

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS

FIRST REGULAR SESSION

House Bill No. 543

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Introduced by **REPRESENTATIVE ROSE MARIE 'BABY' J. ARENAS**

EXPLANATORY NOTE

It has been said that one can find a Filipino in practically any part of the world. The Commission on Filipinos Overseas reports that as of December 2013, there were 10,238,614 Filipinos overseas, almost half of which or about 4,207,018 were temporary workers. While the United States remains the top destination for permanent residency, the same data reports that one Filipino is a permanent resident in the Falkland Islands, and also one in Cameroon in Africa. And while Saudi Arabia remains to be the traditional destination for temporary workers, there were 39 Filipinos working in Kyrgyzstan, and 43 Filipinos in the Isle of Man, a little known self-governing dependency of the United Kingdom, which can be found in the Irish Sea somewhere between Great Britain and Ireland. Even at a time when the government bans the deployment of workers to certain countries like Iraq, Afghanistan, and Syria, the record shows that still, Filipinos went there to work. North Korea, infamous for threatening the world with its nuclear power, was the employment destination of 7 Filipinos in 2013.

Such is the Filipino diaspora that, especially in the last 30 years, remittances from overseas Filipinos had steadily grown and consistently bolstered the economy especially in times of economic crises. Preliminary data from the Bangko Sentral ng Pilipinas show that from January to December 2015, total remittances stood at US\$25.77 billion or PhP1.160 trillion. These remittances are pumped into the economy through the increased spending of the families of the migrant workers. The absence of this spending would lead to the contraction of the economy.

Overseas remittances have been steadily increasing over the years and is expected to increase even more. This is not surprising considering that, according to the Philippine Overseas Employment Administration (POEA), about 3,000 Filipinos leave daily for employment abroad.

Despite the significant contributions of our overseas Filipino workers over the years, there is no single agency in the government which attends to their needs. Events like the floods in Australia and the earthquake in New Zealand, the uprisings in Egypt, Libya, and Syria; the massive earthquake and destructive tsunami in Japan; and such cases of war, epidemics, natural and man-made disasters or calamities; and similar events in their host countries highlights the need to enhance our capability in servicing migrant Filipino workers. It is during emergencies, that our people are very vulnerable due to the lack of manpower and resources to address their immediate concerns.

Assistance to and repatriation of our OFWs affected by political and economic security, threat and emergency in their host countries most often comes late. Our OFWs were reported to have complained that they hardly felt any government assistance in times of crises.

It is about time therefore for government to realign its resources so that we can be responsive to the needs of our OFWs. Let us create an agency which can take full charge in their deployment or repatriation, when the need arises. There should be one which will be made accountable to the OFWs and their families.

If there is even just one Filipino who wants to leave any country because he does not feel safe there anymore, then it is the moral duty of the government to bring him to safety. It is not enough that we call them our "Bagong Bayani"; it is about time that we convert this label into action. Let us create the Department of Overseas Workers, now!



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Introduced by **REPRESENTATIVE ROSE MARIE 'BABY' J. ARENAS**

**AN ACT
CREATING THE DEPARTMENT OF OVERSEAS WORKERS,
RATIONALIZING THE ORGANIZATION AND FUNCTIONS OF
GOVERNMENT AGENCIES RELATED TO OVERSEAS EMPLOYMENT,
AND FOR OTHER PURPOSES**

Be it enacted by the Senate and the House of Representatives in Congress assembled:

CHAPTER I

GENERAL PROVISIONS

Section 1. Short Title. – This Act shall be known as the "Department of Overseas Workers Act".

Sec. 2. Declaration of Policies. -

(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in the country or overseas, in general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt/be signatory to and ratify those that guarantee protection to our migrant workers, and endeavor to

1 enter into bilateral agreements with countries hosting overseas
2 Filipino workers.

3 (b) The State shall afford full protection to labor, local and
4 overseas, organized and unorganized, and promote full employment
5 and equality of employment opportunities for all. Towards this end,
6 the State shall provide adequate and timely social, economic and
7 legal services to Filipino migrant workers.

8 (c) While recognizing the significant contribution of Filipino
9 migrant workers to the national economy through their foreign
10 exchange remittances, the State does not promote overseas
11 employment as a means to sustain economic growth and achieve
12 national development. The existence of the overseas employment
13 program rests solely on the assurance that the dignity and
14 fundamental human rights and freedoms of the Filipino citizens shall
15 not, at any time, be compromised or violated. The State, therefore,
16 shall continuously create local employment opportunities and
17 promote the equitable distribution of wealth and the benefits of
18 development.

