

THE TIES THAT BIND: GLOBALIZATION,
FILIPINO CITIZENS & THE STATE
AN EXAMINATION OF PHILIPPINE POLICIES ON
THE WELFARE OF MIGRANT
FILIPINO WORKERS' FAMILIES

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Abstract

This study is a preliminary inquiry into state policies for the welfare of Filipino migrant workers' families. While both permanent and temporary migrations are included in the study, most of the policies examined refer to the latter. The provisional character of migration for work by Filipinos is reflected in both the aspirations of Filipinos as well as ambiguous state policies which belie that migration for labor is promoted by the state as a means to achieve economic growth. It asserts that part of the challenge in doing policy analysis on migrant families' welfare lies in considering how studies actively contribute to shaping discourse and framing which claims are legitimate or important.

“Citizenship is a contested concept at every level, from meaning to political application with implications for the kind of society to which we aspire.” *Ruth Listher, Citizenship: Feminist Perspectives, Palgrave and Macmillan, 2003*

“Transnational capital has superseded many of the functions of the old national, state-led model and is rearranging many of our traditional notions of economic and political space.” *John Agnew and Mathew Corbridge, Mastering Space: Hegemony, Territory and International Political Economy, Routledge, 1995*

“States are differentiated entities, comprised of multiple gender arrangements.” *Lynne A. Haney, Feminist State Theory:*

*Applications to Jurisprudence, Criminology and the Welfare
State. Annu. Rev. Sociol. 2000*

INTRODUCTION

THEORIZING FAMILY WELFARE with a focus on migration could not have come at a more critical and challenging time for thousands of overseas Filipino workers (OFWs) who have recently lost their jobs as a result of the financial crisis. While many of them (aided by the Philippine Overseas Employment Administration (POEA) are looking for new jobs abroad before opting to return, many more are expected to be laid off in the coming months. A modest estimate by the Philippine Overseas Employment Agency (POEA) is that 5,000 OFWs stand to lose their jobs by the end of 2009 in the absence of a rapid global recovery from the crisis.¹ Meanwhile the Department of Labor and Employment (DOLE) expects the lay-offs to go as high as 50,000-70,000.² The fate of undocumented OFWs and those displaced by war is yet another problem. While it is certain that both a rapid turn-over and a higher rate than usual of return of OFWs can test the limits of state welfare provision for OFWs, specifically its relatively new reintegration and livelihood programs, it seems unlikely that labor migration will suddenly take a back seat both as an economic option and as an aspiration for Filipinos and their families.

In 2006, deployment for overseas work reached an all time high of 1.083 million. Following a slight dip in 2007, the figure was rebounded to 1.22 million by November 2008. (See Fig. 1 on page 146)

The ongoing crisis offers us a unique vantage point from which to study the contested notion of the state and its roles. A focus on the welfare of migrant workers' families also draws us into the equally contested notions of citizenship in its broadest socio-economic, cultural and political sense. In fact, the total deployment hit the half million mark in the first five months of 2008. According to the POEA, an average of 3,170 Filipinos leave daily to work abroad.

In *Denationalization: Economy and Polity in a Global Digital Age* (2003), Saskia Sassen observes that models and forms of citizenship in the globalized world have become less nationalized and that definitions of citizenship (that legal tie between the individual and the state) have become more flexible.³ But while many discussions around the notion of citizenship in the context of globalization have focused on whether those ties are actually weakening, various authors including Sassen acknowledge the fact that there have been few dramatic changes in legal definitions of citizenship (even considering the increase in the number of states allowing dual citizenship) in the past few years. However, when we examine state policies that affect (and specifically target) not only individual immigrant workers but their families, efforts to maintain and even to strengthen those ties become more apparent. Such strategies have been referred to as the “re-territorialization of populations.”⁴

Distinguishing permanent from temporary migration makes a difference as far as formal legal citizenship is concerned. Many Filipinos take employment abroad as one step in a series of many others, to eventually immigrate together with family members. In such cases, Filipino families may acquire citizenship or permanent residence status in another state and give up Filipino citizenship altogether. Many more leave the country as undocumented or illegal migrants without valid visas or immediate plans of returning to the Philippines. And while it may be tempting to argue that the modern development of “dual citizenship”⁵ singularly helps to maintain the ties that bind Filipinos to their country (and the state), what is perhaps more conceivable, if obvious is that it is kinship and existing, often extended family ties which help to bind the “global Filipino citizen” to the Philippine state. It is in this context that I propose to discuss State policies on the welfare of migrants’ families.

Filipinos abroad continue to support not just immediate family members but also extended family and kin by sending a significant portion of their incomes with remittances averaging between 13-14 billion dollars annually. In 2008, the World Bank ranked remittances received by the Philippines as the third largest in the world, coming in next to India and Mexico which ranked as first and second.⁶

This study is a preliminary inquiry into state policies for the welfare of Filipino migrant workers' families. While both permanent and temporary migrations are included in the study, most of the policies examined refer to the latter, given the fact that migration for work is still (despite clear exceptions) predominantly viewed as provisional. The provisional character of migration for work by Filipinos is reflected in both the aspirations of Filipinos⁷ as well as ambiguous state policies which, in spite of the government target to deploy one million OFWs a year, belie that migration for labor is promoted by the state as a means to achieve economic growth.⁸ Likewise, majority of Filipino women are deployed as "unskilled" workers, a category on which most industrialized states have imposed a "closed door" policy.⁹

GLOBALIZATION, FILIPINO CITIZENS AND THE STATE

Changing state policy on labor migration over the years reflects both the evolving strategies of the state in its attempts to "govern" a gargantuan migrant population¹⁰ and a host of claims by migrant workers' interest groups and the social movements representing them, filtering into state policy. For instance, one way that policies changed over the years concerns how the harm in illegal migration initially conceived the loss of taxes and government income in the prohibition against illegal recruitment activities.¹¹ A policy of promoting and protecting the rights of workers, specifically those vulnerable to illegal migration and exploitation, was articulated much later in the Anti-Trafficking Law.¹²

A whole other set of policies reflect evolving arrangements by the state in harnessing (and investing) the sizeable monetary contributions of the migrant worker population. Interestingly, long before there was an expansion of welfare programs for the families of migrant workers, which now range from housing benefits to scholarship programs, income from remittances was already being tapped to contribute to government debt-reduction schemes.¹³

Early scholars provided general explanations of migration more or less abstracted from its specific occurrence.¹⁴ In more recent case studies and research that focus on migration from the

perspective of migrants and their families, migration has proven too diverse and multifaceted to be explained by a single theory.¹⁵

A similar challenge confronts us in dealing with state policy specifically laws in relation to the welfare of migrants' families. Philippine state policies on migration and welfare are neither coherent nor consistent. A case in point is the global debate over the de-regulation of overseas labor in line with the demands of the global economy which implicated not only the usual interest groups but also various state branches and agencies and, up until 2007, took unexpected sides in the conflict. Before it was amended, the "Migrant Workers' Protection Act," also called the "Magna Carta for Migrant Filipino Workers," included a five-year phase out of the regulatory functions of the government on overseas labor recruitment and placement. These provisions of the Act were the subject matter of civil cases¹⁶ which the Department of Labor brought to the Supreme Court in 2002. This conflict demonstrated how the DOLE resisted deregulation mandated by a law passed by Congress and supported by the private sector (in this case, recruitment agencies). The passage of a new law over twelve years later (signaling a change in the position of Congress) eventually rendered the controversy moot.¹⁷ Republic Act 8042 was amended by Republic Act 9422 and reasserted the POEA's regulatory functions by repealed the provisions on de-regulation.

