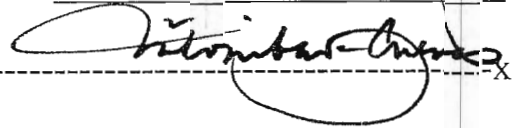


EN BANC

G.R. No. 248680 — (MIGRANTE INTERNATIONAL, FELIZA B. BENITEZ, JENNIFER BORBER, MARIA LOVINA CASTRO, MICHELLE CUSTODIO, ERVIE FUENTES, FATIMA MAMPO, ELVIRA MONTERO, ROSARIO J. VALDESCO, VERNA VILLANCIO, NERI COLMENARES, CARLOS ISAGANI T. ZARATE, FERDINAND GAITE, EUFEMIA CULLAMAT, BAYAN MUNA party-list representatives, ARLENE D. BROSAS, GABRIELA WOMAN'S party-list representative; FRANCISCA L. CASTRO, ACT-TEACHERS party-list representative, and SARAH JANE I. ELAGO, KABATAAN party-list representative, Petitioners, v. SOCIAL SECURITY SYSTEM, represented by CARLOS G. DOMINGUEZ III, in his capacity as Chairman, AURORA G. IGNACIO, SSS President and Vice-Chairman, DEPARTMENT OF FOREIGN AFFAIRS, represented by TEODORO LOCSION, JR., in his capacity as Secretary, and DEPARTMENT OF LABOR AND EMPLOYMENT, represented by SILVESTRE H. BELLO III, in his capacity as Secretary, PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION, represented by its administrator, BERNARD OLALIA, Respondents.)

Promulgated:

November 5, 2024



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DISSENT

LAZARO-JAVIER, J.:

The *majority* granted the petition and struck down Rule 14, Section 7(iii) of the Implementing Rules and Regulations (IRR) of Republic Act No. 11199<sup>1</sup> as unconstitutional for the following reasons: (1) although the mandatory compulsory coverage of land-based and sea-based Overseas Filipino Workers (OFWs) in the Social Security System (SSS) under Republic Act No. 11199 is a lawful exercise of the State's police power, the *mechanism* by which the compulsory SSS contributions are collected from land-based OFWs under Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 does not meet the criteria for a valid police power measure; (2) the subject provision was issued beyond the rule-making power delegated by the legislature to respondents SSS, Department of Foreign Affairs (DFA), and Department of Labor and Employment (DOLE); and (3) the subject provision violated the right to travel of land-based OFWs.

<sup>1</sup> Social Security Act of 2018.

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*I dissent.*

***Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 is a valid exercise of police power***

The *ponencia* ordains that Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 places an undue burden on land-based OFWs by imposing as condition to the issuance of their Overseas Employment Certificate (OEC) the payment of one monthly contribution under the SSS Law, an onus not placed on any other class of employee under the SSS coverage.

*I differ.*

Article XIII, Section 3 of the Constitution provides that, “[t]he State shall afford *full protection* to labor, *local and overseas*, organized and unorganized, and promote full employment opportunities for all.” Guided by this State policy, the promotion of full employment, while a fundamental goal, should not come at the expense of the government’s constitutional obligation to protect its workforce, particularly the overseas workforce. The mandate is clear. In protecting our workers, the State shall not settle for half-measures. The State ought not to provide anything less than full protection.

Accordingly, the mechanism to enforce compulsory coverage of land-based OFWs through the issuance of OECs under Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 is reasonably necessary to accomplish the purpose of the law. The said measure is not unduly oppressive; rather, it was formulated to address the gap in the law as will be substantiated below.

Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 outlines the rule *for cases where land-based OFWs are deployed to countries without any Social Security Agreements (SSAs) or bilateral labor agreements (BLAs) with the Philippines*. Simply put, Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 applies ***only to unique*** situations where land-based OFWs will be assigned to countries with which our government has no existing SSAs or BLAs or where the government is still in the process of negotiating with these countries to provide SSAs or BLAs primarily for the protection of our OFWs. To be sure, Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 fills in the gap of the law *until* the DFA, the DOLE, and all its agencies involved in deploying OFWs for employment abroad have successfully negotiated SSAs or BLAs with these countries.