19 (d) The State affirms the fundamental equality before the law
20 of women and men and the significant role of women in nation
21 building. Recognizing the contribution of overseas migrant women
22 workers and their particular vulnerabilities, the State shall apply
23 gender sensitive criteria in the formulation and implementation of
24 policies and programs affecting migrant workers and the
25 composition of bodies tasked for the welfare of migrant workers.

26 (e) Free access to the courts and quasi-judicial bodies and
27 adequate legal assistance shall not be denied to any person by
28 reason of poverty. In this regard, it is imperative that an effective
29 mechanism be instituted to ensure that the rights and interest of
30 distressed overseas Filipinos, in general, and Filipino migrant

1 workers in particular, whether or not with the required
2 documentation, are adequately protected and safeguarded.

3 (f) The right of Filipino migrant workers and of all overseas
4 Filipinos to participate in the democratic decision-making processes
5 of the State and to be represented in institutions relevant to
6 overseas employment is recognized and guaranteed.

7 (g) The State recognizes that the most effective tool for
8 empowerment is the possession of skills by migrant workers. The
9 government shall expand skills development and enhancement
10 programs of the concerned agencies and shall facilitate access of
11 overseas Filipino workers to these programs through scholarships
12 and/or training subsidies/grants. Pursuant to this and as soon as
13 practicable, the government shall deploy and/or allow the
14 deployment only of skilled Filipino workers.

15 (h) The State recognizes that non-governmental
16 organizations, trade unions, workers associations, and other similar
17 duly accredited entities, are partners of the State in the protection
18 of Filipino migrant workers and in the promotion of their welfare.
19 The State shall cooperate with them in a spirit of trust and mutual
20 respect. The significant contribution of recruitment and manning
21 agencies shall form part of this partnership.

22 Sec. 3. *Definition of Terms.* – The following terms, as used in
23 this Act, shall mean:

- 24 a) "Act" refers to the "Department of Overseas Workers Act";
25 b) "Authority" refers to a document issued by the Secretary
26 authorizing the officers, personnel, agents, or representatives of a
27 licensed recruitment/manning agency to conduct recruitment and
28 placement activities as a private recruitment entity;

1 c) "*Bonafide Non-Government Organizations (NGOs)*" refers to
2 non-government or civil society or faith-based organizations duly
3 recognized by the Philippine Embassy as active partners of the
4 Philippine Government in the protection of Filipino migrant workers
5 and the promotion of their welfare;

6 d) "*Contracted Workers*" refers to Filipino workers with
7 employment contracts already approved by the Department for
8 overseas deployment;

9 e) "*Direct Hires*" refers to workers directly hired by employers
10 for overseas employment as authorized by the Secretary of Labor
11 and Employment and processed by the Department, including:

- 12 1. Those hired by international organizations;
- 13 2. Those hired members of the diplomatic corps; and
- 14 3. Name hires or workers who are able to secure
15 overseas employment opportunity with an employer
16 without the assistance or participation of any agency;

17 f) "*Employment Contract*" refers to the following:

- 18 1. For land-based workers hired by private
19 recruitment/employment agencies - a written
20 agreement between the foreign principal/employer and
21 the worker based on the master employment contract
22 approved by the Department; and
- 23 2. For seafarers - a written standard Department-
24 approved employment contract stipulating a specific
25 period of employment and formulated through tripartite
26 consultation, individually adopted and agreed upon by
27 the principal/employer and the seafarer;

1 g) "*Service Contractor*" refers to any person, partnership or
2 corporation, as defined under the Corporation Code, duly
3 licensed as a private recruitment agency by the Secretary to
4 recruit workers for its accredited projects or contracts
5 overseas;

6 h) "*Gender Sensitivity*" is the recognition of the inequalities
7 and inequities prevalent in society between women and men
8 and a commitment to address these concerns;

9 i) "*Head*" or "*Manage*" refers to any of the following acts:

10 1. Control and supervise the operations of a
11 recruitment/manning agency or branch thereof of which
12 they are employed; or

13 2. Exercise the authority to hire or fire employees and
14 lay down and execute management policies of a
15 recruitment/manning agency or branch thereof;