A WORD ON THE "FAMILY" UNDER PHILIPPINE LAW

Relationships which count as familial relationships within by the Family Code¹⁸ or similar bonds, such as the bond between a head of household and legal dependents under tax law, do not necessarily cover all types of arrangements in which migrant workers and their families find themselves. Rhacel Salazar Parrenas in *The Children of Global Migration* notes that:

With marriage and cohabitation as its core, the "Filipino family" follows the script of the modern nuclear family. By defining the Filipino family as nuclear, the code establishes this arrangement not only as the norm but also as the embodiment of the right kind of family. This kind of family does not reflect the dominant household pattern in the Philippines, which as noted

earlier is that of the dual wage earning nuclear family.¹⁹

Parrenas' critique focuses on the hetero-normative premises of the law as well as the "moral order" that the standard signifies and the tendency to exclude family arrangements which fall outside of this order. The standard of the heterosexual nuclear family represents a distribution of power within the family which runs alongside the gendered roles and expectations of its family members. Parrenas adds that, given this conception of a nuclear family, all other arrangements "represent moral decay" which creates greater pressure for migrant mothers.²⁰ Despite the bias of the legal "family" against alternative arrangements, and the built-in gender inequality, the heterosexual nuclear family continues to be presented as an unquestioned, unproblematic standard. But if we consider the rudimentary requirements in the distribution of social protection such as social security, insurance and health benefits, which automatically extend coverage to the "legal spouse and legitimate children," or in their absence to other qualified legal dependents under the law (e.g., children out of wedlock, parents and even brothers and sisters of a head of household), we find that there are other factors further complicating the issue. One of them is the fact that we do not have a divorce law and that other available legal remedies to terminate marriage such as annulment, tend to be limited as well as prohibitive. Like other families, the families of migrant workers also experience marital breakups. In fact, many believe that distance and separation make the families of migrants more vulnerable to such breakups.²¹ This issue as well as many others need to be studied more closely. Indeed, conflicts between legal spouses and common law spouses as claimants with their children over the benefits of a deceased spouse's policy (usually the husband's) are quite common and perhaps even merit separate scrutiny altogether.

As far as "family welfare" and migration is concerned, a cacophony of interests and claims has been articulated in several forums, both local and international but often with very little empirical data being collected. Among them, the impact of migration on children has received much attention, although not always at the level of state policy or programs that support families or children coping with the absence of parents. Parrenas notes that

much of academic and media coverage of transnational families which asserts that the children of OFWs growing up without their parents (especially their mothers) are more prone to delinquency are based on impression rather than scientific evidence. She adds that:

Notably, the most extensive study on the children of migrant workers, a survey of more than 700 children conducted by Graziano Battistella and Maria Cecilia Gastardo-Conaco (1996), does not come to the same conclusion as these other studies. Contradicting the dominant claim of emotional difficulties among children in transnational households, this more comprehensive study found that family separation does not necessarily lead to extreme cases of emotional disturbance and delinquency among children.²²

In 2008, Senator Miriam Defensor Santiago filed Senate Bill 1779 to address the plight of the “Families Left Behind.” The bill proposes a comprehensive reunification, reintegration and replacement plan by the Overseas Workers Welfare Administration (OWWA) offering counseling and welfare assistance for returning OFWs. Santiago’s bill cites, among other issues, broken marriages, drug addiction, sexual immorality, crime, suicide, and psychological breakdowns as social costs of overseas migrant labor brought about by the displacement and separation of families. Indeed, while assistance for OFWs, especially those dealing with the challenges of long periods of separation from their families, is a welcome development, framing the issue this way often enough, stigmatizes the families of migrant workers.

FRAMING THE WELFARE OF MIGRANT WORKERS’ FAMILIES

Addressing the welfare and needs of the families of migrants separately means singling them out as having a different set of needs from other Filipino families, although it has been pointed out that one in twelve Filipinos is related to an OFW. On one level, the families of migrant workers have the same basic needs as other Filipino families. Like the rest of the population, these families have also been facing economic hardship in the context of dwindling state services over the last few decades. It would make sense, for instance, to analyze the comparative effects of dwindling state services alongside

wage and income levels since a significant portion of our overseas workers earn less than three hundred dollars a month.²³ According to the *International Migration Review* in 2004:

Most of those who were unemployed in the Philippines (64.4% among men and 85.7% among women) ended up in the low status unskilled and domestic help category.

Among the professional and semi-professional (high status), 35 percent of the men and 41 percent of the women experienced downward occupational mobility. Similarly, 45 percent of the men and over 60 percent of the women who held jobs in the intermediate occupational status category had been recruited to the low-status job category.

Almost all those who had low-status occupations in the country of origin (88%) retain their low-status occupations in the host society.²⁴

On the other hand, many families of migrant workers are better able to cope economically and thus make up for what is lacking in public services (e.g., health care, education and housing). Yet unlike other families, they also cope with distances and separation from a parent or child on a daily basis. Depending on their occupation and place of employment, OFW family members face a myriad of risks by working abroad. Providing basic public services on separate terms to the families of migrants also raises important issues about the terms of the relationship between a state and its citizens. Does the Philippine state treat the families of migrants differently from families without migrants? How are their needs defined? Do they get more welfare services or fewer? If so, what is the policy basis for this? Are all migrants' families included? If not, which families tend to be excluded? These questions are in turn complicated by the fact that migrants whether documented or not relate to more than one state.²⁵ In his column, Dean Raul Pangalangan recently talked about how expatriates are in many ways citizens with lesser rights given their lack of protection in most host countries where they are employed.²⁶

In 2003, the International Convention on Migrants Rights entered into force over thirteen years after the Convention was adopted in a plenary session of the United Nations.²⁷ The Convention represents shifts in the traditional human rights paradigm that has emerged in recent decades. No longer confined to the simple

“state/citizen” conception of rights protection, current international human rights discourse frames the protection of rights as a collective responsibility between member states.²⁸ Today, the mandate of international law is moving the principle of collective responsibility from rhetoric to practice. Under the Convention, states should not discriminate against migrants and their families in matters such as labor standards, security, and freedom of religious and political beliefs.²⁹ Unlike earlier rights conventions, which focused on the individual, the Migrant’s convention (much like the Convention on Indigenous and Tribal Peoples of 1991), recognizes collective rights, in this case, those of migrants and their families. But here it is important to point out that the shift from a focus on the individual to the collective is least useful when interpreted simplistically as a linear shift from individual to communitarian notions of rights. Such an interpretation often treats the collective as a stand-in for the individual, rather than recognizing the dynamics between individuals and the groups to which they belong, be it kinship or other bonds. This goes back to a point made earlier about analyzing the ties that bind Filipino migrants temporary and permanent, to the Philippine state.

