

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

331
House Bill No. _____



Introduced by Representative ROSE MARIE J. ARENAS

AN ACT
FACILITATING THE GLOBAL EMPLOYMENT OF FILIPINOS
EXPLANATORY NOTE

In today's world of shared economic benefits together with the advent of Information and Communication Technology, finding a job anywhere in the world from the comfort of one's home is now made easier. A foreign employer can now interview a job applicant in the Philippines on-line and the latter can submit the requirements of the former digitally or via the internet. This has made obsolete the role of intermediaries.

"Liberty" includes the freedom to travel abroad, seek employment and reside overseas or to work there and seek greener pastures. It is an inviolable right of a citizen not to be deprived of life, liberty, or property without due process of law and not to be denied of the equal protection of the laws.

Everyday, in our airports, privileged individuals with better resources are unhampered in their travels abroad or to seek greener pasture because of their substantial resources. Meanwhile the middle class and less privileged are subjected to numerous requirements to seek employment. They must pass through recruitment agencies and various government offices. This hampers their choices for better opportunities through excessive regulatory controls. Because of unnecessary government regulations that are no longer pertinent to this global economy, their right to liberty to seek better employment is violated.

The right to travel of every individual is a constitutionally-guaranteed right. This is enshrined under Section 6 of the Bill of Rights, which provides:

Section 6. The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law.

Likewise, whenever a foreign employer has already ensured that a Filipino citizen will be hired and the latter has already accepted the job offer, there is already a meeting of the minds between the foreign employer and the latter even though there is no written contract yet. For the State to, in any manner, hamper or delay the departure of the latter to fulfill his part of the agreement to work for the said employer overseas, is tantamount to the State impairing the obligation of contracts which is violative of Section 10 of the aforementioned

Bill of Rights which states that, "No law impairing the obligation of contracts shall be passed."

This bill therefore seeks to allow competent professionals who have passed government licensure examinations and other graduates of baccalaureate degrees, as certified by the Commission on Higher Education (CHED), such as those in the fields of medicine and health, law, engineering and architecture, information and communication technology, aeronautics, finance and commerce, education and other specialized fields, and those who are considered highly-skilled or experts in their respective trade, craft, industry or vocation, as certified by the Technical Education and Skills Development Authority (TESDA) or other government bodies – to work abroad without having to process their overseas employment through the Philippine Overseas Employment Administration (POEA).

For as long as the country of destination of a Filipino citizen (who is a professional and who wants to work abroad) complies with the requirements of Section 4 of Republic Act No. 8042, as amended, the citizen must be allowed to depart for the said country. The said requirements for the foreign country to meet before it can receive overseas Filipino workers are the following:

- (a) It has existing labor and social laws protecting the rights of workers, including migrant workers;
- (b) It is a signatory to and/or a ratifier of multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers; and
- (c) It has concluded a bilateral agreement or arrangement with the government on the protection of the rights of overseas Filipino Workers:

Provided, That the receiving country is taking positive, concrete measures to protect the rights of migrant workers in furtherance of any of the guarantees under subparagraphs (a), (b) and (c) hereof.


They must of course also meet and satisfy all the travel requirements of the Philippine Bureau of Immigration.

Although the remittances of our OFWs are increasing, the number of our OFWs is declining. This is why the government must make sure that the deployment of OFWs, especially professionals and/or highly-skilled, must not be hampered nor delayed.

It is therefore imperative that instead of delaying and discouraging the deployment of Filipinos seeking employment abroad, the government must make it easier for them to obtain jobs and leave for abroad to work, earn and remit hard-earned foreign currencies to their families.

The timely approval of this urgent bill is indeed of absolute necessity.

This bill was first introduced by ANGKLA partylist during the 17th Congress.



ROSE MARIE J. ARENAS
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Introduced by Representative ROSE MARIE J. ARENAS

AN ACT
FACILITATING THE GLOBAL EMPLOYMENT OF FILIPINOS

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

SECTION 1. Short Title. – This Act shall be known as the “Filipino Global Employment Act.”

SEC. 2. Declaration of Policy. – The State upholds the dignity of all its citizens, whether residents of the Philippines or overseas.

The State shall afford full protection to labor, local and overseas, organized and unorganized and shall promote full employment and equality of employment opportunities for all.

The State recognizes the right of all Filipinos to seek better life and better jobs in other countries and therefore adopts the policy of giving utmost support for their travel and employment abroad by ensuring the fastest issuance of their passports, NBI clearances, birth certificates, and similar other requirements within the shortest possible period of time without unnecessary and/or avoidable delay.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- (a) “Professionals” refers to an OFW who passed a government licensure examination and other graduates of baccalaureate degrees, as certified by the Commission on Higher Education (CHED), such as those in the fields of medicine and health, law, engineering and architecture, information and communication technology, aeronautics, finance and commerce, education and other specialized fields.
- (b) “Highly-Skilled Individuals” refers to a person who possesses a specialized training and a thorough and comprehensive knowledge of his trade, craft, industry or vocation, or one who is considered a master or expert in his field, as certified by the Technical Education and Skills Development Authority (TESDA) or other competent government bodies.

SEC. 4. Filipinos seeking employment abroad shall be given, by the government and all its agencies, instrumentalities and all its officials and employees, the utmost support for their travel and employment abroad by ensuring the issuance of their travel documents and other documentary requirements, such as passports, NBI clearances and birth certificates among others, within the shortest possible time without unnecessary or avoidable delay.

SEC. 5. Professionals and Highly-Skilled Individuals seeking employment abroad shall not be required to go through any private recruitment agency nor through the Philippine Overseas Employment Administration (POEA) except for information purposes only. They shall not be required to obtain an Overseas Employment Certificate (OEC); Provided that their country or territory of destination and employment have met the guarantees of protection or are compliant with the requirements set forth under Section 4 of Republic Act No. 8042, as amended by Republic Act No. 10022.

SEC. 6. Filipinos seeking employment abroad are encouraged to become voluntary members of the Overseas Workers Welfare Administration (OWWA), PAG-IBIG Fund, Social Security System, Philhealth. They may also opt to be covered by an insurance policy, as what is provided under Republic Act No. 10022.

SEC. 7. Implementing Agency. – The Philippine Overseas Employment Administration (POEA) shall, within ninety (90) days after the approval of this Act, issue the necessary rules and regulations for its effective implementation.

SEC. 8. Separability Clause. – If any separable provision of this Act be declared unconstitutional, the remaining provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 9. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 10. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette and in at one (1) newspaper of general circulation.

Approved.