on August 30, 1988; the case of Jocelyn Guanezo as per S. Res. No. 365 on February 2, 1989, with Technical working Group Meetings on February 13 and 27, 1989; and the case of the women workers in Beirut as per S. Res. Nos. 555 and 556 on July 7 and August 10, 1989.

²It is well nigh impossible to determine the actual number of overseas workers because a frighteningly large proportion leave the country under illegal and quasi-legal covers. This situation persists despite the existence of more than 700 licensed recruitment agencies, one large agency designed to administer overseas employment, a special section in the Presidential Management Staff tasked to attend to migrant workers, and numerous other bodies as well as inter-agency task forces within the various departments of government set up to benefit and protect overseas workers.

³Bureau of Labor and Employment Statistics, Current Labor Statistics, DOLE, December, 1988.

⁴Summary of existing studies/recommendations on Filipino Overseas Domestic Helpers, consolidated by the BWYW Ad-Hoc Committee.

⁵Statistical Compensation (1975-1987) Philippine Overseas Employment Administration.

The bulk of Filipino women overseas contract workers are in the Middle East and Asian countries. 85,814 (or 48%) of the 180,441 women overseas contract workers are in the Middle East while 83,562 (or 46%) work in Asian countries. 27,445 women work in the Middle East as professional, technical and related workers; 48,248 of them work as service workers. 31,381 or 99.3 percent of the total Filipino women entertainers abroad are found in various Asian countries.⁶

PROBLEMS AND GRIEVANCES

In General

It is difficult to obtain a credible statistical report on the complaints of our women overseas workers. Were we to rely on scant statistics made available by the government, we would be misled into thinking that instances of abuse and exploitation committed against our women overseas workers are isolated cases and, therefore, not a cause for national concern.⁷

And yet media reports, almost on a daily basis, the pathetic plight of women workers in foreign lands who are physically and sexually abused, virtual prisoners of their employers; women languishing in jail because they have been accused and convicted of some imagined crimes in a foreign land; women forced into prostitution; and women who are underpaid, overworked, given no overtime pay or starved to death.⁸

But how many workers do we actually have working, legally or illegally abroad? Some estimate, for example, that there are around 140,100 Filipinos in Italy, France, and Spain alone. The Chairperson in her dialogues with domestic workers in London, was informed of the existence of a 40,000 strong organization of such workers in that country. See Frank G. Gomez, "European Filipinos: Perspective, Problems and Prospects", paper submitted for the First Overseas Filipino Conference Workshop held on December 19, 1988 (hereinafter, cited as "Workshop").

The lack of hard data on the matter is due in part to the fact that a large proportion of our women workers leave the country under illegal cover, for instance, going abroad on a tourist visa, but with every intention of working

⁶Output of the National Planning Workshop on Women and Young Workers, *Female Overseas Workers*, BWM-MOLE, 1986.

⁷Figures provided by the POEA show a very small number of complaints lodged by domestic helpers. Sample statistics for 1989, for example, reveal the following: Physical abuse-222 for Kuwait, 25 for Saudi Arabia; inadequate bond-53 for Kuwait 7 for Saudi Arabia, 1 for Singapore. The data furnished has been described as "inaccurate"; "frustrating" and "skimpy". See TSN, August 30, 1988.

⁸See Bonifacio Gillego, "On Overseas Filipinos", *Workshop*; Pennie Azarcon de la Cruz, "Filipino for Sale" (1985).

in the place of destination.⁹ Their foreign employers capitalize on the illegal Filipina worker's fear of lawful authorities and finds in her a willing subject if not victim of abuse and exploitation. The poor Filipina, finding herself unable to report to the police of the host country nor seek the assistance of our embassy officials, is thus left to fend for herself, an "invisible statistic" in the growing number of aggrieved workers abroad. Cases of this nature are simply left unreported and are, therefore, officially non-existent.

Moreover, women domestics, by the very nature of their work, are confined within the four walls of the house of their employer. This makes it difficult to monitor their living and working conditions.¹⁰

Specific Issues

● Ban on Domestic Workers

There is undoubtedly a growing "feminization" of our work force abroad. The geometric increase in the percentage of women employed (from an original ratio of male to female workers of 8 to 2) was in part responsible for the ban imposed by the government on the deployment of domestic workers in 1998. The ban was also a collective decision reached by the government after a command conference was requested by Secretary of DOLE Franklin Drilon, convening all the ambassadors in the Middle East together with the labor attaches.¹¹ The problems confronting our domestic workers were deemed serious enough to warrant such an action. Concededly, while the ban demonstrates the government's resolve mechanisms exist, it is not the most ideal solution to the problem and is but a temporary measure.

The ban has already been lifted in Saudi Arabia, Hongkong, Canada, the U.S. and some European countries. It remains imposed today only in the countries of Kuwait, Lebanon, and South Africa.

● Sufficient safeguards

One official position is to the effect that there are sufficient safeguards in place to extend protection to women workers such as domestic helpers and entertainers who are documented and processed at the POEA. A communication to Your Committee proceeds thus:

The appropriate supervision and regulation have been exercised to the full extent. In fact, the workers themselves complain of too much regulation and have looked upon such as negative factors to their "employability" overseas.

⁹Communication from POEA administrator Tomas Achacoso, 22 February, 1988

¹⁰Achacoso, TSN IV-1, August 30, 1988, pp. 3-4

¹¹Mr. Sarmiento, TSN IV-1, August 30, 1988, pp. 5-6

The sector that has been able to parry the existing regulations and continually refuse to come within the wings of the entities exercising supervision are **illegal workers** - Filipinos who leave as **tourists** and somehow are able to find employment and lose themselves in the maze of life in such countries as Japan, Hongkong, Singapore, Malaysia, Italy, etc. These are the Filipinos who are given sub-standard wages and are subjected to deplorable working and living conditions. Employers capitalize on the illegal Filipino worker's fear of lawful authorities and find in him a willing subject if not victim.:¹²

Hence, under the view articulated above, legislation aimed at securing justice and retribution for Jocelyn Guanezo and others who may have undergone similar experiences should address itself to the **illegal Filipino workers**.