AN OVERVIEW OF LAWS AND POLICY ON THE WELFARE OF MIGRANT WORKERS’ FAMILIES

The term “welfare” in both political and economic theory is usually associated with communitarian policy and state forms. Broadly speaking, however, and without going into the acrimonious ideological debates on ideal state forms, “welfare” and the “welfare state” represent devices to protect the needy and the vulnerable in society against exploitation.³⁰ On the other hand, welfare is hardly just a question of economic distribution since notions of social justice and sharing in the “common good” are also central issues in moral and political philosophy.

The welfare of workers, both local and overseas, is at the core of Philippine state welfare policy. The 1987 Constitution affirms labor as a primary social and economic force. Provisions that represent the Philippine State policy on welfare are found in the

Declaration of State Principles and Policies and the Article on Social Justice and Human Rights:

Section 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

Section 23. The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.

ARTICLE XIII, SOCIAL JUSTICE AND HUMAN RIGHTS

Section 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.

Section 2. The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

Additional provisions even zero in on the “basic sectors” known to us as the workers (and women workers) peasants, and the urban poor.³¹ Indeed, as far as policies go, we do not lack legal verbiage on the ideal of state mandated welfare.³² While the State mandate to provide welfare was formally acknowledged in the Philippines only after World War II, the Department of Social Welfare and Development became a separate state agency only in 1968.³³

In recent history, however, the delivery of welfare services has changed significantly because of the combined effects of structural adjustment programs on the national budget, debt servicing,³⁴ and devolution, which ushered in the decentralization of service provision and funding.³⁵ Likewise, despite the many egalitarian principles invoked in the name of devolution (e.g., participatory democracy), the immediate impact of decentralization on national public services was the reduction of budgets allocated for services such as health and welfare. Thus, the DOH budget was cut by over 50% in 1993 following the passage of Republic Act 7160, The Local

Government Code (1991).³⁶

Jeanne Illo has noted how the late 1980s into the 1990s, which marked the beginning of the trend of feminization in labor migration, left women to bear the brunt of the state's retreat from service provision since women were (and still are) expected to perform care work:

In homes, hospitals and communities, care of the sick rests on the women because family (and by extension, community) health management is considered a female role. Thus with reduced health sector investments and expenditures (especially for children's health care), women would have to spend more time looking for affordable health care and relatively more time to minister the sick children or spouses. Moreover, community-based health projects which assume the responsibility of health care from the State in fact tap the community-managing role of women, and rely on them principally as unpaid volunteers. Among the public-health employees, women also tend to outnumber the men. They are largely employed as nurses, midwives or support staff; some are doctors or supervisors. Given the composition of health employees, a layoff is tantamount to a layoff of female workers.³⁷

The other side of this burden, of course, is that the same economic pressure serves as a significant incentive for Filipino women to take on low paying jobs that entail the same care work and domestic duties abroad. Barbara Ehrenreich and Arlie Russell Hocschild provide a very interesting take on the situation:

Today, while still relying on Third World countries for agricultural and industrial labor, the wealthy countries also seek to extract something harder to measure and, something that can look very much like love. Nannies bring the distant families that employ them real maternal affection no doubt enhanced by the heartbreaking absence of their own children in the poor countries that they leave behind. Similarly, women who migrate from country to country to work as maids bring not only their muscle power but an attentiveness to detail and to the human relationships in the households that might otherwise have been invested in their own families. Sex workers offer the simulation of sexual and romantic love, or at least transient companionship. It is as if the wealthy parts of the world are running short on precious emotional and sexual resources and have to turn to poorer regions for fresh supplies.

For a majority of Filipinos, the decision to migrate for labor

is usually still one based on economic need.³⁸ Given this scenario, leaving home to support one's family adequately counts as a huge personal as well as family sacrifice commonly attributed to a failure of the state to provide local opportunities for employment that supports a decent standard of living. This is why in official policy labor migration is still not a "stated" strategy for economic development by government; that is, as far as a host of statutes is concerned. In reality of course, the reverse is true because the Philippine government remains at the forefront of promoting labor migration and has come to depend on remittances to keep the economy afloat.³⁹ Likewise, in its other official pronouncements, the government brazenly pushes overseas work and even brags about the "comparative advantage" of the country's burgeoning population of Filipino migrant workers.⁴⁰

Elsewhere I pointed out how Philippine state policies reflect the government's often conflicting interests between promoting overseas labor migration to ensure remittances and addressing the phenomenon of human trafficking. I pointed out how, in the scheme of things, the focus on penal laws which address trafficking only after the fact tends to consider it a built-in risk for overseas workers, especially women. This is not to say, however, that the needs of migrant workers in crisis are not as important as preventive measures or harm reduction strategies. Indeed, the repatriation of OFWs who find themselves in crisis (e.g., in war, armed conflict, exploitation and abuse) continues to be identified as a core concern for the families of migrant workers. In the case of women employed in jobs considered "dirty, demeaning and dangerous," the tendency to emphasize criminal law and police responses is as much a programmed state response as a convenient way to gain political and media mileage.

The same tension that arises when the state is caught between conflicting roles can be observed over time in the development of policies affecting the welfare of migrant workers and their families. A cursory inspection of programs offered for the benefit of OFWs seems to indicate more available welfare services for migrant workers and their families now than ever before. Worth noting is that these programs also receive more media coverage today. The title of "modern day heroes" or *Bagong Bayani*, for instance, that

was bestowed on OFWs through extensive ad campaigns of the national government is one familiar to us all and one which has been met with mixed reactions.⁴¹ Early on, the membership-based social security systems like the SSS and MEDICARE already offered voluntary membership to OFWs. With agencies like the Overseas Workers Welfare Administration (OWWA) linking with PAGIBIG Housing Fund and Philhealth in recent years, one might easily get the impression that the government has actually been spending more money on migrant workers' welfare.