16 j) "*Joint and Several Liability*" refers to the liability of the
17 foreign principal/employer and the recruitment/manning
18 agency, for any and all claims arising out of the
19 implementation of the employment contract involving Filipino
20 workers for overseas deployment. If the recruitment/manning
21 agency is a juridical entity, the corporate officers and
22 directors and partners, as the case may be, shall themselves
23 be jointly and severally liable with the corporation or
24 partnership for the aforesaid claims and damages;

25 k) "*Irregular/Undocumented Filipino Migrant Workers*" refers
26 to the following:

27 (1) Those who acquired their passports through fraud or
28 misrepresentation;

- (2) Those who possess expired visas or permits to stay;
 - (3) Those who have no travel document whatsoever;
 - (4) Those who have valid but inappropriate visas; or
 - (5) Those whose employment contracts were not processed by the Department or subsequently verified and registered on-site by the Philippine Overseas Labor Offices (POLOs), if required by law or regulation;

m) "License" refers to the document issued by the Secretary authorizing a person, partnership or corporation to operate a private recruitment/manning agency;

n) "Manning Agency" refers to any person, partnership or corporation duly licensed by the Secretary to engage in the recruitment and placement of seafarers for ships plying international waters and for related maritime activities;

o) "Non-licensee" refers to any person, partnership or corporation engaged in the recruitment and placement of overseas Filipino workers without a license, or whose license has been revoked, cancelled, terminated, has expired or otherwise delisted from the roll of licensed recruitment/manning agencies registered with the Department;

p) "Overseas Filipinos" refers to migrant workers, other Filipino nationals and their dependents abroad;

q) "Overseas Filipino in Distress" refers to an Overseas Filipino who has a medical, psycho-social or legal assistance problem requiring treatment, hospitalization, counseling, legal

1 representation, or any other kind of intervention with the
2 authorities in the country where he or she is found;

3 r) "*Overseas Filipino Worker*" or "*Migrant Worker*" refers to a
4 person who is to be engaged, is engaged, or has been
5 engaged in a remunerated activity in a state of which he or
6 she is not a citizen, or on board a vessel navigating the
7 foreign seas other than a government ship used for military or
8 non-commercial purposes, or on an installation located
9 offshore or on the high seas. A "person to be engaged in a
10 remunerated activity" refers to an applicant worker who has
11 been promised or assured employment overseas;

12

13 s) "*Placement Fees*" refers to any and all amounts charged by
14 a private recruitment/manning agency from a worker for its
15 recruitment and placement services as prescribed by the
16 Secretary;

17 t) "*Principal*" refers to a foreign employer or placement
18 agency hiring or engaging Filipino workers for overseas
19 employment through a licensed private recruitment/manning
20 agency;

21 u) "*Private Recruitment/Employment Agency*" refers to any
22 person, partnership or corporation duly licensed by the
23 Secretary to engage in the recruitment and placement of
24 workers for overseas employment for a fee which is charged,
25 directly or indirectly, from the workers who renewed their
26 employment contracts with the same principal;

27 v) "*Rehires*" refers to land-based workers who renewed their
28 employment contracts with the same principal;

1 w) "*Regular/Documented Filipino Overseas Migrant Workers*"
2 refers to the following:

3 (1) Those who possess valid passports and appropriate
4 visas or permits to stay and work in the receiving
5 country; and

6 (2) Those whose contracts of employment have been
7 processed by the Department, or subsequently verified
8 and registered on-site by the POLO, if required by law
9 or regulation;

10 x) "*Seafarer*" refers to any person who is employed or
11 engaged in overseas employment in any capacity on board a
12 ship other than a government ship used for military or non-
13 commercial purposes. The definition shall include fisherfolk,
14 cruise ship personnel, and those serving on mobile offshore
15 and drilling units in the high seas;

16 y) "*Secretary*" refers to the Secretary of the Department of
17 Overseas Workers;

18 z) "*Skilled Filipino Workers*" refers to those who have obtained
19 an academic degree, qualification, or experience, or those
20 who are in possession of an appropriate level of competence,
21 training and certification, for the job they are applying, as
22 certified to by the appropriate government agency; and

23 aa) "*Underaged Migrant Workers*" refers to those who are
24 below 18 years or below the minimum age requirement for
25 overseas employment as determined by the Secretary.

26 Sec. 4. *Department of Overseas Workers.* – To implement the
27 above declared policies, there is hereby created the Department of
28 Overseas Workers, hereinafter referred to as the Department, which shall

1 prepare, integrate, coordinate, supervise, and control all plans, programs,
2 projects, and activities of the Government relative to overseas
3 employment.