- Outline of grievances

The fact remains, however, that maltreatment is not peculiar to illegal workers, as in fact, many of our workers continue to experience widespread injustice, maltreatment, and violation of their employment contracts. A report¹³ outlines the problems encountered by our female contract workers as follows:

Poor Working Conditions and Inadequate Protection

Under this category of problems would include the substitution of the terms of agreement (e.g. multiple or illegal employer, change or additions in the nature of the job required); unregulated working hours; low salaries or unauthorized deductions and non-payment of benefits; movements; lack of any right to terminate employment, or to unionize; insufficient subsistence; and denial by employers of the use of basic facilities. *

Sexual Exploitation and Abuse (Physical Abuse and Offense Against Honor)

Thus, domestics are reportedly physically abused by their employer, his wife and children. Filipino women are reportedly also made to work as prostitutes servicing Filipino male workers and other nationalities.

Jobs are not commensurate with qualifications.

For example, college graduates, professionals work as domestics, thus resulting in a possible damage to self-concept.

¹²POEA communication to the Committee dated 22 February 1989

¹³Summary of existing studies/recommendation on the Filipino Overseas Domestic Helpers consolidated by the BWYW Ad-Hoc Committee on the plight of Filipino Overseas Domestic workers submitted to the Committee on Women and Family Relations on 21 February 1989.

Family problems due to separation-break up of marriage, neglect of children

Psychological stress sometimes leading to actual breakdowns.

The stress flows from illegal recruitment and the poor job conditions that result as a consequence; the difficulty of adjusting to an alien culture (racist and discriminating policies, language barriers, disparities in lifestyle, climate/ weather conditions, cultural barriers; separation from family/ loneliness; physical and sexual abuse; huge debt back home; and infidelity.

Prevailing customs in host country vis-a-vis Filipina Overseas Workers

The labor laws in most countries, especially Middle East, do not contain provisions protecting their rights, for example, cases of domestic helpers under Saudi laws are normally handled by the police. Even then sexual advances, attempted rape and consummated rape are cases difficult to prove in Saudi courts.

On the other hand, under Kuwait laws, women who cannot show marriage certificates are not allowed to give birth in that country's hospitals. Once born, the babies become virtual prisoners in the hospitals.

- Inadequate support

The mere signing of an employment contract, even if the provisions therein are followed to the letter by the parties, is no guarantee that problems will not ensue later. When our overseas women workers have cause for complaint, where should they seek refuge or from whom should they seek assistance? Majority of our workers do not even know the location of our embassies. More pressing is the problem on lack of government personnel to attend to the demands of these workers. In Saudi Arabia, for instance, there is a ratio of one labor attache to service approximately a hundred thousand Filipino workers.¹⁴

Part of the problem also lies in the fact that labor offices abroad often distinguish labor from non-labor matters, and ignore problems of the latter category. The same malady reportedly affects other offices of the government e.g. the financial attache only attends to the requirements of the Department of Finance in Manila.¹⁵ The need for an "integrated action program" with the entire Philippine embassy or foreign post attending to the requirements of all our workers, was conceded by the participants in the meeting held by the Committee. In fact, a memorandum of understanding is reportedly normally drawn up, as part of the standard operating procedures of the Department of Foreign Affairs, between the latter and the Department

¹⁴Achacoso, TSN3-1 August 30, 1988.

¹⁵*Ibid.*

of Labor and Employment. One of the most important features of the memorandum is the placing of overall administrative supervision and control of each post to the Chief of Mission or ambassador.¹⁶

- Contract Violation

Some contract workers complain that they receive wages lower than that agreed upon; or that benefits (such as bonuses) promised to them are not granted. Even worse, in certain cases, the job stated in the working contract never even existed at all,¹⁷ the work contracts having been faked in the first place.¹⁸

- Discriminatory Policies

Our workers also suffer from discriminatory practices in certain countries.

The Employment Act of Singapore, for example, does not include domestic helpers within its purview. Thus, this category of workers do not enjoy the labor standards normally afforded to others workers and are consequently denied such privileges as the right to a day off every week, an eight (8) hours work day or overtime time.

One extreme policy cited is the requirement in Singapore for a maid to undergo a pregnancy check-up every six months.¹⁹

On the other hand, most Filipinos can only occupy menial jobs in European countries, with little hope of being able to upgrade their positions in the future, in view of government restrictions to prevent change of employer or the type of employment. For the helper to change employer, a release letter is required with the first employer having the right to deny release and opt for the helper's immediate repatriation.²⁰

THE CASE OF JOCELYN GUANEZO²¹

Background

Jocelyn Guanezo, a female now 26 years of age, left the Philippines for Japan in November 1985 purportedly to work as a cultural dancer.

¹⁶Ibid., III-2 to III-3.

¹⁷See Bernadette Reyes, "Position Paper on North America", Workshop.

¹⁸See Manalang, "The Middle East Filipinos", Workshop.

¹⁹"Filipino Migrant Workers", Economic Refugees, P. 9.

²⁰Ibid., p. 6.

²¹The events related hereunder are culled from three meetings held on February 2, 1989, February 13, 1989, and February 27, 1989. While your Committee had hoped to conduct follow-up meetings and had in fact already scheduled one, such meetings did not push through due to Jocelyn Guanezo's continuing sensitivity and inability to be questioned about details pertaining to her work and experience in Japan.

However, she did not pass through the POEA and entered Japan using a tourist visa. In 1986, she married a Japanese national, Shigenobu Yoshikura with whom she has a son "Joji." Jocelyn and her son last visited the Philippines on June 30, 1988 to visit her father. While in the country, Jocelyn never mentioned nor even hinted about any problem in her life or work in Japan.

On January 18, 1989, Jocelyn arrived from Japan on board Thai International Flight No. TCS 621 accompanied by three (3) Japanese nationals, namely: Takashi Koisume, Daisuke Yamamoto and Mazami Rokuyama. Jocelyn appeared to be under heavy sedation. When questioned by immigration authorities at the Ninoy Aquino International Airport (NAIA), she was unresponsive and simply stared blankly at the wall of the immigration office. Saliva oozed from her mouth and she exhibited robot-like movement. She was unable to walk on her own, needing to be held on both arms and pulled gently to walk.