A study which analyzed the OWWA's management of the Overseas Welfare Fund noted that in 2005, OWWA spent only three percent of the fund balance on services. From 2003 to 2007, OWWA's income averaged 1.9 billion pesos (US 38 million), the bulk of which was generated by membership fees (73%).⁴² Likewise, the coverage of OFWs under both PAG-IBIG and SSS are under the voluntary program. Unlike local workers whose employers are required by law to shoulder, at the minimum, half of the mandated contributions, as voluntary members OFWs bear the entire contribution themselves. A 2004 study by the Scalabrini Migration Center points out that even the \$25 USD membership fee OWWA expects from employers or agencies is actually shouldered by the workers themselves.⁴³

On one significant level, medical benefits, scholarships and tax relief options made available to migrant workers resemble incentives rather than a serious or systematic strategy to address workers' welfare. But here we need to think of the state in non-monolithic terms⁴⁴ in order to understand the inconsistencies between stated policy and reality. Likewise, understanding that the notions of the state and its role are contested in the context of the global economy helps to better situate the state in the context of both its acquiescence and resistance to the global market economy. Indeed, the debate on whether states have receded, have more power or less power, and whether their role has changed in the context of globalization has been the topic of many feminist discussions. Shirin Rai offers an alternative explanation for the "demise of the state" or the receding state by arguing instead that state roles have been transformed. Whereas states used to hinder the expansion of

markets by means of protectionist economic policies, many states are now acting as “mediators” or “adaptors” of the global market economy.⁴⁵

One early example of this transformation may be seen in the development of policy requiring mandatory insurance for overseas workers. The initial policy required prospective employers to submit an actual insurance certificate before a contract of employment could be processed. This was adopted as policy through a Letter of Instruction (LOI 1122) in 1984 and a series of circulars. By 1985, however, the Philippine Overseas Employment Agency (POEA) issued Memorandum Circular No.1 amending the set of circulars on mandatory insurance coverage and sanctioned the practice adopted by prospective employers and agents signing an “affidavit of undertaking” attesting to a worker’s insurance coverage in lieu of an actual insurance certificate. According to the POEA, the purpose of the issuance was to “maintain the competitiveness” of overseas Filipino workers.

In this example, remaining competitive as labor exporter often came in conflict with imposing policies for workers’ protection. Without repealing the policy, the POEA created a way around it. It seems unlikely that the requirement for insurance was ever complied with by the majority of employers, but relaxing the rule created a legal way to steer clear of it. A later MC by the POEA split the cost of insurance between the government and the foreign employer, lowering the minimum coverage requirement for employers to 25,000 pesos (500 dollars). By 2004, however, the assets of the OWWA had ballooned to eight billion pesos, and this time the state was in a position to actually provide bigger insurance coverage for OFWs. In 2004, life insurance coverage for OFWs was increased by 100 percent and accidental death benefits by 300 percent, without any additional premiums.⁴⁶

THE SCOPE OF WELFARE AMID THE CHANGING ROLE OF THE STATE

When the Philippines initiated its labor-export policy in 1974, the strategy was viewed as a “quick fix” solution for pumping foreign exchange into an ailing economy.⁴⁷ The Migration Policy

Institute study traces the institutionalization of labor-export to the creation of the Overseas Employment and Development Board (OEDB), the Bureau of Employment Services (BES) and the National Seamen Board (NSB) under the DOLE. With the growth in demand for Filipino overseas workers, and in order to facilitate private sector participation in recruitment and placement, the POEA was created. One of the earliest POEA Memorandum Circulars in 1984 imposed a foreign exchange remittance requirement of eighty percent of the basic salary of Filipino seamen, a requirement which continues today despite its shaky legal foundations.⁴⁸

A Trust fund was later created in 1980 through Presidential Decree 1964 creating the Welfare Fund for Overseas Workers or WELFUND.⁴⁹ The creation of the fund came after the recommendation of the Department of Labor and Employment (DOLE) to go beyond recruitment and placement to address the welfare of workers.⁵⁰ While the WELFUND was already renamed as the Overseas Workers Welfare Administration (OWWA) in Executive Order 126 by 1987, there were no significant changes in the scope of welfare for migrant workers until 1995 when the Migrant Workers' Protection Act expanded OWWA's mandate. According to a Migration Policy Institute study in 2007, the OWWA Administrator claimed that OWWA held back on spending for services because it was waiting for the fund to reach \$10 USD billion dollars (a level it reached in 2007), the threshold level that it identified as the amount, to cover the repatriation of all OFWs in the Middle East in a worst case scenario.

The initial scope of overseas workers' welfare from 1975 well into the mid-1980s included the mandatory insurance requirement for employers, war risk premiums, and a host of MCs which attempted to peg minimum wage levels for seamen and to standardize OFWs' employment contracts. Medical insurance coverage was extended to migrant workers through MEDICARE only by 1994⁵¹ and the PAGIBIG Fund began extending coverage to seafarers under their voluntary membership program in 1995.⁵²

While part of the POEA's mandate already included the regulation of overseas labor recruitment and placement to protect workers from unscrupulous recruitment agencies, into the mid to

late 1980s concern over the growing number of cases of abuse of OFWs by their foreign employers turned the focus on the state's capacity for repatriation as well as the prosecution of cases. This period also coincided with the shift in the demand from male to female overseas workers. OWWA disclosed to the media in 2008 that over eighty percent of "welfare" cases filed (usually pertaining to repatriation) involved women domestic helpers.⁵³ Agunias and Ruiz point out that:

Indeed, Contemplacion's case was not an exception. According to DOLE, between 1996 and 2001, the bodies of about 1,224 OFWs were repatriated. All of these OFWs were said to have died of "unknown or mysterious circumstances." Congressional hearings on this issue, held in 2001, revealed that many of the bodies, particularly those workers employed in Taiwan and Hong Kong "bore bruises and deep cuts." In some cases, autopsy examinations discovered that internal organs were missing, possibly sold for transplants to unknown beneficiaries.

Indeed the unprecedented number of cases of abuse triggered public indignation prompting lawmakers to finally act on pending legislation for the protection of those most vulnerable to abuse and exploitation. The Anti-Trafficking law was passed in 2003 after nine years (and three Congressional terms) in the legislative mill. Before the anti-trafficking law was passed, the only laws, which addressed abuses against OFWs, were the "Mail Order Brides" and "Illegal Recruitment" laws under the Labor Code and the 1995 Migrant Worker's Act. Both laws offered very limited options for aggrieved OFWs.

Under the present set up of the OWWA, the welfare of overseas workers includes (1) Repatriation and Workers' Protection; (2) Insurance; (3) Loan Products, and (4) Training and Scholarships. Agunias and Ruiz classify the first two of these core services and the rest as secondary services which have benefits that extend to the families left behind.⁵⁴ But long before OWWA had offices and staff deployed in the embassies of host countries, and often without being in a position to provide adequate responses, the Department of Foreign Affairs (DFA) through the Philippine embassies abroad was already receiving all manner of requests for assistance from distressed OFWs. In 1995, the Migrant Workers' Act created the post of Legal

Assistant for Migrant Workers' Affairs (OLAMWA).⁵⁵ In March 2007, the DOLE created the National Reintegration Center for OFWs (NRCO). The NRCO website describes its purpose:

The Reintegration Center is a "One Stop Center" providing various reintegration services for OFWs and their families, as well as a "Service Networking Hub" to facilitate the delivery of services by cooperating stakeholders/service providers to address the migrants' and their families' needs, including the development of their communities.⁵⁶

Addressing the reintegration of migrant workers was mandated by the 1995 Migrant Workers Act and subsequently reiterated under Executive Order No. 446 (1995), but the NRCO was only created in 2007. Indeed, responding to the plight of returning overseas Filipino workers recently laid off from the manufacturing industry as a result of the financial crisis may well prove to be the program's baptism of fire.⁵⁷

FINANCING OVERSEAS WORKERS WELFARE: WHERE IS THE MONEY?