4

5 *Sec. 5. Powers and Functions.* – The Department shall be the lead
6 government agency responsible for the formulation and implementation of
7 policies and programs for the overseas employment of Filipino workers. In
8 coordination with appropriate entities, it shall formulate and undertake a
9 systematic program for promoting and monitoring the overseas
10 employment of Filipino workers, including seafarers, taking into
11 consideration domestic manpower requirements and the need to protect
12 their rights to fair and equitable employment practices. It shall have
13 original and exclusive jurisdiction over all cases involving employer-
14 employee relations, documented or undocumented/irregular workers,
15 arising out of or by virtue of any law or contract involving Filipino workers
16 for overseas employment.

17

18

19

CHAPTER II THE DEPARTMENT PROPER

21

22 *Sec. 6. Composition.* – The Department Proper shall be composed of
23 the Office of the Secretary and the Offices of the Undersecretaries and
24 Assistant Secretaries, and divisions of the Department. The Secretary,
25 Undersecretaries, and Assistant Secretaries shall be appointed by the
26 President.

27

28 *Sec. 7. Office of the Secretary.* – The Office of the Secretary shall
29 consist of the Secretary and his immediate staff.

30

31 The Secretary shall have the following powers and functions:

- (1) Establish the policies and standards for the operation of the Department pursuant to the approved programs of government;
- (2) Promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs and projects;
- (3) Promulgate administrative issuances necessary for the efficient administration of the offices under the Secretary and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;
- (4) Exercise disciplinary powers over officers and employees in accordance with law, including the conduct of investigations or designation of a committee or officer to conduct such investigation;
- (5) Appoint all officers and employees of the Department except those whose appointments are vested in the President or in some other appointing authority; *Provided however, That* where the Department is regionalized on a department-wide basis, the Secretary shall appoint employees to positions in the second level in the regional offices as defined in the Administrative Code of 1987;
- (6) Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Department as are provided by law, and in accordance with the applicable relationships as specified in Chapters 7, 8, and 9 of the Administrative Code of 1987;
- (7) Delegate authority to officers and employees under the Secretary's direction in accordance with this Act; and
- (8) Perform such other functions as may be provided by law.

1 Sec. 8. *The Undersecretaries.* - The Secretary shall be assisted by
2 four (4) Undersecretaries, one each for the International Labor Affairs
3 Office, the Funds and Investment Management Office, the Licensing and
4 Regulation Office, and for the Employment and Welfare Office.

5

6 A. The general functions of the Undersecretaries are as follows:

- 7 1) Advise and assist the Secretary in the formulation and
8 implementation of department objectives and policies;
9 2) Oversee all the operational activities of the department
10 for which he shall be responsible to the Secretary;
11 3) Coordinate the programs and projects of the
12 department and be responsible for its economical,
13 efficient and effective administration;
14 4) Serve as deputy to the Secretary in all matters relating
15 to the operations of the department;
16 5) Temporarily discharge the duties of the Secretary in the
17 latter's absence or inability to discharge his duties for
18 any cause, or in case of vacancy of the said office,
19 unless otherwise provided by law. Where there are
20 more than one undersecretary, the Secretary shall
21 allocate the foregoing powers and duties among them.
22 The President shall likewise make the temporary
23 designation of Acting Secretary from among them; and
24 6) Perform such other functions and duties as may be
25 provided by law.

26 B. Specific Functions

27 1. *Undersecretary for International Labor Affairs Office* shall
28 advise the Secretary on the various international labor agreements
29 to which the government is a party and monitor our compliance
30 therewith. He/she shall exercise technical supervision over the

1 POLOs, ensuring that programs and projects of the labor offices in
2 the different parts of the globe are consistent with international
3 labor and department policies. Moreover, where there are a number
4 of OFW- and labor-related concerns, Filipino Workers Resource
5 Centers (FWRCs) shall be established and the operations of which
6 shall be supervised by POLOs.

7 The International Labor Affairs Office shall have the following
8 divisions: Asian Affairs Division, American and Pacific Affairs
9 Division, European Affairs Division, and the Middle Eastern and
10 African Affairs Division.

