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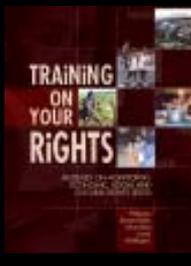
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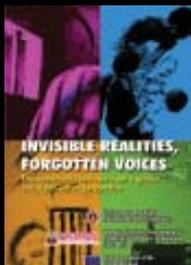
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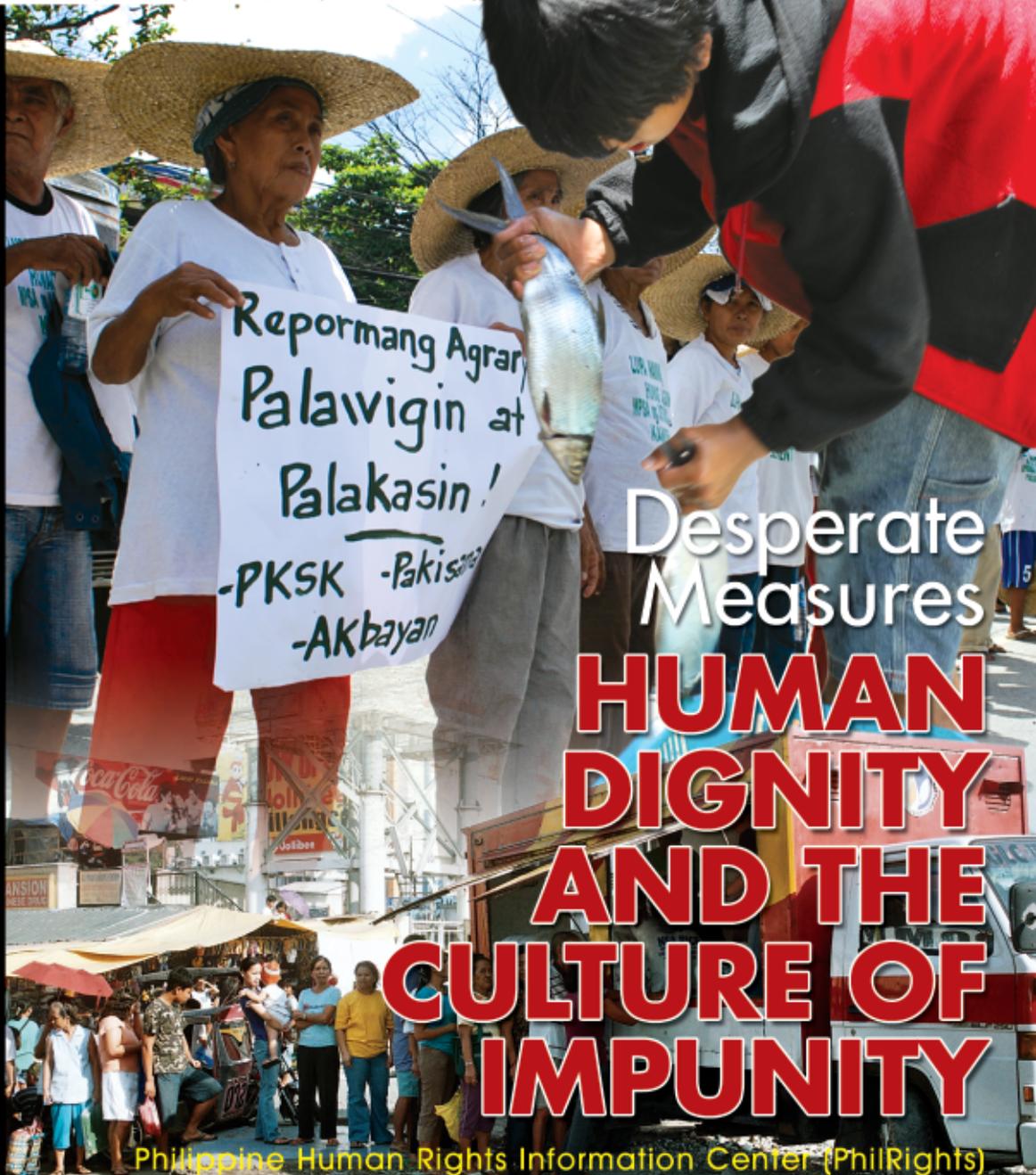
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Desperate Measures  
**HUMAN DIGNITY AND THE CULTURE OF IMPUNITY**

Philippine Human Rights Information Center (PhilRights)  
 An institution of the Philippine Alliance of Human Rights Advocates (PAHRA)

# Desperate Measures: **Human Dignity and the Culture of Impunity**



Philippine Human Rights Information Center (PhilRights)  
*An Institution of the Philippine Alliance of Human Rights Advocates*  
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# Desperate measures: **Human Dignity and the Culture of Impunity**

THESE ARE desperate times.

Despite the deluge of '*ramdam na ramdam*' propaganda, no one, in all honesty, could tell of having felt, let alone benefited from, the '*asenso*' that the Arroyo administration is bleating about.

Primetime television notwithstanding, there is nothing remotely entertaining, or watchable, about the exposed desperation of an impoverished and starving population.

A mother of four recently committed suicide after she poisoned her three young daughters, ages 2, 3 and 4. Extreme poverty drove her to do this, the neighbors said. The wages of her construction worker husband could not meet the family's daily needs, they said. Though she never complained about it, the neighbors could feel her desperation. "*Hindi man siya magsalita, ramdam namin,*" one neighbor told the media.

In early July this year, a 20-year-old man, hungry and depressed, climbed a 50-meter Transco tower. He wanted to kill himself. He had arrived from the province, having been promised a construction job in the metropolis. But when he arrived in Manila, the recruiter left him at the wharf. For four days, he wandered around the city with an empty stomach.

Another jobless man was driven by hunger to hold hostage his

common-law wife and their one-year-old daughter. According to the wife, they had been subsisting on rice gruel which kindly neighbors would give them. She told investigators "she cannot even remember the last time they had a full meal."

In Quezon City, a 47-year-old man was mauled to death by a fellow scavenger. The mauler reportedly "got irked when the victim tried to get his leftover rice."

These terrible incidents are indictments of an administration that has never been called to account for its failure to fulfill the most basic rights of its citizens.

It used to be that hunger, joblessness and poverty drove thousands upon thousands of Filipinos to flee the country. Even that recourse is not available to some, these days.



# Human rights under a culture of impunity

BY THE **TASK FORCE DETAINEES OF THE PHILIPPINES**

## *'Ramdam ang kahirapan'*

**T**HE FIRST six months of the year witnessed the soaring prices of basic commodities such as rice, the staple food of the Filipinos, and the never ending oil price hikes. This double-whammy happened in the midst of the government's *Ramdam ang Asenso* advertising campaign.<sup>1</sup>

Ben Sanchez, former governor of the Board of Investments (BOI), observed that there are certain truths that have to be faced, one of which is that "we are not better off than we were three years ago."<sup>2</sup>

Mrs. Arroyo claims that the stronger peso is a clear sign of the outstanding performance of her administration. In reality, this had a terrible impact on the dependents of Overseas Filipino Workers (OFW), roughly estimated at about 41 million Filipinos.<sup>3</sup>

The strong currency does not only affect OFW families but also the business/manufacturing sector, which experienced weak exports growth. Gains in the peso may have led some manufacturers to close factories, leading to about 100,000 employment positions lost in Manila. Thus, the only actual beneficiaries of the "strong peso" are the government (lower peso





cost of debt servicing), the ruling elite, oil companies, utilities companies, and importers.<sup>4</sup>

The government's lack of direction when it comes to the alleviation of poverty, its cluelessness to the dire economic realities, conditions, its inability to address problems of unemployment and to provide adequate social services are central problems in our country.

The administration's blind adherence to the trickle down theory as a framework for national development remains unsuccessful. The problem is that in reality, the grandiose declarations of a higher gross national product (GNP) and lower inflation rate failed to translate to anything for the people who continue to live in poverty.

The solution by the government to create a poverty alleviation program dubbed as *Ahon: Pantawid Pamilyang Pilipino* (the word *ahon* was later omitted, and the program became *Pantawid Pamilyang Pilipino Program* or *P4*) where beneficiaries will be handed P500 every month within a year, with an additional P300 peso for every child in the family that still goes to school, has been heavily criticized as a short-term, band-aid, populist measure to an enormous problem that calls for more than mere dole-outs.<sup>5</sup>

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## **Continuous attacks on human rights**

The Philippines was among the first countries to undergo the Universal Periodic Review (UPR) during the first session of the United Nations Human Rights Council (UNHRC) in April this year.

The Philippine civil society submitted to the Office of the High Commissioner for Human Rights (OHCHR) its own report on the state of human rights in the country.<sup>6</sup> Among the issues brought forward was the continued violation of human rights by military and law enforcement officials who "continue to disregard due process, and commit violations of fundamental human rights." The report likewise noted that the Congress and the Department of Justice "have also been ambivalent in relation to their role in addressing the issue of human rights."

The report pointed out that between January 23, 2001 to September 14, 2007, 409 cases of illegal arrest and detention (affecting 1,460 individuals) were recorded by the Task Force Detainees (TFDP).<sup>7</sup>

For the first semester of 2008, TFDP has documented 28 cases of illegal arrest and detention involving 41 victims.

One documented case took place in Gen. Nakar, Quezon on February 9.<sup>8</sup> The two victims were members of an organization of an Agta ethnic group who were on their way to a community visit. This arrest of the two members of an indigenous group is illustrative of how the government treats persons suspected to be subversives.

## Indigenous communities

Erick Avellaneda and Rannie Rutaquio were about to take a boat ride from Brgy. Umiray to their community in Sitio Matatambo when a man in civilian clothes ordered them to go the military camp. Avellaneda and Rutaquio had no idea where the camp was and why they were being asked to go there. Out of fear, they nevertheless went with the man whose identity they did not know.

They were brought to Umiray Barangay Hall which they found out had been appropriated by the Philippine Army as a makeshift camp, along with the Barangay Health Center. They were then introduced to a certain Lt. Fuentes.

A soldier was instructed to go through the bags of Avellaneda and Rutaquio. The soldiers found Avellaneda's journal, including minutes of meetings, plans and other activities of the organization to which he belonged. The soldiers said the items were "suspicious" and began to interrogate the victims. Avellaneda explained that these were simply minutes of the meetings of the Agtas. Bernabe Vargas, the barangay captain of Umiray, was asked by the soldiers if Avellaneda's explanation had any truth. Vargas told the soldiers that he did not believe the explanation, saying that Agtas do not even know how to write. Vargas went so far as to suggest that the documents may be "subversive" and that Avellaneda and Rutaquio could be members of the New People's Army (NPA). Lt. Fuentes



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then ordered that the documents, as well as Avellaneda's cell phone, be confiscated.

The two were then separately interrogated by the soldiers. In his account, Avellaneda said he was being forced to admit that he was an NPA member. The soldiers gave him a gun, telling him to shoot himself if he would not admit that he was an NPA member. Rutaquio, who was being interrogated in another room, was also being forced to admit the same thing. When he refused, he was slapped in the face with a notebook.

The two were made to stay in the camp during the night. The next morning, they were brought to Vargas' house who instructed them to get from their respective barangays a certification that they are members assigned to do community work. They were also asked to secure a permit from the Mayor of Gen. Nakar that will allow them to visit the Agta community.

## Political prisoners

As of June 2008, TFDP records show that there are still 204 political prisoners and detainees nationwide: 93 in Luzon, 43 in Visayas, and 68 in Mindanao. Of these, 191 are male and 13 are female.

As in past administrations, the Arroyo government charges political detainees with common crimes. Only 46 out of the total number of political prisoners and detainees have been charged with rebellion.

## Torture

The use of torture, as noted in the UPR report, "is still a prevalent method used by State agents" in extracting information or inflicting punishment.

Three cases of torture involving six victims have been documented by TFDP for the first half of the year. One such case is that of Idarat Cabiza Generoso, a 62-year old government employee, and his son Mohar Abais Generoso, a 29-year old Arabic teacher. Both were suspected to be members of the Moro Islamic Liberation Front

(MILF) with links to the Jemaah Islamiya (JI).<sup>9</sup>

In the morning of February 17, about 50 members of the 25<sup>th</sup> Infantry Battalion of the Philippine Army arrived and searched the home of Generoso. They were then brought to the military camp in Pindasan, Mabini, Compostela Valley.

Mohar was tortured. He was hit in the stomach twice. During interrogation, his head and back were poked with a gun and a rifle respectively. Twice during the interrogation, Mohar's head was wrapped with a plastic bag filled with cigarette smoke. It was only removed when his interrogators noticed that Mohar could no longer breathe.

The military also told Mohar that they will kill his father in front of him. Then they told him that they had already killed his father. Mohar's ordeal continued for two days.

## **Extrajudicial executions**

While international scrutiny (including the Alston visit and the fact finding missions of different international organizations) may have contributed to the decrease in the cases of extrajudicial execution, still the practice continues.

The case of Ronald Sendrijas<sup>10</sup> of Inabanga town, Bohol was one of the three cases of extrajudicial killings documented by TFDP between January-June this year.

On the evening of January 17, Sendrijas was buying medicines in a pharmacy across Ramiro Hospital in Tagbilaran City where his sister was confined. A man in a white jacket approached and shot him point blank. The victim sustained two gunshot wounds in the nape and in the neck, and he died on the spot. No one was able to identify the assailant.

Sendrijas was a former political detainee. He was arrested in 2004 for his alleged connection to several killings reportedly perpetrated by the NPA. He was released in July 2006 after he posted bail.



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Prior to his death, the military had reportedly “tagged” him as the Front 2 Secretary of the Central Visayas Regional Party Committee of the Communist Party of the Philippines.

## Forced disappearance

The UPR report also noted the promulgation by the Supreme Court of the writ on Amparo as a major development in the issue of enforced disappearances. The same report however decried that “this independent initiative of the Judiciary [is] being derailed by the Executive branch through an Executive Order (EO 197)...instructing the military for safeguards against disclosure of military secrets and undue interference in military operations inimical to national security.”

Enforced or involuntary disappearance remains unabated in the Philippines. Since involuntary disappearance is not yet considered a crime under Philippine laws, the 15 cases presently filed in court are lodged as kidnapping, murder or serious illegal detention or a combination of the last two offenses.<sup>11</sup>

From January to June 2008, the Families of Victims of Involuntary Disappearance (FIND) documented three cases of disappearance nationwide.

FIND provides a brief analysis on the trend of cases of disappearance through the years.

The years 1983 to 1985 recorded the highest number of incidents of disappearance cases followed by years 1987 to 1989. 1983 to 1985 was the peak of the campaign against the Marcos dictatorship. 1987 to 1989 was the period of “total war policy” of the Aquino regime against insurgents. There was a noticeable decline in the number of victims during the administration of President Ramos. The trend was maintained at the earlier part of President Estrada’s short tenure until he declared an all-out war against terrorists,

raising the number of victims to 58 in year 2000. With the present dispensation of President Gloria Macapagal-Arroyo, the total number has risen to 160... with her pronouncement of an all-out war against communist insurgents and terrorists.<sup>12</sup>

The case of the disappearance of Rogelio Marquez, a member of Alyansa ng Magsasaka sa San Jose (Peasant Alliance of San Jose) was documented by TFDP this year.<sup>13</sup>

Marquez was allegedly abducted by seven uniformed police officers at Sitio Artemia, Brgy. Bubog, San Jose, Occidental Mindoro. According to a staff of the Social Services Commission of the Apostolic Vicariate of San Jose, Marquez's family went to the local radio station to find information regarding his whereabouts. The Philippine National Police (PNP) denied having Marquez in their custody.

As of this writing, Marquez remains missing.

The most celebrated case of abduction and disappearance involved Rodolfo "Jun" Lozada, a resource person invited by the Senate to shed light on the controversial ZTE broadband network scandal in which high officials of the Arroyo government and the president's husband were embroiled. Lozada would later surface, and he was able to testify at the Senate hearings. But months after Lozada's exposé, the Senate has yet to conclude its inquiry into the NBN-ZTE controversy.

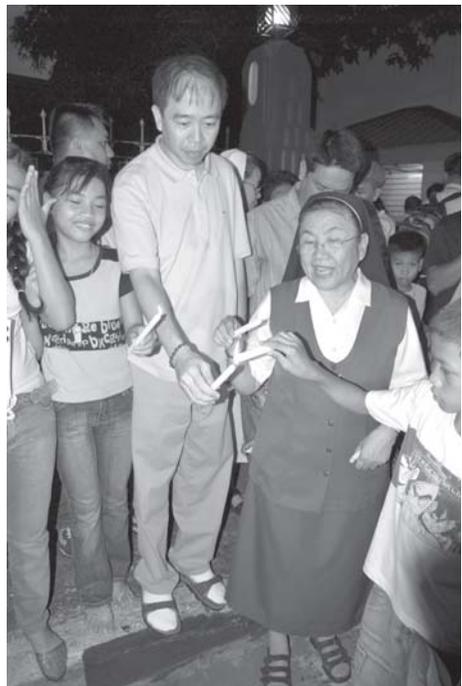
## **Writs of Amparo and Habeas Data**

The promulgation by the SC on the Writ of Amparo for cases of extrajudicial executions and enforced disappearances, and later the on Writ of Habeas Data, could be major developments.

The Writ of Amparo seeks to provide protection to the victims (and their families) of extrajudicial killings and enforced disappearances. The rule also empowers the court to issue relief that may be granted through judicial orders of protection, production, inspection, and



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other relief to safeguard a person's life and liberty.<sup>14</sup>

The Rule on the Writ of Habeas Data is both an independent remedy to enforce the right to informational privacy and the complementary "right to truth," as well as an additional remedy to protect the right to life, liberty, or security of a person. The writ makes available to any person whose right to privacy in life, liberty and security is violated or threatened by unlawful acts or omission of a public official or employee, or of a private individual or entity engaged in the gathering, collecting, or storing of data or information regarding the person, family, home and correspondence of the aggrieved party.<sup>15</sup>

Coincidentally, on September 25, 2007, the day the Writ of Amparo was promulgated, the Executive Department issued Administrative Order 197. AO 197 directs the Department of National Defense (DND) and the Armed Forces of the Philippines (AFP) to draft a bill aimed at putting in place "safeguards" against the "disclosure of military secrets" and "undue interference in military operations inimical to national security".<sup>16</sup>

According to Chief Justice Artemio V. Panganiban, the AO is obviously "a military counterattack to outflank and overwhelm the new writ."

## Caught in the crossfire

All these cases of human rights violations in the country, as the UPR report notes, are a consequence of the counter-insurgency program of the government.

As the government tries to crush a communist insurgency all over the country as well as a secessionist movement in Mindanao, members of civil society organizations and even civilians get caught in the crossfire.

Balay Rehabilitation Center, a human rights organization that monitors cases of internally displaced persons, stated in its report that displacement of civilian populations occurs as a result of military

harassment, massacre of families, and endless military operations in their communities.

There is a failure to account for all the casualties in the sporadic wars in Central Mindanao and in Sulu and Basilan provinces. Since April of this year, there have been aerial bombings and shellings which hit civilian communities. These military operations against the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) forces are under the pretext that these separatist armed groups are providing haven to the Abu Sayyaf and other international terrorists who are believed to conduct trainings in their camps. The stalled peace talks have been compromised as a consequence.<sup>17</sup>

One of the first documented cases for the year was the incident in Barangay Ipil, Maimbung, Sulu.<sup>18</sup> On February 4, elements of the Special Warfare Group of the Philippine Navy and Light Reaction Company conducted a military operation in Barangay Ipil, an islet near the mainland town of Maimbung, Sulu, populated by more than 30 households. The military operation was based on a false intelligence report of the presence of the Abu Sayyaf group holding a kidnapped businesswoman.

When gunshots were heard, the families of Lahim, Akub and Failan boarded a *bangka* to flee for safety. There were 11 of them in the *bangka* when they encountered soldiers on board a rubber boat. The soldiers reportedly started firing shots at them. The women who were hit shouted and pleaded for the soldiers to stop the shooting. Six of them, including a pregnant woman and a four-year old child, died on the spot. Two others were wounded.

