



# MAPID TRAINING PROGRAM - PHILIPPINES

## SESSION 1

### MANAGING MIGRATION: THE PHILIPPINE GOVERNMENT EXPERIENCE\*

Commission on Filipinos Overseas \*\*

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## Objectives of the Paper

This paper seeks to familiarize the participants with international migration from the Philippines to foster understanding of the origins and development of Philippine migration. This paper, specifically, explores the following elements:

1. trace the history of international migration from the Philippines;
  2. map out the primary government agencies involved in the Philippine migration process;
  3. identify best practices, programs and services offered by government agencies; and
  4. present existing legislations promoting the interests of Filipino migrants.
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## Introduction

A scholar studying Philippine history cannot pass through its chapters without taking note of the saga of Filipinos migrating to seek opportunities in other lands. From the Spanish colonization to the American Commonwealth and Japanese occupation, the migration experience of Filipinos has, undeniably, become a significant feature Philippine history and culture.

Since the 1970s, labor export policy is one of the government's primary strategies and initiatives to generate employment and revenues. The government takes advantage of this opportunity to cushion the impacts of internal economic problems, including unemployment, underemployment and poverty.

Until today, the Philippines still carries developmental diplomacy as its prime foreign economic and labour strategy - that global Filipinos are upheld as the movers in furthering the cause of development through foreign intercourse and interdependent economic activity.

### *The Four Waves of Philippine Migration*

The first recorded Filipino-out migration was in 1417, when Sultan Paduka Batara organized and led a mission, consisting of Sulu royalties and their families, which sought to improve trade relations and leverages with the Chinese emperor. Three centuries later, when the Philippines was under Spanish rule, Manila had a galleon trade with Acapulco which paved the way for the migration of Filipino seafarers to Mexico. The Filipino seafarers (who jumped ship) later established settlements in present-day Louisiana. Skilled Filipino men began to work as fruit pickers in California and as crew and canning members in whaling ships traversing the arctic coast of Alaska. In 1883, Filipino students, professionals and exiles began to arrive in Europe.

The second wave of migration, however, is the first brush of a relatively systematic deployment of Filipino workers outside of Philippine soil. It was marked by the arrival of Ilokano and Visayan *sakadas* in the plantations of Hawaii in 1906. Later, the post-war reconstruction of the United States also ushered the influx of Filipino immigrants engaged in military service, education and engineering. Moreover, US military servicemen who were based in the Philippines during the Second World War also brought their Filipina war-brides to the United States. This created opportunities for Filipinos and their families to migrate to the United States and establish residency there.

The third wave of migration started in 1965 when the immigration policy of the United States was revamped providing for family reunification and labor market needs as pillars of admission to the country. Many Filipinos availed of family reunification and job opportunities for professionals and skilled workers as entry points to the United States. Similar outflows characterized migration to Australia and Canada when policies that used to bar Asian immigrants were dismantled.

The fourth wave was triggered when the Philippines experienced severe unemployment towards the 1970s. From an annual average of 11.72 percent from 1971 to 1975, towards the end of the Marcos regime in 1985, unemployment peaked at 12.7 percent, the highest recorded in Philippine history. The Middle East oil boom and the Asian economic miracle during the same period sparked the third wave of Filipino migration. The petrodollars brought by the massive infrastructure construction in the Middle East, particularly in Saudi Arabia, and the ambitious development of the transportation and communication sectors of East Asian nations needed construction and maintenance workers, which Filipinos readily responded to.

The fourth wave continues even up to this day though remarkable changes have been introduced. The labor market has expanded from construction and engineering labor to domestic work, tourism service occupations, healthcare (nursing and allied medical professions in particular), communication and information technology, and other sectors. Furthermore, new destination countries and territories, such as Taiwan, Hong Kong and Singapore, emerged.

### *Profile of the Overseas Filipino Population*

Today, the Philippines ranks as the third largest migrant sending country in the world according to the International Organization for Migration. As of December 2007, an estimated 8.72 million Filipinos live and work overseas, which is about 10 percent of the Philippine population.

Of the three categories of overseas Filipinos, the most numerous are the temporary migrants (specifically, temporary migrant workers), followed by permanent migrants, and migrants in an irregular migrants are the smallest group. The top five destination countries and territories hosting overseas Filipino workers (OFWs)<sup>1</sup> are: Saudi Arabia, Hong Kong, UAE, Taiwan and Japan (Table 1). Filipino emigrants or those who have obtained permanent residency status in accordance with the law of the host country recorded highest in the United States, Canada, Japan, Germany United Kingdom, and Australia (Table1). Sizable clusters of irregular or undocumented migrants have been reported in various regions, especially in the Americas (Table 1). According to the Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, undocumented Filipinos are those: (1) who acquired their passports through fraud or misinterpretation; (2) who possess expired visas or permits to stay; (3) who have no travel document whatsoever; and (4) who have valid but inappropriate visas.

Irregular migrants, particularly those without valid resident and working permits, are often exploited and vulnerable to abuse, posing a serious challenge to the Philippine government and the governments of host countries.

<sup>1</sup> A migrant workers or overseas Filipino worker is a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a legal resident. A person "to be engaged in a remunerated activity" refers to an applicant worker who has been promised or assured employment overseas and acting on such promise or assurance sustains damage and/or injury.