As appeared to be the practice in such cases, the CID administrative officer contacted Mr. Renato Luz of STOP ("Stop Trafficking of Filipinas Foundation, Inc.") who immediately proceeded to NAIA. Upon seeing her condition, Mr. Luz called Lt. Col. Robert Barbers of the Western Police District and requested him to send their investigators to conduct a preliminary inquiry on the matter. Thereafter, Jocelyn was brought to the Philippine General Hospital for medical examination. An extract of her blood was sent to the NBI for toxicologic studies.

Because Jocelyn could not be accommodated at the PGH for lack of space, she was brought to Caritas, Manila - a shelter for abused and exploited women, and was turned over to a registered nurse there for observation until she could be fetched by her father.

NBI Findings

In the investigation conducted by Lt. Col. Barbers, the three Japanese nationals who were with Jocelyn Guanezo alleged that they were only requested by her husband to personally accompany her to the residence of her father. They denied any participation in her condition, stating that when Jocelyn was brought to the airport by her husband, she was already in that condition. They did aver, however, that Jocelyn and her husband frequently quarrelled and that the latter had been maltreating her.

The three Japanese nationals consisted of the manager of a Club in Toyoma, Japan - Takashi Koisume, where Jocelyn originally worked as a cultural dancer, and two others - Mr. Mazami Rakuyama and Mr. Daisuki Yamamoto, who were friends of Jocelyn's husband.

Medical Findings

The examination conducted by Dr. Eleanor Galvez of the PGH on Jocelyn Guanezo confirmed her uncommunicative state. She had a rapid

pulse rate, but showed no sign of edema nor any evidence of hematoma or swelling in the body. Neither were there signs of needlemarks to indicate the injection of drugs.

Similarly, the toxicology report of the Forensic Chemistry Section of the NBI yielded negative results of the presence of alcohol and prohibited and/or regulated drugs. Mrs. Vallado, chief of the Forensic Chemistry Section, in attempting to reconcile the physical appearance of Jocelyn and the medical findings, opined that the half-life of some drugs are so short that the manner of eliminating the drug from the body is easily accomplished. Ms. Vallado also noted, considering that she found no signs of needle marks on the patient, that a drug can be taken orally. She confirmed that she had previously observed similar cases where a patient exhibited all the symptoms of having been drug-abused, but the blood examinations show no evidence to that effect.

Conflicting Testimony

The Japanese nationals involved, through their lawyer Atty. Marbibi, insist that Jocelyn's is not a case of maltreatment or abuse, but rather one of mental deterioration.

In support thereof, the lawyer testified that according to the husband of Jocelyn, she left Japan sometime in August 1988 and came back in a state of shock so that she had to be brought to a mental hospital. The lawyer presented to the Committee medical certificates from Japan showing that Jocelyn was suffering from a manic depressive psychosis. It is alleged that she had even stabbed her husband at one point as "proved" by a medical certificate presented by the lawyer showing that the husband had been treated in a hospital for stab wounds. The certificates, however, are not authenticated.

The husband thus decided that Jocelyn had to come back to the Philippines to "recover." He could not, however, bring her home himself. The reasons therefor are unclear. Was it because his father had died, as earlier intimated? Or was it because his passport had expired, as the lawyer would explain before the Committee?

Was Jocelyn really suffering from some mental disease? The lawyer showed medical certificates showing that Jocelyn was admitted, at various times from August 1988 to December 9, 1988, to a hospital for treatment of such ailments as insomnia, malaise, and depression.

Just shortly before August, however, specifically on July 11, 1988 when she went back to the Philippines, Jocelyn appeared quite normal to her family and even brought her son along with her.

The three Japanese nationals who accompanied her back home testified, through their lawyer, that when Jocelyn left Japan, she was all right

but suddenly turned for the worse upon her arrival. The Japanese were apparently not telling the truth if, as their lawyer also says, they were only requested to bring her home precisely because of her unstable condition. If so, they would have known she was not "all right" and would logically also have prepared for, and not have been surprised by Jocelyn's alleged mental deterioration. We note that they had also testified before the NBI that Jocelyn was "already in that particular state" when they boarded the plane for the Philippines.

Obviously, there are many gaps in the testimonies made: there are conflicts and inconsistencies that, unhappily, only Jocelyn can clarify.

Present Status

Though Jocelyn, according to her family, is much better now, Your Committee has been unable to question her on the events that led to her tragic homecoming. Even after undergoing psychiatric treatment, she continues to "clamp down" when questions concerning her experience in Japan are addressed to her.

As of June this year, she has reportedly gone to the province to recuperate.

OBSERVATIONS

What are some significant aspects of overseas employment that may be culled from the hearings held on the case of Jocelyn Guanezo?

Talent agencies as recruiters

We note the existence of structures, bordering on the illegal, that encourage the unauthorized deployment of Filipinas overseas. While these so called "talent/management" entities, such as the GTL Dance Studio in this case, comport themselves as mere talent or skills-training agencies, they clearly — albeit indirectly — engage in recruitment. In effect, they serve as "middlemen", who arrange for the placement of workers abroad for a fee. We note for example, the GTL confesses to having "trained" 70 to 80 dancers, and to having "passed" 40 of them to either of two licensed agencies. All of these dancers had gone to Japan. But what status did they have when they left? Were they, as was Jocelyn, also "tourists" who would dance in various clubs therein? Who processed their papers? What was the extent of participation by GTL in the preparation of the necessary "documents" so they could leave. How much and in what form were these dancers made to pay the Dance Studio? Reports are that the fees charged consist of a portion of the talent's fees.

There is clearly a need to look deeper into the existence and operation of these talent/dance agencies, specifically on the extent to which they participate in the recruitment and deployment of workers overseas, and the responsibilities they should assume as a consequence.

Positive role of NGOs

The important role that non-government organizations can play in regard to women abused and exploited abroad is clearly illustrated in this case.