In a separate incident, residents were rounded up in their house and ordered to kneel down. A certain Ibno Wahid was shot point-blank in front of his wife and relatives. Those who scampered for cover were either killed or wounded when their houses were peppered with bullets. Valuables were also taken.



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## CARNAGE

Renewed fighting in August this year has brought the problem of internally displaced persons (IDPs) to a new crisis level. As of August 12, 2008, humanitarian organizations estimated that 160,000 villagers had fled their homes. In North Cotabato province alone, some 130,000 IDPs needed immediate relief. By August 20, an estimated 220,000 residents of N. Cotabato and Lanao provinces had become IDPs.

In its August 31, 2008 update on what it calls the “complex emergency in Mindanao,” the National Disaster Coordinating Council (NDCC) reported that a total of 88,243 families (or 423,772 persons) have been affected by the renewed hostilities. Less than a fourth of those displaced (18,554 families or 91,148 individuals) found refuge in the 136 schools, gymnasiums or camps that were turned into evacuation centers. As the NDCC reports, the majority of those who fled their villages sought shelter in the homes of friends or relatives.

64,404 of the displaced families (317,375 individuals) needed immediate assistance, having lost their homes and/or sources of livelihood.

## Government's response

The culture of impunity prevails amidst these massive human rights violations. The government remains unmoved despite the deafening clamour for solutions to the terrible human rights record it has chalked up and the swelling discontent among the population.

Numerous large scale mobilizations and activities have been held in support of truth, accountability and justice. On February 29, during a large interfaith rally in Makati City, the government even prevented the media from taking aerial shots of the mass action. This was believed to be a ploy so that those who were not able to

join the rally would not see the increasing scale of dissent against the Arroyo government.

Even the protest actions calling for truth, accountability and justice are met with further human rights violations, such as the one TFDP documented in Tacloban City.<sup>19</sup>

On February 29, as the interfaith rally was happening in Makati City, a similar activity was being held in front of the Redemptorist Church in Tacloban City. The people were staging a noise barrage in support of a nationwide call for truth when members of the Special Weapons and Tactics (SWAT) and the the Philippine National Police (PNP) violently dispersed the participants.

At first, the police attempted to end the activity by asking for a copy of the protest permit. When that did not work, an unidentified police in a threatening tone told one of the protesters, "*Magkikirit kita*" (We will meet again). During the noise barrage, the armalite-carrying SWAT men moved towards the protesters and started grabbing their streamers, banners, and placards.

## Hot air

The Philippine delegation to the UPR, headed by Executive Secretary Eduardo Ermita, enumerated the efforts made by the Arroyo government to address human rights concerns in the Philippines.

The government report boasted that from 2006 to 2007, there has been a decline in the incidents of killings of activists and members of the media.<sup>20</sup> If indeed political killings had declined, it is still not clear whether this could be attributed to the serious efforts of the Arroyo government. Some observers have pointed out that the decline was recorded *after* Maj. Gen. Jovito Palparan<sup>21</sup> and Lt. Gen. Romeo Tolentino retired from active service.<sup>22</sup>

Human rights advocates cannot rest easy on Arroyo's pronouncements about measures to stop extrajudicial killings and abductions, when in the same breath, she heaps praises on General Palparan (during the 2006 State of the Nation address, for example).



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Her vocal support of Palparan only confirms what human rights advocates have always suspected: that the killings are part of the government's "unintended policy."

## Misrepresentations

The government report also listed "as a concrete manifestation of the Philippines' willingness to cooperate with the international human rights system" its invitation to Prof. Philip Alston, the UN Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions.<sup>23</sup> But in her speech before the UNHRC, Ambassador Erlinda Basilio, the Philippines' permanent representative to the United Nations in Geneva, lambasted the Alston report, saying it was "bloated."

Basilio claimed that the allegations of extrajudicial killings in the Alston Report have been exaggerated for political purposes, citing cases of what she said should be considered as misreported and non-existent cases. Once such case she cited was the "Bicutan Massacre," which involved, according to her, "23 cases of convicted members of the terrorist Abu Sayyaf Group, who died in a violent jailbreak attempt."<sup>24</sup>

But it was the ambassador herself who was misreporting the facts. Reports prove that those who were killed were detainees who had yet to see their day in court, let alone be convicted of terrorism. Only three of those who died were suspected members of the ASG, and these three were not included in the Alston report.

## Tortuous

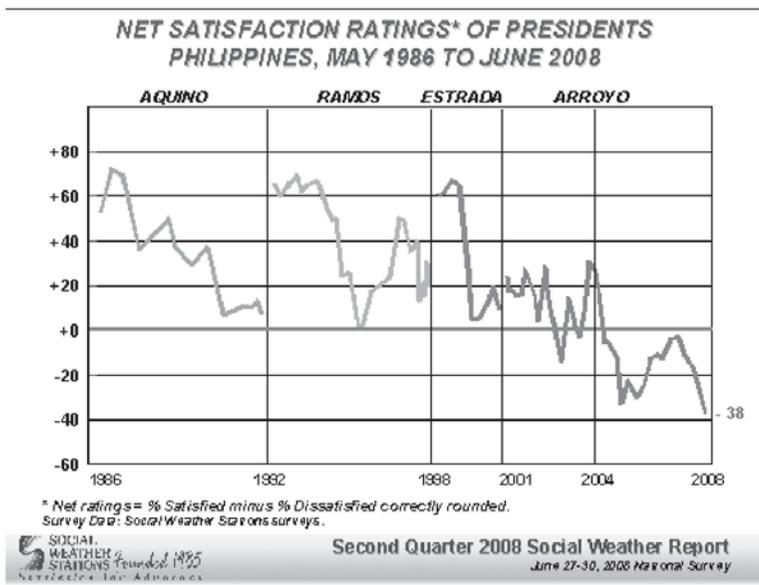
Another pronouncement made during the UPR was that the Philippines also strengthened domestic support for the ratification of the Optional Protocol to the Convention Against Torture (OPCAT). An announcement from Malacañang on April 22 that the president has already ratified the OPCAT could support the claim. It turned out, however, that the declaration was nothing more than a public relation coup aimed at boosting the human rights image of the president while ensuring that the concrete result – the Senate ratification of the OPCAT – will remain suspended in limbo.<sup>25</sup>

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Sadly, legislation of human rights bills is not a government priority. Despite strong lobby efforts, there are still no domestic laws criminalizing torture and enforced disappearance. There are pending anti-torture and anti-enforced disappearance bills in both houses of Congress, but the enactment into law of both bills still has a long way to go.

## People's response

A devious administration cannot forever hoodwink the people. In its 2<sup>nd</sup> quarter survey, the Social Weather Stations (SWS) recorded a -38 satisfaction rating for the president. Mrs. Arroyo is the only president after Marcos who has received a negative satisfaction rating (refer to figure, below).



Source: <http://www.sws.org.ph/>

Despite the gigantic stumbling block that is the Arroyo government itself, efforts to break the culture of impunity has been steadily growing. In the face of impunity, human rights defenders continue to courageously fight for the realization of human rights. Grassroots education and awareness building are being done. Different organizations continue to work together for human rights and peace.



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In its report to the UPR, civil society groups recommended the following:

1. Immediate ratification of international human rights instruments, including Optional Protocol Against Torture (OPCAT) and the Convention on Enforced Disappearance;
2. Enactment of domestic legislations reflective of the State's commitment to universal human rights principles and dismantling of policies that violate them, including the repeal of the Mining Act of 1995;
3. Repeal of the Human Security Act of 2007;
4. Prioritization of basic services (education, health, housing, etc.) over foreign debt servicing in the annual budget, which would entail the repeal of the Automatic Appropriations Law;
5. Implementation of the Alston and Staffenhagen recommendations.

## NOTES:

- 1 These advertisements, which were first aired during the seventh anniversary of EDSA 2, featured various workers claiming their lives had improved under the Arroyo administration. Brief video clips of Mrs. Arroyo taking her oath as acting president at the EDSA Shrine on January 20, 2001 were interspersed with the interviews in the TV ads. While the ads did not indicate the sponsoring group or agency, they appeared in place of government infomercials and regular spots of the Philippine Amusement and Gaming Corp. (<http://www.gmanews.tv/story/77283/Asenso-ads-air-in-place-of-govt-infomercials>)
- 2 Strong Peso, Higher Prices by Ben Sanchez, [www.inquirer.net](http://www.inquirer.net), March 28, 2008.
- 3 *ibid.*
- 4 *ibid.*
- 5 DSWD says 'poverty targeting' in RP difficult, [www.abscbnnews.com](http://www.abscbnnews.com), July 19, 2008.
- 6 This report was submitted by the Philippine NGO headed by the Philippine Alliance of Human Rights Advocates (PAHRA). Other civil society organizations, most of which are also PAHRA members, that were part of

the report: Philippine Human Rights Information Center (Philrights); Task Force Detainees of the Philippines (TFDP); Association of Major Religious Superiors in the Philippines (AMRSP); Justice, Peace and Integrity of Creation Commission-AMRSP (JPICC-AMRSP); Families of Victims of Involuntary Disappearance (FIND); Balay Rehabilitation Center Inc.; Claimants 1081; Moro Human Rights Center (MHRC); Philippine Network of Rural Development Inc. (Philnet-RDI); Medical Action Group (MAG); Kasarinlan Kalayaan (SARILAYA); University Center for Human Rights Education (UCHURE); Center for Migrant Advocacy (CMA); TEACHERS; Social Watch-Phil.; Action for Economic Reform (AER); Legal Resource Center-Kasama ng Kalikasan (LRC-KSK); Freedom from Debt Coalition (FDC); Kilusan para sa Pambansang Demokrasya-Central Luzon (KPD-CL); Alab Katipunan (AK); Pinay Kilos (PINK); Claret Justice and Peace and Integrity of Creation (Claret-JPIC); Phil. NGO Liaison Committee on Food Security and Fair Trade (PNLC); Pambansang Koalisyon ng mga Kababaihan sa Kanayunan (PKKK); Focus on the Global South; Justice, Peace and Integrity of Creation-Franciscan Sisters of the Immaculate Conception (JPICC-SFIC); and the Philippine Coalition for the International Criminal Court (PC-ICC). See also "Engaging governments through the UPR process" by Renato Mabunga, pp. 27-31, *Human Rights Forum*, June 2008.

- 7 "These individuals were arbitrarily arrested, detained for days, even weeks, even in the absence of charges against them. There were also documented cases of these individuals being subjected to cruel, inhuman, and unjust punishment and tortured."
- 8 Fact Sheet 08-INF-001 documented by TFDP-Luzon
- 9 Fact Sheet 08-DOR-001 documented by TFDP-Mindanao
- 10 Fact Sheet 08-BOH-001 documented by TFDP-Visayas
- 11 Families of Victims of Involuntary Disappearance (FIND), Overall Results: FIND's Search and Documentation Work (November 1985 to June 30, 2008).
- 12 Ibid.
- 13 Fact Sheet 08-OCM-001 documented by TFDP-Luzon
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# Harvesting Hunger

## The Philippine Rice Crisis



BY **AURORA A. REGALADO**

**I**F YOU are poor, you have no choice but to fully bear the brunt of the rice crisis. You wake up early to join the long lines of fellow poor, mostly women and children baking under the scorching sun, just to be able to buy two kilos of subsidized National Food Authority (NFA) rice at P18.25/kilo. Otherwise, you shell out more than double that price to purchase a kilo, in its “commercial” variety. An observer likens the NFA rice lines as “*parang sawang nakapulupot sa haba* (like a coiled snake).” Luckily for the Philippine government, there are no food riots yet as experienced in other countries like Haiti, Somalia and Mexico. Perhaps the Filipinos are just too patient.

**TABLE 1. Prevailing retail price (Well-milled rice), P/kg**

Month	2007	2008
January	23.72	25.80
February	23.81	26.08
March	24.07	27.57
April	24.17	32.20
May	24.29	33.69
June	24.38	38.95*
July	24.69	
August	25.09	
September	25.72	
October	25.70	
November	25.49	
December	25.53	

\* Preliminary as of June 20, 2008

Source: NFA



Already reeling from soaring fuel and rice prices, Filipinos have yet to see the worst, analysts say, during the lean months of June to September. In Nueva Ecija, one of the main rice producing provinces, the price of ready-to-mill *palay* (unhusked rice) rose to P21.50 a kilo by the first week of June.<sup>1</sup> At that price, a kilo of milled rice will cost P43.

The government claims that there is no rice crisis, only a *price crisis*. In essence, there is no significant difference. High rice prices are a consequence of rice shortages or shortfalls in supplies vis-à-vis demand. The Philippines has not been able to produce sufficient rice for its population in many years. It has been a net importer of its staple food for years now.

In November 2007, the NFA Council approved the importation of 1.6 million metric tons (MMT) for 2008. By February 2008, upon the recommendation of the Inter-Agency Committee (IAC), the NFA Council increased the volume to be imported to 2.1 MMT. The cited justifications for the increase were: production estimates for January to June 2008 are vulnerable to change; the prevailing unfavorable weather condition; tight global rice supply; and diet shift from bread and corn to rice.<sup>2</sup> The NFA reported that the Philippines has so far signed contracts to import a record high of 2.2 MMT<sup>3</sup> (December 2007 – June 2008 bidding) this year, of which 1.3 MMT have arrived and the balance is expected to arrive by June-September.<sup>4</sup> Philippine rice imports in 2008 could reach 2.7 MMT, Agriculture Secretary Arthur Yap has said.

Why is this happening?

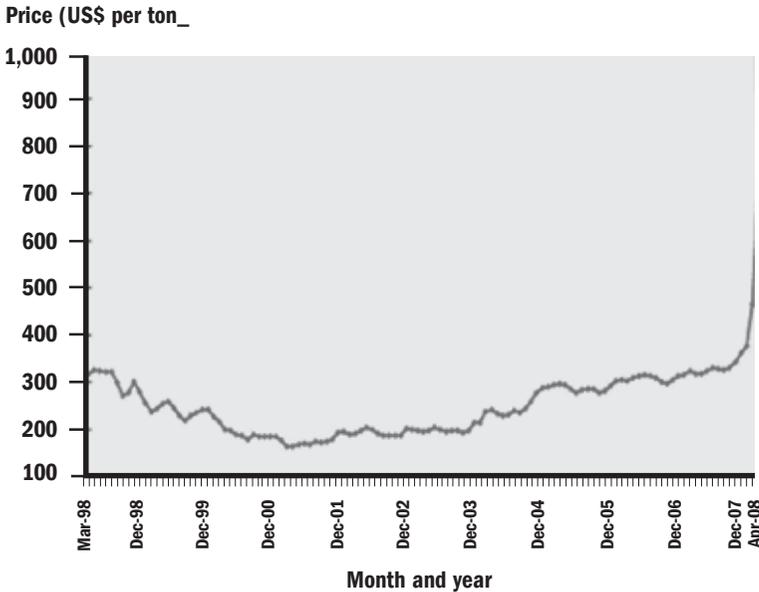
## **Era of Cheap Rice Over**

The increases in rice production due to higher productivity during the Green Revolution in the 60s and 70s resulted in lower rice prices. This trend, however, ended by 2001 and rice prices have risen continuously since then (Figure 1). Global prices soared by the first quarter of 2008 and reached as high as \$1,010 per metric ton (Thai rice, 5% broken, a popular export grade - May 29 rice quote) from only \$368/mt in December 2007. This development is

disastrous for the Philippines, a perennial rice importer (now the world's biggest rice importer). This meant more dollars to buy the commodity, expenses which the country could hardly afford and which could have been invested in equally important priorities.



**FIGURE 1. Rice price increases, international market**



Source of raw data: The Pinksheet, World Bank  
 Mar - Apr 2008 data from Oryza.com

**Monthly export price (US\$/ton FOB) of Thai rice 5%-broken, 1998-2008 (March 1998 to April 2008)**

Source: IFPRI

In need of more than two million tons to supplement its local production, the Philippines, along with other rice-importing countries, scrambled to secure supplies for its consumption needs and buffer stocks. The Philippines had problems securing stocks as several rice auctions or tenders have failed. With world rice supplies already dwindling, exporting countries like Thailand and India restricted exports to ensure their own rice security. Dwindling supply and high demand pushed rice prices to unprecedented levels. At the international level, rice prices remain volatile and high.

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Key factors that have contributed to spiraling prices include decreasing world rice inventories and very modest increase (4.6% in 2007 over 2006 data) in world grain production, rapid population growth, skyrocketing fuel, freight and transport costs, the emerging biofuels market, climate change and market speculations of traders and policy makers which led to panic in some countries.<sup>5</sup>

## **A Bitter harvest**

Why is the Philippines a perennial rice importer?

Poverty, low productivity, rapid rise in population, high production costs and losses, inappropriate programs and insufficient government support and investments are the major reasons why the Philippines is not producing enough and has to rely on imports to feed its growing population.

The Philippine population has rapidly grown from 60.7 million in 1990 to 76.3 million in 2000; 88.7 million in 2007; and 90.4 million in 2008. On the other hand, total rice production was only 16.24 million tons (Bureau of Agricultural Statistics data) as compared to the needed volume of 18.5 million tons of rice in 2007. There is a shortfall of more than 2 million tons of rice, and this has to be imported from a thin world market (only 6-7 percent of world rice produced are traded in the world market).

While there has been an improvement in Philippine rice yield, from 3.51 metric tons/hectare in 2004 to 3.76 MT/hectare in 2007 (BAS data), it is still low compared to what have been achieved by other countries like Vietnam (4.8 MT/ha), Indonesia (4.5 MT/ha) and U.S. (7.4 MT/ha). While Thailand has lower rice yield (2.6 MT/ha), it has more than 10 million hectares devoted to rice production. The United States allotted only 1.3 million hectares to rice production but it has high productivity.

Low productivity in the Philippines is attributed to several factors, namely the high costs of production, especially farm inputs, aggravated by uncertainties in production (insect pests, diseases,



PHOTO: PEPITO FRIAS



PHOTO: PEPITO FRIAS



PHOTO: PEPITO FRIAS



PHOTO: PEPITO FRIAS



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PHOTO: JAY AZUCENA



PHOTO: JAY AZUCENA



typhoons and drought), low or fluctuating prices of *palay* (unhusked rice), land conversions (from agriculture to non-agriculture uses), crop conversions (from production of *palay* to other crops) and inaccessible credit facilities.

From 2002 to 2007, the annual growth rate of rice production was 3.68 percent. This growth rate and the current state interventions and investments in the industry could result in only 94 percent self-sufficiency in 2010 and 100 percent self-sufficiency in 2016.<sup>6</sup>

Civil society groups (CSOs) like the Rice Watch and Action Network (R1) and the Philippine Coalition for Food Security and Fair Trade (PNLC Philippines) pointed out that the strong demand for rice is an indicator of a country mired in poverty. Rice accounts for 28.8 percent of total budget of the lower income (CDE segment) of the population and 36.8 percent of their food budget. The sharp increases in rice prices may likely displace non-food items in the food budget of the urban and rural poor.<sup>7</sup>

In the Philippines, per capita rice consumption per year grew from 86 kg (1970-72) to 101 kg in 1999-2001, 118.69 kg in 2006 and about 120 kg in 2007. In more affluent rice eating societies, rice consumption has gone down as diets have become more diversified to include more meats, vegetables and other sources of carbohydrates like bread and noodles. In Malaysia, per capita rice consumption dropped from 123 kg/yr (1970-72) to 88 kg/yr (1999-2001). In Thailand, it dropped from 152 kg/yr to 109 kg/yr over the same period.<sup>8</sup>

Farmers' organizations and CSOs have decried the low priority given to agriculture compared to industry and services. They said that the country is now harvesting the fruit of decades of neglect and inappropriate policies and programs – the rice crisis.