TABLE I  
STOCK ESTIMATE OF OVERSEAS FILIPINOS AS OF DECEMBER 2007

Region/Country	Permanent	Temporary	Irregular	Total
World Total	3,692,527	4,133,970	900,023	8,726,520
Africa	1,983	69,880	18,540	90,403
Egypt	877	2,302	2,000	5,179
Equatorial Guinea	40	5,812	660	6,512
Libya	75	9,490	680	10,245
Nigeria	280	2,455	700	3,435
Others/Unspecified	711	49,821	14,500	65,032
Asia, East and South	213,736	747,069	258,640	1,219,445
Brunei	50	20,848	440	21,338
HongKong	11,471	116,066	3,000	130,537
Japan	133,528	38,329	30,700	202,557
Korea (South)	6,187	62,528	12,000	80,715
Macau	56	20,292	3,000	23,348
Malaysia	26,002	90,965	128,000	244,967
Singapore	29,850	70,616	56,000	156,466
Taiwan	2,357	67,153	4,500	74,010
Others/Unspecified	4,235	260,272	21,000	285,507
Asia, West	4,082	2,055,647	121,850	2,181,579
Bahrain	85	40,818	3,800	44,703
Israel	1,001	29,879	6,000	36,880
Jordan	108	14,356	8,000	22,464
Kuwait	94	129,708	10,000	139,802
Lebanon	380	22,138	3,300	25,818
Oman	100	33,164	9,000	42,264
Qatar	15	189,943	5,600	195,558
Saudi Arabia	350	1,046,051	20,000	1,066,401
UAE	703	493,411	35,000	529,114
Others/Unspecified	1,246	56,179	21,150	78,575
Europe	284,987	555,542	112,990	953,519
Austria	24,252	3,405	2,000	29,657
Belgium	3,960	3,310	2,500	9,770
Denmark	6,493	2,733	0	9,226
France	7,049	1,026	39,000	47,075
Germany	44,130	8,106	2,100	54,336
Greece	92	23,252	6,000	29,344
Ireland	4,860	11,472	500	16,832
Italy	24,598	82,594	13,000	120,192
Netherlands	14,139	3,023	2,000	19,162
Norway	16,561	3,474	0	20,035
Spain	27,537	10,543	3,700	41,780
Sweden	7,811	10,624	0	18,435
Switzerland	8,303	1,739	2,000	12,042
United Kingdom	90,654	102,381	10,000	203,035
Others/Unspecified	4,548	287,860	30,190	322,598
Americas/Trust Territories	2,943,812	354,352	354,843	3,653,007
Canada	410,626	49,309	3,000	462,935
United States	2,517,833	128,910	155,843	2,802,586
CNMI	1,288	10,979	500	12,767
Guam	12,675	9,392	500	22,567
Others/Unspecified	1,390	155,762	195,000	352,152
Oceania	243,927	84,927	33,160	362,014
Australia	221,892	19,455	9,000	250,347
New Zealand	21,188	1,715	120	23,023
Palau	5	4,324	400	4,729
Papua New Guinea	770	9,522	2,640	12,932
Others/Unspecified	72	49,911	21,000	70,983
Seabased Workers		266,553		266,553

SOURCE: Prepared by the Commission on Filipinos Overseas from CFO, DFA, POEA and other sources covering 193 countries/territories.

NOTES: Permanent - Immigrants or legal permanent residents abroad whose stay do not depend on work contracts.

Temporary - Persons whose stay overseas is employment related, and who are expected to return at the end of their work contracts.

Irregular - Those not properly documented or without valid residence or work permits, or who are overstaying in a foreign country.

### *Why do Filipinos Migrate?*

Though planned to be a stop-gap measure in 1970, migration has become a phenomena into the Philippine culture and became ingrained in the minds of Filipinos. The increased migration can be attributed to the push and pull factors in the Philippine and global environments, respectively.

The past and present socio-political conditions in the Philippines are, remarkably, the factors which provoked Filipinos to pack their bags and work abroad. These factors can be attributed to high levels of unemployment and underemployment and poverty in the country. On the other hand, aside from higher wages and better working and living standards abroad, the acceleration of international trade in services, which allows for the inter-corporate transfer of employees and less stricter movement of natural persons across borders, likewise fostered the Filipino's drive to work abroad (Imperial, 2003). On the demand side, she also noted emerging job opportunities in the different regions (Imperial, 2003).

## **The Philippines and Global Migration**

The first law on Philippine overseas migration regulation and management was enacted by the Philippine Legislature in 1915. Republic Act 2468 drew the essential elements of the regulation of deployment of Filipino nationals abroad, providing for the following: rules on the issuance of license, license fee and welfare regulations, prohibition of minors to work abroad without parental written consent, prohibition of recruitment of non-Christians for exhibition and display, transportation for returning workers who are unfit and/or finished serving contract (UN-CMW, 2008). Up until the passage of the Philippine Labor Law in 1974, RA 2468 provided the legal basis for the deployment of Filipino workers abroad.

The Philippines has been hailed as a model in managing migration, which includes policies and programs aimed at promoting the welfare of overseas Filipinos and their families. In the 10<sup>th</sup> session of the United Nations-Committee on the Rights of Migrant Workers (UN-CMW, 2008) held in Geneva, the Philippines was lauded by UN-CMW chair Abdelhamid El-Jamri as a source of inspiration for other countries because of its experience and dynamism in migration management and development. Furthermore, the Philippines has been commended for its clear commitment to the International Convention on the Protection of the Rights of Migrant Workers for pushing a rights-based approach to migration and for taking broad approaches in assisting Filipino workers in the midst of the global economic crisis.

### *Core Government Agencies Involved in Managing Migration*

- Department of Foreign Affairs

The Department of Foreign Affairs (DFA) was established by then President Emilio Aguinaldo 11 days after the declaration of the Philippine independence on 12 June 1898. Its founding purpose, among others, was to establish diplomatic relations with neighboring countries to seek international recognition to support the legitimacy of the first Philippine republic.

At present, the Department operates on the local and international levels of policy making and specifically serves as the channel for matters involving Philippine foreign relations. The DFA is also the Philippines' primary instrumentality in negotiating treaties and agreements for the promotion of Philippine trade, invest-

ments, tourism, and other economic activities in cooperation with other government agencies and the private sector.

Over the years, the DFA has been in the forefront of setting a strong groundwork for the Philippine foreign policy, particularly with regard to the protection of overseas Filipinos. It is where the process of Filipino migration usually begins and eventually ends.

DFA's consular services section, basically processes and issues passports, which serve as the formal identification document and certification of Filipinos as nationals of the Philippines abroad. Secondly, its on-site assistance service is one of the key features of the Philippine migration policy. Under the mandate of the Migrant Workers and Overseas Filipinos Act of 1995, otherwise known as RA 8042, the one-country-team approach urges all officers and representatives of the Philippine government posted abroad, regardless of their mother agencies, to act as one country-team under the leadership of the ambassador to protect the rights of overseas Filipinos. Apart from the DFA-staffed Philippine embassies and consulates, there are about 37 Philippine Overseas and Labor Offices in 29 countries at present manned by labor and welfare attachés which support the Philippine Foreign service through their legal and social services. Lastly, the DFA, through its Assistance-to-Nationals program, acts as the frontline government agency in providing immediate assistance, including repatriation of distressed Filipinos overseas, particularly during wars, calamities and other unsettling circumstances.