For example, STOP claims to have handled around 25 to 40 cases since 1988 of women who have arrived from abroad in "abnormal" conditions - beaten, drugged, abused, sedated.

The informal arrangements that have been forged between STOP and the concerned government agency (we note that Mr. Luz and his wife were contacted by the CID administrative officer in NAIA a few hours after Jocelyn's arrival) ensure that arriving Filipinas get appropriate treatment and care. In this case, Mr. Luz took the initiative to call the NBI to investigate Jocelyn's case, then personally brought her to the Philippine General Hospital. When no space was available in that hospital, Jocelyn was brought by Mr. Luz and his wife to the "Morning Glory". Caritas, an institution which currently accepts abused women for treatment.

There is no doubt that the assistance of non-government organizations can be tapped, not only to help those who have been actually victimized by illegal recruitment, but also to prevent the victimization of innocent women. For example, they can be called to actively participate in campaigns to inform women of the realities and risks involved in overseas employment.

Penalties on illegal recruiters

The dismal performance of the government insofar as penalizing those involved in illegal recruitment can be attributed, in part, to bureaucratic "kinks" i.e. officials such as fiscals and policemen who connive with the illegal recruiters in convincing the victims to settle their cases amicably.

On the other hand, the victims are often only too willing to disappear and desist from pursuing the prosecution of erring parties upon recovering their money.

Thus, despite the huge number of people victimized by illegal recruiters, hardly anyone has ever been convicted and actually punished for illegal recruitment.

Jurisdictional question

There is a perceived tendency among concerned government agencies such as the POEA, OWWA, and even the DFA, to claim lack of jurisdiction, and thus gloss over, cases of "illegals" like Jocelyn Guanezo - women who knowingly take the risks of a tourist or undocumented foreigner in a strange land, bereft of the protective mantle that a status of a regular contract worker would otherwise provide.

Officials from POEA and OWWA, for example, stress the fact of Jocelyn having gone to Japan as a tourist, thus suggesting that they could not be faulted in any way for the tragedy that befell her.

While the view may be technically correct, and we note that the claimed distinction between legal and illegal workers as far as responsibility for giving assistance is concerned had become progressively blurred in the course of the hearings conducted by Your Committee, we ask: does the fact of a defect in the entry of our citizen abroad divest him of the assistance and protection of our government?

THE CASE OF THE WOMEN WORKERS IN BEIRUT

Background²²

Sometime in June, 1989, there appeared in several newspapers the story of some 300 Filipina dancers thrown out of Cyprus upon the expiration of their temporary work permits and sent to Lebanon where they were supposed to wait for their working papers for Italy. The reports stated that upon their arrival in Lebanon, the passports of the Filipina women were confiscated by their new employers and that the women were forced to work as prostitutes to buy back the passports.

The new stories also stated that the Filipino women were rented out for \$6 a night to some 30 bars in Beirut. Some women were also reportedly bought from their impressarios, most often by military men who became their new protectors.

The Philippine Consul General in Beirut, Nicolas Baiho, was quoted by the dailies as saying that "no legal authority in the country is capable of acting (on the case) effectively."

Findings

Prior to the news report, Undersecretary Bocobo claimed that the Department of Foreign Affairs did not receive any official report from the Philippine Embassy in Jordan, nor from its Honorary Consul in Lebanon on the women workers.²³

However, as early as July 1988, reports had already been submitted by Labor Attache Alfredo Rosario together with Ambassador Saez to the

²²The findings reported herein are culled from the two hearings on S. Res. No. 555 and S. Res. No. 556 held July 7, 1989 and August 9, 1989.

²³Mr. Bocobo, however, also stated: "This report (of women stranded in Beirut) has come to our office since last year, but at that time, they did not want to come back because they were waiting for their visa again to be approved towards Cyprus and in Cyprus, they go and work." In other words: "the women go to Beirut because that is the nearest place for them to go if or when the terms of their visa would expire, and pass the time around in Beirut until they can go back to Cyprus and work again." TSN, July 7, 1989.

effect that: (1) there were many Filipina entertainers in Beirut. These women, the report stated, came from Cyprus after the expiration of their six months visa. They proceeded to Beirut because of its accessibility i.e. it is only eight hours by boat from Cyprus; (2) Most of the women who arrived in Beirut find no employment and are forced to work for very low salaries in nightclubs. Others are lured or forced into prostitution. (3) The women live in deplorable conditions; most are crowded together from 20 to 25 at a time in one apartment.

As per the records of POEA, there are around 4,000 workers in Lebanon. Some work as entertainers, but most are domestic helpers.²⁴

● Rescue Mission

Your Committee conducted its first hearing on the women workers in Beirut on July 7, 1989. On July 19, a repatriation mission was begun, upon instructions of Labor Secretary Drilon to evacuate the women workers in Beirut.

The "rescue mission" was conducted by Labor Attache Alfredo Rosario with the help of the Department of Foreign Affairs, principally through Vice Consul Salmingo who is assigned to the Philippine Embassy in Amman; the Honorary Consul of West Beirut, Mr. Nasil Sinno; the Honorary Consul General in East Beirut, Mr. Nicolas Baida; and the Honorary Consul in Damascus, Mr. Louis Fares.

Upon their arrival in Beirut, the officials looked for the women in the various hotels therein. They found the women living in miserable conditions in third rate hotels, staying in groups of threes/fives in small rooms rented out for approximately \$165 a month. Some of the women were living with their Lebanon boyfriends and husbands.

At first, the women were reluctant to leave because they were afraid they would be jailed in the Philippines or asked to reimburse the tickets given by OWWA.

The officials assured the women that their fears had no basis in fact. But they made it very clear that if the women failed to come home, the Immigration authorities of Beirut would have to go after them, and that, if caught, they might be jailed for up to three years for violation of immigration laws.

The women could hardly pay their rent, and had to leave their belongings as payment so that they could be allowed to leave. In fact, the

²⁴The figures are placed at a more conservative 3,000 by Vice-Consul Salmingo; TSN, August 10, 1989. The usual figures cited range from 2,000-4,000, with the proportion of "legals" to "illegals" being unknown. We surmise, however, that considering that Lebanon has been closed to both worker and tourists for some time now, most of the Filipinos now there cited entered illegally or became illegal as overstaying workers.

officials were able to "bargain" about one thousand dollars worth of rent which they asked the hotel owners not to collect anymore on the ground that the women were too poor to pay the same.