### **Is self-sufficiency in rice attainable by 2010?**

Achievable, says the government. On July 3, 2008 at the National Food Summit, President Gloria Macapagal-Arroyo launched the P43.7 billion FIELDS Initiative to achieve self-sufficiency in grains

and other food products. In the tradition of coining pedestrian acrostics, FIELDS stands for fertilizer and micronutrients, irrigation facilities, rehabilitation and restoration, extension and education and training of farmers and fisherfolk, loans, dryers and other post-harvest facilities and seed subsidy for high-yielding, hybrid varieties. The multi-billion program provides:

- P500 million for fertilizer support from the Agricultural Competitiveness Enhancement Fund, with special focus on the use of organic fertilizers;
- P6 billion for irrigation, with the goal of rehabilitating all irrigation systems that need to be repaired or rehabilitated by 2010;
- P6 billion for farm-to-market roads and other rural infrastructure like roll-on roll-off (RORO) ferry terminals.
- P5 billion for education, extension and training of farmers on new technologies and research and development on how to increase farm yields and lower production costs;
- P15 billion in loans and credit for farmers, fisherfolk and other small rural borrowers, which is on top of the P5 billion the president earlier ordered the Land Bank to make available to rice farmers;
- P2 billion for dryers and other post-harvest support like storage facilities; and
- P9.2 billion for hybrid and certified seed production and subsidies until 2010, of which P6.5 billion will be for certified seeds and P2.7 billion for hybrid seeds. The target is to plant certified seeds in 600,000 hectares in 2008 and hybrid seeds in 900,000 hectares in 2009 and 2010.

The Department of Agriculture through the Philippine Rice Research Institute (PhilRice) came out with the Rice Self-Sufficiency Plan 2009-2010. The goals are 100% rice self-sufficiency by 2010 and improvement of rice productivity and increased income of rice farmers.

Farmers' organizations and CSOs have heavily criticized the FIELDS initiative as deeply flawed, saying its fundamental framework is based on dependence to commercially-developed hybrid rice seeds



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and chemical-based farm inputs. As the groups point out, such a framework has “driven the country to this (rice) crisis in the first place.”<sup>9</sup>

## Wake up call

Ensuring the country’s food security, especially its main staple, is an obligation of the Philippine government. In trying to attain self-sufficiency, however, it must not compromise the ability of future generations to feed themselves.

As such, farmers’ groups and civil society (see R1’s proposal, available at [www.R1phils.org](http://www.R1phils.org) ) are proposing the adoption of a sustainable rice production system in the government’s rice self sufficiency program for 2009-2010. They emphasized the need for equal political and material support for sustainable rice farming. Some of the specific recommendations include a clear phase-out plan for subsidies for hybrid seeds and other inputs; the strengthening of agricultural research and extension; production, credit and marketing support; and the rehabilitation of small-scale irrigation systems and watersheds, among others.

These groups also called on the government to re-allocate subsidies given to seeds, fertilizers and pesticides to public goods and services that will enable and strengthen the capacities of farmers, local communities and local government units to effectively address local development needs.

Indeed, the Philippines is now facing great challenges that if not handled well, would further put its poor people’s livelihoods and food security (e.g., rice security) at risk. The present rice crisis is another wake-up call for government to address long standing issues that have affected the country’s ability to provide its people enough food for a healthy and productive life.

May it heed this alarming call. Otherwise, recurrent crises are the bitter fruits we will continually harvest.

## NOT ACHIEVABLE, AFTER ALL

But barely a week after the National Food Summit, the government announced that it is abandoning its rice self-sufficiency goal by the end of the decade.

It pushed the goal three years back, instead.

“*Mukhang hindi kaya,*” Augusto B. Santos, acting director general of the National Economic and Development Authority (NEDA) told the media.

To achieve 100% self sufficiency in rice by 2013, the government will pump some P52-55 billion until 2013. Bulk of the investment will be poured into improving irrigation facilities and farm-to-market roads.

### NOTES:

- <sup>1</sup> MODE price monitoring data, May-June 2008
- <sup>2</sup> Minutes of Meeting of the NAFC Sub-Committee on Cereals, March 25, 2008, p.4
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- <sup>7</sup> Governor Joey Salceda, *A Roadmap to Food Security* (PowerPoint Presentation), 2 April 2008
- <sup>8</sup> Aurora Alarde-Regalado, *The Rice Economy in Southeast Asia*, SEACON, 2005.



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- 9 Rice Watch and Action Network, Civil Society and Farmers' Proposal: Integration of sustainable rice production system in the FIELDS program, 25 June 2005. [www.r1phils.org](http://www.r1phils.org)
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# World Food Crisis and the Filipinos' Right to Food

BY **BERNARDO D. LARIN**

**I**N THE first quarter of 2008, Filipinos woke up to a harsh reality: the price of commercial rice, the country's staple food, skyrocketed from P24-28 to P32-40, reaching up to the present P38-46.

All of a sudden, long queues of mostly mothers and children appeared in many towns and cities, enduring the sweltering heat just to buy cheaper government rice at P18 per kilo.

The spike in rice prices was a jolt, no, a shock to the already overstretched budget of minimum wage earners who could only afford to bring home P350 or less a day (although government data revealed that they need at least P700 a day to live decently).

Of course, the normal reaction would be to ask why this was happening. What was causing the increase in the prices of food commodities?

## **World food crisis**

Relatively, the Philippines is 'luckier' because in other countries, mostly in Africa, the spike in food prices felt in the latter part of 2007 triggered chaos, riots and political turbulence.

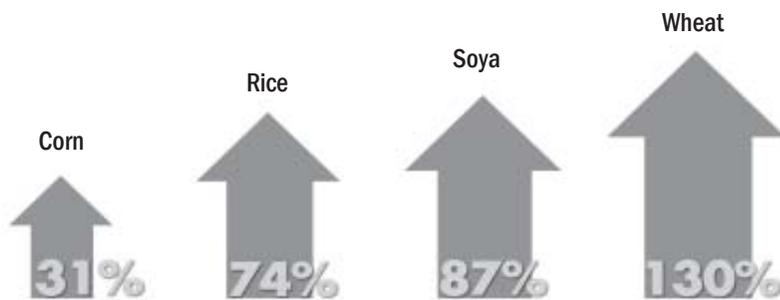
UN secretary general Ban Ki Moon declared that "the rapidly



escalating crisis of food availability around the world has reached emergency proportions.” According to him, the problem threatens to set back the almost a decade effort of the international community to combat global poverty.<sup>1</sup>

Since last year, food researchers have been monitoring the spiralling prices of the basic food grains such as rice, wheat, and corn. According to UN Educational, Scientific and Cultural Organization (UNESCO), the prices of wheat have risen by 130% since March 2007 and soy prices soar by 87%. The World Bank (WB) added that world food prices have increased 83% over the last three years.<sup>2</sup>

### Rise of prices in a single year, March 2007-March 2008



Source: Bloomberg, except rice: FAO/Jackson Son & Co

The Food and Agriculture Organization (FAO) sounded the alarm on February 13 this year, saying that 36 countries were already in crisis due to higher food prices and would need external assistance.<sup>3</sup>

The UN food agency attributed to the following reasons for the rising food prices<sup>4</sup>:

- a) low world food stocks, particularly wheat and corn, after a two-year below average harvests in Europe;
- b) crop failures in major food producing countries like Australia in 2006-2007;
- c) rapidly expanding demand for grain-based biofuel, the production of which tends to divert productive resources



Photo: Medical Action Group (MAG)

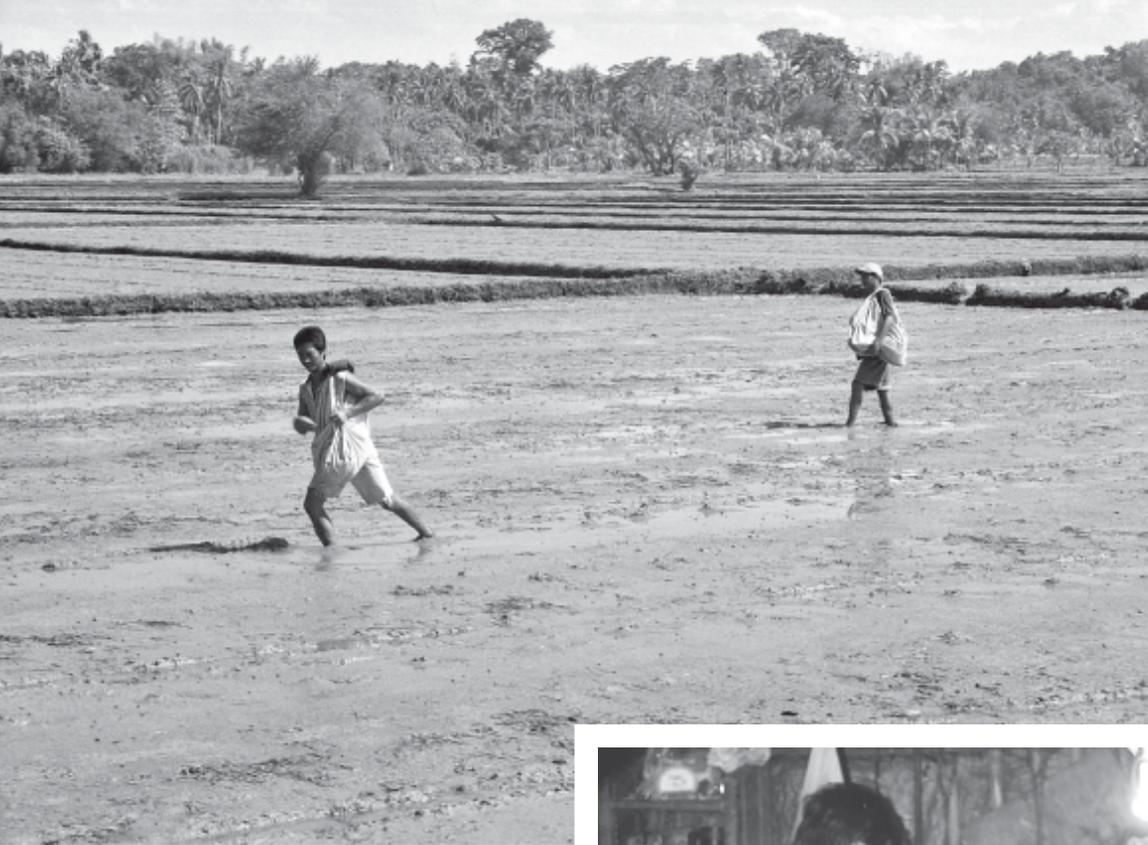


PHOTO: JAY AZUCENA



PHOTO: PEPITO FRIAS



PHOTO: JM





like land from food cultivation;

- d) lower surplus production of developed countries due to reduced farm subsidies;
- e) increasing demand from fast developing economies, especially China and India;
- f) climate change and resource constraints, especially water.

What the FAO failed to mention was the rising oil prices as another contributor to the food crisis, since it also jacked up the costs of farm inputs such as fertilizer and pesticides as well as production and delivery expenses.

Also left out was market speculation. The weakening dollar prompted investors worldwide to transfer their venture from money market to commodities, triggering increased demand that led to higher prices.

As if coping with expensive food items is not crippling enough, FAO further assures us that the current level of food prices are here to stay for a couple of years, probably until 2015.

### **Hardest hit**

Poor countries like the Philippines, with most of its citizens spending more than half of their meager income on food, were the ones gravely affected by soaring world food prices.

Worse, the country's dependence on imports, especially rice, to feed its people made it more vulnerable to the effects of the global food crisis.

In the past, the Philippines used to be self-sufficient in rice. Now it is listed by the US Department of Agriculture as the number one importer of milled rice for 2007, beating Nigeria, Indonesia and Bangladesh for the top spot.<sup>5</sup>

## Self-inflicted?

Analysts believe that the Philippines somehow contributed to the world food price crisis, when in the last quarter of 2007 and the first quarter of 2008, it dramatically increased its rice demand in the world market.

The country's transformation from self-sufficient to being the top importer of rice in the world indicates a lot about how the government has been fulfilling its obligations in relation to the right to food of Filipinos and to its duties as a member of the international community.

When an agricultural country with still sufficient productive resources finds itself dependent on food imports, then the government must be doing something wrong or not working hard enough to ensure that its farmers and fishers would have enough produce. It must be also amiss in creating an environment in which food is efficiently transported and distributed to consumers at affordable levels.

The rampaging world food crisis presents an opportunity for the government to adopt policy changes such as legislating a food security act, to correct its long-running 'sins' against the people, like the ineffective agrarian reform. It should also implement programs that would provide long-term support to agriculture, like irrigations, roads, and credit facilities. (See *"Harvesting Hunger: The Philippine Rice Crisis,"* for more proposals for dealing with the food crisis.)

These are strategic responses to the global food crisis that should be pursued along with the current actions of the government like the Food for School program and the giving of assorted subsidies to the poor. Otherwise these short-term measures would just be palliative and might even be seen as political gimmickry.

The global food crisis is also a test, a very tough one, for the government to hurdle and prove its mettle in realizing the right to food of its constituency even during the most trying times.





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- <sup>4</sup> Food and Agriculture Organization, "The ten most Frequently Asked Questions about the recent rise in food prices." January 2008, <http://www.fao.org/worldfoodsituation/faq.html#Q1>
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World  
Food Crisis  
and the  
Filipinos  
Right to  
Food

# The Philippine Health Situation at a Glance



BY **CANDY DIEZ**

## **Cheaper medicines?**

**O**NE IMPORTANT development in the promotion and protection of the right to health of Filipinos is the passage of the Cheaper Medicines Act of 2008.

Its passage was not an easy one. Right from the start, the bill met with stiff resistance from multinational drug companies which exerted all efforts to block its passage, especially during the 13<sup>th</sup> Congress.

After several public hearings and consultations, salient points of the bill grew to include more than just the Intellectual Property amendments. The bill contained amendments to the Generics Act and pharmacy law. The establishment of a drug price regulation was also included along with a provision to strengthen the Bureau of Food and Drugs (BFAD).

During the 14<sup>th</sup> Congress, the House version of the bill again faced stiff hurdles. Some of its provisions were not exactly palatable to certain sections within and beyond the halls of the lower house. The Drug Price Regulation vs. IP amendments debate was consistently drowning all other issues on the Cheaper Medicines bill in the first stages of the hearings by the House Committee on Trade and Industry. Some legislators viciously attacked the IP amendments, alleging



that the amendments will not really translate into affordable medicines.

The Philippine Medical Association (PMA) focused its attacks on the amendments to the Generics Act. The amended provision mandates for prescribing medicine in its generic name only, with no brand name appearing in any part of the prescription pad. This provision seeks to promote the use of generic drugs while preventing multinational pharmaceutical companies from using the prescription pads as a marketing tool for their branded drugs. The PMA went as far as threatening to conduct a nationwide Hospital Holiday, a boycott in which hospitals will refuse to accept patients once every week except for emergency cases. PMA conducted a nationwide motorcade to signify the doctors' opposition against the "generics-only" prescription. PMA's steadfast supporter was Senator Pia Cayetano, who opposed the provision during the bicameral deliberations and moved to scrap the generics only prescription from the final bicameral version of the bill.

The Department of Health, after a much-publicized show of support for the generics only prescription, retracted its recommendation. The DOH said that 54% of Filipinos are already purchasing generic medicines, so the need to amend this specific provision no longer merited urgency.

## **Profit over patients**

Amid the hubbub surrounding the 'generic name only prescription' and even generic drug itself, public health advocates remained steadfast in their stance, challenging the PMA to renounce their profit-oriented view and put the patients' best interest in mind.

The Office of the President saw the debate over the 'generic name only prescription' as the sole hindrance to the passage of the legislation. Thus, in May of 2008, President Arroyo publicly appealed to the bicameral committee members to drop the said provision to be able to pass a more important piece of legislation.

promised to raise the ‘generics name only prescription’ in an omnibus bill amending the Generics Act.

Despite the controversies hounding the public health legislation, the president finally signed the Cheaper Medicines Law on June 6, 2008. In its final form, the law is officially referred to as the Universally Accessible Cheaper and Quality Medicines Act of 2008. It amended the Intellectual Property Code of the Philippines, the Generics Act and the Pharmacy Law; contains certain provisions on drug price regulation and non-discrimination; and strengthens the Bureau of Food and Drugs.

### **No condoms allowed**

In January this year, twenty residents of the city of Manila petitioned the Court of Appeals, seeking a temporary restraining order on Executive Order 003. EO 003 bans contraceptives in Manila, one of the most densely populated cities with a population of 1.7 million.

Signed in February 2000 by then-City Mayor Lito Atienza, the Executive Order upholds natural family planning and discourages artificial methods of contraception such as condoms, pills, intrauterine devices and surgical sterilization, among others.

In opposing EO 003, the petitioners invoked their right to healthcare and development, saying that the executive order violated reproductive rights.

### **Church opposition**

In Quezon City meanwhile, the city council is in a toss-up with the Catholic church over an ordinance which supports the reproductive rights of its constituents.

The ordinance, which is being contested by Cubao Bishop Honesto Ongtioco, outlines a comprehensive population and reproductive health management policy that emphasizes the use of condoms and other contraceptives. The ordinance also mandates the inclusion of reproductive health and sex education in the curriculum of students





from Grade 5 up to high school.

Quezon City councilors immediately responded to allegations of the ordinance being “anti-life.” A number of councilors have clarified that the city’s population policy is consistent with the position of the church and that the city government remains anti-abortion, as specifically stated in the policy.

To ensure that the full impact of the policy will be felt by Quezon City residents, the city government has allotted P12 million for the implementation of the ordinance.

While the two cases have dealt with the issues within local jurisdictions, reproductive health rights activists have brought the issues to the national arena to expose the government’s insincerity in addressing population and health issues.

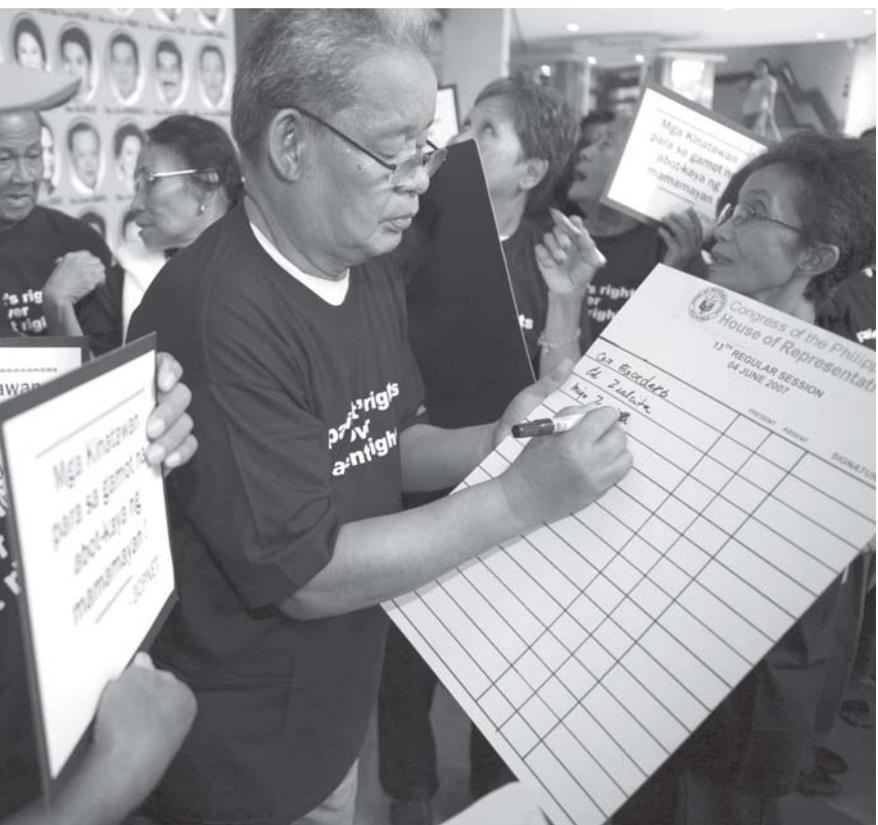
### **Teenage moms**

An article in the Philippine Daily Inquirer notes the alarming rise of teen pregnancies in the country. In 2004, out of 1.7 million Filipino babies, almost 8 percent were born to mothers aged 15-19 years old, as shown by the latest data from the National Statistics Office.