The 2009 GAA which passed Congress late last year allocates bigger budgets to the Department of Labor and Employment and the Department of Foreign Affairs specifically to address the welfare of OFWs and to implement the Migrant Workers' Act of 1995. The DOLE's budget was increased from 5 billion in 2007 to 6.271 billion for 2009 and the DFA's budget was from 7.4 billion to 10.2 billion pesos. Unlike the welfare services under OWWA, which are funded mainly through membership fees, the National Reintegration Center for OFWs (NRCO) is funded under the General Appropriations Act as an attached agency of the Department of Labor and Employment. In the incoming budget for 2009, "social protection programs" by the DOLE received a raise of 10 percent, or an additional 33.3 million pesos.⁵⁸ In addition, the sum of fifty million pesos was allocated for "Emergency Repatriation" in the GAA which is mandated as part of workers' protection by the Migrant Workers' Protection Act but not found in the previous year's budget. The POEA budget for welfare assistance and placement services programs including its adjudication functions were also increased by two percent.

If we look at how funds for the welfare of OFWs have been generated and sourced over the years, how both earnings from remittances, regulating the recruitment and placement industry, and OWWA's membership driven funds grew over the years, and how in turn these were managed (or mismanaged, depending on which sources we believe), we get an idea of how the rhetoric on migrant workers' welfare and protection does not at all match the underlying circumstances of the Philippine state. The incoming budget of 2009 is actually the first time that the bulk of workers' protection and welfare under RA 8042 will actually be funded substantially under the General Appropriations Act. Until the 2009 GAA, a good deal of OFW welfare and protection, such as insurance and repatriation, was shouldered by OWWA's membership sourced funds. Other "welfare" programs such as PAGIBIG, SSS and Philhealth benefits are also membership based or sourced from the OFWs' actual contributions.

Indeed, by the time Republic Act 8042 proclaimed that it was establishing a higher standard for the protection and promotion of the welfare of OFWs in 1995, state spending for public services had already been cut by as much as 50 percent. Even the Migrant Workers Protection Act originally mandated de-regulation in 1995 which would have meant entirely phasing out the POEA by the year 2000, the agency which oversees recruitment and placement by the private sector.⁵⁹

To further put things in perspective, even before OWWA's assets reached the 10 billion dollar threshold level pegged by OWWA, its total assets in 2006 were already more than twice the annual budget of the Department of Labor and Employment and 14 times the budget of its "co-equal" agency, the POEA. Ruiz and Agunias cited this lopsidedness as a reflection of "weakness" in the state's capacity to provide welfare services for OFWs and their families. By the time it had the money to invest in services, the state had very little to offer by way of public service, much less the welfare of overseas workers' families. Ruiz and Agunias also noted that "OWWA has actually extended secondary services to relatively few OFWs and their families in most cases meeting only the minimum requirements mandated by law." Likewise, while Congress stepped

back from its original deregulation plan for overseas recruitment, when we consider the scale of overseas recruitment and placement in the Philippines, the POEA's operations are aptly described as "small fry." In 2007, it only had six full time inspectors for the 1,442 licensed agencies it was mandated to monitor and regulate. Considering that in 2007, over 59 percent of the cases before the POEA continued to be against recruitment agencies, and that the most common violation is the excessive collection of fees by recruiters, it is no wonder that the POEA is perceived as ill equipped to fulfil its mandate of protecting overseas workers. According to a Sectoral Performance Audit report by the Commission on Audit (COA):

POEA "may not be considered effective" in regulating the recruitment industry. POEA does not even maintain a database of recruitment agencies that are to be subjected to inspection in the first place.⁶⁰

It is worth noting, however, that when it comes to sheer numbers in deployment, the Philippine example (and the POEA's performance in particular) is recognized by some as unparalleled. Agunias notes that "for many international observers, the Philippines' system of managing temporary migration has unrivalled sophistication."⁶¹

ISSUES OF TRANSPARENCY AND ACCOUNTABILITY

On top of complaints about the inefficiency or inadequacy of government agencies like the POEA and the OWWA, Agunias and Ruiz opine that it is the lack of transparency, specifically in the management of funds, that hinders welfare provision for OFWs and their families. A Board of Trustees with representatives from the government, management, and the OFWs oversees OWWA's fund. Unlike many government agencies which handle trust funds, the OWWA Board is not bound by a Charter. The minutes of board meetings are not open to the public. Agunias and Ruiz note that this set-up "allows more flexibility but may also allow the board to exercise blanket and unregulated authority." Indeed, distrust for the state and its agencies runs so high among migrant workers that

the demand to ease up on regulation often comes from the workers themselves. A case in point was the furor expressed by migrant workers groups over Memorandum Circular No. 4 (2007), which set out the guidelines for “Direct Hiring.” The guideline is premised on the state policy of regulating overseas recruitment and placement for the protection of OFWs, and for this purpose. It qualifies the practice of direct hiring as an exception which is allowed only in specific cases such as employment by the diplomatic corps, international organizations, and other organizations exempted by the Secretary. The MC also requires employers to undergo a verification process by the POEA, and in addition to post a bond to cover medical expenses, repatriation in case the contract is terminated or upon the death of the employee, and a performance bond to cover the salary of the worker. Under ideal conditions, and perhaps if the POEA and the state in general were not suffering from a lack of credibility, it could even be argued that the MC echoes the principles of the UN Convention on Migrants’ Rights when it obliges the employers from the host country to undertake measures protecting OFW’s rights.

On the other hand, for migrant workers who know only too well that historically the burden of all manner of fees and collections supposedly due from prospective employers and recruitment agencies have always fallen on their own backs, the bond requirement was easily dismissed as another ploy by the state to rob them of their hard earned wages. The POEA initially agreed to exempt employers from selected host countries having themselves assessed the relatively good track record of over 35 countries. Later on, however, it scrapped the MC altogether because of pressure from migrant workers’ groups. Domestic help and care work are also unregulated and unprotected in many host countries where an overwhelming majority of female OFWs work. But this is also the reason why, as pointed out by OFWs, the MC’s bond requirements were likely to ward off prospective employers. When host countries do not impose a uniform standard of protection for both its nationals and overseas workers, specifically those engaged in domestic and care work, it is unlikely that individual employers will want to pick up the slack. Indeed, as has been pointed out by many others in the past rather than imposing additional fees, the Philippine state can address the

plight of its OFWs by engaging host countries at the state level through bilateral and multilateral agreements for the protection of workers' rights.