The DFA, through its programs and services, has committed itself to ensure the efficient and timely delivery of consular services and mobilize communities abroad as partners of the government in national development. Its main thrusts are directed in strengthening bilateral relations with countries hosting large volume of Filipino migrants, pursuing initiatives to promote the rights of migrant workers in their host countries, supporting initiatives that would enhance the competitive labor advantage of Filipinos worldwide and monitoring the implementation of the Assistance-to-Nationals program.

In recognition of the global presence of more than eight million Filipinos in more than 200 countries and territories, the DFA has classified the 'assistance to Filipino national overseas' and 'the critical role of Filipinos overseas in the country's economic and social stability as a pillar and reality of the Philippine foreign policy, respectively. The DFA recognizes the following realities of Filipino labor migration:

1. Labor migration is a global phenomenon that cannot be impeded;
2. Labor migrants consist of two types: the legal and documented and illegal and undocumented;
3. The Philippines today is a leading supplier of migrant workers in the world;
4. The Philippine population will double in 25 years time, hence there is the probability of an increasing number of OFWs in the coming years if national development efforts cannot catch up to create enough employment opportunities in the country; and,
5. In many instances, Filipino migrant workers have been subjected to various unfair labor practices, including violation of their rights and privileges.

Over the years, the DFA has sought to forge bilateral cooperation and negotiating labor agreements, memoranda of agreement on manpower cooperation, social security arrangements, agreements on Mutual Legal Assistance (MLA) and Transfer of Sentenced Persons (TSP) and the adoption of the United Nations Convention on the Protection of the Rights of Migrant Workers and their Families. In 2000, MLAs and

TSPs were negotiated with Cuba, Canada, Panama, Venezuela, Russia, Bulgaria and Romania.

One of DFA's monumental achievements is the enactment of the Migrant Workers and Overseas Filipinos Act of 1995, which provided the framework for stronger protection of Filipino workers abroad. The law specifically established the Legal Assistance Fund and the Assistance-to-Nationals Fund and designated in the DFA a Legal Assistant for Migrant Workers' Affairs, with the rank of Undersecretary.

- *Office for the Undersecretary for Migrant Workers' Affairs*

RA 8042, specifically Section 24, provides for the creation of the Office of the Legal Assistant for Migrant Workers Affairs under the Department of Foreign Affairs, which is mandated by law to be primarily responsible for the provision and overall coordination of all legal assistance services to be provided to Filipino migrant workers as well as overseas Filipinos in distress.<sup>2</sup>

According to RA 8042, the functions of the Legal Assistant are: (a) To issue the guidelines and procedures for the provisions of legal assistance services to Filipino migrant workers; (b) To establish close linkages with government agencies concerned, as well as with non-governmental organizations assisting migrant workers, to ensure effective coordination and cooperation in the provision of legal assistance to migrant workers; (c) To tap the assistance of reputable law firms and the Integrated Bar of the Philippines and other bar associations to complement the government's efforts to provide legal assistance to migrant workers; (d) To administer the legal assistance fund for migrant workers and to authorize disbursements there from in accordance with the purposes for which the fund was set up; and (e) To keep and maintain a Shared Government Information System for Migration which shall contain a masterlist of Filipino migrant workers/overseas Filipinos classified according to different categories, inventory pending legal cases involving Filipino migrant workers, blacklisted foreigners/undesirable aliens, listing of overseas Posts which may render assistance to overseas Filipinos, etc.

In 2002, the DFA changed OLAMWA to the Office of the Undersecretary for Migrant Workers Affairs (OUMWA) to further expand its mandate to cover and address all issues and concerns (not just legal assistance) in the promotion of the rights and welfare of migrant workers.

OUMWA also takes charge of the Legal Assistance Fund (LAF) which shall be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress in accordance to the guidelines and procedures for the provision of legal assistance as maybe issued by the Undersecretary for Migrant Workers Affairs. The provisions on LAF also include expenditures on the fees for foreign lawyers to be hired to represent migrant workers facing charges abroad, bail bonds to secure the temporary release of workers under detention, court fees and other litigation charges (RA 8042, 1995).

In response to a report saying that the OUMWA are "not pro-active but reactionary," Undersecretary Esteban Conejos enumerated the following accomplishments of OUMWA (DFA, 2008). These are:

- a. The DFA has handled 68,535 assistance to nationals cases and 5,000 legal assistance cases for OFWs in distress since 2003.

<sup>2</sup> Overseas Filipinos in distress refers to Filipinos abroad who have valid medical, psychological or legal assistance problems requiring treatment, hospitalization, counseling, legal representation or any kind of intervention with the authorities in the country where they are found.

- b. Since 2006, the DFA handled 68 death penalty cases, of which 24 have been commuted to life imprisonment and 10 have been repatriated to the Philippines.
- c. DFA, OUMWA in particular, spearheaded assistance, evacuation and emergency operations during the civil wars in East Timor, Lebanon in 2006 and Georgia in 2008, labor riots in Kazakhstan in 2006, kidnapping incidents in Nigeria and Somalia, and other crises.
- d. DFA also provided assistance during the mass repatriation of Filipinos from the Middle East and Sabah. From January -July 2008, the DFA extended assistance to 160 victims of human trafficking.
- e. At the level of policy making initiatives, the DFA was instrumental in the adoption of the ASEAN Declaration on the Promotion and Protection of the Rights of Migrant Workers during the 12<sup>th</sup> ASEAN Summit in Cebu in 2007.
- f. With the DFA as the lead agency, the Philippines hosted the Second Meeting of the Global Forum on Migration and Development (GFMD), a global event dealing with migration and development, last 27-30 October 2008.

- *Department of Labor and Employment*

Ten years after the declaration of Philippines independence in 1898, with the Philippines' growing labor pool and fast-paced industrialization, it sought to draw measures to facilitate a more systematic process and orderly regulation of job generation. It organized the Bureau of Labor, under the Department of Commerce and Police, on 10 June 1908.

