

### ### Title

**\*\*Equi-Asia Placement, Inc. vs. Department of Foreign Affairs, et al., G.R. No. 152214, 533 Phil. 590 (2006)\*\***

### ### Facts

#### **\*\*Step-by-Step Summary:\*\***

1. **\*\*September 16, 2000\*\***: Manny dela Rosa Razon, an Overseas Filipino Worker (OFW), died of acute cardiac arrest in South Korea. He was an undocumented worker at the time of his death.
2. **\*\*Philippine Overseas Labor Office (POLO)\*\***: The office in South Korea informed the Philippine Embassy about Razon's death.
3. **\*\*Communication to OWWA\*\***: The Philippine Embassy sent an urgent letter to the Overseas Workers Welfare Administration (OWWA), asking for assistance in repatriating Razon's remains and inquired about financial aid for the process.
4. **\*\*OWWA Indorsement\*\***: OWWA forwarded the matter to the Philippine Overseas Employment Administration (POEA), identifying that Razon had been deployed by Equi-Asia Placement, Inc.
5. **\*\*POEA Directive (September 22, 2000)\*\***: POEA sent a telegram directive to Equi-Asia Placement, instructing it to provide a Prepaid Ticket Advice (PTA) for the repatriation of Razon's remains within two days.
6. **\*\*Equi-Asia's Response (September 26, 2000)\*\***: Equi-Asia refused responsibility, stating Razon had violated his contract by absconding and thus became an undocumented worker.
7. **\*\*Second POEA Directive\*\***: POEA reiterated its directive, citing Sections 52-55 of the Omnibus Rules implementing Republic Act No. 8042, which made repatriation the agency's primary responsibility.
8. **\*\*Compliance under Protest\*\***: Equi-Asia eventually complied, advancing the costs for Razon's repatriation under protest.
9. **\*\*Petition for Certiorari\*\***: Equi-Asia filed a petition for certiorari with the Regional Trial Court (RTC), challenging the legality of the POEA directives.
10. **\*\*Court of Appeals Decision\*\***: The CA dismissed Equi-Asia's petition, finding POEA's actions consistent with existing rules and regulations.

### ### Issues

1. **\*\*Whether Sections 52, 53, 54, and 55 of the Omnibus Rules and Regulations**

implementing Republic Act No. 8042 are illegal and violate the principle of due process.\*\*

2. \*\*Whether the POEA acted without or in excess of jurisdiction, or with grave abuse of discretion by compelling Equi-Asia to pay for the costs of repatriation.\*\*

3. \*\*Whether a petition for certiorari under Rule 65 is a proper remedy to challenge the constitutionality of administrative rules.\*\*

### ### Court's Decision

#### \*\*Resolution of Issues:\*\*

1. \*\*Validity of Sections 52, 53, 54, and 55 of the Omnibus Rules\*\*:

- The Supreme Court upheld the validity of these provisions, stating they were legitimate exercises of quasi-legislative power by the DFA and DOLE. These sections are not contrary to the statutory provisions of Republic Act No. 8042.
- The regulations do not require prior notice and hearing as they pertain to future conduct rather than specific past events.

2. \*\*POEA's Actions\*\*:

- The Court determined that POEA did not commit a grave abuse of discretion. The directives to Equi-Asia Placement were in accordance with established rules meant to ensure the swift repatriation of OFWs.
- The procedural due process argument was unfounded as the regulations and directives were issued under valid police power to safeguard Filipino workers.

3. \*\*Petition for Certiorari\*\*:

- The Court clarified that a certiorari petition under Rule 65 was not the appropriate remedy to challenge the quasi-legislative actions of an administrative agency. The issues raised by Equi-Asia were unsuitable for such a procedural route.

### ### Doctrine

- \*\*Quasi-Legislative Powers\*\*: The Supreme Court affirmed the validity of administrative regulations enacted under delegated legislative power, so long as they are aligned with the enabling statute.
- \*\*Primary Responsibility for Repatriation\*\*: Republic Act No. 8042 mandates that the costs associated with the repatriation of both living and deceased OFWs be borne by the recruitment or deployment agency.

### ### Class Notes

#### - **Key Elements**:

1. **Delegation of Legislative Power**: Administrative bodies can promulgate regulations to implement statutes. Such regulations must be germane to the law's purpose and within its confines.
2. **Due Process in Quasi-Legislative Functions**: Regulations governing future conduct do not necessitate prior notice and hearing.
3. **Primary Responsibility for Repatriation**: Agencies must handle all repatriation costs unless the OFW's termination was due strictly to personal fault.

#### - **Relevant Statutory Provisions**:

- **Republic Act No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995)**:
- Sec. 15: "The repatriation of the worker and the transport of his personal belongings shall be the primary responsibility of the agency which, recruited or deployed the worker overseas."

### ### Historical Background

#### - **Context of Case**:

- Amid the growing deployment of Filipino workers overseas, the Philippine government instituted measures for their protection and welfare. Republic Act No. 8042 was enacted to formalize these protections, particularly addressing various abuses against OFWs.
- The case emerged in a period where the international migration of Filipino workers was crucial for the Philippine economy, as remittances from OFWs played a significant role in national economic stability. The law and corresponding regulations ensured that these workers' rights and dignities were safeguarded, even in death.