CONCLUSION

Without necessarily closing the door on further political engagement, the notion of “welfare” for the families of migrants resembles state rhetoric than the aspirations and claims of its citizens, or the minimum constitutional standards of welfare provision. Currently propped up by billions of dollars in annual remittances from OFWs, the Philippine state hardly resembles the so-called “receding” or “weakening” state in earlier theories of globalization. Instead, the picture of the state that emerges is a variegated one. Having demonstrated its prowess in deployment, the Philippine state (particularly the executive branch) has tenaciously held on to its lead role in managing the deployment of OFWs. Here we note that the traditional ideological debates about deregulation which frame it as a conflict between states and the liberalizing imperatives of the global economy fail to capture the more complex reality of the current debacle. In many ways, the current state interest in keeping the numbers annually deployed in the millions overlaps with the interests of private recruitment and placement agencies. Yet when it comes to real wages, these same interests do not always overlap. Recruitment and placement agencies earn money on the basis of the number of workers they deploy, but the state has to keep its eye on the bigger picture of overall remittances. This explains why the state's strategies to deal with falling wage levels has varied over time on the imposition or negotiation of minimum wage requirements (usually in low wage occupations such as domestic labor and other categories of unskilled workers), including the standardization of contracts, practices of regulation abhorred by the powerful and influential lobby of placement, recruitment and manning agencies. The picture is further complicated when we see that even migrant workers' groups resist regulation. It is not surprising that OFWs and their families, who have had to fend for themselves all these years, do not trust the same state which failed to provide them with work

to collect more fees, take charge of their trust fund, let alone decide where to invest them. A sizeable chunk of OWWA's investments (over 90% in 2005) is invested in government securities and treasury bills with the Land Bank and Development Bank of the Philippines.

Overall, state-spending and the capacity to provide public services, including provision for OFWs' welfare, despite the recent round of increases in the GAA⁶² remain low for many of the same old reasons, among them debt servicing and the constraints of an unevenly implemented and barely planned devolution, as well as corruption (including the public perception of corruption). But part of what makes the Philippine state "weak" is the fact that it has very little credibility and legitimacy among Filipinos, a factor which greatly affects its capacity to represent their interests both locally and abroad. Likewise, as far as OFWs and their families are concerned, the state has yet to figure prominently as a source and site of meaningful political action. According to the COMELEC, only four percent (roughly 360,000) of OFWs voted in the 2004 elections. Yet even as Filipinos overseas are wont to resist state strategies of "re-territorialization" (e.g., dual citizenship, absentee voting) and view them with suspicion alongside other state strategies to maintain ties with its citizens abroad, these strategies do open up means of exercising an erstwhile untapped political power. Bach and Solomon note that "If more pressure is brought to bear on the government to simplify the voting process there is reason to believe that OFWs can become a significant political force." However, these forms of political expression are not always viable for undocumented OFWs, a majority of whom are women. However meaningful forms of political expression beyond electoral participation can emerge from changing notions of the state, citizenship and nationhood. One significant form of political expression would be to create pressure to lower usurious rates of remittance fees charged by banks and other agencies.

Part of the challenge in doing policy analysis on migrant families' welfare lies in considering how studies actively contribute to shaping discourse and framing which claims are legitimate or important. While many studies and policy analyses lie outside the realm of public policy they are akin to what Nancy Fraser describes

as “expert discourses.” In “Needs Talk,” Fraser describes the social as a hybrid discursive space which is both public and private in which successfully politicized runaway needs are translated into claims for government provision. Within this framework, Fraser recognizes the role played by “expert discourses” in the transformation of articulated needs into legitimate claims. While neither likely to lead to emancipation nor inherently repressive, “expert discourses” such as the ones we frame here today result in both the depoliticization and the recognition of claims, though not necessarily in ending their contested character. Considering that a recent Pulse Asia survey result showed that 7 out of 10 Filipinos do not plan on migrating, and that Filipinos have not lost hope in the country altogether,⁶³ there is perhaps something to look forward to in continuing political engagement.

RECOMMENDATIONS FOR FURTHER STUDY

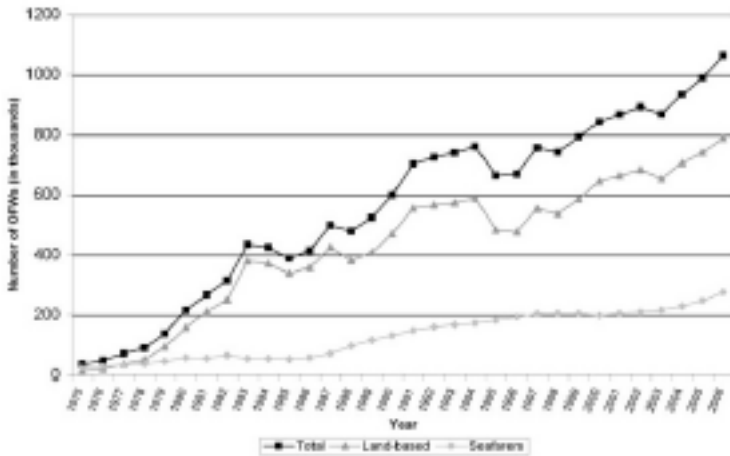
While numerous articles have focused on the welfare of migrants, attention most often focused on the dangers of illegal migration, trafficking and exploitation. A host of studies have analyzed rates of remittances, deployment and the global demand for overseas work. Such studies usually frame questions on the far-reaching effects of such trends on the global economy. Very few studies link back to how the aspirations and subjectivities of OFWs and aspiring OFWs shape and affect state strategies and changing notions of family, community, national identity and political citizenship. Likewise, while there have been a number of case studies involving the families of migrants, to only one study has been conducted on a significant scale and it focused on the children of migrant workers.⁶⁴ Future research needs to be more informed of gender analysis, and thus more critical of the gendered relations of power taken for granted by many policy studies that cast the blame on women OFWs for child delinquency, marital breakups and other family problems.

Finally, studies can also further investigate new and emergent forms of collectivism and political action that retreat from traditional modes of political engagement associated with the state, as they

emerge from OFWs' resistance to the state's re-territorialization strategies.

[From page 124]

Fig. 1. Number of OFWs (in thousands), 1975-2006, Land-based and Seafarers



From Aguinas and Ruiz (2007), based on the Philippine Statistical Yearbook, 1984 to 2006

NOTES

¹ 2,500 OFWs lose Taiwan jobs, *Agence France-Presse (AFP)*, 7 January 2009.

² At this point even officials at the DOLE are in disagreement over the correct estimates. In a Keynote address during the Handog ng Overseas Filipino Forum 2008: “Reintegrating Globally Displaced Workers into the Local Economies” hosted by the Asian Institute of Management Policy Center and the Konrad Adenauer Stiftung in Makati City, Assistant Secretary Maria Teresita Soriano placed the figure at 575,000, which was later belied by Secretary Marianito Roque.

³ Saskia Sassen, *Denationalization: Economy and Polity in a Global Digital Age*, Princeton University Press, 2003.

⁴ Jonathan Bach and M. Scott Solomon, *Labors of Globalization: Emergent State Responses*, International Affairs Working Paper, International Affairs at the New School, New York, October 2006

⁵ Republic Act 9225 (2003) Citizenship retention and Reacquisition Act of 2003

⁶ Dilip Ratha and Zhimei Xu, *Migration and Remittances Fact Book 2008*, World Bank

⁷ Pulse Asia Survey, “7 in 10 Filipinos won’t lose hope in RP : Half of populace won’t migrate,” Joel Guinto, *Philippine Daily Inquirer*, 19 December 2008 available at: <http://newsinfo.inquirer.net/breakingnews/nation/view/20081219-178867/7-in-10-Filipinos-wont-lose-hope-in-RP>

⁸ Republic Act 8042 (1995), The Overseas Migrant Workers Protection Act ostensibly provides in its Declaration of Policies that: “ While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the state does not promote overseas employment as a means to sustain economic growth and achieve national development.”