In December 1933, Republic Act 4121 was enacted, transforming the BOL into a fully-operational department and was renamed as the Department of Labor. As part of the executive branch of the government, it was vested with the exclusive authority in the administration and enforcement of labor laws and such other laws specifically assigned to it or to the Secretary of Labor and Employment (*Manila Bulletin*, 2006).

The Department anchored its programs and services into four strategies to fully address the growing needs of the labor force: a.) support for employment generation; b.) employment facilitation; c.) employment enhancement; and d.) employment preservation (*Manila Bulletin*, 2006). Employment facilitation and employment enhancement both involve overseas employment-related matters.

Under employment facilitation, DOLE provides services that facilitate and regulate local and overseas employment. The Philippine Overseas Employment Administration is one of the implementing agencies in connection with this thrust.

DOLE supports the enhancement of the local human resources industry in order to match the needs of the domestic and global labor markets. DOLE also creates measures to further protect workers and safeguard their rights and interests, both in the country and overseas. **DOLE's major programs under this strategy are:** (1) Technical Education and Skills Training Program; (2) Standard Setting and Enforcement Program; (3) Productivity and Wage Setting Program; and (4) Social Protection and Welfare Program. Included among the operating units are: Technical Education and Skills Development Authority and its regional units, National Maritime Polytechnic, Maritime Training Council, Philippine Overseas Labor Officers, and the Overseas Workers Welfare Administration.

Over the years, the DOLE has worked to harness the global competitiveness of Filipino workers. As regards OFWs, it has expanded its programs and services to further capitalize on their skills and knowledge and secure a niche in the global market. Through its attached agencies and bureaus, it expanded the country's penetration of international labor markets by focusing on higher grade pay/categories

and developing new country destinations for Filipino skills and expertise (DOLE, 2008)

The Department has also focused the protection of the welfare of overseas Filipinos by strengthening and emphasizing the professionalization of labor recruitment, elimination of illegal recruitment, improvement of mechanisms in the assistance of distressed OFWs and promotion of the welfare of OFWs and their families.

In the area of seafaring industry, DOLE helped the country maintain its status in the International Maritime Organization by further enhancing maritime services and closely supervising training centers and institutions by upgrading and offering refresher courses required by the Standards of Training Certification and Watchkeeping Conventions (DOLE, 2008)

One of DOLE's recent achievements is the conclusion and ratification and Japan-Philippines Economic Partnership Agreement (JPEPA) which shall guarantee 400 Filipino nurses and 600 caregivers to undergo healthcare training in Japan for the next years. JPEPA, shall at the least, provide employment opportunities to Filipino nurses and caregivers and eventually open to other professions in the next few years.

- *Philippine Overseas Employment Administration*

The 1970s was a period of turmoil and conflict – locally and internationally – which resulted in the closure of businesses and the withdrawal of investments, leaving millions of Filipinos jobless.

In response to the growing unemployment and poverty in the country, the Marcos government sought overseas employment as a stopgap measure to reduce to solve unemployment and the country's balance of payments problem. The government commenced its first organized and systematic overseas employment program in the early 1970s. The passage of the Labor Code in 1974 created the Overseas Employment Development Board (OEDB) and the National Seamen's Board (NSB) to regulate and fully govern the recruitment, training and deployment of workers, the conduct of overseas labor market surveys, and the regulation of private-sector participation in the recruitment industry.

In 1982, to regulate the booming private-sector recruitment and to address problems in the growing overseas employment sector, the OEDB and NSB were reorganized into one agency, the Philippine Overseas Employment Administration.

By virtue of Presidential Decree 797 signed by then President Marcos, the POEA was mandated to formulate policies and implement programs for the employment of skilled and qualified Filipino workers overseas. EO 247, issued in 1987, further expanded POEA's functions to regulate and oversee private sector participation in recruitment and overseas placement. This important feature of Philippine migration policy highlights the joint responsibility between the Philippine government and recruitment agencies with their foreign principals in assuring the best of standards for OFWs. This implies that local recruitment agencies may be held liable for any breach of contract by the foreign employer – through this, the Philippine Labor Code upholds the protection of Filipino workers even they are abroad.

With the enactment of RA 8042, the Migrant Workers and Overseas Filipinos Act of 1995, POEA's main thrusts expanded to monitor the deployment of OFWs to countries which have existing labor and social laws protecting migrant workers, those which have signed or ratified multilateral conventions relating to the protection of migrant workers, and those with concrete measures to protect the rights of migrant workers. POEA mandate, thus, considers the welfare of Filipinos. Its primary functions include: the licensing and regulation of recruitment and manning agen-

cies engaged in overseas recruitment; the conduct of labor market studies and research, maintaining a worker's registry, forging arrangements with foreign governments to hire Filipino workers, and registering foreign employers and assessment of employment contracts.

As part of its worker protection programs, the POEA implements an anti-illegal recruitment program, which includes preventive and remedial measures. Under the preventive measure, POEA holds free illegal recruitment information and education programs to Local Government Units all over the country and conducts pre-employment orientation seminars to prospective migrants. The remedial measure provides legal assistance to victims of illegal recruitment and performs surveillance and entrapment operations and prosecution to individuals and agencies engaged to illegal recruitment. In addition to the campaign, to avoid out-of-court settlements, the POEA implements an incentive program for victims and witnesses of illegal recruitment which grants them free payment of docket fees and other court or legal fees and employment without placement fees.

The POEA has served OFWs in their quest for a better life. In 2007 alone, POEA facilitated the employment of some 1,077,623 Filipinos – some 2,952 workers leave daily for overseas employment. POEA also dispatched marketing missions which expanded opportunities for Filipinos in Canada, United Arab Emirates, Azerbaijan, and Taiwan. The marketing missions also facilitated the upward trend in the deployment of professionals and skilled workers such as nurses, IT technicians, production assistants and mechanical and electrical engineers in the past year.

In the area of Worker's Protection, the POEA opened an incentive program for the victims and witnesses of illegal recruitment where qualified victims and witnesses receive free legal, financial, welfare and training assistance. The program aims to reduce the rate of dismissal of illegal recruitment cases and further increase criminal information gathering and prosecution rates. Also, POEA signed a Memorandum of Understanding with the following countries and territories to further advance the protection and welfare of OFWs: Alberta, Manitoba, British Columbia, Saskatchewan, the UAE and Bahrain.