In a nutshell, this is a mere ***back-up mechanism***. The primary mechanism is the execution of the SSAs or BLAs. While the Philippine

government works to establish SSAs and BLAs, the absence of these agreements leaves many OFWs exposed to potential risks, especially in the event of an emergency, injury, illness, or even death. Hence, the government must create a system for these situations.

To my mind, there is no other more practical and efficient way to ensure the compulsory coverage of these land-based OFWs in the SSS but by requiring them to pay one month's worth of contributions in advance, as a condition to the issuance of the OEC prior to their deployment to these countries.

Currently, the Philippines has established SSAs with Austria, Belgium, Canada, Denmark, France, Germany, Japan, Korea, Luxembourg, Netherlands, Portugal, Quebec, Spain, Sweden, UK, and Northern Ireland.<sup>2</sup> It, however, lacks SSAs or BLAs with countries where a significant number of land-based OFWs are deployed such as Kuwait, United Arab Emirates, Hong Kong, and Taiwan.<sup>3</sup>

This highlights the crucial role of the enforcement mechanisms established under the SSS Law. In these instances where SSAs or BLAs are not yet in effect, should land-based OFWs wait for them to be finalized and executed to be protected and entitled to the benefits under the SSS law? Is it just for these workers to remain in a prolonged state of uncertainty, deprived of security and support? Is it acceptable for them to be left in this indefinite limbo, especially when their welfare is at stake? Does this align with the rationale and intent of the law?

The answer is a resounding “**NO!**”

The IRR must adopt proactive stance for land-based OFWs to be placed under the mantle of protection of SSS law before they are deployed abroad.

In *JMM Promotion and Management, Inc. v. Court of Appeals*,<sup>4</sup> this Court recognized that it is a valid exercise of police power to require an Artist Record Book as a precondition to the processing by the Philippine Overseas Employment Administration (POEA) of any contract for overseas employment to regulate the deployment of female entertainers to Japan.

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<sup>2</sup> Bilateral Social Security Agreements, available at <https://www.sss.gov.ph/bilateral-agreements> (last accessed on February 13, 2025); see also Negotiating for Bilateral Social Security Agreements (2017), available at [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@ro-bangkok/documents/meetingdocument/wcms\\_561812.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@asia/@ro-bangkok/documents/meetingdocument/wcms_561812.pdf) (last accessed on February 13, 2025).

<sup>3</sup> Jessie Yeung and Xyza Cruz Bacani, When Love is not Enough, CNN (2020), available at <https://edition.cnn.com/interactive/2020/11/asia/hong-kong-filipino-helpers-dst/> (last accessed on February 13, 2024).

<sup>4</sup> 329 Phil. 87, 91 (1996) [Per J. Kapunan, First Division].

To extend the fullest protection to our overseas workers, *JMM Promotion and Management* pronounced that their welfare and protection should be the priority. It aptly ruled that *protection to labor does not indicate promotion of employment alone, viz.:*

In any event, apart from the State's police power, the Constitution itself mandates government to extend the fullest protection to our overseas workers. The basic constitutional statement on labor, embodied in Section 18 of Article II of the Constitution provides:

Sec. 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

More emphatically, the social justice provisions on labor of the 1987 Constitution in its first paragraph states:

The State shall afford full protection to labor, local and overseas, organized and unorganized and promote full employment and equality of employment opportunities for all.

*Obviously, protection to labor does not indicate promotion of employment alone. Under the welfare and social justice provisions of the Constitution, the promotion of full employment, while desirable, cannot take a backseat to the government's constitutional duty to provide mechanisms for the protection of our workforce, local or overseas. As this Court explained in Philippine Association of Service Exporters (PASEI) v. Drilon, in reference to the recurring problems faced by our overseas workers:*

What concerns the Constitution more paramountly is that such an employment be above all, decent, just, and humane. It is bad enough that the country has to send its sons and daughters to strange lands because it cannot satisfy their employment needs at home. Under these circumstances, the Government is duty-adequate protection, personally and economically, while away from home.<sup>5</sup> (Emphasis supplied)

Requiring land-based OFWs to pay one monthly contribution prior to deployment has the same nature and objective. While this requirement may impose a certain burden on the workers, it cannot be stressed enough that this serves a critical purpose: to safeguard their welfare and that of their families.