⁹ Lin Lean Lim and Nana Oishi, International Labor Migration of Asian Women: Distinctive Characteristics and Policy Concerns, *Asian and Pacific Migration Journal*, Vol.5, No. 1, 1996

¹⁰ The number of Filipino migrants was pegged at 8.23 million by the Commission on Filipinos Overseas (CFO) by the end of 2006. Available at: <http://www.adb.org/documents/books/ado/2008/part020302.asp>

¹¹ Carolina S. Ruiz Austria, Conflicts and Interests: Trafficking in Filipino Women and the Philippine Policies on Trafficking and Migration, Chapter 7, *Trafficking and the Global Sex Industry*, Ed. Karen Beeks and Delia Amir, Lexington Books, 2006.

¹² Ibid.

¹³ Republic Act 7111 Overseas Workers Investment Fund, 22 August 1991

¹⁴ Joaquin Arango, Theories of International Migration, Chapter 1, *Migration in the New Millennium: Global Movement and Settlement*, Danielle Joly Ed., Center for Research in Ethnic Relations, 2004.

¹⁵ *Global Woman: Nannies, Maids and Sex Workers in the New Economy*, Barbara Ehrenreich, Arlie Russell Hochschild Eds. (2002)

¹⁶ Asian Recruitment Council Philippine Chapter, Inc. (ARCOPHIL) v Sec. Patricia Sto Tomas, Department of Labor and Employment (DOLE) et.al., Civil Case No. Q-02-46127; Rey Salac, et. al. vs. Hon. Patricia A. Sto. Tomas, et. al. Civil Case No. Q-02-45907

¹⁷ Republic Act 9422 (2007) was sponsored by Rep. Edsel Lagman as House Bill 5498.

¹⁸ The heterosexual and nuclear family norm is actually set out in a host of provisions that go beyond the legal definition of the Family in the Family Code of the Philippines. It is also anchored on the definition of marriage and parallel Constitutional provisions which are interpreted by conservatives as a ban on absolute divorce. Marriage may, however, be annulled on the grounds of psychological incapacity, a provision which was lifted from Catholic Canon law.

Art. 149. The family, being the foundation of the nation, is a basic social institution which public policy cherishes and protects. Consequently, family relations are governed by law and no custom, practice or agreement destructive of the family shall be recognized or given effect.

Art. 50. Family relations include those: (1) Between husband and wife; (2) Between parents and children; (3) Among brothers and sisters, whether of the full or half-blood.

Article 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code. Family Code of the Philippines, Executive Order 209, 6 July 1987.

¹⁹ Rhacel Salazar Parrenas, *The Children of Global Migration*, Ateneo de Manila University Press, 2005.

²⁰ *Ibid.*

²¹ How this issue is presented as a problem depends on the bias of the sector addressing the way migration for labor affects families. The Catholic Bishops Conference of the Philippines (CBCP) has consistently blamed marital breakups and consequently the breakup of Filipino families on overseas migration for work. The view represents a linear “cause and effect” explanation.

²² *Ibid.*

²³ The average wages and income levels of OFWs can be studied according to categories of employment but levels will also vary because of the conditions and labor standards in host countries. Government agencies tend to make larger estimates when they peg the average OFW income at \$700 or 1,500 USD. According to MIGRANTE in 2007, the average monthly income of the OFW in the Middle East was only \$350-500 USD, dispelling the myth that families with OFW worker kin are always better off. Leila Salaverria, “OFWs tighten belts to send more money to kin in RP,” *Philippine Daily Inquirer*, 7 July 2007. See also: Ma. Teresa M. Soriano entitled “Managing Overseas Migration Program Under a Globalized Regime: Is It Any Different?” presented during the OECD-World Bank- IOM Seminar on Trade and Migration, Geneva, Palais Des Nations, 12-14 November 2003

²⁴ “Occupational Destinations and Economic Mobility of Filipino Overseas Workers,” *International Migration Review*, Spring 2004

²⁵ Susan Bibler Coutin, “Borderlands, Illegality and the Spaces of Non-Existence,” *Legalizing Moves: Salvadoran Immigrants Struggle for US*

Residency, University of Michigan Press, 2000.

²⁶ Raul V. Pangalangan “OFWs: Expatriates with less rights,” *Passion for Reason*, *Philippine Daily Inquirer*, 31 October 2008.

²⁷ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force on July 1, 2003 when the number of ratifying states reached 20. As of December 2008, the number of ratifications has reached 39 and an additional 15 member states have signed the document.

²⁸ In 2005, then UN Secretary General Kofi Anan spoke of the Millennium Development Goals as “an unprecedented promise by world leaders to address, as a single package, peace, security, development, human rights and fundamental freedoms,” and that the MDGs provide an opportunity to frame development as a collective responsibility.

²⁹ A number of interventions handled by the Department of Foreign Affairs (DFA) includes so-called “cultural violations” in the Middle East, particularly Saudi Arabia, where carrying a bible in public and drinking alcohol are punishable offenses.

³⁰ Robert E. Goodin, *Reasons for Welfare: The Political Theory of the Welfare State*, Princeton University Press, 1988.

³¹ Article XIII, Sections 3-19, 1987 Philippine Constitution

³² The Labor Code also provides that: “The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work,” Art. 3. Declaration of basic policy, Presidential Decree 442 (1974) as amended

³³ The Department of Social Welfare and Development Website provides an overview of the history of “Welfare” in Philippine policy and governance. It notes: “Social welfare as a basic function of the state was a concept that materialized only after the Second World War, although different groups were undertaking pockets of social work in the first decade of the American occupation in the country. After the war, the Philippine government gradually assumed the major responsibility for social welfare.” (Beyond Welfare: Development and Empowerment, available at: <http://www.dswd.gov.ph/history.php>)

³⁴ Section 26(B), Book VI of the 1987 Revised Administrative Code, formerly Section 31(B) of Presidential Decree (PD) 1177, provides for the automatic appropriation for debt-servicing. The 2008 GAA for 2009 appropriated P302.65 billion. This means 21% of the P1.4-trillion budget will cover interest payments of outstanding debts. According

to the Freedom from Debt Coalition (FDC) another P378.87 billion earmarked as off-budget allocation for principal amortization of debts will “rolled over” by P437.086-billion worth of new borrowings. In the context of soaring interest rates (in the context of the US financial crisis), FDC pointed out that rolling over debts through new borrowings is unsustainable.

³⁵ Decentralization and Local Government Health Expenditures in the Philippines, MEASURE Evaluation Project funded by the USAID, 15 November 2000. See also: Decentralisation and Its Implications for Reproductive Health: The Philippines Experience, Rama Lakshminarayanan, *Reproductive Health Matters*, Vol. 11, No. 21, Integration of Sexual and Reproductive Health Services: A Health Sector Priority (May, 2003), pp. 96-107.