In support of POEA's campaign against illegal recruitment, 22 Local Government Units forged Memoranda of Understanding with POEA on the regular conduct and implementation of PEOS and employment campaign caravans in 2007. With the strong partnership of the POEA with the National Bureau of Investigation and the Criminal Investigation and Detention Group under the Philippine National Police, 26 suspected illegal recruiters were arrested, nine establishments engaged in illegal-recruitment were closed, and 301 cases were filed.

As regards industry regulation and management, the POEA has maintained its aggressive stance on the 'Hard-to-Enter, Easy-to-Go' policy during the year which resulted to stricter compliance with POEA's rules and regulations on capitalization and escrow and/or bond requirements.

- *Overseas Workers Welfare Administration*

The Overseas Workers Welfare Administration (OWWA), an attached agency under the Department of Labor and Employment, is the primary government instrumentality tasked to advance and promote the welfare of overseas Filipino workers and their dependents.

On 1 May 1997, through Letter of Instruction (LOI) no. 537 signed by then President Ferdinand Marcos, the Welfare and Training Fund for Overseas Workers was created under the auspices of the Department of Labor. The LOI provides social and welfare services to overseas Filipino workers including insurance coverage,

social work assistance, legal assistance, placement assistance, cultural and remittance services. (OWWA, 2008) The fund came from the earnings and collections from the Overseas Employment Development Board, Bureau of Employment Service, National Seaman Board and other contributions and donations (OWWA, 2008). Ten years later, then President Corazon Aquino's Executive Order No. 126 reorganized the Ministry of Labor and Employment and subsequently renaming the Welfare Fund for Overseas Workers Administration into Overseas Workers Welfare Administration.

Republic Act 8042 strengthened OWWA's mandate and services for OFWs. Under the said law, OWWA, in partnership with other government agencies, shall undertake the repatriation of workers in cases of war, epidemics, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or recruitment agency. However, where the recruitment agency or principal cannot be identified, all costs attendant to repatriation shall be borne by the Administration. With this, the OWWA was mandated to take charge and supervise the creation and establishment of an Emergency Repatriation Fund with an initial amount of P100 Million.

To address and prevent illegal recruitment, the law mandated OWWA, in coordination with the government's financial institutions, to establish the Migrant Workers Loan Guarantee Fund and develop financing schemes such as pre-departure loan and family assistance loans to help and ease the financial burden of migrating Filipino workers and their families.

OWWA's two-fold mandate includes: the (1) delivery of welfare services and benefits, and (2) ensuring capital build-up and fund viability. OWWA's funds are derived from the US \$25.00 membership contributions of foreign employers, land-based and sea-based workers, investment and interest income, and income from other sources.

In 2008, OWWA covered and insured 1.2 million land-based and sea-based OFWs. These workers were automatically entitled to a life insurance of P100,000 or P200,000 (depending on the cause of demise) and a burial benefit of P 20,000. It provides support to OFWs through the following programs and interventions: settlement of welfare cases, repatriation assistance, language training, Seafarers' Upgrading Program, Bridging Program (also for seafarers), Tuloy-Aral Program, and the Education for Development Scholarship Program and the Congressional Migrant Workers Scholarship Program.

In response to the growing number of displaced OFWs due to the global financial crisis, OWWA created the Filipino Expatriate Livelihood Support Fund (FELSF) which allocated a non-collateral P100 million for OFWs. This program allows displaced OFWs to borrow P50,000 at 5 percent interest per annum, with a 60 day grace period. Borrowers undergo business counseling and skills training prior to the release of the loan. As of 15 April 2009, 742 OFWs have registered for the program representing an amount of Php 36,794,135.00. In addition, OWWA also offers the National Livelihood Support Fund which offers a collateral loan of Php 200,000.00 for individual borrowers and P1 million for group borrowers at 14 percent interest per annum.

- *National Reintegration Center for OFWs*

According to the *Bangko Sentral ng Pilipinas*, remittances from OFWs for the year 2007 amounted to US\$17 billion, which is about 17 percent of the actual Philippine Gross Domestic Product. Higher earnings from abroad have encouraged OFWs to continue working abroad.

The Philippine government devised a program to enable OFWs and their families to productively rejoin the mainstream of the Philippine society through education, capability enhancement, and creating linkages and networks with stakeholders and service providers. The National Reintegration Program seeks to promote the productive and sustainable personal, economic, and community reintegration of OFWs.

Section 18 of RA 8042 deals with the reintegration of OFWs. Section 18 calls for the creation of the Replacement and Monitoring Center for the purpose of developing livelihood programs and projects for returning Filipino migrant workers in coordination with other stakeholders.

On 12 July 2005, Executive Order No. 446 was signed authorizing the Secretary of Labor and Employment to supervise and manage the implementation of different programs and initiatives for the welfare of Overseas Filipino Workers. By virtue of Department Order No. 79-07 issued by the DOLE in 2007, the National Reintegration Center for OFWs (NRCO) was established to develop and implement reintegration programs for OFWs and their families.

Carrying the slogan, *'Working towards a productive and sustainable personal, economic and community reintegration of OFWs'*, the NRCO serves as the implementing arm of the DOLE's reintegration program. It is a 'One-Stop-Center' which also acts as the gateway of all reintegration services for OFWs and their families. The center is also a networking hub for the delivery of services by drawing stakeholders and service providers together that address various reintegration needs of the OFWs including the development of their respective communities. The center is jointly managed by DOLE together with OWWA, POEA, the Technical Education and Skills Development Authority (TESDA), Bureau of Rural Health Workers, Bureau of Local Employment, and the Institute for Labor Studies.

Based on NRCO's accomplishments for 2008, numerous advocacy activities (information-educational campaigns, financial literacy seminars, reintegration caravans, moral values reorientation) were carried out..

- *Commission on Filipinos Overseas*

The whole picture of migration process will not be complete without the government agency which caters to permanent residents overseas. The Commission on Filipinos Overseas is a Philippine government agency under the Office of the President tasked to promote the interests of Filipino emigrants and preserve and strengthen their ties with the Philippines.

