

# Beyond the Shared Tears of Bangsamoro Women Migrant Workers: From Greener Pastures to Greater Accountability

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## Abstract

A supposed transitory response to temporary shortages and surpluses of labor, labor migration has paved the way for the evolution of landmark laws, strong advocacies, institutional infrastructures, and social norms supporting women's mobility. All of these have encouraged young and single Filipino Muslim women to become migrant workers in other countries, especially in West Asia. But their collective narrative is still plagued with stories of shared tears—of discrimination, exploitation, and abuse. As destination countries become places of vulnerabilities for women migrant workers (WMWs), they also become places of opportunities that move their narrative from the search for greener pastures to that of greater accountability in the processes of recruitment, release, tracking (welfare monitoring and assistance), and reintegration. The recent institution of the Bangsamoro provides opportunities for these women, including the identification of the root causes of their shared tears and the increase of the accountability among stakeholders in order for them to respond appropriately to the growing needs of the women and their families. These opportunities should lead

toward ensuring that WMWs are accorded the right to information, protection and support, due process, and reparation whether they decide to leave or stay home for good.

## Significant shifts in Philippine labor migration

UN Women reports that “[w]omen constitute approximately half of the 244 million individuals who live and work outside of their country of origin.”<sup>2</sup> This is very true in the case of the Philippines, as women constitute 53.66% of the total number of Filipino migrant workers, most of whom are 25 to 29 years old and are employed in elementary occupations (i.e., domestic and care work).<sup>3</sup> Interestingly, those in elementary occupations had the biggest share of remittances at around 26.28%, which amounts to about Php 35.59 billion or an average of Php 52,000 per worker.<sup>4</sup> Women constitute 74.7% of migrant workers from Mindanao who are engaged in elementary occupations.<sup>5</sup> Saudi Arabia remains as the leading

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<sup>2</sup> UN Women, “Women Migrant Workers’ Contributions to Development” (Policy Brief No. 2, UN Women, New York, 2017), 1.

<sup>3</sup> Philippine Statistics Authority, *2017 Survey on Overseas Filipinos* (Quezon City: Philippine Statistics Authority, 2018).

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

destination for Filipino migrant workers (at 25.4%), followed by the United Arab Emirates (15.3%) and Kuwait (6.7%).<sup>6</sup> These migratory flows are hugely influenced by the lack of decent quality paid work for Filipino women in Mindanao while there is an increasing demand for female jobs in Western Asia as key destination region of women migrant workers (WMWs) worldwide.

WMWs from the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) take a 2.7% share in the country's migrant worker population.<sup>7</sup> There seems to be no letting up to the potential of this labor force as the region's female population, currently at 50.2 percent and is mostly between ages 15 to 44, is projected to rise steadily in 2020.<sup>8</sup>

Several landmark laws contribute to the changing migratory flows that involve overseas Filipinos, particularly covering areas of concern such as their growing global presence, demands for safety and protection, and increasing remittance flows. These include the Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act (RA) 8042, as amended by RA 10022), the Overseas Workers Welfare Administration (OWWA) Act of 2016 (RA 10801), the Anti-Trafficking Act in Persons Act of 2003 (RA 9208, as expanded in RA 10364), and rules and regulations of the Philippine Overseas Employment Administration (POEA) on the recruitment and employment of land-based overseas workers (2002, 2016) and seafarers (2003, 2016), among others.

These laws are testament to the significant contributions of overseas Filipinos and to the Philippine government's initiatives to engage and

re-engage them in nation-building.<sup>9</sup> In fact, 12 bills were filed in the 17th Congress related to migrant labor: eight (8) in the House of Representatives and four (4) in the Senate (*see Table 1 on next page*). These bills support the current administration's primary migration agenda of the creation of a single department for overseas Filipinos that aims to ensure their protection and welfare.<sup>10</sup>

While existing programs such as the pre-employment orientation seminar (PEOS) and the pre-departure orientation seminar (PDOS), One-Stop Resource Centers (OSRCs), and Filipino Workers' Resource Centers (FWRCs) are facilitating support functions benefitting WMWs,<sup>11</sup> the Philippine government has to contend with the laws and policies in the destination countries to ensure the protection and welfare of Filipino WMWs.

There should be a basic guarantee that overseas employers are qualified partners of the government in ensuring the provision of both decent jobs and safety and protection for women migrant workers. If they have gone through a rigorous application process and background check, is there a complementing process for those who are taking them in their households? In most cases, even existing labor migration legislations cannot guarantee enough protection as authorities in most destination countries accord WMWs with limited or no legal rights.<sup>12</sup>

In cases of exploitation and abuse, earlier studies contend that judicial systems are not always perceived to listen to or favor abused workers. The destination countries do not fully recognize the

<sup>6</sup> Ibid.