³⁶ *Ibid.*

³⁷ Jean Illo, A Preliminary Inquiry into the Micro-level Gender Effects of Macroeconomic Structural Adjustment Policies, Working Paper 92-15, Philippine Institute for Development Studies, September 1992.

³⁸ Authors like Arango point out that migration is too diverse and multi-faceted to be explained by a single theory. Likewise in his critique of what he refers to as the “Neoclassical” theories on migration which count income disparities and wage levels among countries as the main explanation for migration, Arango notes that the figures do not necessarily always add up. See Joaquin Arango, *Theories of International Migration, International Migration in the New Millenium: Global Movement and Settlement*, Daniele Joly Ed. , Center for Research in Ethnic Relations, (2004) *Supra* at 14.

³⁹ Other authors point out (the obvious) that the policy of promoting overseas employment for the last thirty years has been deliberate. See: Neil G. Ruiz and Dovelyn Rannveig Aguinias, “Protecting Overseas Workers: Lessons and Cautions from the Philippines, Migration Policy Institute, September (2007).

⁴⁰ George Wehrfritz and Marites Vitug, “Workers for the World,” *Newsweek International*, 4 October 2004 “In the past, the Philippines was shamed by its inability to create enough good jobs to keep its people at home. But hard economic reality a 14 percent unemployment rate and one of the highest poverty indexes in the world (nearly half the population subsists on less than \$2 a day) has shifted the sentiment. Today, in a move that countries like Indonesia and Bangladesh are likely to emulate, the government takes the position that, like it or not, the overseas workers constitute the nation’s biggest comparative advantage in

an increasingly borderless world.”

⁴¹ One of the expected reactions to the title is cynicism in relation to the government’s sincerity and track record in being unable to protect OFW’s rights. This cynicism is particularly widespread in the internet where a cursory google search of the term will produce hits covering innumerable blog posts by both OFWs and their kin often expressing derision for the title.

⁴² Neil G. Ruiz and Dovelyn Rannveig Aguinias, “Protecting Overseas Workers: Lessons and Cautions from the Philippines, Migration Policy Institute, September (2007)

⁴³ Maruja Asis, *Preparing to Work Abroad: Filipino Workers’ Experience prior to Deployment* (Manila: Philippines Migrants Rights Watch and Friedrich Ebert Stiftung, 2005)

⁴⁴ Lynne A. Haney, *Feminist State Theory: Applications to Jurisprudence, Criminology and the Welfare State.**Annu.Rev.Sociol.*2000

⁴⁵ Shirin Rai, “Gathering Global Governance,” *International Feminist Journal of Politics*, 6:4, 579-601, December 2004

⁴⁶ Life insurance which used to be 50,000 pesos was raised to 100,000 and the accidental death benefit pegged at 200,000 pesos. The insurance also includes a 20,000 pesos burial benefit, 2-50,000 pesos for dismemberment and a pre-departure and family assistance loan of 40,000 pesos.

⁴⁷ Jean L. Pyle, Ph.D, *Globalization, Public Policy, and the Gendered Division of Labor*, Department of Regional Economic & Social Development & Center for Women & Work, University of Massachusetts Lowell, MA 01854 USA Keynote Address at the Third International Congress on Women, Work & Health Stockholm, Sweden June 2, 2002

⁴⁸ Executive Order 857 (1982) as amended by Executive Order 925 (1984) The original EO mandated only a seventy percent remittance. This was raised to 80 percent in 1984. The Marcos EO even cites a Filipino Association for Mariners' Employment, Inc (FAME) Board Resolution which supports the same remittance requirement. The FAME is neither an organization connected with seafarer’s unions nor is it composed of Filipino maritime workers. It is a membership organization of manning agencies which are engaged in the business of recruitment and placement of Filipino maritime workers. Conflicts between interests of manning agencies and maritime workers often have to do with wage rates and hikes that agencies have consistently opposed. Likewise, manning and recruitment agencies have also been accused of swindling maritime employees of their earnings in cases before the POEA.

According to the POEA, over 20 percent of the 1.23 million seafarers in the world are Filipino.

⁴⁹ Before PD 1964 (1980) formalized the fund, Letter of Instruction (LOI) 537 provided social and welfare services to Filipino overseas workers including insurance coverage, social work assistance, legal assistance, placement assistance, cultural services, and remittance services. The fund was generated from earnings and welfare fund collections from the Overseas Employment Development Board (OEDB), Bureau of Employment Service (BES), National Seaman Board (NSB) and other donations.

⁵⁰ Jorge Villamor Tigno, "Governance and Public Policy in the Philippines: RA 8042 and the Deregulation of the Overseas Employment Sector," PhD Dissertation, University of the Philippines, Diliman (2003)

⁵¹ Memorandum Circular No. 70 (1994) implementing Executive Order 195 and Department Order 37 (1994)

⁵² Memorandum Circular No. 22 (1995)

⁵³ Fidel Jimenez, Overseas Migration has Taken the face of a woman, *GMANews TV*, 26 February 2008. See also figures 2006, POEA on new hires (domestic helpers). Deployment dropped by 56% and continues to decline.

⁵⁴ *Supra* at 39.

⁵⁵ A common complaint by NGOs assisting distressed OFWs as well as insiders from the Department of Foreign Affairs (DFA) has been that the staff of Philippine embassies abroad was never really prepared to respond to the plight of distressed OFWs as part of their jobs. Even in the early days of RA 8042 (1995), there were limited funds to provide services and repatriation for OFWs. Report of the Special Rapporteur, Ms. Gabriela Rodríguez Pizarro, submitted pursuant to Commission on Human Rights resolution 2002/62, 59th Session of the United Nations Economic and Social Council

⁵⁶ National Reintegration Center for OFWs (NRCO) <http://www.nrco.dole.gov.ph/>

⁵⁷ DOLE reiterates livelihood, employment assistance to displaced OFWs, local workers, DOLE Press Release, 9 January 2009, <http://www.dole.gov.ph/news/details.asp?id=N000002273>

⁵⁸ Ruben Jeffrey A. Asuncion, Government Hikes Funding for Agencies Helping OFWs, *The Manila Times* (Online edition) available at: <http://www.manilatimes.net/national/2008/june/29/yehey/ofw/20080629ofw4.html>

⁵⁹ Julie De Los Reyes, Are OFWs Falling Through the Cracks? Between Unwieldy Regulation and the Middle Men of Migration, Asian Peoples'

Forum Newsletter, Chulalongkorn University, Bangkok, Thailand, November 2008.

⁶⁰ Commission on Audit, Sectoral Performance Audit Report on the Overseas Workers' Welfare Program of the Government (CYs 2005 and 2006), 2007.

⁶¹ Dovelyn Rannveig Agunias, *Managing Temporary Migration: Lessons from the Philippine Model*, Insight, Migration Policy Institute (MPI) October, 2008.

⁶² By contrast the regions budgets for OFW welfare services was reduced by nearly P3 million to P36.6 million from the P38.2-million budget allocation last year.

⁶³ 72 percent (classes ABC) and 69 percent (class D), *Supra* at 7.

⁶⁴ Rhacel Parrenas cites the Scalabrinni Migration Center's survey with a sample of 700.

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