Formerly called the Office of Emigrant Affairs with the primary thrust of serving as a liaison with migrant communities, the Commission was established in 1980 through Batas Pambansa Blg. 79. It was mandated with providing advice and assistance to the President and the Congress of the Philippines in the formulation of policies concerning and affecting Filipinos overseas. The CFO is also mandated in developing and implementing programs and mechanisms that seek to promote the interests and well-being of Filipinos overseas.

The work of CFO is organized around four program areas:

### **Migrant Social and Economic Integration**

CFO provides the following services – pre-departure orientation seminars, post-arrival services and assistance to nationals in distress, public information and community education, and referrals on overseas inquiries – to

ensure that departing Filipino emigrants are equipped with basic knowledge about living and working in foreign countries.

Through the Peer Counseling program, young Filipino emigrants aged 13-19 are provided with information that could help them facilitate their adjustment in their new environment and prepare them for possible pressures which could result from migration.

In order to adjust to the difficulties attendant in intermarriages, the CFO offers a guidance and counseling program which aims to provide Filipinos marrying foreigners with adequate information and advice on the realities of inter-marriage and migration, the rights and obligations of Filipino migrants overseas, available support network for women migrants in distress, and socio-cultural realities of overseas living, among others. To supplement the guidance counseling program, CFO maintains a CFO Watchlist, which contains information on foreign nationals who had a history of domestic violence or involvement in trafficking, serial sponsorship, bigamy, adultery, child abuse, deception and fraud. Through this Watchlist, CFO counselors can extend appropriate counseling intervention to Filipino nationals they may sponsor for travel overseas. As of December 2008, there are 240 names of foreign nationals and 58 Filipino spouses and other partners in the CFO Watchlist (with derogatory records).

CFO has partnered with 12 Filipino associations overseas in the US, Canada, Japan, Australia, Taiwan and South Korea in the conduct of post arrival orientation and other services to facilitate the adjustment and integration of newly-arrived migrants in their host communities. Participation in post arrival services is voluntary.

### **Filipino Education and Heritage**

CFO promotes Filipino education programs overseas and provides younger generations of overseas Filipinos with opportunities to learn Philippine history, culture, language and institutions.

Under this program, CFO spearheads the following initiatives: Philippine Schools Overseas, *Lakbay-Aral sa Pilipinas* program, teaching of the Filipino language to children of Filipino migrants, Filipiniana libraries and resource centers, increasing Filipino cultural visibility overseas and internet-based courses in Filipino language.

The *Lakbay-Aral sa Pilipinas* program is a cultural immersion/ study tour program established in 1983. It offers an opportunity for Filipino youth overseas to learn more about their Filipino heritage and culture through an intensive two-week study visit of historical, cultural and natural sites in the Philippines. Since 1983, the program has already conducted fourteen (14) sessions and gathered 197 delegates, majority of whom come from the United States while others are from France, Spain and Switzerland.

CFO also serves as the Secretariat and member of the Inter-Agency Committee on Philippine Schools Overseas. It is tasked to coordinate policies and initiatives in the establishment, operation, and management of PSOs. The Inter-Agency Committee (IAC) ensures that PSOs provide expatriate Filipino youth with affordable quality education in the elementary and high school levels with a curriculum that would support their reintegration into the Philippine educational system and preserve their Filipino identity and character. As of March 2009, there are about 22,500 Filipino students enrolled in 44 Philippine schools overseas operating in nine (9) countries.

## **Filipino Unity and National Development**

Recognizing the vast potentials of Filipinos overseas as partners in nation-building, the CFO fosters better cohesion and purpose among various overseas Filipino organizations for the promotion of their own interests within a broader community of Filipinos.

To further enhance the political, economic and social ties between overseas Filipinos and their motherland, the CFO implements these programs: *Lingkod sa Kapwa Pilipino (LINKAPIL)* or Link for Philippine Development, publication and distribution of the periodical *Filipino Ties* and other information materials, Presidential Awards for Filipino Individuals and Organizations Overseas, and Exchange Visitor Program.

CFO developed the LINKAPIL or Link for Philippine Development Program as a mechanism for transferring financial, material, and technical assistance from Filipinos overseas to beneficiaries in the Philippines. This assistance may be in the form of medical missions and volunteer programs, funding support to livelihood projects, scholarship grants, construction of deep-well projects, and the provision of relief and rehabilitation items/ equipment. Since its inception in 1990, about P2.15 billion worth of material and monetary donations have been coursed through the LINKAPIL Program. Majority of these donations were in the form of medicines, medical supplies, hospital equipment, and conduct of medical and surgical missions by Filipino medical professionals based abroad. In 2008 alone, CFO processed, monitored and distributed 247 material and financial donations, approximately worth P144.345 million from overseas donor organizations/ individuals to 185,535 beneficiaries in 45 provinces and cities.

The Exchange Visitor Program (EVP) is an international exchange program administered by the US Department of State to promote mutual understanding between the people of the United States and people of other countries through cultural and educational exchanges. Through the program, designated sponsoring organizations duly recognized by the US Department of State facilitate the entry into the United States of foreign nationals to temporarily teach, lecture, study, observe, conduct research, consult, train or demonstrate special skill. After completion of the participants' respective programs, they are required to return to their home country to share the knowledge and skills acquired by them with those at home.

The Philippines has been a country-participant in the EVP since 1956. The EVP Committee in the Philippines, which oversees Philippine participation in the EVP, is chaired by the Department of Foreign Affairs, and composed of various departments and agencies of the Philippine government. The CFO provides technical and secretariat support to the EVP Committee.

The Presidential Awards, established through Executive Order No. 498 in 1991, is a biennial award conferred to distinguished Filipino individuals and organizations in recognition of their contribution to national development efforts, or their outstanding achievements in their field. The award is also conferred to foreign individuals and organizations that provide assistance to the country or advance the cause of Filipino communities overseas. Since its inception, the awards have so far been conferred to 283 Filipinos and foreign individuals and private organizations overseas.

## **Policy Development and Data Banking**

In line with CFO's mandate to assist the President and the Congress in the formulation of policies concerning Filipinos overseas, the Commission

provides a continuing study and review of the economic, social, legal, and administrative environment that have bearing on the status of overseas Filipinos.