According to Benjamin de Leon, President of the Family Planning and Development, Inc. (FFPDI), almost ten percent of babies are born to a teenage mother. A study conducted by the Population Institute of the University of the Philippines shows that two of every five teenage pregnancies were unwanted. Among the young pregnant women, more than 46 percent have opted for induced abortion. Likhaan Foundation pointed out that while societal views have become more ‘liberated’ over the years, conservative views conditioned by Catholic teachings have prevented parents from discussing topics such as pre-marital sex, contraceptives and other forms of artificial birth control methods with their children.

These alarming figures have spurred various NGOs to push for the passage of a population management and reproductive health legislation.





PHOTOS: MEDICAL ACTION





GROUP (MAG)





## The Reproductive Health bill

The Reproductive Health (RH) Bill seeks to ensure that information on and access to both natural and modern family planning methods are provided to the Filipinos. The bill further envisions an enabling environment where women and couples have the freedom of informed choice on the form of family planning they wish to adopt.

The pending legislation contains measures to strengthen the Population Commission (POPCOM) to encourage natural and modern family planning methods. POPCOM will also serve as the central body for a comprehensive and integrated reproductive health and population development program. Increasing the capacity of community-based volunteers through updated training on the reproductive healthcare service delivery is also included in the proposed bill as well as the employment of a number of midwives and other skilled attendants.

The bill also calls for the establishment of emergency obstetrics care, with adequate and qualified personnel for emergency obstetrics at the provincial and city levels.

### Foaming and frothing at the mouth

Other provisions of the bill that have caused much foaming and frothing among religious fundamentalist and 'pro-life' groups include: the inclusion of contraceptives in the National Drug Formulary, making contraceptives essential medicines, and mandatory RH education for elementary and high school students (from Grade 5 to 4<sup>th</sup> Year High School). The bill also encourages an ideal family size of two children for every Filipino family, although it doesn't call for any sanctions should couples opt for more than two children.

These provisions were strongly denounced by the Catholic church and other pro-life advocates, further blindsiding the discussion on reproductive health to a pro-life vs. anti-life debate. The Catholic church is vigorously blocking the passage of this legislation because of what it sees as "anti-life" provisions that

“threaten the sanctity of life.”

As early as the first half of the year, there were speculations on President Arroyo’s stance on the issue. With the overwhelming pressure from the Catholic church, the president appears to maintain a flexible stand, denouncing abortion and other artificial methods of family planning to appease the Church while reiterating the need to resolve the population problem through natural family planning when speaking among RH rights advocates.

The Reproductive Health Bill currently remains pending at the Senate Committee on Health and Demography.

### **Doctor, doctor where are you?**

According to the Regional Coordinator of Pinoy MD Program Dr. Genelyn Herrera, at least 18 towns in Eastern Visayas have no doctors. This means that around 720,000 people in the region have no access to basic medical services.

Increasing migration of health professionals has largely depleted the pool of health practitioners, especially in the rural areas. Doctors and nurses are leaving the country at an ever faster rate. Dr. Melchor Rey Santos, president of the Philippine Medical Association (PMA), reported that of the 35,000 doctors in the PMA roster, 6,000 are now working abroad. Another 4,000 have opted to retrain and shift to the nursing profession, in preparation for an overseas job as a nurse.

According to Dr. Jaime Galvez-Tan, former secretary of the Department of Health, the number of doctors who have downgraded themselves into nurses has reached 9,000. Most of these doctors-turned-nurses leave for the US (about 6,000 of them, says Dr. Galvez-Tan). Another disturbing trend noted by Dr. Galvez-Tan is that 80 percent of these doctors-turned-nurses are government doctors.

The full impact of the migration is continuously being experienced in the rural areas such as those in Eastern Visayas towns where doctors are not available.





## Public health spending

Gaps in the delivery of healthcare service can be traced back to inadequate public health spending by the government. In 2007, the government's allocated budget for health was a meager P11.5 billion (compare this to the P54.3 billion share of the Department of National Defense).

Recent data from the World Health Organization show that the Philippines ranked 8<sup>th</sup> among 22 countries with high incidence of tuberculosis. Western Mindanao Health Director Aristides Tan says that in Western Mindanao alone, 4,000 people perish every year because of TB.

The first months of the year yielded an increase in the budget allocation for tuberculosis. The budget has been increased from P240 million in 2006 to P680 million for this year. The budget will compensate for TB medicines and laboratory supplies to be used by diagnostic centers in the Directly Observed Treatment Short course and other items such as monitoring, capacity building programs and advocacies.

## Babies in detention

In 2007, the issue of detaining patients in hospitals for unsettled bills was heightened, with medical workers and hospitals threatening to go on "holiday" to protest the ban on hospital detention. In 2008, even babies were not spared from being detained in hospitals.

In February of 2008, the Chinese General Hospital and Medical Center detained six infants because their parents could not settle their hospital bills. Judge Cielito Mindaro-Grulla favored the plight of the infants when she granted the petition for writ of habeas corpus filed by the parents of the babies. Judge Grulla emphasized the protection of the newly born infants, arguing that they are being deprived of the opportunity of being reared by their parents.



It would seem that the State has been making efforts to recognize the people's right to health, especially with the passage of the Cheaper Medicines law. Closer scrutiny would reveal that policy changes were brought about through the unceasing work of various civil society groups, particularly in the case of the Cheaper Medicines Law and the on-going work for the passage of the Reproductive Health Bill. The state's attempts to realize the right to health of the people has only shown its vulnerability to the pressures of various interest groups, as shown in the ongoing hullabaloo over the RH bill and in the 'generics name only prescription' which slowed down deliberations on the Cheaper Medicines bill.

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# The Neglected Generation

## Debt and the Filipino School Children



BY THE **FREEDOM FROM DEBT COALITION (FDC)** AND THE **YOUTH AGAINST DEBT (YAD)**

**W**HEN CLASSES formally opened this June, the entire nation was once again subjected to the same old problems besetting our education system. From shortages of classrooms, teaching materials and instructors, to unregulated tuition and other school fee hikes, students, parents and educators once more bore the burden of the yearly school opening blues.

Amid the rhetoric and empty populism of our national leaders, almost none was said about the grave wrongdoing of our government to education— the blatant non-compliance to international standards on social spending by the past and present governments.

In 2000, the United Nations proposed combative measures to address national poverty issues. The Millennium Development Goals (MDG) framework sought to halve the world's impoverished population by 2015. Providing quality education is one focus of these measures. The MDG framework proposes government investment on education, underscoring the universality of primary education. It is asserted that education is one of the most powerful instruments for reducing poverty and inequality and achieving sustained economic growth<sup>1</sup>.



Four years before the MDG Declaration, the United Nations Educational, Scientific and Cultural Organization (UNESCO) report on education highlighted the necessity to invest more on education. This means pegging a percentage of the gross national product (GNP) as the basis for the budgetary allocation for the education sector.

## The Delors benchmark

In 1996, the International Commission of Education in the Twenty-First Century<sup>2</sup>, headed by former European Commission President Jacques Delors, submitted a report to the UNESCO entitled "Learning: The Treasure from Within." The report, among others, influenced the Commission to set the following principles<sup>3</sup>:

1. Education is a basic human right and a universal human value;
2. Education, formal and non-formal, must be society's instrument for fostering the creation, advancement and dissemination of knowledge and science, and by making knowledge and teaching universally available;
3. Equity, relevance and excellence must prevail in any education policy;
4. Education reform must be the result of profound and thoughtful examination;
5. All approaches must take into account basic and agreed-upon values and concerns of the international community and of the United Nations system; and,
6. Education is the responsibility of the whole of society.

To realize these principles, the report recommended – in what is now referred to as the Delors benchmark for education – that six percent (6%) of GNP should be allocated to education.

## Giving more to education

Since its international recognition in 1996, the Delors standard has given education spending a clear political weight among governments. It has also set the demarcating line by clearly establishing the minimum level below which state subsidy on education cannot fall without causing serious ill effects in quality, accessibility and sustainability.

Because of this, governments, especially those in developing countries, have been raising their level of public spending on education as proof of their concrete commitment to education.

A 2006 Education For All (EFA) study<sup>4</sup> (see *Figure 1*) enumerates some countries which have invested 6 percent or more of their total national income to education.



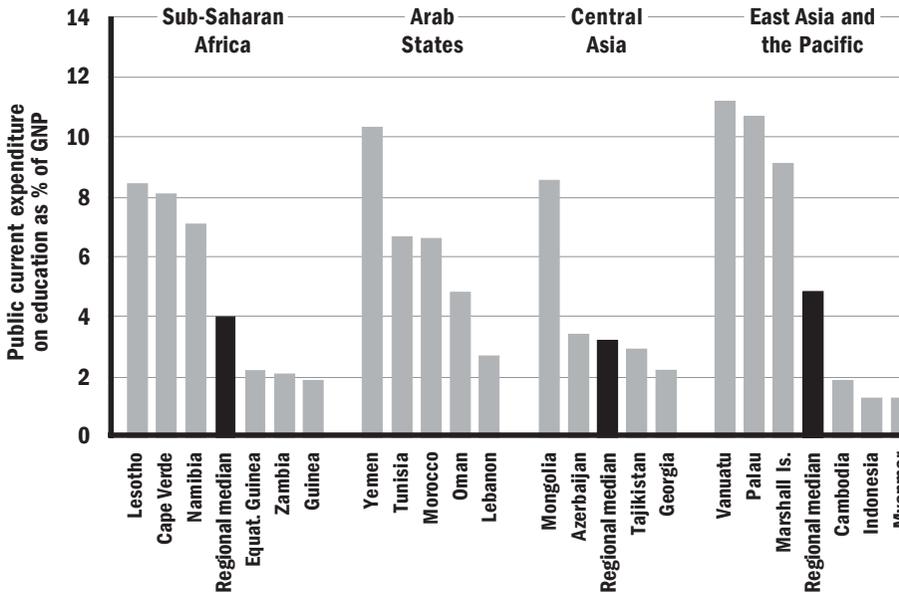
PHOTO: TRACY PABICO



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**FIGURE 1. Public current expenditure on education as percentage of GNP, 2002**

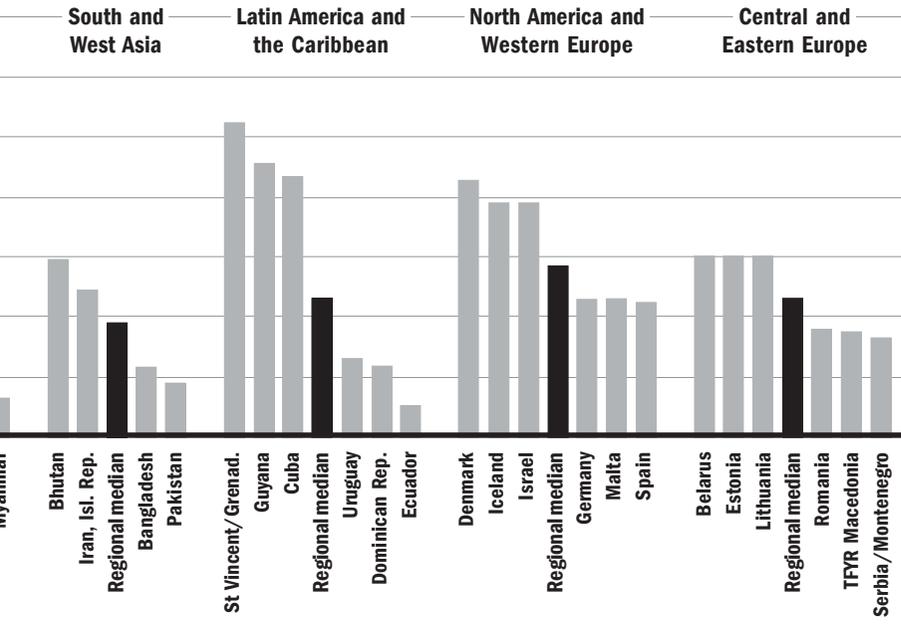


NOTE: The figure shows regional medians and countries with the highest and lowest values. No regional median was calculated for Arab States because data were available for too few countries.

The study also lists countries not currently meeting the widely accepted benchmark but are making significant strides in bridging the gap.

According to the same study, education spending increased in about two-thirds of the countries from 1998 to 2002. These include Malaysia, Madagascar, Grenadines, Cameroon and Cape Verde. Another study<sup>5</sup> shows that other countries like Bangladesh, Brazil and Egypt invested close to 6 percent of their GNP to education.

Some argue that appropriate levels of government spending vary, especially when taking the peculiarities of their economic and political backgrounds into consideration. But among countries with income per capita similar to the Philippines, even war-torn



Source: Education for All (EFA). Literacy for Life. 2006 Global Monitoring Report

Lebanon's education outlay is fractionally higher. All others are spending above 5 percent of their Gross National Income (GNI) to education (GNI is similar to GNP, except that in measuring the latter, one does not deduct the indirect business taxes).

**TABLE 1. Education spending in selected developing economies, 2004**

UNESCO 2004 data	GDP per Capita, PPP, in US\$	Education Spending as % of GNI
Cape Verde	5,449	6.23
Lebanon	5,422	2.51
Philippines	4,834	2.36
Swaziland	4,646	6.24
Guyana	4,482	5.35

Source: UNESCO Institute for Statistics



## State indifference

Education spending is mostly a matter of national policy.

However, that policy is absent in the Philippines. From the time the Delors standard was widely accepted as an international point of reference, education spending in our country has reached no more than 3.8 percent GNP. This wouldn't be much of a problem if our government spending on education was geared towards the fulfillment of the standard like other developing countries.

**TABLE 2. Education spending, Philippines (1998-2007)\***

GNP	Delors Benchmark (6% of GNP)	Actual Education Spending	Delors Gap	Education	Spending as percentage of GNP
1996	2,261,339	135,680	74,682	60,998	3.30%
1997	2,522,884	151,373	94,954	56,419	3.76%
1998	2,815,259	168,916	106,850	62,066	3.80%
1999	3,136,170	188,170	110,614	77,556	3.53%
2000	3,496,863	209,812	116,827	92,985	3.34%
2001	3,876,603	232,596	121,498	111,08	3.13%
2002	4,223,326	253,400	125,395	128,005	2.97%
2003	4,631,479	277,889	128,995	148,894	2.79%
2004	5,248,064	314,884	128,789	186,095	2.45%
2005	5,885,050	353,103	131,217	221,886	2.23%
2006	6,570,310	394,219	144,226	249,992	2.20%
2007	7,274,660	436,480	164,103	272,377	2.26%

\*As computed by the Freedom from Debt Coalition

Instead, we see a decreased and sustained drift to state indifference concerning education. From 3.8 percent of the GNP in 1998 under President Estrada, education expenditure dipped to 2.26 percent in 2007 under President Arroyo.

Even some countries not spending the standard 6 percent GNP for education spend more. In 2002, Namibia, Oman, and Iran all

posted education expenditures at 4 percent GNP, compared to our 2.97 percent showing during the same year.

## **P 1.66 trillion lost**

While all post-Marcos administrations have professed to giving education the highest budgetary allocation, our non-compliance with the standard tells otherwise.

As of 2007, the total loss our education budget incurred due to our governments' refusal to heed the Delors benchmark is a whopping P1.66 trillion.

This is enough money to wipe out classroom shortages, augment diminishing state subsidy to public higher education institutions and hire more teachers. This sum can fund more than a hundred Comelec-supervised national and local elections and even run the operation of the entire government for a year.<sup>6</sup>

## **Stingy president**

While the governments of Ramos and Estrada are equally accountable and guilty for our dismal state of education, President Arroyo's treatment of the education expenditure is most alarming.

Her recent freezing of the tuition hikes of state schools, her appeal to private schools to have a heart and her "*Katas ng VAT*" scholarship grants will not hide the fact that education suffered the worst under her rule.

Of the total P1.66 trillion losses, the Arroyo administration contributed P1.3 trillion deficit, making her the least spender on education.

Even if the said amount is deflated to real value (1985 prices), Arroyo still is the stingiest, compared to Ramos and Estrada.

The government may argue that its deficit is due to a lengthy rule, currently on its 8<sup>th</sup> year. However, it is still the most tightfisted of all





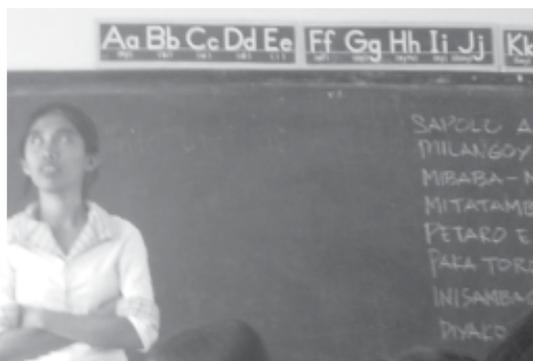
PHOTO: TRACY PABICO

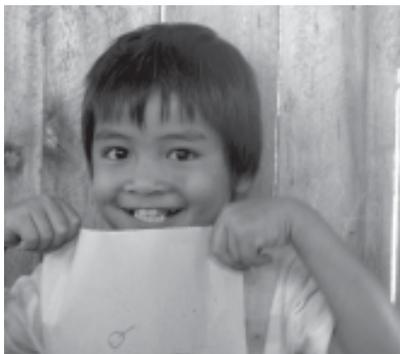


PHOTO: TRACY PABICO





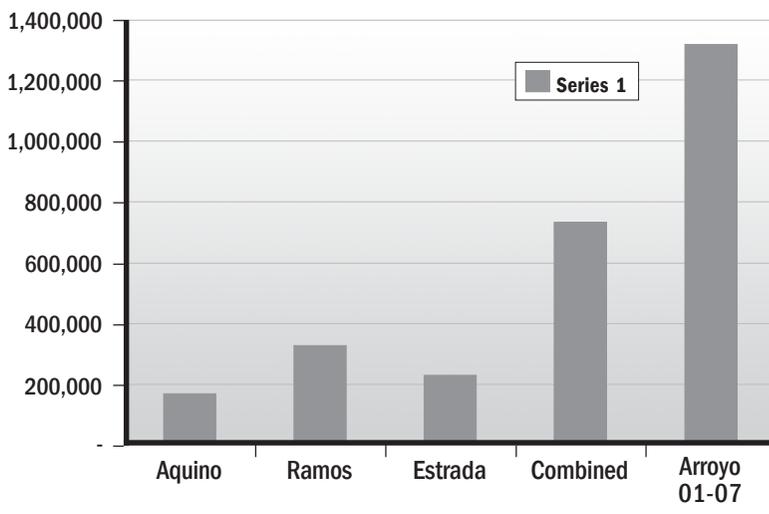






post-Marcos governments concerning education spending, when compared to the combined losses of the Aquino<sup>7</sup>, Ramos and Estrada administrations (P733 billion)<sup>8</sup>.

**FIGURE 2. Delors gap: Aquino, Ramos, Estrada & Arroyo Administrations\***



\*As computed by the Freedom from Debt Coalition

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What separates Mrs. Arroyo from the other leaders who have also flouted the Delors standard is her growing indifference to increased education spending.

### **Where did the money go?**

While there are many answers to this question, one way of knowing is by looking deeply into our debt problem.

According to government data, as of the end of December 2006, the Consolidated Public Sector Debt (CPSD) stood at P4.944 trillion or \$98.99 billion,<sup>9</sup> a large chunk of which was incurred by the National Government (NG). As of end of 2007, the NG outstanding debt was pegged at P3.782 trillion (or \$81.6 billion).

Due to the government's standard policy of prioritizing debt payments as institutionalized by the automatic debt servicing

provision enshrined in the Revised Administrative Code of 1987, succeeding administrations have been investing much less in social services as a percentage of GNP.

This decrease in allocation for social services is seen in the per capita and per student spending of the administration for health and education, respectively. FDC's studies show that per capita spending on health dropped from Estrada's P201 to P184 under President Arroyo. Furthermore, per pupil spending dropped from Estrada's P5,830 to P5,467 during Arroyo's term.