This obligation takes on heightened significance given that many host countries lack SSAs or bilateral agreements with the Philippines. A contract is the meeting of the minds between two parties. In SSAs or BLAs, the contracting parties are the host countries and the Philippines where various factors are involved before the parties can even start to negotiate. International laws and domestic laws of both nations are considered. The

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<sup>5</sup> *Id.* at 98-99.

Philippines can neither compel nor force host countries to instantly execute SSAs or BLAs. These negotiations take time.

Meantime, what will happen to the land-based OFWs? Surely, the lack of SSAs or BLAs should not hinder the State to pursue its endeavor to protect all land-based OFWs under the SSS laws. The State was backed into a corner, and was *constrained* to adopt this immediate and effective mechanism *in the interim*, as the duty to provide protection to these workers, regardless of the circumstances, must remain paramount.

Besides, the subject provision only requires land-based OFWs to pay *one monthly contribution* before being deployed, *regardless of the duration of their contract abroad*. Under SSS Circular No. 2024-010, this pertains *only to 15% of their monthly salary credit*. To be sure, the range of compensation and the corresponding amount contribution are reproduced below:

<b>Range of Compensation</b>	<b>Amount of Contribution</b>
Below 8,250	1,200
8,250 – 8,749.99	1,275
8,750 – 9,249.99	1,350
9,250 - 9,749.99	1,425
9,750 - 10,249.99	1,500
10,250 - 10,749.99	1,575
10,750 - 11,249.99	1,650
11,250 - 11,749.99	1,725
11,750 - 12,249.99	1,800
12,250 - 12,749.99	1,875
12,750 - 13,249.99	1,950
13,250 - 13,749.99	2,025
13,750 - 14,249.99	2,100
14,250 -14,749.99	2,175
14,750 - 15,249.99	2,250
15,250 -15,749.99	2,325
15,750 - 16, 249.99	2,400
16,250 - 16,749.99	2,475
16,750 - 17,249.99	2,550
17,250 - 17,749.99	2,625
17,750 - 18,249.99	2,700
18,250 - 18,749.99	2,775
18,750 - 19,249.99	2,850
19,250 - 19,749.99	2,925
19,750 - 20.249.99	3,000
20,250 - 20,749.99	3,075
20,750 - 21,249.99	3,150
21,250- 21,749.99	3,225
21,750- 22,249.99	3,300

22,250- 22,749.99	3,375
22,750 - 23,249.99	3,450
23,250 - 23,749.99	3,525
23,750 - 24,249.99	3,600
24,250 - 24,749.99	3,675
24,750 - 25,249.99	3,750
25,250 - 25,749.99	3,825
25,750 - 26,249.99	3,900
26,250 - 26,749.99	3,975
26,750 - 27,249.99	4,050
27,250 - 27,749.99	4,125
27,750 - 28,249.99	4,200
28,250- 28,749.99	4,275
28,750 - 29,249.99	4,350
29,250 - 29,749.99	4,425
29,750 - 30,249.99	4,500
30,250- 30,749.99	4,575
30,750 - 31,249.99	4,650
31,250 - 31,749.99	4,725
31,750 - 32,249.99	4,800
32,250 - 32,749.99	4,875
32,750 - 33,249.99	4,950
33,250 - 33,749.99	5,025
33,750 - 34,249.99	5,100
34,250 - 34,749.99	5,175
34,750 and above	5,250

*One monthly contribution* – is this unduly burdensome? Indubitably, the sole purpose of this one-time payment is to place land-based OFWs under the protection of SSS law. This *one* monthly contribution will be the gateway for them to avail of the benefits under the SSS Law: (1) sickness benefits; (2) maternity benefits; (3) disability benefits; (4) retirement benefits; (5) funeral benefits; and (6) unemployment benefits. This is but a small price compared to the long-term security and well-being it affords to the workers and their families. Indeed, this is the most reasonable and least intrusive means that the executive body could muster for those deployed to countries without SSAs and BLAs, *for the time being*, before said bilateral agreements are executed.