- Costs/Benefits

The rescue mission arrived in Manila on July 19. The operation benefitted a total of 190 women, most of them entertainers, and 6 children.²⁵

The entire operation cost the government around P2.7 million representing hotel bills, transportation expenses for carrying the women overland, food, plane fare and other incidental communication and incidental expenses.

The women went home aboard a PAL charter flight from Riyadh to Manila. According to a PAL representative the airline charged the "minimum" i.e. charged just enough to cover the cost of ground handling, fuel, permits, landing rights etc.

- Case Studies

The Committee invited five of the repatriated women from Beirut to attend its August 10 hearing, four of whom related their "stories" as follows:

Lucille Laron

Ms. Laron left the Philippines for Baghdad in 1985 as an entertainer processed by the POEA. She was recruited by an Egyptian whose contact in the Philippines is an agency owned by a certain Lita Javier.

Her contract to work as an entertainer in Baghdad was for 6 months. After the expiration of this period, she left for Cyprus on another 6 month engagement. Since Baghdad became "closed", she left for Lebanon after her stint in Cyprus. Apparently Ms. Laron went back to Cyprus, then again to Lebanon where she remained since Cyprus had also "closed".

Ms. Laron alleges that her "contract" was good for two years with a \$350 monthly salary. She received this amount in Baghdad and Cyprus. However, in Lebanon, she only received \$100 for the "first time", and a maximum of \$3 a day for the "second time."

Ms. Laron related that the conditions of employment in Beirut were very difficult. For one thing, she had to pay \$10 every month for her passport to the "Lebanese forces", which amount increased to \$115 after a year. She also paid \$700 to her manager. She also worked for three months without pay, presumably to pay her manager.

²⁵This was the figure cited by Labor Attache del Rosario although we note that newspaper reports quoted Secretary Drilon as saying that 213 Filipina entertainers (210 women and 2 gays) had availed themselves of the Philippine government repatriation efforts.

Ms. Laron's recounting of her stay in Lebanon implies that she, along with some other girls, ran into immigration trouble in Beirut. She speaks of her manager/impresario paying immigration so that, as she puts it: "after just only a maximum of eight hours or six hours. . . all the girls they live, not in the jail but one house only."

Despite the difficulties she encountered, Ms. Laron expressed a desire "if the Senators would allow it", to work overseas again in order to recover her expenses. If given a chance she said, she would want to go to Japan.

Marita Padaca

Ms. Padaca was also a contract worker, an "entertainer" also recruited by one Lita Javier of "Strong Entertainment", whose first destination in 1985 was Greece. Then she proceeded to Baghdad on a 6 month-contract, Syria on a 3 month contract, Cyprus on a 6 month contract, and finally Beirut on a 6 month contract. However, she stayed in Beirut for three years. She says that she signed a contract with Lita Javier to the effect that within two years she would get a free ticket going back to the Philippines. She tried to take advantage of this benefit in Cyprus but her Egyptian manager convinced her that Beirut was "nice", apparently to avoid having to pay for the ticket.

Ms. Padaca had attempted to go back to Cyprus, and had even paid her manager 200 dollars to secure a visa to that country but failed to do so.

After her six month contract in Beirut, Ms. Padaca was no longer able to send money home. Among others, she had to pay the police around \$30 a month. In fact, she says, some women had to stay with their boyfriends for lack of money to pay the rent. She knows of around fifteen Filipinas who had married Lebanese for this reason.

Ursula Balubar

Ms. Balubar left the Philippines for Beirut as a domestic helper with a contract salary of \$150. However, she only received 2,500 lira (or \$5). Her last "madam" however, gave her \$100.

She went home not only because she wanted to see her family but also because of the progressively serious bombing in Beirut to the point that she had trouble sleeping.

Ana Maria Gonzalez

Ana relates that her manager was someone she met on a public ride who told her the salary she would get abroad as an entertainer was \$350. However, in Cyprus, she was not even given a salary for four months. After 5 1/2 months, her impresario brought her to Lebanon on a guaranteed \$350 monthly salary. In actuality she received only \$20 a month.

Ester de las Alas

Ester claims she was processed by the POEA, and that she left abroad to work as a domestic helper on a two-year contract for a stipulated salary of \$150. Actually, however, she received only the amount of eight thousand lira or \$8 dollars a month. While she tried to be patient, she did rebel against the inadequate amount of food provided by her employer, forcing her to "filch" the same at times. She rationalizes thus: "*kung ang kotse kailangan ng langis, tao pa kaya.*" She reported her situation to a certain "Ate Caring", a secretary of the Philippine consulate, but nothing came out of it.

OBSERVATIONS

What are some significant aspects of overseas employment that may be culled from the hearings held on the case of the women workers left "stranded" in Beirut?

- A different category of illegals

Unlike Jocelyn Guanezo who left to work as a cultural dancer in Japan on a tourist visa, many of the women working in Beirut apparently started off as "legals" i.e. contract workers whose papers were approved, and whose employment status were verified by the POEA.

This fact is important in at least 2 respects: (a) it removes the basis for OWWA's hesitance, and even reluctance, to provide assistance to the illegals of this category insofar as they went through POEA and presumably made a contribution to the worker's fund; (b) it indicates a trend of the future that must be recognized and given attention to by the government.

We note that there are reportedly close to 2 million Filipina contract workers scattered all over the world at present. An increasing proportion of this number have joined the category of "illegals" as their original work contracts expire. Even presuming that only 1% of the number fall prey to unscrupulous elements abroad, the resulting figure still far exceeds that which our government has shown it has the capability to assist.

Mr. Sarmiento of OWWA claims that since he took over the helm of the office, around 400 Filipinos have already been assisted by way of repatriation. Surely, there are a far greater number of Filipinos requiring such assistance at present, and even more will require it in the immediate future.