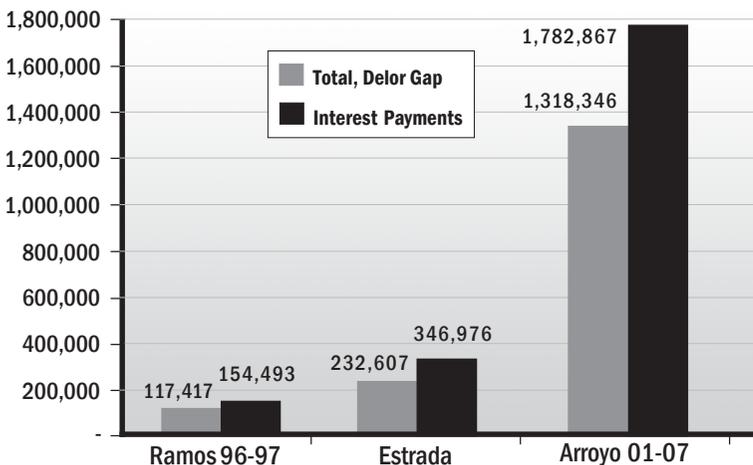
Like its predecessors, the Arroyo administration's consistent top priority is debt servicing in the guise of "achieving a balanced budget." Education, supposed to get the highest budgetary allocation this year, has only a third of what will be spent on debt payment (P181.86 billion compared to P624.09 billion).

### Debt payments vs. Delors gap

We can shed light on the whereabouts of the losses by comparing total interest payments from the time UNESCO adopted the Delors Benchmark for education (in 1996) up to 2007, and the Delors gap earned by the Ramos, Estrada and Arroyo governments.



**FIGURE 3. Delors gap vs. interest payments**





As of 2007, total interest payments amounted to P2.2 trillion, compared to the total gap or losses our education has suffered through the years, amounting to P1.66 trillion.

Clearly, increased social spending is being siphoned away by debt servicing. And the trend through the years is: the larger the payment of debt interests, the larger the Delors gap becomes.

## **Seeing debt**

The Delors paper titled "Learning: The Treasure Within"<sup>10</sup> argues that state resources must be freed from debt payments so that governments whose resources are sagging with burdensome external obligations may boost education spending.

The Delors paper recommended debt-swaps and debt relief as a way by which countries could invest more of its total national income to education.

We do not fully agree with the following recommendations, as these limited mechanisms will only legitimize many of our debts which many people consider unacceptable and illegitimate, in the first place. However, the Delors report correctly highlights debt as the chief problem that hinders many developing nations from realizing increased social spending.

## **A scarcity of democracy, not resources**

The problem here is our government's debt acquisition and the institutional mechanisms dictating and aggravating our reliance on more borrowing to pay debts. Sec. 31 (B) of Presidential Decree 1177 as reflected in Section 26 (B) Book 6 of the Revised Administrative Code of 1987 is at the rotten core of all these debt-creating laws.

Because of the automatic debt servicing provision, payments for both principal and interest on public debts are automatically appropriated, thus undermining social services like education and health. This is done without public review or scrutiny. Automatic

debt servicing results in paying dubious – if not illegitimate – debts.

The assertion of an increasing scarcity of resources is false. What we have instead is a scarcity of democracy in the management and disbursement of our collective resources, brought about by archaic institutional mechanisms. It not only compels our government to reject widely accepted international standards on social spending, it also subjects our people to forced indebtedness.

### **Six will fix: Automatic appropriations on education**

The government must make an effort to reach the required 6 percent of GNP for education spending. This can be done gradually, with a yearly 1 percent of GNP increase in spending until 2010.

However, this must be complemented by a strong legislative effort to institutionalize the standard by passing a law giving automatic appropriations on education, even as the law that ensures automatic appropriation for debt payments is repealed. There must be no middle ground in this issue. Our national leaders must choose between the education of our people and the interest of foreign lenders.

Unless the government exercises political will and commitment, generations of Filipinos will constantly be deprived of basic rights that would have guaranteed their path towards genuine human development.





## NOTES:

- <sup>1</sup> *Education and The World Bank*. <<http://web.worldbank.org>>
- <sup>2</sup> The commission was itself an offshoot of the general conference held in November 1991 tasked 'to convene an international commission to reflect on education and learning for the 21<sup>st</sup> century'.
- <sup>3</sup> <http://www.unesco.org/delors/mandate.html>. Accessed on May 24, 2008.
- <sup>4</sup> Education for All (EFA). *Literacy for Life*. 2006 Global Monitoring Report
- <sup>5</sup> UNESCO Institute for Statistics. 2000 Facts and Figures
- <sup>6</sup> The total loss education incurred is bigger than the 2008 National Government Budget.
- <sup>7</sup> While the Delors Benchmark does not cover the Aquino government (as it was only widely recognized in 1996), we included her administration for purposes of comparison.
- <sup>8</sup> Deflating the amount loss to real value, the combined deficit of Aquino, Ramos and Estrada (10 years) is P345.6 billion as compared to the P303.9 billion that Mrs. Arroyo chalked up in only seven years.
- <sup>9</sup> Freedom from Debt Coalition. *Sustaining the Momentum of Indebtedness: Debt and the Proposed 2008 National Government Budget*. September 2007.
- <sup>10</sup> *Learning: The Treasure Within*, Report to UNESCO of the International Commission on Education for the Twenty-first Century.

# Labor Standards in the Era of Globalization **Race to the bottom**



BY **JERBERT M. BRIOLA**

*“The increasingly globalized world economy calls for a similarly globalized approach to basic ethics and political and social procedures.”*

Amartya Sen  
‘Work and Rights’, *International Labor Review*  
(2000: 127)

**I**N TODAY’S globalized world, production is at the heart of social and economic development. While globalization has, in part, been driven over the past decades by powerful economic forces, little attention had been paid to the consequent changes happening in the world of work. Many issues are opened up by these accelerated technological and structural changes which have a dramatic impact on work.

One of the issues is that globalization will lead to a ‘race to the bottom’ in terms of labor standards. The continuous and vast expansion of trade has had equally tremendous effects on labor standards around the world. The enticing prospects of establishing and raising labor standards have taken a decisive role for both apologists and critics of the globalization creed. While to some, the possibility of establishing labor standards represents a way to incorporate a ‘social conscience’ into global capitalism, for the others, all the talk around the labor standards represents an ineffective remedy for the problem of labor exploitation in the



context of global production and trade.

As it turned out, the initiatives being done are just all for show to distract us from an uneven distribution of gains from the trade and economic growth. The argument is that labor standards imposed from the outside are “nothing more than old wine of protectionism in the new bottle of global labor standards” (Verma 2002) and represented a hidden form of protectionism that benefit the industrialized countries and not the developing economies.

There is a practical link between international trade and core labor standards which negates even the foundation of the International Labour Organization (ILO) in 1919. The ‘core’ labor standards the ILO was to promote included the freedom of association, the right to collective bargaining, non-discrimination in employment and the prohibition of forced labor. But for many decades lip service was paid to these fundamental workers’ rights.

Clearly, not everyone agrees with the notion that lower labor standards in developing countries constitute an ‘unfair’ advantage (Bhagwati and Hudec 1996; Lee 1996, 1997). Large countries such as China and India have argued that regulations on labor standards from the outside are intrusive and are unwarranted breach of sovereignty of each nation. Many observers have also scoffed at the idea that low labor standards can create a competitive advantage. In particular, Krugman (1994, 1997) has argued that “labor standards are related to a nation’s productivity, not its comparative advantage.”

Yet in many parts of the world, the need to develop labor standards, monitor its compliance and providing for remedies is undeniable. Close to 15 million children work to make items which enter into international trade; forced labor is used on a massive scale in some countries producing consumer goods. Studies have also proved the high incidence of discrimination and harassment in the workplace.

While some parts of the world have benefited from the process of change ushered in by globalization, the negative effects are most obvious in developing economies where minimum labor standards

are commonly and systematically violated. Economic growth is only good as long as the bulk of the marginalized people (i.e., workers, the informal sector, etc.) get to partake in its fruits and their working conditions vastly improve. As things stand, when times are good, workers are the last to get their due. It is a trickledown effect where the neck of the bottle is clogged.

Globalization means endless organizational and work adjustments brought about by technological innovations, business outsourcing of non-core (and sometimes core) activities, mergers, consolidations, acquisitions, and reengineering or reorganization of companies in search of a leaner (and meaner) operational set-up. Such adjustments naturally entail changes in the size and skills of the workforce from time to time, in the hiring system and in the relationship between the workers and the employers. The debate, however, is over whether firms are getting away with poor labor standards and thus taking unfair advantage of workers.

The basic argument in acceding to labor standards is that trade liberalization promoted by the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO) would undermine workers' rights, as investment would inevitably move to where workers' rights are weakest. This would create pressure on all countries to weaken the labor regulation to make their products competitive and their territory an attractive location. This is the case of a free trade zone (FTZ) or export processing zone (EPZ) where governments seek to attract investors with financial incentives and a liberal regulatory environment, in return for employment creation and export earnings.<sup>1</sup>

## **The international labor standards**

Twenty years before the Universal Declaration of Human Rights (UDHR), international labor standards became the first international law regarding fundamental individual freedoms. Under the 1919 ILO Constitution/Treaty of Versailles, fundamental human rights standards were drawn up and adopted, including the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining



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Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labor Convention, 1957 (No. 105), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The challenge today is less a question of setting new standards than of implementing and acceding to those that already form part of international norms to ensure the protection of labor rights and promotion of labor standards.

At first glance there is little here that could be objected to. First, 'it is neither conceptually nor empirically evident that higher labor standards mean higher labor costs' (Freeman, 1994: 108). Thus, in terms of international competitiveness, there would be no undue burden on particular countries or companies if basic labor rights were to be respected in all parts of the world. To harmonize labor standards worldwide would prevent a 'race to the bottom', something that would not be beneficial to capital and economy as well.

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Yet the notion persists that adhering to international labor standards would be detrimental to the prospects of developing countries. The Organization for Economic Cooperation and Development (OECD), in a lengthy study, concluded that 'any fear on the part of developing countries that better core standards would negatively affect either their economic performance or their competitive position in world markets has no economic rationale (OECD, 1996: 105). If labor standards are not necessarily bad to business, then there is no reason why development priorities should conflict with the protection and promotion of fundamental workers' rights.

There are many possible approaches to the issue of international labor standards, from doing nothing to creating a form of enforceable international law (Collingsworth and Harvey, 1994). On one end of the spectrum is the idea that labor standards are internal to a national economy and they should be dealt with only by the appropriate national government. Thus, any international forum should 'do nothing' about it. This has been the *de facto* position of WTO up until 2002. This kind of policy regime may well change in the future but 'do nothing' appears to have defined

the WTO approach over the last twenty years.

Further along the spectrum, towards a more definite policy stand, is the ILO approach best embodied in the so-called ‘core’ labor standards – a set of conventions that encompass five basic principles (ILO 1999).<sup>2</sup> We must stress that these conventions were not promoted and adopted specifically as a response to the most recent wave of globalization. They have a longer historical connection to the ILO’s work and campaign for workers rights since the 1920s. However, their emergence as a set of ‘core’ labor standards in the 1990s appears to have been driven by the need to develop a global standard for labor rights and protection.

The initiatives surrounding the labor standards need to be disentangled from the unproductive discourse which center around the pros and cons of labor standards. We need to find a way to situate the labor standards debate within the context of each country and to achieve its potential as a multilateral initiative for bringing about significant change not only in workplaces but to the society as a whole. What is needed is a process that will bring the issue of better labor standards into the internal debates within each country.

The Philippines has ratified 33 ILO Conventions, including 8 ‘core’ Conventions. (See Table below)

### **ILO conventions ratified by the Philippines**

<b>Convention</b>	<b>Ratification date</b>	<b>Status</b>
C17 Workmen’s Compensation (Accidents) Convention, 1925	11/17/1960	ratified
C19 Equality of Treatment (Accident Compensation) Convention, 1925	04/26/1994	ratified
C23 Repatriation of Seamen Convention, 1926	11/17/1960	ratified
C29 Forced Labour Convention, 1930	07/15/2005	ratified
C53 Officers’ Competency Certificates Convention, 1936	11/17/1960	ratified



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Convention	Ratification date	Status
C59 Minimum Age (Industry) Convention (Revised), 1937	11/17/1960	denounced on 04:06:1998
C77 Medical Examination of Young Persons (Industry), 1946	11/17/1960	ratified
C87 Freedom of Association and Protection of the Right to Organise Convention, 1948	12/29/1953	ratified
C88 Employment Service Convention, 1948	12/29/1953	ratified
C89 Night Work (Women) Convention (Revised), 1948	12/29/1953	ratified
C90 Night Work of Young Persons (Industry) Convention (Revised), 1948	12/29/1953	ratified
C93 Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949	12/29/1953	ratified
C94 Labour Clauses (Public Contracts) Convention, 1949	12/29/1953	ratified
C95 Protection of Wages Convention, 1949	12/29/1953	ratified
C98 Right to Organise and Collective Bargaining, 1949	12/29/1953	ratified
C99 Minimum Wage Fixing Machinery (Agriculture), 1951	12/29/1953	ratified
C100 Equal Remuneration Convention, 1951	12/29/1953	ratified
C105 Abolition of Forced Labour Convention, 1957	11/17/1960	ratified
C110 Plantations Convention, 1958	10/10/1968	ratified
C111 Discrimination (Employment and Occupation), 1958	11/17/1960	ratified
C118 Equality of Treatment (Social Security) Convention, 1962	04/26/1994	ratified
C122 Employment Policy Convention, 1964	01/13/1976	ratified
C138 Minimum Age Convention, 1973	06/04/1998	ratified
C141 Rural Workers' Organisations Convention, 1975	06/18/1979	ratified
C143 Migrant Workers (Supplementary Provisions) Convention, 1975	09/14/2006	ratified

Convention	Ratification date	Status
C144 Tripartite Consultation (International Labour Standards) Convention, 1976	06/10/1991	ratified
C149 Nursing Personnel Convention, 1977	06/18/1979	ratified
C157 Maintenance of Social Security Rights Convention, 1982	04/26/1994	ratified
C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983	08/23/1991	ratified
C165 Social Security (Seafarers) Convention (Revised), 1987	11/09/2004	ratified
C176 Safety and Health in Mines Convention, 1995	02/27/1998	ratified
C179 Recruitment and Placement of Seafarers, 1996	03/13/1998	ratified
C182 Worst Forms of Child Labour Convention, 1999	11/28/2000	ratified

Source: International Labour Organization (ILO), 2006

Despite having ratified all 8 core ILO Conventions, the Philippines' compliance with international 'core' labor standards is highly deficient. The ILO pointed out in a report entitled "Action Program for Decent Work: Philippines," that the country lags in compliance with international labor standards.

## Philippine labor data

Data from the April 2008 Labor Force Survey (LFS) show that the country's employment rate was estimated at 92 percent, almost the same as the percentage registered in April 2007 (92.6 percent). Out of this, almost half (49.6%) were in the services sector, 33.5 percent in the agriculture sector and 14.9 percent in the industry sector.

The number of unemployed persons was reported at 2.9 million, placing the unemployment rate at 8.0 percent.



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## Results from the April 2008 Labor Force Survey (LFS)

Philippines	April 2008 (preliminary)	April 2007
Total 15 years old and over (in '000)	57,700	56,411
Labor Force Participation Rate (%)	63.2	64.5
Employment Rate (%)	92.0	92.6
Unemployment Rate (%)	8.0	7.4
Underemployment Rate (%)	19.8	18.9

Note: Population 15 years and over is from the 2000 Census-based population projections.

Source: [www.census.gov.ph](http://www.census.gov.ph)

The April LFS showed that the underemployment rate (or the percentage of employed workers who said they were looking for more work) grew to 6.6 million workers (or 19.8 percent of the total employed during the survey period), from 6.4 million in the same period last year. More significantly, the increase was in those who already worked 40 hours or more a week. The surge of underemployment rate can be attributed to the soaring cost of commodities and uninterrupted increase in fuel prices. With the daily cost of living for a family of six now pegged at P871, it is only expected that more and more workers would need additional income just to survive.

These figures are disturbing. About 34.7 percent or more than one third of total employment of 33.5 million make up the informal sector. Workers in the informal sector include own-account workers; self-employed, which registered the highest share (30.1 percent of the total employed); and unpaid family workers (12.5 percent). Most of these workers do not have access to social security benefits, among others.

When it comes to occupational safety and health protection and services, Dr. Dulce P. Estrella-Gust (2003) estimates that only 2.2 million workers in medium and large firms enjoy better workplace conditions and effective occupational safety and health services. Although the Philippines has ratified the ILO's two fundamental conventions on trade union rights, in practice the right to organize and form a union is violated with impunity by management and



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labor adversaries, while law enforcement representatives sit back and watch as pickets are demolished.

## Minimum government interference

The country's FTZs or EPZs are without doubt a source of jobs, but the benefits are negated by the violation of the right to organize, whereby workers are deprived trade union protection and representation. Poor working conditions and non-compliance with labor standards and social protection laws, including non-payment of the minimum wage, are standard practice in FTZs as confirmed by studies showing that the working conditions and labor practices are often in breach of international labor standards and national social protection laws.

According to Philippine Economic Zone Authority (PEZA), FTZs or EPZs are to be developed as independent communities with minimum government interference. An EPZ shall administer its own economic, financial, industrial and tourism development without help from the national government. These are areas designated and promoted by the government as flagship projects for development into balanced agricultural, industrial, commercial, and tourist/recreational regions.

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## Special economic zones/Eco-zones in the Philippines

Zone	Area (has.)	Location
Baguio City Export Processing Zone	114	Loakan Road, Baguio City
Luisita Industrial Park	29	San Miguel, Tarlac
Angeles Industrial Park	32	Bacolor, Pampanga
Subic Shipyard Special Zone	52	Subic, Zambales
Bataan export Processing Zone	1,600	Mariveles, Bataan
Cavite Export Processing Zone	276	Rosario, Cavite
Tabangao SEPZ	86	Tabangao, Batangas
Victoria Wave Industrial Estate	50	Bo. Malaria, Tala
First Cavite Industrial Estate - SEPZ	54	Dasmariñas, Cavite

Zone	Area (has.)	Location
Gateway Business Park - SEPZ	100	Gen. Trias, Cavite
Laguna Technopark - SEPZ	71	Sta. Rosa, Laguna
Toyota Sta. Rosa (Laguna) - SEPZ Industrial Complex	25	Sta. Rosa, Laguna
Laguna Int'l Industrial Park - SEPZ	32	Biñan, Laguna
Carmelray Industrial Park - SEPZ	44	Canlubang, Laguna
Light Industry & Science Park I	67	Cabuyao, Laguna
Light Industry & Science Park II 54	65	Calamba, Laguna
Mactan Export Processing Zone	119	Lapu-lapu, Cebu City
Mactan Export Processing Zone II	63	Lapu-lapu, Cebu City
Leyte Industrial Dev. Estate	425	Isabel, Leyte

Source: Project Evaluation and Review Department, Corporate Planning and Management Office, PEZA

As of March 2005, more than one million jobs were directly or indirectly created by mushrooming government-run and private-owned export processing zones (EPZs), according to PEZA. Total ecozone exports in 2005 (the latest available statistics) reached US\$32.03 billion. According to the National Statistics Office (NSO), the electronics and semi-conductors sector alone accounted for more than 67% of all EPZ investments in 2004.

Investment in EPZs may generate jobs, but the condition of workers in the ecozones is a matter of concern. For one, the right to organize is seriously violated in the country's EPZs. Organizing workers in the ecozones, the government claims, is not officially prohibited. Ofreneo (2000) pointed out that investors, foreign and local alike, are obsessed with 'quick fixes' to achieve industrial peace in these economic zones. These quick fixes include maintaining a 'kept' union, de-certifying a troublesome union, working for an injunction or assumption to weaken a union, playing one union faction against another, and locating in 'strike-free' and union-free zones being peddled by local government units and economic zone administrators. These tactics may diminish labor unionism, but the experience of investors in some ecozones in Cavite shows that this kind of adversarial approach to labor is not sustainable and socially acceptable.