More, *the timing of this requirement is crucial*. The protection afforded by the SSS must commence as early as possible, and the most opportune moment for the state to enforce this obligation while the workers are still within its jurisdiction. Requiring SSS contributions as a condition for deployment ensures that the state retains the necessary leverage to compel compliance. Once the workers leave, enforcement becomes significantly more challenging, *if not impossible*. By compelling compliance at the earliest stage, the state fulfills its duty to safeguard its citizens against the vicissitudes of life abroad.

The necessity for land-based OFWs to remit their SSS contributions before departing the country is rooted in the principle of protection. The State cannot afford to delay the protection of its overseas workers simply because international negotiations take time.

In sum, Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 is a valid exercise of police power and is thus constitutional.

***Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199 was not issued beyond the rule-making power delegated by the legislature to respondents SSS, DFA, and DOLE***

The *majority* declared that respondents SSS, DFA, and DOLE acted beyond the rule-making power delegated by the legislature in issuing Rule 14, Section 7(iii) of the IRR of Republic Act No. 11199.

I disagree.

Republic Act No. 11199 was enacted to realize the State's goal of extending social security protection to all Filipino workers, including land-based OFWs. This compulsory coverage of all land-based OFWs entails the employment of necessary measures to ensure their social security protection.

Delegation of legislative power has become the rule and its non-delegation the exception. The reason is the increasing complexity of modern life and many technical fields of governmental functions as in matters pertaining to tax exemptions. This is coupled by the growing inability of the legislature to cope directly with the many problems demanding its attention. The growth of society has ramified its activities and created peculiar and sophisticated problems that the legislature cannot be reasonably expected to comprehend. Specialization even in legislation has become necessary. To many of the problems attendant upon present day undertakings, the legislature may not have the competence, let alone the interest and the time, to provide the required direct and efficacious, not to say specific solutions.<sup>6</sup>

For a valid delegation of power, it is essential that the statute delegating the power must be: (a) be complete in itself—it must set forth

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<sup>6</sup> *National Power Corporation v. Province of Lanao del Sur*, 332 Phil. 303, 321–322 (1996) [Per J. Bersamin, First Division]

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therein the policy to be executed, carried out or implemented by the delegate; and (b) fix a standard—the limits of which are sufficiently determinate or determinable—to which the delegate must conform in the performance of his functions.<sup>7</sup>

*Osmeña v. Orbos*<sup>8</sup> decreed that the standard *may even be implied*. In *Tatad v. Secretary of the Department of Energy*,<sup>9</sup> we stated that courts bend as far back as possible to sustain the constitutionality of laws which are assailed as unduly delegating legislative powers and further ruled:

The validity of delegating legislative power is now a quiet area in our constitutional landscape. As sagely observed, delegation of legislative power has become an inevitability in light of the increasing complexity of the task of government. Thus, courts bend as far back as possible to sustain the constitutionality of laws which are assailed as unduly delegating legislative powers. Citing *Hirabayashi v. United States* as authority, Mr. Justice Isagani A. Cruz states “that even if the law does not expressly pinpoint the standard, the courts will bend over backward to locate the same elsewhere in order to spare the statute, if it can, from constitutional infirmity.”

In *Department of Transportation v. Philippine Petroleum Sea Transport Association*,<sup>10</sup> we noted that even general standards were accepted by the Court in numerous instances, viz.:

*To be sure, the Court has sustained the validity of similar, if not more general standards in other cases.* Indeed, the Court has, in numerous instances, accepted as sufficient standards policies as general as:

“[P]ublic interest” in *People v. Rosenthal*, “justice and equity” in *Antamok Gold Fields v. CIR*, “public convenience and welfare” in *Calalang v. Williams*, and “simplicity, economy and efficiency” in *Cervantes v. Auditor General*, to mention only a few cases. In the United States, the “sense and experience of men” was accepted in *Mutual Film Corp. v. Industrial Commission*, and “national security” in *Hirabayashi v. United States*.<sup>11</sup> (Emphasis supplied, citations omitted)

The *ponencia* agreed with petitioners that the use of deployment processes, cannot be considered as “other measures for enforcement” following the principle of *ejusdem generis*. It rules that “other measures of enforcement” should be of a similar nature to bilateral social security and labor agreements. It noted that the use of OECs does not fall within the same category as bilateral social security and labor agreements. Hence, it is concluded that the measure employed in the IRR is *ultra vires*.