11 2. *Undersecretary for Funds and Investment Management*
12 *Office* shall provide the services for the efficient and effective
13 management of the Overseas Workers Trust Fund created in Section
14 12, including the maintenance of computer-based financial data
15 management system pertaining to collection, fund transfer,
16 investment and assets management. It shall consolidate all
17 Department collections and contributions, and ensure an efficient
18 collection and reporting system. The Undersecretary shall head the
19 Board which is created in Section 13 and shall also be tasked to
20 formulate a medium and annual term investment plan for the Trust
21 Fund, for approval of the Board.

22
23 3. *Undersecretary for Licensing and Regulation* shall have the
24 following powers and function:

- 25
26 a. Process applications for license or authority to operate
27 recruitment or manning entities, and recommend to the
28 Secretary appropriate action thereon;

- b. Recommend to the Secretary appropriate actions for violations of the conditions of license or authority including the suspension or cancellation or revocation thereof;
- c. Monitor the status of cash and surety bonds and require the replenishment or renewal thereof;
- d. Maintain an updated list of licensed or authorized employment agencies for the guidance of the public;
- e. Prepare and implement an inspection program for the effective supervision and evaluation of the activities of private employment or manning agencies;
- f. Prepare and implement an inspection program for the eradication of illegal recruitment activities and provide support services to the inter-agency council on illegal recruitment in its campaign against illegal recruitment;
- g. Prepare and implement programs for the evaluation of employment agencies and manning companies in pursuance of the regulatory functions of the office and in aid of policy formulation;
- h. Formulate and implement programs for standardization of allowable fees to be charged by private employment entities, medical clinics and testing centers;
- i. Review and evaluate requirements for issuance of license and authorities;

- 1 j. Review and evaluate service or employment and shipping
2 agencies, specifying therein the minimum terms and
3 conditions of employment of overseas Filipino workers;
4
- 5 k. Formulate and implement programs for the effective
6 monitoring of foreign exchange remittances of overseas
7 contract workers.

8

9 4. *Undersecretary for Employment and Welfare* shall
10 implement and deliver programs and services through regional and
11 on-site operations. It shall supervise the operations of the following:

- 12
- 13 a. Regional Operations Coordination Service – Supervises and
14 provides technical and administrative support to Regional
15 Welfare Offices (RWOs).

16

17 1. Regional Welfare Offices (RWOs)

- 18
- 19 a. Administrative and Finance Unit – provides
20 administrative support services to the RWO and
21 maintains a sound and adequate regional branch
22 accounting system.

- 23
- 24 b. Program Services Division – administers and
25 implements efficient delivery of programs and
26 services in the regions.

27

28 2. Overseas Operations Coordination Services – Supervises
29 and provides administrative and technical support to
30 Overseas Welfare Offices (OWO). It shall provide technical
31 assistance to the Overseas Office Operations.

- 1 a. Overseas Welfare Office – Implements programs
2 and services to member-OFWs.

3

4 *Sec. 9. Assistant Secretaries.* – The Secretary shall also be assisted
5 by three (3) Assistant Secretaries, one (1) for Management Services, one
6 (1) for Policy and International Affairs, one (1) for Regional Operations
7 and Licensing.

8

9 A. The general functions of the Assistant Secretaries are as follows:

- 10
- 11 1. Advise and assist the Secretary and/or Undersecretaries in
12 the formulation, determination and implementation of laws,
13 policies, plans, programs and projects on overseas labor and
14 employment;
- 15
- 16 2. Oversee the day-to-day administration of the constituent units
17 of the Department;
- 18
- 19 3. Perform the duties of the Undersecretaries during their
20 absence or in case of vacancy of such position in the
21 Department upon designation by the Secretary; and
- 22
- 23 4. Perform such other functions as may be provided by law or
24 assigned by the Secretary and/or Undersecretaries from time
25 to time.

26

27 B. Specific Functions

28

29 1. Assistant Secretary for Management Services shall have
30 the following functions:

1 a. Advises and assists the Secretary and the
2 Undersecretaries in the formulation and
3 implementation of the Department's policies, plans,
4 progress and projects as they relate to general
5 management, information and publication,
6 personnel, finance and other support services under
7 the Department Proper.

8
9 b. Supervises the operational activities of the following
10 offices:

- 11
12 1. Administrative Service
13 2. Financial and Management Service
14 3. Human Resource Development Service
15 4. Information and publication Service

16
17 c. Performs such other functions as may be provided by
18 law or assigned by the Secretary and/or
19 Undersecretaries from time to time.

