

Title: Philippine Association of Service Exporters, Inc. vs. Hon. Ruben D. Torres and Jose N. Sarmiento

**\*\*Facts:\*\***

Philippine Association of Service Exporters, Inc. (PASEI), representing private employment agencies licensed to recruit and deploy Filipino workers overseas, filed a petition for prohibition with a temporary restraining order against the Secretary of the Department of Labor and Employment (DOLE), Hon. Ruben D. Torres, and the Administrator of the Philippine Overseas Employment Administration (POEA), Jose N. Sarmiento. The petition aimed to halt the enforcement of DOLE Department Order No. 16, Series of 1991, and POEA Memorandum Circulars Nos. 30 and 37, Series of 1991. These administrative issuances temporarily suspended the recruitment of Filipino domestic helpers for Hong Kong by private agencies, transferring this responsibility to DOLE through POEA.

The decision to issue these circulars was based on reported abuses suffered by Filipino housemaids in Hong Kong. Following the issuance, PASEI argued that the circulars were issued with grave abuse of discretion, were unconstitutional, unreasonable, unfair, and oppressive, and violated requirements for publication and filing with the Office of the National Administrative Register.

**\*\*Issues:\*\***

1. Whether the respondents acted with grave abuse of discretion and/or in excess of their rule-making authority in issuing the circulars.
2. Whether the assailed DOLE and POEA circulars are contrary to the Constitution, and unreasonable, unfair, and oppressive.
3. Whether the requirements for publication and filing with the Office of the National Administrative Register were complied with.

**\*\*Court's Decision:\*\***

The Supreme Court found no merit in the first and second grounds of the petition, highlighting that Article 36 of the Labor Code grants the Secretary of Labor the power to restrict and regulate recruitment and placement activities, thereby upholding the administrative issuances as valid exercises of police power. However, on the issue of publication and filing, the Court held that the circulars were legally invalid, defective, and unenforceable due to lack of proper publication and filing as required by the Civil Code, the Labor Code, and the Administrative Code of 1987. As such, the enforcement and implementation of the questioned circulars were suspended pending compliance with these

statutory requirements.

**\*\*Doctrine:\*\***

This case reiterates the necessity of complying with the requirements for the publication and filing of administrative rules and regulations; specifically, they must be published in full and filed accordingly to inform the public of their contents and to become enforceable.

**\*\*Class Notes:\*\***

- Administrative Agencies: Possess quasi-legislative and quasi-judicial powers necessary for regulating complex societal activities.
- Police Power: Includes the authority to restrict and regulate activities for the public welfare.
- Publication Requirement: Administrative rules and regulations must be published in full for them to be enforceable, as per Article 2 of the Civil Code, Article 5 of the Labor Code, and the Administrative Code of 1987.
- Legal Validity of Administrative Issuances: Depends on compliance with statutory requirements for publication and filing.

**\*\*Historical Background:\*\***

The case occurred against the backdrop of increasing concerns over the welfare and treatment of Filipino domestic workers overseas, particularly in Hong Kong where numerous reports of abuse had surfaced. The Philippine government, through DOLE and POEA, attempted to assert greater control over the deployment of domestic workers to ensure their protection. However, this move faced legal challenges in terms of the manner of implementation, specifically regarding the due process of administrative rule-making. The decision reflects the tension between the state's protective role over its citizens abroad and adherence to procedural legal requirements.