<sup>7</sup> *Lagman v. Pichay*, 888 Phil. 434, 505 (2020) [Per J. Leonen, *En Banc*].

<sup>8</sup> 292-A Phil. 848 (1993) [Per CJ Narvasa, *En Banc*].

<sup>9</sup> 346 Phil. 321, 361 (1997) [Per J. Puno, *En Banc*].

<sup>10</sup> 837 Phil. 144, 176 (2018) [Per J. Velasco, Jr., *En Banc*].

<sup>11</sup> *Id.*

This restrictive interpretation creates a situation where there will be unaddressed gaps in the law. This leaves a gaping hole in the law that is too severe to be ignored, especially since most land-based OFWs are sent to host countries without existing SSALs or BLAs.

As emphasized and admitted in the *ponencia*, the treatment of land-based OFWs as self-employed persons “arises not from discrimination, but from *practical necessity*.”

The unique position of land-based OFWs gives the SSS a wide latitude of discretion in implementing and enforcing the law which was made for their own protection. Congress delegated the enforcement measure to SSS for flexibility. Hence, the phrase “other measures of enforcement” should not be construed so narrowly that it could stifle the most practical and feasible measures adopted by the government to enforce this noble piece of social legislation.

The inclusion of “other measures of enforcement” signifies that the law recognizes various methods to ensure compliance. This provision supports a comprehensive approach that goes beyond bilateral agreements. This flexibility enables the government to adopt strategies to effectively reach and protect OFWs, ensuring they understand the importance of their contributions. The flexibility inherent in the phrase “other measures of enforcement” underscores the law’s commitment to safeguard the rights and well-being of OFWs through various effective strategies, ultimately empowering them and enhancing their financial security.

To emphasize, the Court concedes that compulsory coverage of land-based OFWs is a valid exercise of police power. The only issue is the manner of enforcement. There is this vast vacuum in the law for those deployed to countries without SSLAs and BLAs. For this situation, how will the State enforce the mandatory coverage of land-based OFWs?

This is where the IRR comes into play. In the first place, IRRs were made to fill in the gaps of the law and provide the necessary details to carry out the letter of the law. The nitty-gritty of execution is a function left to the administrative bodies. The *ponencia*, however, mandates that the *only way* to enforce the law is through bilateral agreements. Because of this rigid interpretation, the said gap in the law will never be addressed, and the higher purpose of the law for the coverage of all land-based OFWs was ignored and will remain unfulfilled. *The elbow room granted to administrative bodies has turned into a suffocating straightjacket.*

Besides, as pointed out by the erudite Associate Justice Alfredo Benjamin S. Caguioa in his Reflection, land-based OFWs are not prevented from collecting from their employers the latter’s share in the monthly SSS

contributions, or from demanding a higher salary to cover for their employers' share in the SSS premium.

The SSS Law was amended solely for the purpose of expanding the powers and duties of the Social Security Commission and to extend social security protection to land-based OFWs, yet the *majority* adopted a restrictive interpretation that contradicts the heart and soul of the law. If the interpretation adopted by the Court defeats the purpose of the law, then the law itself is reduced to nothing and becomes meaningless. *Cessante ratione legis, cessat ipsa lex* (the reason for the law ceasing, the law itself also ceases).

***There is no violation of the right to travel of land-based OFWs***

The *ponencia* rules that Rule 14, Section 7(iii) of the IRR violates the right to travel as the disputed provision requires the payment of advance contributions before the issuance of an OEC, a document that land-based OFWs must secure before traveling abroad.

I take exception to this ruling.