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## INVESTMENT SHOWCASE: 'DEADLY, DEPLORABLE AND SCANDALOUS'

The worst cases of disregard for workers' safety and welfare have been reported in the \$1.6-billion shipyard project of the South Korean company Hanjin Heavy Industries Corp. in Subic Bay Freeport Zone in Subic, Zambales. On August 6, 2008, a 19-year-old worker died after he fell from a high-rise building being constructed at the shipyard. According to the Trade Union Congress of the Philippines (TUCP), this is the 14<sup>th</sup> death since construction started in 2006. (Six days later, on August 12, another Hanjin worker died, bringing the total mortality rate in the shipyard to 15.)<sup>3</sup>

TUCP secretary-general Ernesto Herrera told the media that "Considering the high mortality rate, we presume the rate of non-fatal work-related injuries there is also particularly high, although these do not generate as much publicity."

Not only does the company flout safety regulations, as proven by the exceedingly high number of deaths and serious injuries among its workers, it also remains insensitive to the general welfare of its workers. In May this year, several Hanjin shipyard workers contracted malaria. Two of the infected workers died. From January to June of 2007, the National Epidemiology Center counted at least 321 cases of malaria among workers and residents in and around Hanjin's shipyard. The yard is located in the Redondo Peninsula where malaria is prevalent.

On March 19 this year, Hanjin workers were served maggot-infested lunch - an incident first reported in April of 2007 and at least four times thereafter. Workers who declined to be named told the media that aside from maggots in their food, they have also been complaining to the management about half-cooked meat or spoiled rice, "but the problem has persisted."

What Hanjin does to its laborers in its various facilities all over the country is emblematic of the way Filipino workers are treated in general.

## Slave labor

A 2004 study commissioned by the Trade Union Congress of the Philippines (TUCP), the Solidarity Center and the United States Agency for International Development (USAID) confirmed that many workers in the EPZs received less than the mandated minimum wage. Dismissal of workers who join unions, forced overtime, and poor working conditions are common. There are serious occupational health and safety problems at the zones that remain unrestrained, including ventilation problems, lack of protection against chemicals and dust inhalation and lack of effective health and safety education among workers. The said study was made to gauge the working conditions of workers in EPZs particularly those working in the labor-intensive industry like garments.

Labor flexibilization includes market-oriented hiring schemes such as labor-only contracting, “consignment” hiring, agency hiring and subcontracting. A study conducted by ILO reveals that as early as 1992, 73% of factories in the country were already implementing various flexible working arrangements.

Some investors came in the 1970s and the first half of the 1980s, when the Philippine labor was highly competitive in labor-intensive products. But with the entry of China, Vietnam and other developing countries in the Asian and world markets, the Philippines has lost this advantage (Ofreneo, 2000). There are indications that to recover this advantage, some firms are resorting to labor flexibilization and rampant casualization of labor. Such practice leads to numerous labor-management tensions, and in the medium and long-term situation, this is not sustainable and productive. Undeniably, flexibilization of labor has put to the fore many issues on workers’ rights.

To meet export orders, many firms including those in EPZs, are resorting to a new form of forced labor – long hours of forced (many times under-compensated) overtime. This practice has been around for many years, despite “diligent” labor inspection by government enforcement agencies. The ICFTU also pointed out that “(t)he classic model of labour regulation – with a “floor” or framework of minimum labour standards and free trade unions



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and employers coming together to negotiate binding agreements – is extremely rare in EPZs.”

## **Child labor**

Despite a number of laws to combat and eliminate child labor, child labor still remains a serious concern in the country. Because of poverty, households resort to child labor as a coping strategy. Filipino families usually view children as potential income providers and as part of the family support system (Del Rosario 2000). Families of child workers eke out a living from small-scale, home-based, labor-intensive, low wage, piece rate, and low technological level modes of production that are seasonal and/or occasional.

The ILO-International Programme for the Elimination of Child Labour (IPEC) estimated that some 4 million children or about 1 out of 7 children end up as child workers. About 53 percent of children are employed in the agriculture sector and are the lowest paid in commercial farms and plantations. Many children work in hazardous working environments.

According to United Nations Children’s Fund (UNICEF) and ILO studies, 2.2 million children are exposed to hazardous working environments (e.g., in quarries, mines, and at docksides). Children are employed on the docks of some Mindanao and Visayan ports by labor contractors, who use crews of over 100 children to unload bulk cargo ships, bringing heavy bags of cement or fertilizer from freighter holds. Working at a piece rate, the children earn far less than adults for the same work and are exposed to harmful dust and chemicals. Aside from this, there are an estimated 60,000 children involved in the commercial sex industry, according to a 1996 UNICEF study.

## **Internationalizing labor standards**

At the top of the list to solve these complex sets of problems is the recognition that labor standards are essentially fundamental to economic and social development. It is simply the case that workers’ rights are human rights.

Policies protective of labor such as the various labor laws, occupational safety and health standards, social security policies and the right to engage in concerted activities and collective bargaining are products of continuing workers struggles. Critics, usually neo-classical economists, who say that such policies constitute “rigidities” in the labor market that hamper economic growth are obviously unmindful not only of the historical origins of these policies but also of their significant contribution to maintaining general stability in labor-capital relations, the absence of which can easily undermine any economic growth process.

Another front in the battle to attain better labor standards comes in the form of voluntary efforts such as Corporate Codes of Conduct and Corporate Social Responsibility (CSR), although these are not likely to be the perfect policy response in the long-run. These efforts are likely to benefit only a small segment of the target workforce. Yet, the Corporate Codes and CSR initiatives are significant because these are likely to raise awareness of the issues and encourage incremental experimentation and firm-level innovation that in turn may lead to a more effective system and high productivity in workplaces. Some have pointed out that consumers are more willing to pay a premium to ensure that goods they buy are not made in sweatshops.

But it would make a world of difference on workplaces if the labor standards were to be applied to companies since enforcement of labor standards at the national level remains to be seen. An underlying point here is that our country already has considerable labor rights in ‘theory’ as institutionalized by our Constitution, the Labor Code and various special labor laws

The enforcement of fundamental principles and rights at work is of major significance towards an end: sound and equitable economic and social development. The benefits are huge and at the same time economically viable where standards of participation, protection and promotion of workers’ rights combine and reinforce each other. Blenk (2000) has argued that ensuring workers’ freedom of association and the right to bargain collectively would strengthen the principles necessary to eliminate the many forms of



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unacceptable (unfair) labor practices that still exist. Respect for freedom of association reinforces peoples' participation and shows that democracy and development go hand in hand.

## **Under scrutiny**

In June 2007, the Philippines was placed on the spotlight by the US when the International Labor Rights Forum (ILRF) sought an investigation on whether the Philippine government is providing all workers the right to freedom of association as guaranteed under international 'core' labor standards.

The United States Trade Representative (USTR) in 2007 warned the Philippines that its trade preferences with the US could be withdrawn because of the "no union, no strike" policy in the EPZs. The Philippines is at the moment included in the list of developing countries given Generalized System of Preferences (GSP) that allows it easy access to the American market. It is designed to promote economic growth in developing countries by providing preferential duty-free for more than 4,650 products from 131 designated beneficiary countries and territories, including the Philippines. Under the GSP, the US government requires that a country give its workers "internationally recognized workers rights" (i.e., core labor standards). The biggest proponents of tying labor standards to trade treaties is the US Congress.

It should be noted that the process of establishing and raising labor standards laid out above is not without its difficulties and problems. There are no hard and fast rules on how each firm and employer will improve workers' condition and protect workers' rights.

Enforcing fundamental principles and rights at work will get rid of a key source of friction that could disrupt economic growth. The task at hand is to put our country in the 'race to the top' in obtaining better labor protection. The cost of maintaining optimum workers' conditions may not be too high after all, compared to the cost of a socio-economic meltdown that could result from prolonged maintenance of harsh labor 'standards' and deplorable working conditions.

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## NOTES:

- <sup>1</sup> An FTZ or EPZ is a special area where normal trade barriers such as tariffs and quotas are removed and bureaucratic requirements are lowered to attract new business and foreign investments.
- <sup>2</sup> The ILO 'core' conventions include: No. 187 (1948) on freedom of association, No. 98 (1949) on the right to organize and engage in collective bargaining, Nos. 29 (1930) and 105 (1957) on the abolition of forced labor, No. 138 (1957) on the abolition of child labor, and Nos. 100 (1951) and 111 (1918) on discrimination in employment. These are deemed 'core' conventions because governments, employers and trade unions (part of ILO's tripartite structure) across the globe freely subscribe to them as applying to all who work, including those in the informal sector and in the FTZs. In 1998, the 86<sup>th</sup> International Labour Conference adopted the ILO



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declaration that obliged all member states to implement the 'core' conventions, even if they had not ratified them previously, declaring that "all Members, even if they have not ratified the Convention in question, have an obligation arising from the very fact of membership in the Organization."

- <sup>3</sup> Zambales Governor Amor Deloso however told the media (in June 2008) that "not less than 27 deaths" had occurred at the shipyard since construction began in late 2006, either caused by malaria or accidents.

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# On the Block How a Country Exports and Exploits its Heroes



BY RHODORA A. ABANO

**T**HE PHILIPPINE Overseas Employment Agency (POEA) reported that for the first six months of 2008, it has already met 64% of this year's target of 1 million overseas deployment. A total of 640,401 overseas-bound Filipino workers left, a 33.5% increase in deployment of documented OFWs over the same period in 2007. With the 1,077,623 documented workers who left in 2007, the total stock estimate of overseas-based Filipino workers now stands at 8.7 million (see Table 1). Labor Secretary Marianito Roque called this "the continued growth and strength of global OFW deployment". Remittances reached \$8.2 B in the first semester of 2008. The Bangko Sentral ng Pilipinas (Central Bank) looks forward to overtaking the 2007 remittance record of \$14.4 B.<sup>1</sup>

## Desperation

One needs only to look at the NSO April 2008 employment data (*inset*),

### LABOR FORCE SURVEY, APRIL 2008

The National Statistics Office (NSO) reported in April 2008 that six in every 10 employed persons were working for 40 hours or more while part-time workers comprised 35.7% of the total employed. In addition, the number of underemployed persons was estimated at 6.6 million (19.8% of total employed), higher than last year's 18.9%. About 57.5% of the underemployed were part-time workers or had been working for less than 40 hours a week. The number of unemployed persons was 2.9 million, placing the unemployment rate at 8.0%. Three regions recorded double-digit unemployment rates (NCR registering the highest (13.8%), CALABARZON<sup>2</sup> (10.3%) and Central Luzon (10.0%). The proportion of males among unemployed (62.5%) was higher than that of females (37.5%).<sup>3</sup>

## LABOR: THE DISTURBING FACTS

Although the population aged 15 years and over grew by 1.3 million between April 2007 and April 2008, the labor force grew by only 81,000. The number of employed persons decreased by 168,000, twice the increase in the labor force. Therefore, there was no employment generation in April 2008. Instead, there was job shedding at a time of rising prices of basic items. Bulk of the job shedding took place in the following industries: fishing, manufacturing, wholesale and retail trade, other personal and community services, private households with employed persons; and among the following occupations: plant and machine operators and assemblers, fishermen, and trades and related workers. In terms of class of workers, job shedding occurred among own-account workers and unpaid family workers. The number of unemployed persons increased by 249,000, thrice the increase in the labor force, while the number of underemployed persons also grew by 270,000, more than triple the growth in the labor force. Underemployment rose among those who were already working 40 hours or more a week: despite the long hours, the pay was not enough to meet the rising cost of living. If we define the underutilized population as those aged 15 years and over who are not in the labor force plus the unemployed and the underemployed, the total underutilized population increased by 1.7 million, more than the increase in the economically active population. The proportion of underutilized persons also grew from 51.5% to 53.4% (of population aged 15 years and older). For every 10 employed persons in April 2008, there are 9 underutilized Filipinos. (Source: Presentation by economist Maitet Diokno-Pascual, June 17, 2008)

Diokno-Pascual's comment (*inset*) and the National Statistical Coordination Board (NSCB) report on rising poverty incidence from 4 million to 4.7 million poor families<sup>4</sup> (an additional 3.8 million poor people<sup>5</sup>) from 2003 to 2006 to easily understand the desperation of more Filipinos to leave the country for work abroad. In June 2008, the Social Weather Station (SWS) survey found a record 62 percent of adult Filipinos saying their lives have worsened in the past 12 months. The same survey found 30 percent of 1,200 nationwide respondents saying they expect their personal quality of life to get worse in the next 12 months.<sup>6</sup>

The government's annual deployment target and what a BSP report calls as the "efficient deployment system, reinforced by the country's continuing bilateral cooperation for OFW employment opportunities with emerging markets like Canada and other host countries"<sup>7</sup> are additional and official government encouragements for Filipinos to go abroad. A collective paper researched for the Development Roundtable Series noted that short of the annual target of 1.6 million jobs, new jobs created declined from 700,000 in 2005 to 648,000 in 2006 and further down to

599,000 (37.4 percent) in 2007. It further noted that the only area where the Medium-Term Philippine Development Plan (MTPDP) is on track is the deployment of the one million OFWs each year, which is only one of its poverty alleviation measures and not included in the 1.6 million target.<sup>8</sup>



**TABLE 1. Stock estimates of overseas Filipinos, 2007**

Region	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
Asia, East and South	213,736	747,069	258,640	1,219,445
Asia, West	4,082	2,055,647	121,850	2,181,579
Europe	284,987	555,542	112,990	953,519
Americas/Trust Territories	2,943,812	354,352	354,843	3,653,007
Oceania	243,927	84,927	33,160	362,014
Seabased workers		266,553		266,553

Source: [www.cfo.gov.ph](http://www.cfo.gov.ph)

The dearth of job opportunities suited to their knowledge and skills continues to force many Filipinos to opt even for jobs below or outside their education and work background, as in the case of nurses working as caregivers in the UK, doctors shifting to nursing and teachers working as domestic workers in Greece. Low salaries in the Philippines is likewise a push. For example, nurses start in private hospitals for as low as P6,000 a month and a college level instructor earns as low as P60 per hour or P480 per day, three days a week. Abroad, they can earn thousands of dollars.

However, the rice crisis, the “stronger” peso, oil price hikes that are pushing all other prices up and world-wide economic problems have made life even harder not only for the OFW families but also for the OFWs themselves. The Saudi Ministry of Commerce and Industry announced in January that prices of food products could go up by a further 20 to 30 percent.<sup>9</sup> Thus, while OFWs have to remit more because the “stronger” peso requires more dollars, they also have to budget more for their own needs.



One OFW, for example, sends an equivalent of P20,000 monthly remittance to his family in the Philippines, setting aside \$200 for his own basic necessities. But with the “stronger” peso, he had to increase his dollar remittance to maintain the P20,000 monthly allowance for his family, leaving him with only around \$112 even as the price of basic goods in the country where he works has also increased.<sup>10</sup>

## Illegal and excessive placement fees

It is this desperation that forces Filipinos to pay excessive fees to recruitment agencies and brokers despite the law allowing a placement fee equivalent to a month’s salary only. Filipino caregivers in Israel, on the average, had to pay up to six times higher than the amount permitted by law, for which they took loans at an average monthly interest rate of 8%.<sup>11</sup> Furthermore, there have been cases of caregivers paying \$5,000 to an agency that “exports” them on student visas to England.<sup>12</sup> For Singapore, domestic workers paid a minimum P5,000-10,000 initial placement fee. Some left on a “fly now pay later” scheme. Upon arrival, they were made to sign a salary deductible loan of up to 94% of their salary (or a minimum of US\$205). Undocumented domestic workers in Singapore receive only US\$165-176 for the first six to nine months, with no day offs.<sup>13</sup> In Taiwan, victims of erring agencies paid as much as P120,000 or six times more than the fees paid by OFWs hired under the special hiring program for Taiwan (SHPT).<sup>14</sup> So far, POEA has not sufficiently addressed this problem.

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### Countries registering the highest increase in irregular workers

	2006	2007	Increase
1. Singapore	38,000	56,000	18,000
2. UAE	20,000	35,000	15,000
3. Oman	1,500	9,000	7,500
4. Australia	3,000	9,000	6,000
5. Qatar	1,000	5,600	4,600

Source: [www.cfo.gov.ph](http://www.cfo.gov.ph)

## Undocumented and irregular OFWs

Given their status, undocumented or irregular migrant workers<sup>15</sup> are most vulnerable to human rights violations. Undocumented migrant workers are estimated at around 900,000. POEA's deployment figures do not include Filipinos who leave the country on tourist (for the US, Singapore and Israel), visit (UAE) or "flying"<sup>16</sup> (Israel) and student visas (UK), and those whose work visas have expired many times owing to workplace exploitation. These workers are abused not only by employers but also by agencies and government authorities. They take on jobs promised them by their recruiters who usually charge excessive fees. Most of the time, the jobs do not materialize or are not what they were led to expect.

One such worker is "J" (a native of Zamboanga City) who went to the United Arab Emirates on a visitor's visa. He was told by his friend in Dubai that the latter's employer can easily hire him. Upon arrival, he found out that there was no job waiting for him. He spent his pocket money looking for a job. When his visitor's visa expired, he had to exit to Oman, where he was caught and got deported. In Greece, women are promised office jobs on seafarers visas and end up as domestic workers.<sup>17</sup> About 75% of Filipina domestic workers in Singapore are undocumented, according to an official report to Congress.<sup>18</sup> In Jordan, 80% are undocumented.<sup>19</sup>

The use of questionable documents is blatantly practiced, as in the cases of some caregivers in Israel and factory workers in Korea. A caregiver deported from Israel for overstaying thinks nothing of using faked identity just so she can go back. She knows of others who have done this and gotten away with faked identities. To secure passports, applicants from the Autonomous Region of Muslim Mindanao (ARMM) go around document authentication procedures because of civil registration problems.<sup>20</sup>



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## Top 10 destination countries of irregular OFWs

2006		2007	
1. US	(156,500)	1. US	(155,843)
2. Malaysia	(125,000) <sup>21</sup>	2. Malaysia	(128,000) <sup>22</sup>
3. France	(39,850)	3. Singapore	(56,000)
4. Singapore	(38,000) <sup>23</sup>	4. France	(39,000)
5. Japan	(30,700)	5. UAE	(35,000)
6. Israel	(22,500)	6. Japan	(30,700)
7. UAE	(20,000)	7. KSA	(20,000)
Italy	(20,000)	8. Italy	(13,000)
8. KSA	(18,000)	9. S. Korea	(12,000)
9. S. Korea	(14,000)	10. Kuwait	(10,000)
10. Kuwait	(11,500)	UK	(10,000)

Source: [www.cfo.gov.ph](http://www.cfo.gov.ph)

Despite stricter migration policies in receiving countries, irregular migrants continue to stream out of the country, for well-known reasons. While the Philippine government thinks only of the remittances the OFWs send home and is only too thankful for this unemployment safety valve, receiving governments are just as mindful of the service migrant workers render to their own economies, even as they institute policies that will limit migrant workers' benefits and prevent them from permanently settling and bringing in their families.

The European Parliament, for example, speedily adopted on June 18, 2008 the so-called "Return Directive." This directive endorses an EU instrument that will criminalize irregular migrants, imposing such penalties as detention of undocumented migrants for up to 18 months before deportation as well as a re-entry ban.<sup>24</sup> This directive imperils no less than the estimated 112,990 irregular Filipino workers in Europe (out of almost a million Filipinos, as of end 2007).<sup>25</sup>

The United Kingdom's new immigration policy of banning overstaying aliens without papers and those attempting to enter with fake documents took effect on April 1 this year. Israel's immigration department implements retroactively the 63 maximum

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number of months a caregiver can work (Some caregivers who have only a few months left of the ceiling are able to get visas, but after paying excessive fees are still deported back to the Philippines at the end of a few months' stay). Japan's stricter immigration policy has pushed the deployment of overseas performing artists down by 65,226 (or 63%).