<sup>7</sup> Ibid. The BARMM formally replaced the Autonomous Region in Muslim Mindanao (ARMM) after majority of voters ratified Republic Act No. 11054 or the Bangsamoro Organic Law (BOL) in plebiscites held on January 21 and February 6, 2019. According to the 2017 SOF, the share of the former ARMM's male OFW population is only 0.9%.

<sup>8</sup> "Women and Men in the Autonomous Region in Muslim Mindanao (Based on the Results of 2015 Census of Population)," Philippine Statistics Authority—Autonomous Region in Muslim Mindanao, accessed September 24, 2018, <http://rssoarimm.psa.gov.ph/release/55048/special-release/women-and-men-in-the-autonomous-region-in-muslim-mindanao-%28based-on>.

<sup>9</sup> Commission on Filipinos Overseas, "Is there a Need for a Single Department to Cater to the Needs of Overseas Filipinos?," *Migration Standpoint*, Policy Briefs of the Commission on Filipinos Overseas, No. 02-2017 (September 2017), 2. [https://www.cfo.gov.ph/images/publications/DOFW\\_7Sept2017.pdf](https://www.cfo.gov.ph/images/publications/DOFW_7Sept2017.pdf).

<sup>10</sup> Ibid.

<sup>11</sup> Encinas-Franco et al. (2015, 62) note that "[t]here are four One-Stop Resource Centers (OSRCs) in four provinces in the country in 2010. The OSRCs were conceptualized through the Joint Program for Youth, Employment and Migration (JPYEM) to augment the DOLE's reintegration program for migrants and local employment matching of the local governments through its Public Employment Service Office (PESO) to serve as a repository and an action center for migrant families and the youth." Jean Encinas-Franco et al., *Gender, Migration and Development in the Philippines—A Policy Paper* (Quezon City: UN Women Philippines, 2015).

<sup>12</sup> Mary Kawar, "Gender and Migration: Why are Women More Vulnerable?," in *Femmes en Mouvement: Genre, Migrations et Nouvelle Division Internationale du Travail*, ed. Fenneke Reysoo and Christine Verschuur (Genève: Graduate Institute Publications, 2004).

**TABLE 1** List of legislative bills concerning migrant workers filed in the 17th Congress

	Title	Proponent
<b>Senate Bill (SB)</b>		
SB 146	An Act Creating the Department of Migration and Development	Sen. Cynthia A. Villar
SB 1421	An Act Creating the Department of OFWs	Sen. Ralph G. Recto
SB 1435	An Act Creating the Department of Foreign Employment	Sen. Alan Peter S. Cayetano
SB 1445	An Act Creating the Department of OFWs	Sen. Aquilino L. Pimentel III
<b>House Bill (HB)</b>		
HB 192	An Act Creating the Department of Migration and Development	Rep. John Bertiz III
HB 227	An Act Establishing the Department of OFWs	Rep. Eric Singson
HB 288	An Act Creating the Department of Overseas Workers	Rep. Michael Romero
HB 543	An Act Creating the Department of Overseas Workers	Rep. Baby Arenas
HB 822	An Act Establishing the Department of OFWs	Rep. Arthur Yap
HB 1936	An Act Establishing the Department of OFWs	Rep. Mark Villar
HB 2334	An Act Establishing the Department of OFWs	Rep. Carlos Cojuangco
HB 3255	An Act Creating the Department of Migration and Development	Rep. Emmeline Aglipay-Villar

Source: Commission on Filipinos Overseas 2017

rights of migrant workers, while the latter are not fully aware of their rights and are hardly recognized as a group.<sup>13</sup>

### Shared tears of the Bangsamoro women<sup>14</sup>

Significant shifts in the Philippine labor migration program pose both opportunities and challenges to the migration narrative of the Bangsamoro women, most of whom are migrant domestic workers (MDWs). Some of the opportunities concern the changing demographics of Bangsamoro women. For example, they have a growing simple literacy rate of 88.7% in 2015, a major leap from the 80.2% rate in 2010.<sup>15</sup> Most of them have gone through years of Madrasah education, which includes the Arabic Language and Islamic Values Education (ALIVE) Program of the Department of Education. They are mostly young and single during their first contract and have eventually gone through many rehiring cycles. But at the same time, they are vulnerable to discrimination, exploitation, and abuse in the processes of recruitment, release, tracking, and reintegration.

