

## FURTHER AMENDING ARTICLE 38 OF THE LABOR CODE BY MAKING ILLEGAL RECRUITMENT A CRIME OF ECONOMIC SABOTAGE

*PRESIDENTIAL DECREE NO. 1693, May 01, 1980*

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WHEREAS, the overseas employment program of the government has expanded by leaps and bounds to such an extent that it has not only provided meaningful and gainful employment to hundreds of thousands of Filipino workers in foreign countries but also earned considerable foreign exchange earnings for the country;

WHEREAS, in the wake of this employment bounty, illegal recruiters have proliferated and taken advantage of the situation to victimize thousands upon thousands of unsuspecting and gullible workers who lose to these illegal recruiters through deceit and false pretenses not only their hard-earned savings and other worldly possessions but also often find themselves stranded and jobless on foreign soil;

WHEREAS, this pernicious and oftentimes syndicated trade in human beings, which at once saps the economy and undermines national security, partakes a new form of economic sabotage and should, therefore, be considered and penalized as such;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. Article 38 of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines is hereby further amended to read as follows:

"Article 38. Illegal Recruitment

- The following recruitment activities are deemed illegal and punishable as provided herein:
- Those undertaken in any form or manner by non-licenses or non-holders of authority;
- Participation in the exaction of money, goods and/or services in consideration of employment in an amount exceeding that authorized by law or appropriate regulations; and
- Participation in the recruitment, placement, or deployment of any worker under false pretenses or false documentation.
- Illegal recruitment shall be considered as a crime of economic sabotage and shall be penalized as such in accordance with existing laws.
- The Minister of Labor or his duly authorized representative shall have the power to recommend the arrest and detention of any person engaged in illegal recruitment.
- The Ministry of Labor shall set up a secretariat on illegal recruitment to serve as the focal point for all inter-agency efforts against illegal recruitment and related activities. The Secretariat shall initially be manned and operated by such personnel and through such funding as are available in the Ministry of Labor. Thereafter its appropriation shall be made part of the regular appropriation act.

SEC. 2. This Decree shall take effect immediately.

Done in the City of Manila this 1st day of May in the year of Our Lord, nineteen hundred eighty.

(Sgd.) FERDINAND E. MARCOS  
President of the Philippines

By the President:

(Sgd.) JOAQUIN T. VENUS, JR.  
Presidential Assistant

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