First, In *Genuino v. De Lima*,<sup>12</sup> the Court has recognized that in the enforcement of labor laws, the Philippine Overseas Employment Administration (POEA) may refuse to issue deployment permits to a specific country that effectively prevents our migrant workers to enter such country, viz.:

Further, in *Leave Division, Office of the Administrative Services (OAS)-Office of the Court Administrator (OCA) vs. Wilma Salvation P. Heusdens*, the Court enumerated the statutes which specifically provide for the impairment of the right to travel, viz.:

Some of these statutory limitations [to the right to travel] are the following:

1] *The Human Security Act of 2010 or [R.A.] No. 9372*. The law restricts the right to travel of an individual charged with the crime of terrorism even though such person is out on bail.

2] *The Philippine Passport Act of 1996 or R.A. No. 8239*. Pursuant to said law, the Secretary of Foreign Affairs or his authorized consular officer may refuse the issuance of, restrict the use of, or withdraw, a passport of a Filipino citizen.

3] *The "Anti-Trafficking in Persons Act of 2003" or R.A. No. 9208*. Pursuant to the provisions thereof, the [BI], in order to manage migration and curb trafficking in persons,

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<sup>12</sup> 829 Phil. 691 (2018) [Per J. Reyes, Jr., *En Banc*].

issued Memorandum Order Radir No. 2011-011, allowing its Travel Control and Enforcement Unit to "offload passengers with fraudulent travel documents, doubtful purpose of travel, including possible victims of human trafficking" from our ports.

4] *The Migrant Workers and Overseas Filipinos Act of 1995 or R.A. No. 8042, as amended by R.A. No. 10022*. In enforcement of said law, the Philippine Overseas Employment Administration (POEA) may refuse to issue deployment permit to a specific country that effectively prevents our migrant workers to enter such country.

5] *The Act on Violence against Women and Children or R.A. No. 9262*. The law restricts movement of an individual against whom the protection order is intended.

6] *Inter-Country Adoption Act of 1995 or R.A. No. 8043*. Pursuant thereto, the Inter-Country Adoption Board may issue rules restrictive of an adoptee's right to travel "to protect the Filipino child from abuse, exploitation, trafficking and/or sale or any other practice in connection with adoption which is harmful, detrimental, or prejudicial to the child."<sup>13</sup> (Emphasis supplied, citations omitted)

With due respect, the collection of contribution payments from land-based OFWs for the issuance of OECs is not a new restriction on the right to travel but is merely an administrative requirement thereon. Similarly, the issuance of the OEC is already subject to other administrative requirements pertaining to the payment of contributions to the Overseas Workers Welfare Administration, viz.:

SECTION 120. Issuance of Overseas Employment Certificate. — An OEC shall be issued only upon compliance with the documentary requirements for contract processing and payment of POEA processing fee and OWWA Membership contribution.<sup>2</sup>

The regulation of a profession, calling, business or trade has always been upheld as a legitimate subject of a valid exercise of the police power by the state particularly when their conduct affects either the execution of legitimate governmental functions, the preservation of the State, the public health and welfare, and public morals, such as in this case. The imposition of requirements prior to deployment abroad is nothing new. Professionals leaving for abroad are required to pass rigid written and practical exams before they are deemed fit to practice their trade. Seamen are required to take tests determining their seamanship.<sup>14</sup> *How is this method different?*

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<sup>13</sup> *Id.* at 720-721.

<sup>14</sup> *JMM Promotion and Management, Inc. v. Court of Appeals*, 329 Phil. 87, 100 (1996) [Per J. Kapunan, First Division].

*Second*, as discussed, this police power measure can only be enforced prior to their deployment while the State still has jurisdiction over them. *The timing of enforcement is a matter of strategy and practicality to afford the fullest protection to land-based OFWs.*

While OFWs remain within the territorial boundaries of the Philippines, the State possesses the authority to impose certain conditions on their ability to leave the country. This authority is grounded in the responsibility of the State to protect its citizens, especially those who may be vulnerable to the challenges of working abroad.

Additionally, the enforcement of this requirement prior to departure allows the State to utilize its regulatory mechanisms effectively. Once workers depart for another country, the State's ability to monitor, compel, or support compliance diminishes significantly. In fact, the complexities of international employment often make it difficult for the State to enforce such obligations from afar.