Overseas employment is supposedly a temporary measure to alleviate poverty and build the family's collective aspirations (e.g., pay for children's education, build a house, pay debts, etc.). As these aspirations would take some time to achieve for various reasons (e.g., problems with debt bondage, reduced wages, lack of financial management skills, etc.), the WMWs would need to go back and forth in the migration cycle and stay unexpectedly longer.<sup>16</sup>

Despite the PEOS and PDOS, women are still vulnerable to unrealistic expectations and to the lack of proper information on the migration process and procedures and on employment opportunities. They also lack the know-how and ability to cover expenses and to avoid ending up in irregular and exploitative situations.<sup>17</sup> For example, MDWs are recruited by people within their family circles via the usual word-of-mouth and relationship-based referral systems. There is no proper way to identify their legitimacy and they subject their recruits to illegal practices such as identity and contract substitution

<sup>13</sup> Ibid.

<sup>14</sup> Data gathering from a focused group discussion (FGD) and key informant interviews (KII) of 13 Bangsamoro women in Metro Manila was done in August 2018 and KII of some community leaders and heads of government institutions in BARMM was held in September 2018.

<sup>15</sup> Philippine Statistics Authority—Autonomous Region in Muslim Mindanao (PSA—ARMM), "Fact Sheet: ARMM Simple Literacy Rate Based on POPCEN 2015," Philippine Statistics Authority, Reference Number FS-ARMM-17-010, July 31, 2017, <http://rsoarimm.psa.gov.ph/release/54743/factsheet/armm-simple-literacy-rate-%28based-on-popcen-2015%29>.

<sup>16</sup> Kawar, "Gender and Migration."

<sup>17</sup> Ibid.

and unjustified salary deductions.<sup>18</sup> MDWs as young as 16 or 17—way below the legal age of 23—are also recruited and deployed for overseas work.

In the workplace, most WMWs end up performing the 3D (dirty, dangerous, and demeaning/difficult) jobs and are in isolated situations that limit opportunities to build networks and access information and social support.<sup>19</sup> In many cases, MDWs have limited access to regular communication with loved ones at home and are not allowed to own a cellphone or have a regular day-off as required by international labor standards.

The return and reintegration process can also be more problematic, particularly in areas of socio-psychological adjustment, changing family relationships, unending financial difficulties, and employment-related problems.<sup>20</sup> In most cases, members of the family need to renegotiate their identity and roles within the changing dynamics of the family once the female member leaves home to work somewhere else.

As WMWs tend to be concentrated to work in elementary occupations, they have limited access to opportunities and options for career advancement and skill acquisition. Studies suggest that in most cases, the actual skills and qualifications of WMWs are either unrecognized or unneeded in their workplaces. Worse, some of them have been “deskilled” in the process.<sup>21</sup> Truly, these “greener pastures” in foreign lands can also be places of shared tears. Despite the potential for improving their lives and of their families and communities, there are disadvantages and risks they have to contend with when working overseas.

### Strategic steps towards greater accountability

The recent formalization of the BARMM provides opportunities for the prevention of and protection from discrimination, exploitation, and abuse of MDWs from the region. A number of strategic steps in identifying the root causes of their shared tears and in increasing the accountability of stakeholders are needed to respond appropriately to the growing needs of MDWs and their families.

#### Identify root causes

Some of the root causes of the vulnerability of MDWs concern the need for decent quality local jobs and for intentional skills and values retooling. This has to be part of the BARMM’s strengthening of authority and accountability to its constituents and can be done in partnership with government institutions such as Technical Education and Skills Development Authority (TESDA), the Department of Labor and Employment (DOLE), and the FWRCs, and with civil society and religious organizations, among others.

Retooling is a strategic opportunity for both job placement competitiveness for young people and job stability and resource management for the more senior ones. This process of capacity building aims at equipping the women to transform themselves and others as part of their reintegration. This involves coaching and mentoring, as well as success monitoring and evaluation. This strategic opportunity has to be fueled by political will to provide decent quality paid jobs for women in the BARMM.

As the women are also equipped with basic literacy and Islamic values and education, it is imperative to complement these with practical skills and values to foster growth in self-worth and decision-making capacity for themselves and for those who are important to them.

#### Increase stakeholders’ accountability

It is imperative to increase the accountability of government and civil society institutions involved in labor migration. This should be done through the firm implementation of laws and regulations, such as the Amended Migrant Workers and Overseas Filipinos Act (RA 10022), the Expanded Anti-Trafficking in Persons Act (RA 10364), and the Guidelines on the Referral System Involving Trafficking in Persons Cases of the Inter-Agency Council Against Trafficking (IACAT Resolution No. 006, Series of 2017). A basic component in this implementation is *the right to know*.

<sup>18</sup> Recruiters claim the first few (two or more) monthly salaries of the MDWs in exchange for the financial assistance that they invested as they prepare to work overseas.

<sup>19</sup> Kawar, “Gender and Migration.”