Under this program, the CFO carries out the following: (1) advocacy and lobby efforts for full equity rights for Filipino veterans, portability of U.S. medicare benefits, and establishment of the National Council Licensure Examination (NCLEX) testing centers in the Philippines; (2) policy review and formulation; (3) studies and researches on absentee voting, retention of citizenship, anti-trafficking in persons, recognition of skills and professional competencies, and business and investment opportunities for overseas Filipinos; (4) annual stock estimation of Filipinos overseas; (5) conduct of conferences and symposia on migration; and (5) data banking and computerization of programs.

Following the passage of the Citizenship Retention and Reacquisition Act of 2003, the CFO took proactive stance in encouraging overseas Filipinos to create more jobs in the Philippines by investing and doing business in the country. Recently, CFO was instrumental in the selection of Manila and establishment of the Manila test center for NCLEX, a requirement for Filipino nurses intending to work in the United States.

- *Technical Education and Skills Development Authority*

On 25 August 1994, President Fidel Ramos signed into law Republic Act No. 7796 otherwise known as the "Technical Education and Skills Development Act of 1994," aimed at encouraging the full participation and mobilization of industry, labor, local government units and technical-vocational institutions in the development of skills of the country's human resources. The creation of the Technical Education and Skills Development Authority (TESDA) was intended to reduce the overlapping of skills development activities sponsored by various agencies and to pave direction and better planning for the country's technical-vocational education training (TVET) system. The National Manpower and Youth Council of the Department of Labor and Employment, the Bureau of Technical and Vocational Education of the Department of Education, Culture and Sports, and the Apprenticeship Program of the Bureau of Local Employment merged and gave birth to TESDA.

TESDA is the primary agency tasked to formulate a comprehensive development plan for middle-level manpower based on the National Technical Education and Skills Development Plan (TESDA, 2009). The Plan provides for the reformed industry-based training program that includes apprenticeship, dual training system and other similar schemes (TESDA, 2009). According to RA 7796, TESDA is mandated to:

- Integrate, coordinate and monitor skills development programs;
- Restructure efforts to promote and develop middle-level manpower;
- Approve skills standards and tests;
- Develop an accreditation system for institutions involved in middle-level manpower development;
- Fund programs and projects for technical education and skills development; and
- Assist trainers' training programs.

## Legal Instruments to Manage Migration

- Migrant Workers and Overseas Filipinos Act of 1995, RA 8042

Following the execution of Flor Contemplacion, a Filipina domestic worker in Singapore, Republic Act No. 8042 was enacted in June 1995 to manifest the government's commitment to protect the rights of overseas Filipinos and further concretize the state's programs in the promotion of the rights and welfare of migrant workers, their families, and other overseas Filipinos in distress.

### *Policy Guidelines*

The programs and services provided in RA 8042 are anchored on the following guidelines:

- (1) The dignity of Filipino citizens, whether in the country or overseas, shall be upheld.
- (2) The Filipino migrant worker shall be provided with adequate social, economic and legal services.
- (3) The dignity and fundamental rights and freedom of the Filipino citizen shall not, at any time, be compromised and violated.
- (4) A mechanism shall be instituted to ensure the rights and interests of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, are adequately protected and safeguarded.
- (5) Filipino migrant workers and all overseas Filipinos shall have the right to participate in the democratic decision-making process of the State.
- (6) Non-governmental organizations shall be recognized as partners in the protection of Filipino migrant workers in the promotion of their welfare.

RA 8042 provides for the following:

- (1) Selective deployment of Filipino migrant workers to countries where their rights are protected.
- (2) Definition of illegal recruitment activities, and provision of appropriate penalties thereof
- (3) Provision of incentives to professionals and highly-skilled Filipinos abroad especially in the field of science and technology to enable them to participate in and contribute to national development.
- (4) Phase-out regulatory functions of the Philippine Overseas Employment Administration (this was repealed by RA 9422 enacted in July 2006)
- (5) Exemption of overseas Filipino workers from the payment of travel tax and airport fees

RA 8042 outlines the roles of core government agencies which shall perform/ take part in the promotion of welfare and protection of the rights of migrant workers, and as applicable, to all overseas Filipinos.

- a. The *Department of Foreign Affairs*, through its home office and foreign posts, shall take priority action or make representation with the foreign authority concerned to protect the rights of migrant workers and other overseas Filipinos and extend immediate assistance including the repatriation of distressed or beleaguered migrant workers and other overseas Filipinos;

- b. The *Department of Labor and Employment* shall see to it that labor and social welfare laws in foreign countries are fairly applied to migrant workers and whenever applicable, to other overseas Filipinos, including the grant of legal assistance and the referral to proper medical centers and hospitals;
- c. The *Philippine Overseas Employment Administration* shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination, with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and domestic manpower requirements; and
- d. The *Overseas Workers Welfare Administration* shall provide the Filipino migrant worker and his family all the assistance they may need in the enforcement of contractual obligations by agencies or entities and/or by their principals. In the performance of its functions, it shall make representation and may call on the agencies or entities concerned to conferences or conciliation meetings for the purpose of settling the complaints or brought to its attention.

- **Citizenship Retention and Re-acquisition Act of 2003, RA 9225**

The Philippine government has managed to maintain and renew its ties with overseas Filipinos. In 1973, the overseas Filipinos were proclaimed as *balikbayan*, which gave them legal status as 'returnees' to their motherland. This was followed by other moves to restore and promote the interests of Filipinos who live and work overseas.

In 2003, the Citizenship Retention and Reacquisition Act was enacted and brought into full circle the restoration of the rights of Filipinos abroad. RA 9225 enables natural-born Filipinos who have lost their Filipino citizenship through naturalization in a foreign country, to re-acquire their Filipino citizenship by taking an oath of allegiance to the Republic of the Philippines.

The law grants full civil and political rights to Filipinos who retain and re-acquire Philippine citizenship under the law, which include the following:

*Political rights*

1. Right to of suffrage under the constitution, Republic Act No. 9189 or the Overseas Absentee Voting Act of 2003 and other existing laws;
2. Right to be elected for a public office, provided that he/she meets the qualifications required by the Commission and existing laws and, at the time of filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath;
3. Right to be appointed to any public office, provided that he/she shall swear and subscribe to an oath of allegiance to the Republic of the Philippines and its duly constituted authorities prior to his/her assumption to office; and

4. Right to practice his/her profession in the Philippines, provided that he/she shall apply with the proper authority for a license or permit to engage in such practice

#### *Economic and other rights*

1. Right to own and property in the Philippines;
2. Right to engage in business or commerce reserved for Filipinos, and the exploitation of natural resources; and
3. Right to travel with a Philippine passport.