If the State will not enforce this regulatory measure before deployment, then when? Allowing compliance at a later time will inevitably breed noncompliance with the SSS Law, especially when pressing financial obligations back home begin to surface. By then, the need to make their SSS contributions become the last priority. When this happens, how else can the State compel or enforce compliance? In the meantime, when the OFW is repatriated due to the end of their contract, illness, or death, what kind of social security protection can they or their families turn to?

If the State allows them to postpone this financial obligation until after their departure, it undermines the very purpose of the SSS Law—which is to provide timely support in the face of adversity.

In essence, the timing of this measure is not arbitrary; it is a strategic decision rooted in the State's duty to protect its citizens and uphold their rights. By ensuring that SSS contributions are made before deployment, the State fortifies its role as a guardian of the welfare of OFWs, establishing a framework that supports them during their journeys and ultimately enhancing their overall well-being. Therefore, this police power measure is not only appropriate but necessary, as it aligns with the State's obligation to prioritize the safety and security of its citizens in an increasingly globalized labor market. This requirement does not act as a barrier to travel; rather, it enhances the workers's ability to embark on their overseas employment with the assurance of social security protection in place.

*Third*, I also take exception to the *ponencia's* pronouncement that the implementation of Rule 14, Section 7(iii), of the IRR does not serve the interest of public health.

Notably, Section 2 of Republic Act No. 11199 seeks, as a policy, to ensure meaningful social security protection to members and their beneficiaries against the hazards of disability, sickness, viz.:

Section 2. Declaration of Policy. - It is the policy of the State to establish, develop, promote and perfect a sound and viable tax-exempt social security system suitable to the needs of the people throughout the Philippines which shall promote social justice through savings, and ensure meaningful social security protection to members and their beneficiaries against the hazards of disability, sickness, maternity, old age, death, and other contingencies resulting in loss of income or financial burden. Towards this end, the State shall endeavor to extend social security protection to Filipino workers, local or overseas, and their beneficiaries.

In the pursuit of this policy, Sections 13 and 14 of the same law provide for disability and sickness benefits, respectively.

With due respect, it is my position that even assuming that the contributions required before the issuance of the OEC is not a mere administrative requirement, the restriction still serves the interest of public health and is thus a valid limitation to the right to travel.

#### *A final note*

I stand with the Court in protecting the rights of our workers. In giving them *full* protection as mandated by the Constitution, I submit that these necessary mechanisms must be enforced. We must not fall into the trap of fixating solely on the initial burdens imposed on land-based OFWs to pay one monthly contribution prior to deployment. Instead, we ought to adopt a broader perspective focusing on the long-term benefits of this requirement, both for the workers themselves and for society as a whole.

While the initial cost may appear burdensome, it is important to view these payments as an investment in the future security of OFWs. The long-term benefits of SSS membership—such as access to financial assistance during emergencies, health care services, and support in cases of disability or death—far outweigh the upfront obligation. These protections can greatly reduce financial strain during crises, providing essential peace of mind as workers navigate the uncertainties of employment abroad.

From a societal perspective, ensuring that OFWs are enrolled in the SSS before they leave the country benefits the entire nation. It reduces the potential financial burden on the State in cases where workers may require social safety net support upon their return due to unforeseen circumstances. By equipping OFWs with the necessary resources to protect themselves and their families, the State invests in the overall resilience of its citizenry, fostering a more stable and secure society.

To repeat, we should shift our focus to the substantial long-term benefits and the loftier purposes of this State regulation. By doing so, it can better advocate for the welfare of its citizens and ensure that they are equipped to handle the complexities of working abroad, ultimately enhancing their quality of life and contributing positively to the nation's social fabric.

The end justifies the means. The state has a fundamental duty to protect its most vulnerable citizens. Imagine sending soldiers into battle without weapons—an act of utter recklessness that jeopardizes lives. Just as no soldier should face the chaos of war unarmed, no land-based OFW should be dispatched without the essential protections of SSS coverage. It is a *moral imperative* to equip them with the safety nets they need to navigate the uncertainties of life abroad.

All told, I vote to **DISMISS** both the petition and uphold the constitutionality of Rule 14 Section 7(iii) of the IRR of Republic Act No. 11199.



AMY C. LAZARO-JAVIER