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

An example of this is how the POEA in the BARMM conducts basic pre-employment orientation campaigns—patterned after the PEOS model—during the end of school year in partnership with secondary schools in key areas in the region. This campaign needs to be strengthened in terms of content and intention in targeting more people through these recommendations:

- (1) Improve the contextual content of the campaign and make it appropriate for graduating high school students, out-of-school youth, and young women and mothers in the community.
- (2) Make the campaign a year-round activity so more communities could be involved in being informed of illegal recruiters and their unscrupulous practices, know-how on verifying contracts, and ways to find help and support in times of need.
- (3) The POEA needs to train more trainers, appropriate funding, and create accountable local partnerships with local government units (LGUs), other government institutions, and civil society organizations.

The POEA also needs to strengthen the Multi-Stakeholders Roundup Against Illegal Recruitment and Trafficking in Minors or Underage Female MDWs in the BARMM. While this focuses on the protection of minors as part of RA 10364, the agency should be able to cover significant portions of the legislation and allow accountability of barangay-to-city level leaderships through the signing of a memorandum of understanding in partnership with key government institutions, private recruitment corporations, and civil society partners. As *a call for community involvement and accountability*, it can be strengthened through the following recommendations:

- (1) Focus on information dissemination targeting barangay officials and allow them to consolidate commitments to stop trafficking of underage female MDWs.
- (2) Emphasize clauses on protection of minors/underage female MDWs from unscrupulous illegal recruiters, protocols for rescue, and corresponding consequences and penalties for those involved in trafficking and illegal recruitment.

- (3) Engage barangay officials as key accountable partners in the implementation of laws, rules, and regulations concerning the recruitment and protection of female MDWs.

To ensure the welfare of WMWs in their workplaces, greater accountability is needed in a few areas of the implementation of RA 10022. First, migrant workers' rights (e.g., basic right to keep their passports, access to communication and information) should be upheld in compliance with international labor standards. Second, MDWs must receive support in confronting practices of discrimination and exploitation in the workplace and in forming a collective voice with their fellow MDWs. These are challenges accorded to the OWWA and their counterparts in destination countries in Western Asia in order to enable the women to seek protection, due process, and reparation.

#### Install family and women centers

It is also imperative to strategize information dissemination at the barangay level on the role of families in the decision-making, protection, and empowerment of the WMWs. This is to be accorded to the female family member and her household (as key players in the process of change) in several areas:

- (1) Family centers must be provided institutional support to address the growing needs of migrant families, including psycho-social interventions, socio-economic empowerment, and welfare assistance.
- (2) Women centers need to ensure the protection, empowerment, and overall well-being of women by providing welfare or legal support, skills training, and reintegration guidance, among others.
- (3) Civil society and religious organizations can harness their expertise, networks, and funding to provide support to women and family centers for the benefit of MDWs.

Family and women centers are *co-advocates in seeking greater government accountability* to migrant women workers and their families. These are also places for opportunity where WMWs could be consulted in the policymaking process. Partnerships with OSRCs,<sup>22</sup> FWRCs, and other institutions will

strengthen the support base of WMWs to enable themselves, their families, and other women more strategically. Likewise, the POEA–BARMM must *safeguard the contextual terms and conditions* of the processes of recruitment, deployment, tracking, and reintegration of Filipino Muslim WMWs.

### Concluding remarks

A civil servant in the BARMM once said, “No one would go to hell if they are in paradise!” Despite landmark laws, strong advocacies, institutional infrastructures, and social norms supporting women’s mobility, the migrant women’s narrative is still plagued with shared tears both at home and abroad.

With an estimated 10.23 million overseas Filipinos in more than 220 countries and territories,<sup>23</sup> the Philippines has still one of the most active emigration flows globally in the last forty years.<sup>24</sup> So it remains that Filipinos have greater acceptance for women’s search for greener pastures in foreign lands.<sup>25</sup>

It is high time that the BARMM in particular and the Filipino community in general move from a narrative of greener pastures to greater accountability in the recruitment, deployment, tracking (welfare monitoring and assistance), and reintegration of women migrant workers. It must be ensured that WMWs are equipped with the right to information, protection and support, due process, and reparation, whether they decide to leave or stay home for good.

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<sup>22</sup> In response to President Rodrigo Duterte’s orders to streamline government services, the DOLE opened the One-Stop Service Center (OSSC) for OFWs on August 15, 2016. There are currently 17 OSSCs that serve 1,084,220 OFWs nationwide. Commission on Filipinos Overseas, “Is there a Need for a Single Department,” 7, 9.

<sup>23</sup> Commission on Filipinos Overseas, *Stock Estimates of Overseas Filipinos (As of December 2013)* (Manila: Commission on Filipinos Overseas, 2013).

<sup>24</sup> Encinas-Franco, et al., “Gender, Migration and Development,” 10.

<sup>25</sup> Ibid.

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