The 2007 Stock Estimate of Overseas Filipinos shows that the US is the top destination for irregular OFWs, followed by Malaysia. Singapore registered the highest increase (for 2007), out-ranking France, followed by UAE.

## DEPORTATION

IN MALAYSIA, arrest, detention and deportation of undocumented Filipino workers continue. In a 2006 report to the Office of the Undersecretary for Migrant Workers (OUMWA), the Philippine embassy in Kuala Lumpur estimated that there were 1,600 Filipinos in three detention centers and regular prisons in Kota Kinabalu, Tawau and Sandakan at any given time, mostly on immigration-related problems. This makes Filipinos the second largest number of detainees, after Indonesians, although Filipinos only constitute the seventh largest foreign workers' group in Malaysia. The same report indicated that 9,277 Filipinos were deported, over 98% of them from Sabah, averaging 762 deportees a month.<sup>26</sup>

Deportation of Filipinos from Malaysia became a bigger problem in 2008, as the Malaysian government plans the mass deportation of as many as 200,000 undocumented Filipinos. Mujeres, a women's organization in Zamboanga City, observed twenty times more Filipino deportees landing in the city's pier. From 2007 until April 15, 2008, the Ikatan Relawan Rakyat Malaysia (RELA)<sup>27</sup> was reported to have conducted 7,213 raids and arrested 42,946 undocumented migrant workers.<sup>28</sup>

In addition, cases of human trafficking were monitored, mostly in Labuan, Sabah and Sarawak where victimized Filipinos could not seek shelter and protection from the Philippine Embassy, which is



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in Kuala Lumpur. The embassy reported 46 cases of human trafficking, 78% of which were reported in Sabah.

It will be recalled that in 2002, bilateral relations between Malaysia and the Philippines were severely strained when two babies died as they were being deported to Zamboanga at the height of a Malaysian crackdown on undocumented migrants. A 14-year-old Filipino girl was also reportedly raped by Malaysian authorities while in detention. The harsh treatment of deportees prompted two diplomatic protests against Malaysia.

Many OFWs are also forced to accept jobs different from that specified in the contract, as in the case of "R" of Quezon province who works for a parlor in Brunei but whose visa is for a marketing office. "C" works as a dishwasher/kitchen helper instead of waitress in Cyprus.<sup>29</sup> This practice makes regular OFWs irregular, always in danger of arrest, detention and deportation. OFWs are also forced to accept lower salaries (as low as \$150 for domestic workers in KSA, equivalent to just a little more than P6,000) and lesser benefits. They are trapped into accepting lower salaries because they have to send home money to their families, aside from paying the recruitment fees and loans they incurred before leaving.

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### ***Bagong bayani: The gender dimension***

Women made up 46% of new hires in 2007. While household service workers' deployment dropped by 56.6% due to the implementation of the Household Service Worker policy reform in December 2006, there were still some 40,000 Filipinas who left, mostly for the Middle East.

The reform package and the lack of capacity of government agencies to monitor its strict implementation not only resulted in the continuing collection of exorbitant placement fees either before deployment or through salary deductions upon employment overseas, but also of fees for the required training. Agencies also

circumvent the policy by substituting other occupations on their contracts to skip the requirements.

The policy also prevented many women OFWs to visit their families, causing them and their families additional hardship. Domestic helpers receive as low as \$200/month (even if the new POEA policy sets the minimum at \$400). Quite a number of domestic workers are unable to come home for visits because they would lose their jobs if they ask for a furlough. One such worker is “B,” who has been continuously working in Lebanon for the past 3.5 years, at \$200/month. “B” is afraid that if she comes home and loses her job, she might not be able to find another job. This she cannot afford, because she still owes her recruiter \$600.<sup>30</sup>

### Problems of Filipina domestic workers in Kuwait

Problem	Number of complainants
Verbal abuse	239
Overwork	230
Inhuman treatment	165
Lack of food	159
Physical maltreatment/maltreatment	116
Unpaid salaries	89
No rest days/lack of rest	72
Finished contract/not provided exit ticket	12
Misunderstanding with employer	10
Sexual harassment	7
Rape	6
Others	143

Based on the Semi-Annual Report to Congress of foreign service posts on assistance to nationals, July-December 2006.

Because of the nature of their jobs, HSWs are highly vulnerable to abuse either at the hands of their employers or their agencies. In fact, cases of abuse are high among household workers. Of 130 women OFWs CMA documented, 20 were domestic workers, 17 of whom worked in the Middle East. They reported salary irregularities/delayed payment of up to seven months (9 complaints), maltreatment (8), agency malpractice, contract irregularities and visa problems (4 each).<sup>31</sup>



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Many of these women also complained of excessive placement fees and long work hours. Seventy cleaners to be deployed to Qatar complained of placement fees four to five times more than the expected \$200 monthly wage. No receipts were issued for these fees. In addition, while their contracts were to last for three years, their visas would lapse after five months. Despite these, they decided to go. Some said they would file a complaint with POEA once their departure is certain.<sup>32</sup>

Six restaurant workers in Cyprus worked long hours for 33 days without salary and overtime pay, despite a proviso in their contracts specifying one day off for every 1-2 weeks of work. When the dishwasher/kitchen helper "C" complained, she was locked up in an isolated room, mentally tortured and physically abused by the police, burned with cigarette and was injected with something that made her sleepy. This was done in connivance with her employer. She was not even aware when she was put on a plane to Bangkok.<sup>33</sup>

Other common complaints among women OFWs are poor accommodations, non-provision of a copy of their contracts, no overtime pay and no day off. From September 2007 up to the time they finally came home in February 2008, ten nurses of Thadiq General Hospital in KSA lived in cramped quarters, with poor ventilation and without a water heater. They were also underpaid and overworked.

Nurses were not allowed to go home upon expiration of their contracts if there are no replacements available. The contracts of the 10 Thadiq Hospital nurses expired in May 2007 but they got home only in February this year. They stopped work in protest, at the cost of being denied their salaries.

When the 10 Thadiq nurses consulted POLO/OWWA about their problem, they were advised to escape to the embassy, or they would not receive help. They were told that if they do not go to the embassy, they will not be able to go home even within ten years. (*"Kailangan makatakas sila. Dito punta sa embassy para dun daw sila kayang tulungan...Kung hindi sila punta dun, kahit 10 years sila dito, hindi sila makakaalis dito."*) A doctor in Riyadh who

reported this said *"POLO/OWWA Riyadh is rather slow (the case did not progress for three months). Why do they need an NGO to help them when that is what they are receiving their salary for? Who will answer for the incompetence of these government people assigned to help OFWs?"*<sup>34</sup>

Of these 130 cases documented, three complained of sexual advances, attempted rape and rape. The US military also announced in late February they were investigating the rape of a woman OFW by a member of the US Army in Okinawa. The crime happened just three days after she arrived in Okinawa.<sup>35</sup>

Six Filipinas were also embroiled in family problems involving abandonment by their husbands or child custody.

These problems have long been documented, ever since Filipino women started leaving the country to work abroad. Of the cases reported in 2007 in the Middle East alone, women OFWs comprised 89% of the 7,135 runaways, 80% of the 4,556 repatriated, and 41% of the 3,285 who were in detention centers or with pending cases.

In the KSA, the women's most common problems were maltreatment, sexual abuse/harassment perpetrated by the employer or a member of his family, and delayed/non-payment of salary; in Kuwait, problems include verbal abuse, overwork, inhuman treatment, lack of food, physical maltreatment, unpaid salaries, lack of/no rest day, sexual harassment (seven cases) and rape (six cases); in the UAE, women commonly complain of unpaid salaries, overwork, maltreatment and verbal/sexual abuse. Despite these, the KSA, the UAE, Qatar and Kuwait were among the top destinations of temporary workers, and the UAE, the KSA and Kuwait were among the top destination of irregular OFWs in 2007. In addition, both Qatar and Oman registered high increases in both temporary and irregular OFWs.



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## Distressed OFWs in the Middle East, 2007

Embassies/ consulates Middle East	Distressed/ Runaways		Total	Repatriated		Total	Detained/Pending cases		Total
	Male	Female		Male	Female		Male	Female	
Riyadh (KSA)		1,106	1,106	364	1,092	1,456	877	728	1,605
Jeddah (KSA)	723	586	1,323		261	261	124	35	169
Kuwait		2,122	2,122		1,043	1,043	8	47	55
Abu Dhabi (UAE)		307	307		231	231	25	105	130
Dubai (UAE)	3	747	750	2	439	441	53	89	142
Amman (Jordan)		110	110	2	206	208		25	25
Baghdad (Iraq)				17	3	20			
Beirut (Lebanon)	2	265	267			151	4	90	94
Syria								3	3
Cairo (Egypt)	1	67	68			10	2	1	3
Doha (Qatar)	3	401	404	83	110	193	426	77	503
Manama (Bahrain)	20	333	353	27	190	217	52	154	206
Oman	2	307	309	4	109	113		4	4
Tehran							2		2
Tel Aviv		16	16			212			344
TOTALS	754	6,367	7,135	499	3,684	4,556	1,573	1,358	3,285

Source of basic data: OWWA and DOLE

As of end 2006, there were also 444 distressed Filipina domestic workers/runaways in Singapore. Most common complaints include being made to work in more than one household, non-payment of salaries, lack of valid employment contract, rare/no days off, refusal of employers to attend to their medical needs, and excessive placement fees.<sup>36</sup> Since the implementation of stricter immigration policies, the Tokyo Embassy reported that overstaying entertainers tend to suffer lower/unpaid salaries, prolonged working hours, abrupt employment termination and restricted freedom. They also

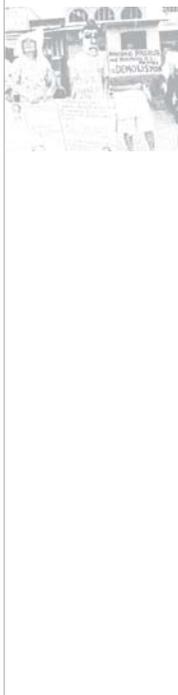
pay large sums of money to Japanese nationals who would marry them. In other cases, entertainers marry their customers (usually divorced Japanese who are far advanced in age) just so they could stay on. There were also 39 entertainers in detention, and another 213 who were repatriated. In Malaysia, the Immigration Department Enforcement Unit in Putrajaya reported 1,943 Filipinos in detention as of January 2007, 587 of whom were women.

The vulnerability of Filipina OFWs, and the unabated cases of abuses they suffer should make everyone – especially the government – take notice, given the steady trend of deployment of younger female OFWs. In 2005, an estimated 44 percent of the total female OFWs belonged to the 15 to 29 age group. In 2006, about the same number (43.5%) of female OFWs were in the 15 to 29 age range.<sup>37</sup> Hongkong, Saudi Arabia, and Japan were the top three countries of destination of female OFWs. 54.9 percent of the total female OFWs were laborers and unskilled workers, the sector that is most vulnerable to abuse and exploitation.<sup>38</sup>

## Children of OFWs

UNICEF deputy country representative Colin Davis said around 56 percent of migrants are married. If there are 1 million each of female and male OFWs who are married, and assuming an average of three children per household, there about are six million children left behind who are at risk from the social costs of labor migration.<sup>39</sup>

A major concern are the children of undocumented OFWs in Sabah whose right to nationality is violated by the long-standing problem of civil registration in faraway Kuala Lumpur and who risk continuing raids, arrests, detention in subhuman conditions and deportation.<sup>40</sup> As of January 2007, the Immigration Department Enforcement Unit in Putrajaya showed that of 1,943 Filipinos in detention, 231 were children, for whom there are no special provisions in the detention cells. One expects that their detention conditions would be the same as those of the 14- and 16-year-old boys who were among the 36 Filipino fishermen jailed by Malaysian authorities (see *succeeding section*).<sup>41</sup>



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Another matter of concern is that the adopted legislative text of the European Return Directive that allows undocumented migrants to be held in custody from six months to 18 months includes children.<sup>42</sup>

A recent research on migration risks<sup>43</sup> describes how Filipino adolescents (of migrant parents) become “worse off” in life. OFWs give less time and money to their children aged 13 to 16, making them “susceptible to being engaged in unwarranted acts, such as premarital sex that results in teenage pregnancies and subjects them to abuse, whether sexual or physical; or they go into drugs.”<sup>44</sup>

Scalabrini Migration Center’s Dr. Maruja Asis said these children require more time because most already share in household responsibilities, especially the eldest children who usually assume part of the duties of the absent parent/s, sharing these responsibilities with an older relative like grandparents. Aurora Javate-de Dios of Miriam College’s Women and Gender Institute said this is especially prevalent among female firstborns who assume the caregiving responsibilities of OFW mothers, given that the latter “take away 80 percent of care-giving factors when they leave”.<sup>45</sup>

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## **Right to food, health and shelter**

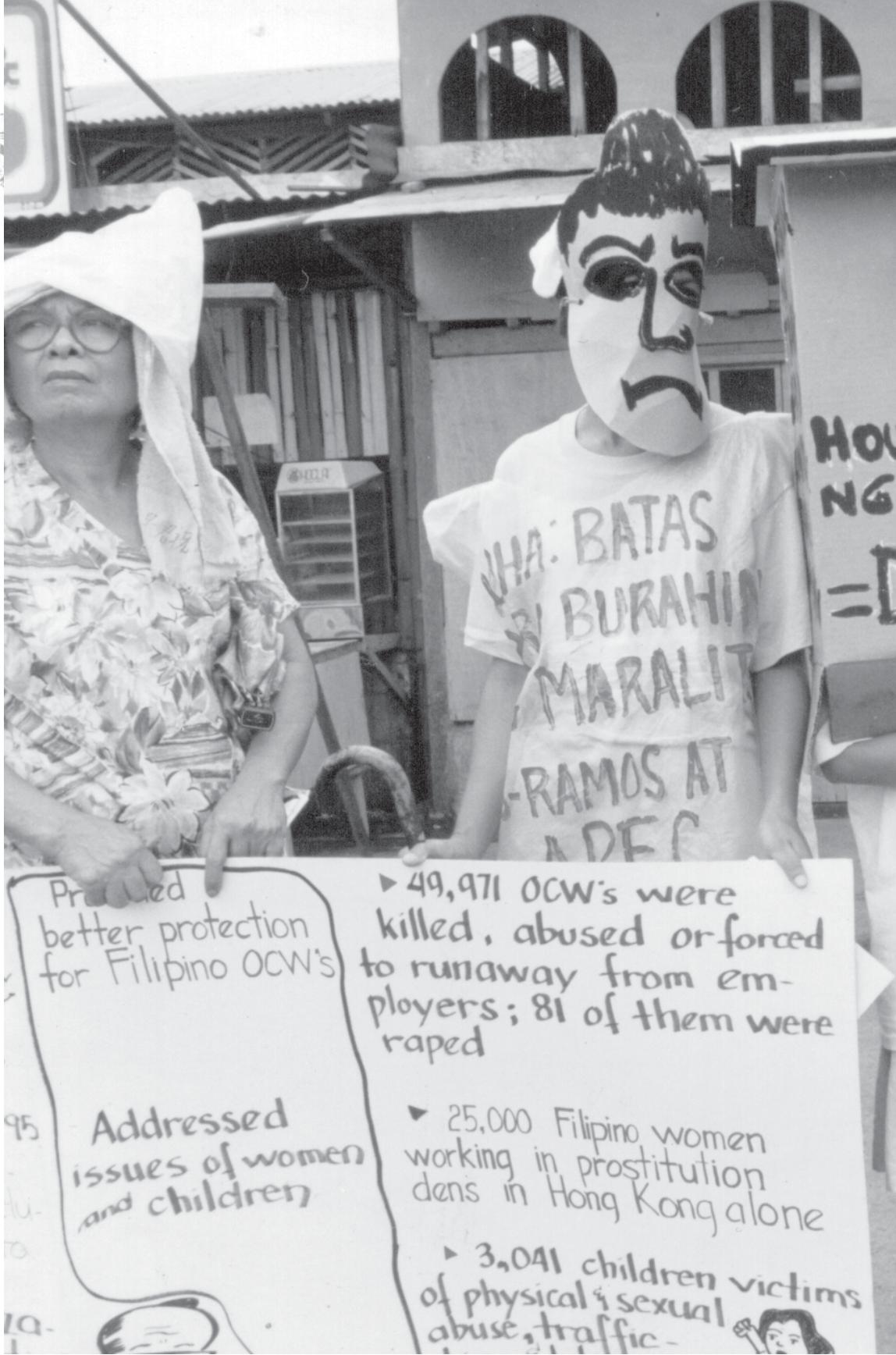
Many OFWs stoically endure violations of their human rights, hardly complaining in exchange for a job. Only when they have reached the end of their tethers are they forced to complain.

The 36 fishermen jailed in Malaysia complained of being given twice-a-day food rations fit only for animals. They described their prison cells as “animal corrals” where 150 prisoners were jam-packed, with only plywood for beddings. They were not provided even with soap, and their quarters had no access to sunlight. When they were transferred to other detention centers, they were handcuffed, barefoot and made to wear the tattered and dirty clothes that the authorities confiscated when they were first detained. They had supposedly served their sentence by November 2007, but they were only released in January 2008. When they arrived in Zamboanga City, they were all suffering from malnutrition and skin abscesses. They could barely walk.<sup>46</sup>



DCW  
"Ragong Bayani"  
2  
RAGONG  
ALIPIN

...LALAMUNDI



Provided better protection for Filipino OCW's

Addressed issues of women and children

▶ 49,971 OCW's were killed, abused or forced to runaway from employers; 81 of them were raped

▶ 25,000 Filipino women working in prostitution dens in Hong Kong alone

▶ 3,041 children victims of physical & sexual abuse, traffic-

WHA: BATAS  
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USING PROJECTS  
REHIMENG U.S. -  
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DEMOLISYON

WE ARE NOT  
BEGGARS  
WE DO NOT WANT  
THE ASIAN  
FUND! WE  
STATE LEGAL  
COMPENSATION  
TO RESTORE  
HONOR & DIGNITY  
- LILA-PILIPINO





Undocumented workers also do not usually have access to health services, are afraid to access this or, not having health insurance, cannot afford expensive private health care.

Fifteen hotel workers, most of them on visit visas and sub-contracted to a Dubai hotel, were crowded eight to a room, although the room was meant for only six persons. Sixteen of them shared one comfort room, forcing them to share a shower so as not to be late for work. Neither were they fed adequately – only once when working a 9-hour shift and on two other occasions when they had to work double shifts. Yet as Ace Ferrer, 27, from Laguna recounts, “The company<sup>47</sup> wants us to smile at customers all the time, even if we were treated badly.”<sup>48</sup>

Most of the cases of OFW abuses are reported in the KSA, Kuwait and the UAE. These countries receive the biggest flux of temporary OFWs and are also in the top ten destinations of irregular OFWs.<sup>49</sup>

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### Top 10 destination countries of temporary workers

2006		2007	
1. KSA	(1,001,330)	1. KSA	(1,046,051)
2. UAE	(291,363)	2. UAE	(493,411)
3. Kuwait	(133,361)	3. Qatar	(189,943)
4. US	(128,440)	4. Kuwait	(129,708)
5. Hong Kong	(121,644)	5. US	(128,910)
6. Qatar	(115,874)	6. Hong Kong	(116,066)
7. Japan	(103,555)	7. UK	(102,381)
8. UK	(93,358)	8. Malaysia	(90,965)
9. Malaysia	(88,372)	9. Italy	(82,594)
10. Italy	(84,972)	10. Singapore	(70,616)

Source: [www.cfo.gov.ph](http://www.cfo.gov.ph)

## Countries registering the highest increase in temporary workers

	2006	2007	Increase
UAE	291,363	493,411	202,048
Qatar	115,874	189,943	74,069
KSA	1,001,330	1,046,051	44,721
Oman	21,017	33,164	12,147
S. Korea	50,600	62,528	11,928
Canada	38,886	49,309	10,423
UK	93,358	102,381	9,023
Guam	810	9,392	8,582

Source: [www.cfo.gov.ph](http://www.cfo.gov.ph)

One indicator of abusive work and/or living conditions is the number of Filipinos in distress/runaways and those repatriated or deported. In Malaysia, there were 209 distressed Filipinos/runaways; in Japan, 1,405 were in detention centers; 52 distressed Filipinos/runaways and an additional 1,032 were repatriated.