- Ever in search of greener pastures

Despite the hardships experienced by the women workers in Beirut, we surmise that most still want to try their luck abroad. This was clearly the attitude adopted by the women who attended the Committee meeting. Thus, at one point the Chairman asked one of the women whether she would still go abroad if she received training and found a job here. The woman answered that she would not go back but immediately backtracked, stating

a few minutes thereafter that if the Senators would allow her, she would like to go to another country, perhaps Japan where she had relatives.

One interesting report from Consul Diano, the regular Consul in Jordan, is that in the first week of June, he has met with about 300 Filipinas in Beirut in a chapel, and he has asked them specifically if anyone of them wanted to go home or to be repatriated, but everybody refused. **Not a single one of them offered to be returned home.**

We also note that some of the women had to be practically threatened by imprisonment for violation of immigration laws in Lebanon to join those who were to be repatriated back to the Philippines.

- How many?

Were it not for the news reports, the plight of the women in Beirut would possibly have gone on unnoticed, as in fact officials even doubted their existence at the start since they had no official report on the matter.

To date, we remain in the dark as to the exact number of Filipinas working, either as domestics or entertainers, in Lebanon.

Mr Sarmiento of OWWA, however, reports that they are in the process of making a comprehensive inventory of all contract workers abroad.

- Coordinate responsibilities

It is pleasing to note that the DFA through Assistant Secretary Bocobo in the latter part of the hearings held by Your Committee expressly claimed responsibility for giving assistance to the women stranded abroad by way of repatriation. Thus, while the Beirut "rescue mission", was undertaken by the Labor Attache on instructions of the Labor Secretary, Assistant Secretary Bocobo would emphasize that the same was conducted technically under the supervision of the Department of Foreign Affairs.

What is the usual DFA action on situations involving Filipino workers abroad? DFA Secretary Bocobo says: "Of course, the immediate reaction that we do is to try to get in touch with OWWA because OWWA has the funds for repatriation." Recognizing its responsibility over Filipino workers in dire situations abroad, as in fact it had recently organized an office for International Labor Affairs, the DFA stresses that it simply lacks the logistics to confront the problem adequately.

OWWA states, on the other hand, that it has responded to all requests for repatriation but has been very judicious in the respect. Indeed, the Office appears to perceive the assistance it extends as a matter of benevolence rather than an obligation towards these workers. Thus, some workers are reminded that the assistance given them as a "donation x x x not a benefit afforded x x x because you are not technically a beneficiary of the office because you are not a contributor."

The matter of repatriation is something that Mr. Sarmiento claims they have assumed "because we do not want to have any more debate about who should shoulder." The seeming reluctance to release funds to help out the illegal workers slowly disappeared, however, as the committee meetings progressed. Mr. Sarmiento reports that he had, in fact, already asked the Board of Trustees to allocate from OWWA fund a certain portion "for donation" to effect the repatriation of distressed Filipino workers.

The difficulty experienced in pinpointing the specific entity to which responsibility over the plight of our workers abroad rests, only goes to stress the need to treat the same as being the joint concern of the appropriate government agencies, including the DFA, OWWA and the POES/DOLE.

Indeed, closer cooperation among those entities can only result in responsive and responsible actions on the problems of overseas workers. For example, while the DFA through the Chief of Mission or Ambassador has the "political clout" to effectively negotiate or otherwise work for the redress of our worker's grievances, DOLE has the manpower, and OWWA the resources to carry the diplomatic initiatives on behalf of the worker to a satisfactory conclusion.

● On Illegal Recruiters

It comes as no surprise to find that local illegal recruiters have strong linkages with their counterparts abroad. Some of the women from Beirut, for example, are victims of impressarios and agencies in Cyprus working closely together with individuals and agencies in Manila.

One of the suspected illegal recruiters in this case, for example, is a Lebanese possibly married to a Filipina responsible for bringing a number of the Filipinas out of the country as "entertainers."

It is important that the existence of these "international linkages" be verified and representations made for appropriate action with the governments of the countries where they may be found.

A certain defiant attitude, even brazenness may also be detected on the part of those who recruit legally, as far as rules considered "impractical" or "abused" are concerned.

Thus, the Vice-President of the Overseas Placement Association of the Philippines, complained of how difficult and expensive it was to make amendments in passports especially since there are a lot of "fixers" in the DFA. She goes on to cite a specific example, that of having to change the age of the worker in the passport to thirty years of age to conform with the requirements of Saudi Arabia on the matter.

What is surprising is how the matter of falsifying the age is regarded by the recruiter as being of little, if any, consequence whatsoever. Rather, it is the difficulty of the amendment process which is deemed important.

Some of the grievances aired, however, clearly merit attention. One pertains to the joint and several liability imposed upon recruiters. "We are only recruiters. We do our best to negotiate xxx this is not our job - to go to Saudi Arabia and check the credibility of the commercial registration xxx (We) need some assistance from the DFA [and] POEA. We have the labor [and] commercial attaches there; we are not given any, if at all xxx assistance to the recruiters to go to the site and check the credibility of the company profile submitted to us. xxx these commercial registrations and this authentication of employment contracts passes through our country, so this is the job of our people at the site, not ours."

CONCLUSIONS AND RECOMMENDATIONS

A re-evaluation of the overseas employment program of the government

Overseas employment is undoubtedly a major source of income for the country. Its perceived importance is evidenced by the creation of an entire bureaucracy specifically designed to cater to the demands of the "industry" and assure protection of the workers who seek economic refuge abroad. After more than ten years, however, criticisms against the policy and program of overseas employment has intensified. There are allegations that the program is dehumanizing, because of its overly commercialized orientation, with our people seen as "commodities" for export. This may be seen, it is charged, in POEA's emphasis on the "marketing" rather than the "welfare" aspect of the program. Studies have also revealed that the economic benefits sought from overseas employment have become increasingly illusory, i.e. that the costs of going abroad have begun to outweigh the material benefits resulting therefrom.

Under the circumstances, it is important that we now reexamine the entire government overseas program. More particularly, the Senate through its Committee on Women and Family Relations and Committee on Labor, Employment and Human Resources Development, must conduct an intensive examination of the economic and social costs/benefits of overseas employment of women, determine strategies for an eventual phase-out of the program as a major program of government, and propose alternative home-based employment or income generating activities for workers so that they may opt to stay in the country.