As of 14 August 2008, the Bureau of Immigration (BI) has received 52,078 applications for the re-acquisition of Philippine citizenship (430 applications are pending due to failure of applicants to complete all required documents under the implementing rules of the law). Based on BI's year-end report, Americans comprised the biggest group at 79 percent among those who have re-acquired Philippine citizenship followed by Canadians at 7 percent, and Australians at 5 percent.

#### • Anti-Human Trafficking, RA 9208

The rise in international trafficking in persons for prostitution and forced labor prompted the Philippine government to enact the Anti-Trafficking Law of 2003, which is aimed at eliminating trafficking in persons, especially women and children' establishing necessary institutional mechanisms to protect and support trafficked persons; and providing penalties for violators.

In the recent *2009 Trafficking in Persons Report* of the US Department of State, the Philippines has been downgraded into the category of Tier 2 Watchlist from Tier 2 for the past three years (the country was put in the Tier 2 Watchlist category in 2005 for the first time). This means that the Philippine government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite over-all efforts, the government did not show evidence of progress in convicting trafficking offenders, particularly those responsible for labor trafficking. This called for stronger efforts on the part of the government in prosecuting traffickers and laying more concrete standards for the eradication of trafficking.

The Inter-Agency Council Against Trafficking (IACAT) is the primary body mandated to coordinate, monitor and oversee the implementation of RA 9208. It is composed of the heads of the following:

Department of Justice (DOJ); Department of Social Welfare and Development (DSWD); Department of Foreign Affairs (DFA); Department of Labor and Employment (DOLE); Philippine Overseas Employment Administration (POEA); Bureau of Immigration (BI); Philippine National Police (PNP); National Commission on the Role of Filipino Women (NCRFW); and three representatives from NGOs.

In February 2007, EO 548-A created the Task Force Against Human Trafficking (TFHT) under the supervision of the Commission on Filipinos Overseas to efficiently address the increasing reports and cases of human trafficking. The task force is mandated to recommend measures, policies and programs to the IACAT, conduct entrapment and surveillance operations, direct immediate investigation and prosecution to individuals involved in trafficking and conduct community information dissemination. Also, the TFHT provides adequate legal, psycho-social and other forms

**TABLE 2**  
**OVERSEAS ABSENTEE VOTING REGISTRATION FOR THE 2010 NATIONAL ELECTIONS**  
**As of 29 July 2009**

A. Registration by Region

Registration Area	Registrants
Asia and the Pacific	42,637
Americas	28,439
Europe	17,446
Middle East and Africa	28,539
NAIA	12,079
POEA	17,208
CFO	3,606
OWWA	2,700
Total	152,654

B. Top Ten Countries

Country	Registrants
United States of America	22,780
China	16,343
United Arab Emirates	11,208
Kingdom of Saudi Arabia	8,708
Taiwan	6,741
Singapore	6,555
Canada	5,498
Japan	4,846
United Kingdom	4,824
Italy	3,962

SOURCE: Office of the Undersecretary for Special and Ocean Concerns

of assistance to trafficked persons, subject to rules and regulations as may be implemented and consolidate various sources of data and statistics on trafficking, and establish a comprehensive databank for the effective monitoring, documentation and prosecution of trafficked incidents. As of 31 March 2009, the TFHT has handled a total of 277 victims of human trafficking, and had provided assistance (mostly repatriation) to 123 victims.

• **Overseas Absentee Voting, RA 9189**

In 2003, the Philippine Congress enacted a law which enables the right to vote by qualified overseas Filipinos. RA 9189, otherwise known as the Overseas Absentee Voting, allows qualified Filipinos abroad to exercise their right to participate in the election of President, Vice-President, Senators, and Party-List representatives.

The Overseas Absentee Voting Secretariat of the Department of Foreign Affairs was created for the purpose of directing, coordinating and overseeing the DFA's participation in assisting the Commission on Elections in implementing RA 9189 (Rojas, 2005). One of the Secretariat's main functions was to staff and render service to the needs and requirements of posts mobilized during the registration and voting processes of overseas absentee voting.

The Secretariat is composed of the Undersecretary for Special Concerns who serves as the Chairperson, a Vice-Chairperson, and staff drawn from the Commission on Filipinos Overseas and Foreign Service Institute.

Qualified overseas Filipinos first cast their votes in the national elections in 2004; the second time was during the 2007 national elections. The next round will be in 2010. As of 28 July 2009, new voter registration totaled 152,654 (Table 2).

## • Balikbayan Law, RA 6768

The Balikbayan Act of 1989 was enacted to encourage overseas Filipinos to visit the Philippines as *balikbayan*. According to the law, a '*balikbayan*' refers to:

- a. Former Filipino citizens holding foreign passports, including spouses and children traveling with them;
- b. Filipinos who have been continuously out of the Philippines for at least one (1) year;
- c. Overseas Filipino workers

In 2002, RA 6768 was amended by RA 9174 which provided additional benefits that enable *balikbayans* to become economically self-reliant members of society upon their return to the country. A *balikbayan* is entitled to the following:

- a. Travel tax exemption
- b. Visa-free entry to the Philippines for a period of one (1) year for foreign passport holders
- c. Duty-free shopping privilege of up to US \$ 1,500.00
- d. A special incentive program for the *balikbayan* established by all domestic carriers
- e. Kabuhayan shopping privilege, through an additional duty and tax-exempt purchase in the amount of US\$2,000.00 exclusively for the purchase of livelihood tools at government-owned and controlled/operated Duty-Free shops. The Department of Labor and Employment, through the OWWA, in partnership with the Technology and Livelihood Resource Center, TESDA and other government agencies, shall provide the available and appropriate entrepreneurial training and livelihood skills programs and necessary marketing assistance to a *balikbayan*, including his/her immediate family members, who shall avail of the *kabuhayan* shopping.

## Conclusion

While the Philippines has gained considerable experience in the deployment, regulation and management of migration, this has been mostly in the area of labor migration. The Philippines has yet to attain the same degree of experience in the management of migration and development.

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