### Right to protection

What is most worrisome is that while the government aggressively markets our OFWs abroad, the Department of Foreign Affairs and the foreign posts, including the labor attachés and welfare officers, are unable to provide sufficient protection to them, especially on-site. There are only 85 foreign posts, while OFWs are scattered in more than 200 countries and territories worldwide. In KSA, the Philippines maintains not only an embassy and a consulate but also the Phil. Overseas Labor Office (POLO), but these three can hardly cope with the more than a million OFWs in the kingdom. In UAE, how can the embassy and consulate cope with half a million OFWs, 35,000 of whom are undocumented?

Among CMA's documented cases, 89 OFWs complained of being neglected by the embassy/consulate. Because the embassy staff were not really knowledgeable of the laws and processes of the host country, they tend to give poor advice to the distressed OFWs. At times, they could not or did not give advice at all. Teresita Santos, a sewer who was gang raped in August 2005 by five Saudi



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nationals, accused the personnel of the Philippine consulate in Jeddah of depriving her of proper legal advice and blocking the hearings that almost caused her to lose claim over her rights. In her letter-complaint submitted to the Department of Foreign Affairs, she said it was only the help of fellow OFWs from the V-Team in Riyadh that enabled her to file her claim against her perpetrators. It took two years before she was able to do so, because she had no official assistance.<sup>50</sup>

Julian Camat, Hermilo Ramos and Napoleon Fabregas, cargo handlers who were sentenced by a Saudi court to one-and-a-half years of imprisonment for the theft of computers in January, 2003, were found not guilty after having served four years and four months in detention. They said their wrongful imprisonment was caused by the negligence of the consulate in Jeddah.

Because of insufficient assistance from their own government, more than 150 OFWs were languishing in jails in Al Malaz and Al Hair in the KSA, some of whom have already served their sentence. "RC," a machine operator, was jailed two years more than his one-year sentence and was not assisted up to his sentencing. The family was always told his case is with the higher court, was given wrong information (for example, regarding the sheik in charge of his case) and when he was sentenced, his file was not made available. He was last visited in 2006. "DL" was not sentenced for two years and as of February 2008, he still has not gone home. "JG" has been detained since 2007; and "RL" lost his sanity waiting in prison for assistance that was not forthcoming.<sup>51</sup>

Esnaira Angin, on the other hand, accused the assistant labor attaché of denying her help and shelter at the POLO, allegedly for lack of money to pay for necessary fees. She was one of four OFWs in Dubai whose house was broken into by three Emirati and an Omani national in November 2005. She was stabbed on her chest and back while trying to resist their attackers. "D," a nurse charged for not calling the police about a dead baby left in the hospital toilet although she was not on official duty at the time, sought the embassy's help to appeal the unfair verdict. The embassy advised: *"Desisyon mo yan... Tanggapin mo na lang yan total*

*napakasimpleng parusa lang yan. Bawat hearing, nandon naman ang embassy. If you file, tataas ang sentensya.*" (It's your decision. Just accept the verdict. It's only a small punishment, anyway. The embassy sent a representative each time you had a hearing. If you file an appeal, the sentence will only be more severe.)

"C," a heavy equipment mechanic, met an accident at work in Riyadh and suffered spinal injury that forced him to stop working. His company did not attend to his disability pay, amounting to 120,000SR. Neither did the embassy assist or visit him since October 2006. Again, it was the V Team which assisted him in his claims, which he received in January 2008.

There are even cases when diplomatic personnel themselves abuse Filipina domestic workers, as in the case of a staff of the Philippine permanent mission to the UN in Geneva who allegedly abused her domestic worker (who happens to be her own cousin). The Geneva court ordered her to pay damages and back wages as far back as January 2000. To date, she has yet to comply with the court's order. Despite having been served a warrant of arrest, the DFA continues to employ her in the home office.<sup>52</sup>

Meanwhile, the justice department dealt 26 immigrant Filipino nurses a third successive blow in their long-running battle with their recruitment agency and employer in the Philippines and the United States, when it dismissed a complaint for alleged illegal recruitment. The case filed in June 2006 charged the Sentosa Recruitment Agency<sup>53</sup> of violating the Labor Code and illegal recruitment by "furnishing and publishing false notice or information or document in relation to recruitment or employment." Sentosa allegedly "substituted or altered employment contracts approved and verified by the Department of Labor". The DOJ said what happened "may warrant an action which is civil in nature, but definitely, not a criminal action."

On the other hand, a CMA online survey among 400 OFWs in different countries found that only 7% of the respondents have used an OWWA program, only 5% said OWWA successfully met his/her welfare needs, and 48% do not know what benefits and services



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OWWA offers. Only 16% know that their employer is supposed to shoulder his/her membership fee, while only half know he/she can tap OWWA's programs until his/her contract expires. Meanwhile, OWWA's Omnibus Policies deprive many OFWs the benefits and services due them. For these and other failures, calls for the welfare agency's overhaul continue.

One indication of the government's failure to attend to the welfare of OFWs is in its utilization of the Legal Assistance Fund. The Fund, which is under OUMWA of the foreign affairs office, was not exhausted in the years 2005 to 2007.<sup>54</sup>

A major concern too is that OFWs do not want to file cases against their abusers for lack of trust in the justice system. The cleaners who paid excessive fees to their agency said they would only file a case if they will be guaranteed that they could leave for Qatar. They have since complained about their long work hours, delayed meals and low salaries. They said they number around 300. The same applies to caregivers in Israel who pay excessive fees to recruitment agencies here or intermediaries in Israel. Other OFWs complain that some of those who win their cases in the National Labor Relations Commission (NLRC) in fact win only "paper victories." By the time they get a favorable verdict, the errant agency has already closed or has "disappeared."

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## Reintegration

Government reintegration initiatives consist of announcements to launch a pilot program in Hong Kong in March this year. The program will supposedly improve the English-language skills of Filipino domestic helpers, who could then get higher-paying jobs in call centers back home. There is also mention of an initial \$100 million worth of retail treasury bonds that may include a form of guarantee to protect dollar earnings.<sup>55</sup>

The August 2007 Filcomsin forum in Hong Kong however assessed the latter hedge fund as another way of siphoning resources from OFWs, which can only be accessed by migrants with excess resources. Critics also warned against the fund, saying it is very

risky because it can only work in a system with strong fiscal accountability – something which can only be dreamed of in the Philippines.<sup>56</sup> GMA's March 2008 meeting with selected migrant leaders in Hong Kong meanwhile primarily focused on marketing various instruments of savings schemes at a time when at least 90% of the migrants are heavily in debt and thus was viewed inappropriate and irrelevant.<sup>57</sup> Meanwhile, the National Reintegration Center that the DOLE set up in 2007 continues without a specific budget – a measure of the lack of seriousness of government.<sup>58</sup> Until the government draws and implements a coherent, comprehensive reintegration program for its migrant workers, OFWs will re-migrate, if not settle abroad for good, even as undocumented workers.

## **Bilateral labor agreements**

One measure that could at least mitigate the sorry plight of migrant workers is the signing of bilateral labor agreements with host countries.

So far, the government has come up with Memorandum of Understanding, which are non-binding instruments (for example, MOUs with Canadian provinces).

Worse, pro-ratification senators have been promoting the Japan-Philippines Economic Partnership Agreement (JPEPA) despite strong public lobby.<sup>59</sup> Instead of a bilateral labor agreement to promote and protect the rights of OFWs in Japan, JPEPA (purportedly to provide additional job opportunities for our nurses and caregivers) actually affirms the commodification of our migrant workers under unfair labor and social conditions. In the said treaty, Filipino nurses and caregivers will not be treated as professionals in Japan. At the same time, it will further the brain drain especially of medical workers and compromise the efforts of Japanese nurses to better their work conditions.



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## Political rights

The government still does not recognize the right of OFWs to representation in agencies and processes concerning them. Instead of selecting someone from the migrant workers' sector, President Arroyo appointed to the POEA Governing Board a staff from the Office of Executive Affairs to represent the private sector/people's organizations and NGOs.

In addition, the government has consistently failed to sufficiently consult the migrant sector whenever it wants to formulate policies. As CMA's Ellene Sana insists, "OFWs are not docile subjects and recipients of government policies and programs. Part of their empowerment, of being able to stand up for their rights and be protected, is to be visible, counted, consulted and be part of the governance structures."<sup>60</sup>

The case of POEA's Memorandum Circular 4, Series of 2007 entitled "Guidelines on the Direct Hiring of Filipino Workers" issued in December 18, 2007 was a classic example of formulation and implementation of a government policy totally bereft of adequate consultation with the OFWs themselves. This runs counter to the Migrant Workers Act of 1995 (RA 8042) which pledges government cooperation with non-government organizations in protecting OFWs and promoting their welfare.

While MC 04 purportedly sought to enforce the ban on direct hiring under Article 18 of the Labor Code, it actually expands the exceptions to the ban, opening the gates for direct hiring. It also requires the employer to post unrealistic surety bond premium ostensibly to provide for assistance to OFWs in case of distress. Such expenses will likely be passed on to the OFWs themselves, just like the OWWA membership fee that should not but are actually shouldered by OFWs.<sup>61</sup> CMA wrote then-Labor Secretary Arturo Brion in February 11, 2008 that MC 04 "benefits more the Philippine government by making sure that the 'burden' of attending to OFWs in distress is well covered, either by the private agencies or the employers." Vehement protest forced POEA Administrator Baldoz to suspend MC 04 on February 14, 2008.

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Similar to the MC 04, the HSW policy reform was also implemented without sufficient consultation in March 2007.<sup>62</sup>

In addition, Congress still has not amended the Overseas Absentee Voting Law to ensure more Filipinos can participate in the election process and to address the law's weaknesses discovered in its implementation during the past two elections. On this, there is not much time left, considering that voter registration starts in December 2008.

## Recommendations

1. The government should seriously address the labor situation in the country to prevent the hemorrhaging of its human resources, even as it reviews its labor export policy. Until most Filipinos can find work and earn decent wages within the country, push factors will drive them abroad in droves, some of them at the risk of being undocumented workers.
2. It should also ensure that the rights of OFWs are promoted and protected, especially by its own agencies. It should evaluate the performance of all these agencies, weed out undesirable personnel and improve their attitude and services towards OFWs. The OWWA should be overhauled to better serve and benefit OFWs. It should also enjoin the local government units to partake of this responsibility to OFWs and their families.
3. It should work double time in forging bilateral labor agreements especially with countries where OFWs are concentrated, and maximize existing Memorandum of Understanding for the welfare of OFWs.
4. It should evaluate the implementation of the Magna Carta for Overseas Filipinos and their Families (R.A. 8042) and amend sections that fall short of its intent to promote and protect their rights.
5. It should improve its information and education work (e.g.,



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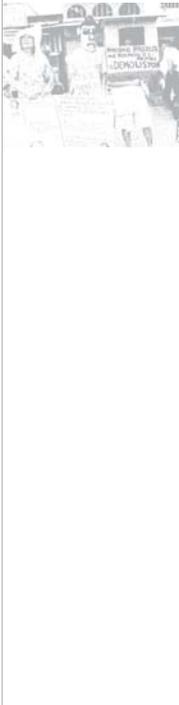
its pre-employment orientation seminar) among the general public so that those who consider overseas work shall do so based on an informed decision and are therefore adequately prepared. Migrant workers should know their rights and should know what to do when these rights are violated.

6. It should come out with a comprehensive and coherent reintegration program for returning OFWs, to include incentives to attract them to invest in the local economy. Such a program should address the social costs of migration.
7. Considering the soon to be held Global Forum on Migration and Development in Manila come October 2008, the government should take this opportunity to come together with other governments to seriously address migrant workers and their families' concerns.
8. OFW organizations and other CSOs should continue to inform, educate, organize and mobilize OFWs and their families to enable them to assert their rights and welfare.
9. OFW organizations and other CSOs should continue to monitor and participate in international gatherings to keep track of international developments and use these for the benefit of OFWs, as what they have done during the *Forum on Contractual Labor in GCC Countries* organized by the UAE Ministry of Labor and the Council of Ministers of Labor and Social Affairs in GCC States in January 2008, where they lobbied for better policies for OFWs.<sup>63</sup>

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## NOTES:

- <sup>1</sup> Doris Dumlao. Remittances surge to \$1.5 B in June. PDI Aug. 16, 2008
- <sup>2</sup> CALABARZON is a rapidly urbanizing region southwest of Metro Manila, composed of five provinces: Cavite, Laguna, Batangas, Rizal, and Quezon.
- <sup>3</sup> <<http://www.census.gov.ph/data/pressrelease/2008/lf0802tx.html>>
- <sup>4</sup> Those earning below P6,274 monthly in 2006
- <sup>5</sup> Isagani de Castro Jr. 3.8 million more poor Filipinos in 2006 than in 2003. <<http://www.abs-cbnnews.com/topofthehour.aspx?StoryId=111258>>
- <sup>6</sup> <[www.abs-cbnnews.com/storypage.aspx?StoryId=127927](http://www.abs-cbnnews.com/storypage.aspx?StoryId=127927)>
- <sup>7</sup> <<http://www.ofw-care.com/2008/06/28/500000-ofws-leave-rp-in-first-5-months-of-2008/>>
- <sup>8</sup> A study coordinated by Focus on the Global South and presented during the July 13 DRTS forum at SOLAIR, UP Diliman, Quezon City
- <sup>9</sup> Joey B. Baddong. Government expects 30% rise in food prices, [www.arabnews.com](http://www.arabnews.com), January 5, 2008.
- <sup>10</sup> Vic Barrazone in Pinoy-A broad egroup exchange, January 7, 2008.
- <sup>11</sup> Kav La Oved. Brokerage fees paid by Philippine workers in Israel. 2007.
- <sup>12</sup> Orlea Aichel. Kav LaOved. Letter to the Philippine Embassy in Tel Aviv dated March 25, 2008.
- <sup>13</sup> Philippine Embassy in Singapore report to Congress, Jan-June 2006.
- <sup>14</sup> Warning up vs agencies collecting excessive fees, [www.gmanews.tv](http://www.gmanews.tv), January 08, 2008.
- <sup>15</sup> A person without legal status in a transit or host country owing to illegal entry or the expiry of his/her visa <<http://www.ilo.org/public/libdoc/ILO-Thesaurus/english/tr1747.htm>>
- <sup>16</sup> The caregiver flies to Israel with caregiver visa for a specified employer but works for another employer, making her irregular worker.
- <sup>17</sup> E-mail correspondence with Ka Sarong of KASAPI Athens, 2007
- <sup>18</sup> Semi-annual report of foreign service posts on assistance to nationals, July-Dec 2006



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- 19 POEA Deputy Administrator Imzon, during a consultation at the POEA, July 31, 2008
- 20 Center for Migrant Affairs. A report on irregular migration and human trafficking. 2007
- 21 The Philippine Embassy in Kuala Lumpur reported to Congress 106,000 irregulars out of 281,374 (37%) Filipinos in Malaysia as of end 2006. 55,600 were reported to be refugees.
- 22 It has been estimated that there are between 1.7 million and two million both from the Philippines and Indonesia. M. Veera Pandiyan, The Star. Sabah feels the strain. June 20, 2008
- 23 The Philippine Embassy in Singapore reported to Congress a higher number: 61,200, more than half of 120,000 Filipinos there as of end 2006. 80,000 of them were domestic workers, all women.
- 24 Parliament adopts directive on return of illegal immigrants. June 18, 2008 <[http://www.europarl.europa.eu/news/expert/infopress\\_page/018-31787-168-06-25-902-20080616IPR31785-16-06-2008-2008-true/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/018-31787-168-06-25-902-20080616IPR31785-16-06-2008-2008-true/default_en.htm)>
- 25 Commission on Overseas Filipinos (CFO) Stock Estimate of Overseas Filipinos as of December 2007. <[www.cfo.gov.ph](http://www.cfo.gov.ph)>
- 26 Semi-annual report of foreign service posts on assistance to nationals, July-Dec 2006
- 27 The Wikipedia describes RELA as a civil volunteer corps formed by the Malaysian government whose main duty is to check the travel documents and immigration permits of foreigners in Malaysia to reduce the number of illegal immigrants. It is authorized with police powers and their duties include raiding suspected places, e.g., streets, factories, restaurants and hotels, interrogating and even detaining people who forget to bring their passports and/or working permits. RELA has been accused of violating migrant rights.
- 28 Press release. July 25, 2008. Migrant Care. Indonesia
- 29 CMA case files 2008
- 30 In a letter to Herbert Docena of Focus on the Global South from Lebanon, Jan 1, 2008
- 31 CMA case file 2008
- 32 Republic Act 8042 allows a placement fee equal to no more than a month's salary abroad.
- 33 CMA case file 2008

- 34 CMA case file 2008
- 35 US military probing alleged rape of Filipina in Japan. <<http://abs-cbnnews.com/storypage.aspx?StoryId=109856>>
- 36 Semi-annual report of foreign service posts on assistance to nationals, July-Dec 2006
- 37 Male OFWs were evenly distributed among the age groups.
- 38 Latest official statistics on womn migrants from the National Commission on the Role of Filipino Women (NCRFW) based on NSO statistics
- 39 United Nations Children’s Fund (Unicef)-Philippine Institute for Development Studies (PIDS) Seminar Series on Public Policies and the Rights of Children.
- 40 CMA and Mujeres. A report on irregular migration and human trafficking. 2007
- 41 CMA case file 2008
- 42 Veronica Uy. New EU rules may affect 94,000 irregular OFWs in Europe. Inquirer.net 6/20/08 <<http://globalnation.inquirer.net/news/breakingnews/view/20080620-143800/New-EU-rules-may-affect-94000-irregular-OFWs-in-Europe>>
- 43 Presented at the United Nations Children’s Fund (Unicef)-Philippine Institute for Development Studies (PIDS) Seminar Series on Public Policies and the Rights of Children
- 44 Rosemarie Edillon. “The Effects of Parent’s Migration on the Rights of Children Left Behind”
- 45 Cai U. Ordinario. OFW kids ‘worse off’ in life <<http://www.abs-cbnnews.com/storypage.aspx?StoryId=109963>>
- 46 CMA case file 2008
- 47 Dubai-based hospitality worker supply firm Princess House Party Organisers
- 48 Jay B. Hilotin. Smiles that veil misery <<http://www.xpress4me.com/news/uae/dubai/20005673.html>>
- 49 Semi-annual report of foreign service posts on assistance to nationals July-Dec 2006
- 50 CMA case file 2008
- 51 E-mail report from V Team, Riyadh, KSA



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- 52 *ibid.*
- 53 The agency and its principals employ more than 1,000 Filipino nurses and other health professionals in the US.
- 54 Ellene Sana report to pinoy-abroad egroup on the House Committee on Overseas Workers Affairs meeting on bills to amend RA 8042. Feb 28, 2008
- 55 Doris Dumlao. Gov't to offer OFWs \$100M in retail bonds. Philippine Daily Inquirer. 2/14/2008
- 56 Edna Aquino in pinoy-abroad egroup exchange. Feb. 14, 2008
- 57 Edna Aquino in pinoy-abroad egroup exchange. Mar 31, 2008
- 58 Rasheed Abou-Alsamh. DOLE to launch pilot reintegration project in HK. Inquirer.net. 01/26/2008
- 59 As of writing, the Philippine Senate is about to ratify JPEPA.
- 60 As quoted by Jerome Aning. Migrant groups reject new rules. PDI Feb. 13, 2008
- 61 Atty. Henry Rojas, CMA legal counsel, pinoy-abroad-forum exchange, Feb. 11, 2008
- 62 Saudi recruiters endorse RP's 'supermaid' policy. GMA news TV, 03/05/2008
- 63 Recommendations. Gulf Forum on Temporary Contractual Labour. Abu Dhabi, January 23/24. 2008
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