Establishing a clear policy on "illegals"/undocumented workers

Present trends of overseas employment clearly show the growth of two separate streams of workers.

The first are the legal, documented workers over which there are specific rules and regulations governing their hiring, deployments and terms

and conditions of employment. While many problems remain with respect to this particular stream of workers, overall we can say that certain mechanisms are already in place, available and functioning, to respond to their problems and grievances.

A growing proportion of our women overseas workers, however, *are made up of "illegal workers." These include those workers who are outrightly illegal as they went abroad purportedly as tourists or through non-licensed recruiters, or without any appropriate documentation whatsoever. Other workers became illegal only after they continued working abroad even after the expiration of their work permits. It is important to note that we can expect this second category of "illegals" to grow rapidly in the next few years as the work contracts of workers legally deployed abroad reach their end. Treatment of "illegals", however, have remained largely unsystematic, in the sense and to the extent that official response to their problems abroad have been purely reactive and on a case to case basis.

And yet, it is the illegals, often devoid of protection as they are in foreign lands, who are most vulnerable to abuse and exploitation abroad.

There is no doubt that our government's anti-illegal recruitment drive must be strengthened. For example, your committee would recommend, among others, that appropriate rules and regulations be formulated for the POEA to supervise the activities of promotions outfits or "managers/promoters" in the recruitment of Filipino entertainers for overseas placement.

However, while a firm policy against illegal recruitment must be maintained, the grievances of "illegal" workers wherever they exist cannot be ignored. The government must be forward-looking in this respect, especially since we can expect the situation to become even more serious in the future, as policies of foreign governments against the entry of Filipino workers begin to be more strictly implemented, leaving no recourse in the minds of many but to enter these countries illegally.

The mechanisms must be clearly and firmly laid in place now to provide all Filipino workers the assistance and protection of our government when they need it, irrespective of their technical designation as "legal" or "illegal".

Otherwise stated, the Philippine Government, through the Department of Foreign Affairs, and the Department of Labor and Employment must accept full responsibility for any Filipino citizen in distress outside the country and under its *patria potestas* must take all necessary measures to help or save him/her.

*There are suggestions that the term "illegal" workers be re-conceptualized and redefined because it is merely an abstraction of the POEA rules i.e. All migrant workers are motivated by the same factors that make them seek employment abroad and they are also exposed to similar exigencies. The only difference is the procedure they undertake to secure employment and the consequences of following the rules of the POEA and the host country.

In this connection, Your committee earnestly urges that:

- Appropriate and practical mechanisms, procedures and guidelines be established and firmly laid down perhaps through a Memorandum of Agreement between the Department of Labor and its attached units, the POEA and OWWA, the Department of Foreign Affairs and other relevant entities such as the Department of National Defense (for emergency transport and communications) or the Department of Social Welfare and Development (for post-employment welfare assistance) and even the Philippine Airlines (for emergency airlift), to provide a consistent, continuing, and practical program of assistance with respect to all Filipino workers, including their repatriation when necessary.

Thus, when problems arise the mechanism so established need only be activated to provide immediate relief to our workers.

- A "census" of Filipino workers deployed abroad, particularly in areas such as Saudi Arabia, where many of them are found must be made. The purpose is not only to determine more accurately the number of workers over whom protection and assistance should be given, but also to monitor how many have gone back to the Philippines or stayed on abroad despite the expiration of their work contracts, and to gauge more accurately the number of Filipinos who may possibly require assistance in the future, if not already actually in distressed circumstances.

- Thus, serious consideration should be given to a proposal that overseas contract workers be required by the Department of Labor, perhaps as an additional requirement for employment, to register with the OWWA office or our embassies in their place of assignments so that their living and working conditions can be effectively monitored.

- A reexamination of the rules and regulations on overseas employment must be made to determine why so many fail, despite clear sanctions thereon, to comply with all the necessary documentation requirements.

Failure to secure the proper documentation by the migrant worker prevents the appropriate government entities from attending to their needs, precisely because their existence is unknown. Although it is the responsibility of the government to respond to the needs of its citizenry, whether here or abroad, it can only act on cases which are brought to their attention which often prove too late or extremely difficult to remedy. Obviously, non-documented migrant workers have contributed to their own problems by failing to secure the proper documentation as required by the rules and regulations of the POEA. It is, therefore, important to understand why there are migrant workers who do not comply with the rules or who lie about their intentions not just to the Philippine government but also to the host country. Are the rules too lax or too difficult to comply with by those who are seeking to work abroad? The employment agencies are often blamed. Should there be more strict rules to regulate their profit making activities to ensure public service attitudes?

Selective Issuance of Diplomatic Passports

The committee recommends that the Department of Foreign Affairs issue diplomatic passports to labor welfare officers stationed abroad, especially in countries where accounts of abuse of Filipino workers have been most prevalent, so that they can effectively monitor the living and working conditions of overseas workers. The issuance may be done on a "selective" basis in that welfare officers may be granted diplomatic passports only in countries where the government refuses to recognize non-diplomatic representatives. To obviate difficulties arising from whether an official labor welfare officer covered by diplomatic immunity must come from DFA, arrangements may be made whereby such officers shall pass through the Department of Foreign Affairs for further appropriate training.

Prosecution of erring parties

It is urged that the Department of Justice actively pursue the prosecution of the individuals specifically those identified by the Filipino workers as having illegally recruited them as well as those contained in the list of illegal recruiters based in Manila drawn up and alluded to by Labor Attache del Rosario during the August 10, 1989 hearing of the Committee on Women and Family Relations.

Funding

It is clear that our workers will benefit by allocating a certain percentage of fees collected by the Department of Foreign Affairs for the authentication of overseas workers' contracts and the issuance of passports be set aside for the immediate repatriation of stranded overseas workers and for other similar emergencies. It is urged that an appropriation measure to this effect be made and initiated, consistent with the constitution, by the House of Representatives of Congress.

More support for NGO's

Non-government organizations, insofar as they have shown themselves to be effective not only in monitoring the conditions of overseas workers but in rendering actual assistance to those in distressed conditions, should be given more support by the government in the conduct of their activities, in terms of financial and training assistance. Greater involvement and participation by these groups should be encouraged, especially in cases where the government because of financial and training limitations may be unable to provide the same quality and extent of support to overseas workers.

It is observed that some foreign governments may resent the intervention of Philippine government agencies in rendering welfare assistance to Filipino laborers on site, but may tolerate the involvement of private, civic-oriented groups and entities insofar as their activities are not official in

character. In the end, tapping the assistance of such groups now existing abroad may even turn out to be less expensive and more effective for the government.

More accurate data on women working overseas

It is difficult to make a final assessment of the extent of the problems concerning women working overseas. While it is true that the media publishes mostly the pathetic plight of women abroad, there are also encouraging and inspiring stories from women migrant workers themselves that continue to motivate other women to migrate to seek improvement of their situation. Clearly, there is a need to generate more accurate statistical information about the problem, and for the government to take steps to address the lack of gender-disaggregated data and information system and to establish a system for monitoring and gathering gender-specific statistical data.

Analytical studies of the women's migration phenomenon

Most studies of women migrant workers are descriptive rather than analytical. Most studies and publication on women migrant workers merely describe their case-to-case situation with very little analysis of the "push and pull" factors that determine women's migration in a particular context. A litany of grievances of migrant workers is not enough. The problem will keep repeating itself if the factors that brought about the problem are not addressed. Demographic studies would show that economic and cultural factors, internationally and locally, determine the migration patterns within a given point in time.

In the last decade, the Third World countries (not just the Philippines) have seen a tremendous increase of women going abroad to find work. Obviously, there are factors that led to this change. A number of points need to be answered, such as: Why are Filipino women more migratory than the other women in Asia even if the countries are equally poor? Why are Filipino migrant women concentrated in the lowly-paid service sectors such as domestic helpers, chambermaids, entertainers, prostitutes, and nurses all over the world although most of them are in fact college graduates or professionals? Why is there a large number of cases where women migrant workers lie about their real intention or status? Why is there a large sector of women migrant workers who are non-documented? Why do women migrant workers and employment agencies violate the POEA requirements?

The specificities of demographic and sociological studies, the undertaking which should be encouraged and given support, will help pinpoint the possible points of intervention for responsive legislation.

Welfare Assistance/Active Follow-up cases

Concerned government agencies, including the Department of Labor and Employment and the Department of Social Welfare and Development are urged to devise programs addressing workers who have gone back to the Philippines and who may need rehabilitation assistance after their traumatic experiences abroad.

In addition, it is recommended that the DOLE, through specific offices of the POEA or OWWA designated for the purpose, should actively follow-up reports of overseas workers who have gone back home in distressed circumstances, to determine, for example, what assistance and remedial measures under existing laws, rules and regulations may be offered to them, and to immediately pinpoint who the possible erring parties are and their responsibilities towards the victims. This is to say that concerned government agencies should not adopt a purely reactive attitude towards reports of abuse and exploitation.

Reviewing the OWWA involvement

A closer examination of management of funds held in trust by OWWA should be undertaken, particularly to determine the ways through which these funds may be more productively used for the benefit of the overseas workers.

An assessment of the projects undertaken by OWWA, for example, must be made periodically not only to determine their actual impact on, and utility to, the workers, but also to enable the said agency to be more responsive and forward-looking in this respect. Thus, for example, OWWA must give some thought on the technical and financial assistance they may accord workers who have gone back to the Philippines after finishing their work contracts abroad, to thus enable them to make a "living" for themselves in this country.

More "helpful" pre-departure orientation programs

Some of the problems encountered by our women abroad could have been avoided if only they had a more extensive knowledge of the basic laws, the culture, or the "taboos" existing in the foreign place of work. The POEA currently requires agencies and entities licensed to hire and recruit workers for overseas employment to provide thorough Predeparture Orientation seminars (PDOs). But it is clear that a more extensive program is required especially in the case of those leaving for countries whose cultures are very much different from ours, and whose legal systems exact serious sanctions for deviations from, or violations of, basic "norms of conduct."

For example, it may be noted that under the rules issued by POEA on the matter, the orientation to be conducted is required to be only at least six hours in duration, including two hours for discussing the host country's customs, practice, religion, socio-economic and political system, and labor

laws and administration. Furthermore, there is feedback that the recruiters are not exactly candid about the problems that workers should expect to encounter abroad. Thus, recruiters largely inform prospective workers, especially domestic helpers, about the positive aspects of, and attractive benefits to be derived from, working abroad but fail to give due account of the negative side of working in a foreign land.

There is also a seeming failure to monitor strict implementation by agencies of the "PDC requirement", as in fact the hearings conducted by the Committee reveal that some overseas workers are able to secure certificates that they had undergone a PDO without having actually gone through the same.

Under the circumstances, it is recommended that a review be undertaken by the appropriate Senate Committee of the present system and structure of compliance with the requirement, including a reappraisal of the existing components of the seminars presently undertaken by authorized entities, with the end in view of assuring that each worker who goes abroad has full knowledge of the risks attendant to working in a foreign land but also of the means of preventing and remedying such distressful situations.

A more dynamic diplomacy

The need has been underscored to alleviate the plight of overseas Filipino by coordinating with host governments. All states have varied approaches to legal or illegal expatriate labor, or to employment malpractices, or allegations of sexual abuse/economic exploitation. Clearly, a more responsive and dynamic diplomacy on our part should help influence changes in the policies and attitudes of host governments.

For example, the Committee fully endorses efforts by the Department of Foreign Affairs and Department of Labor and Employment for the government of Japan to accord full recognition to Filipinos working therein as regular workers fully entitled to the protection of Japanese labor and welfare laws. A similar effort must be made in the case of Singapore whose employment act does not include domestic helpers within its purview.

At the same time, it is urged that these departments actively assist and pursue the filing of suits in foreign jurisdiction by our nationals in cases of abuse and exploitation.

Respectfully submitted:

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