20
21 2. Assistant Secretary for Policy and International Affairs shall
22 have the following functions:

23
24 a. Advises and assists the Secretary and the
25 Undersecretaries in the formulation of the
26 Department's over-all long-range and short-term
27 plans and programs on overseas employment, with
28 special focus on the government's compliance with
29 international labor agreements;

- 1 b. Reviews and evaluates the progress/status of
2 projects and accomplishments in relation to set
3 standards, objectives and schedules;
- 4
- 5 c. Supervises the operational activities of the
6 International Labor Affairs Service and Planning
7 Service; and
- 8
- 9 d. Perform such other functions as may be provided by
10 law or assigned by the Secretary and/or
11 Undersecretaries from time to time.

12

13 3. Assistant Secretary for Regional Operations shall have the
14 following functions;

15

- 16 a. Advises and assists the Secretary and the
17 Undersecretaries in the formulation and
18 implementation of the Department's objectives and
19 policies at the regional level;
- 20
- 21 b. Supervises the administration and operations of the
22 regional offices;
- 23
- 24 c. Promotes coordination of efforts between and among
25 the regional offices and the regional branches of
26 attached agencies to insure efficient, effective and
27 economical implementation of the Department's
28 policies, plans, programs and projects at the regional
29 level;
- 30
- 31 d. Monitors and assesses developments in the regions
32 with a view to providing the divisions and other

offices in the Department, necessary information for policy and program formulation and implementation;

- e. Advises and assists the Secretary and the Undersecretaries in the resolution of appealed labor standards cases; and

f. Performs such other functions as may be provided by law or assigned by the Secretary and/or Undersecretaries from time to time.

Sec. 10. *Office of the Legal Adviser.* - The Office of the Legal

13 Adviser shall be headed by a Legal Adviser, who shall be a career officer
14 and shall be reporting directly to the Secretary. However, the Legal
15 Adviser may be appointed by the President upon the recommendation of
16 the Secretary, from outside the career service. His term shall be co-
17 terminus with the tenure of the Secretary, unless sooner terminated. The
18 Legal Adviser shall provide legal advise and services to the Department.

20 It shall provide legal service for the Department's internal and
21 external requirements, including but not limited to, the drafting of
22 legislative proposal and provision of opinion on bills, and rules and
23 regulations affecting the Departments and its operations.

25 The Office of the Legal Adviser shall have a staff complement of
26 personnel with the necessary competency and skills requirement.

28 Sec. 11. *Offices and Divisions.* – Subject to the power of the
29 Secretary with the approval of the President, to reorganize, restructure,
30 and redefine the functions of the offices and divisions for the effective
31 discharge of the powers and functions of the Department under this Act,
32 the Department shall have the following offices and divisions:

1

2 The divisions and offices shall have the following powers and
3 function:

4

5 A. Internal Audit Division – Reviews and evaluates the
6 soundness, adequacy and application of accounting, financial and
7 other management procedures and promotes an effective control
8 system at reasonable costs.

9

10 B. Membership Processing Center – Provides and implements
11 policy guidelines on membership and contribution of OFWs.

12

13 C. Procurement and Property Management – Manages the
14 procurement, storage and issuance of supplies, materials and
15 equipments as well as the disposal of obsolete and excess materials
16 and supplies.

17

18 D. Human Resources Management and Development Division
19 – Manages and administers a comprehensive personnel program
20 pertaining to recruitment, placement, career and employee
21 development, and other personnel services and actions.

22

23 E. Engineering and General Services Division - Formulates and
24 implements a building and equipment maintenance program.

25

26 F. Records Management Division - Develops and maintains a
27 system of retrieval, maintenance, safekeeping, authentication and
28 disposal of documents and records.

29

30 G. Budget Division – Manages the budgetary system and
31 monitors fund utilization and provides annual budget guidelines.

32

1 H. Accounting Division – Implements systems and procedures
2 for appropriate accounting and financial transactions including the
3 management of sub-systems in the regional and overseas operating
4 units. It shall ensure compliance with New Government Accounting
5 System (NGAS).

6

7 I. Cash Division – Implements systems and procedures on
8 collection and disbursement.

9

10 J. Repatriation and Assistance Division – Facilitates family
11 inquiries regarding cases and circumstances of their OFW-relatives,
12 documented or irregular/undocumented Filipino overseas workers.
13 It shall maintain a case management and documentation system,
14 and manage the repatriation program to include airport assistance
15 and provision of counseling services, medical and rehabilitation
16 assistance to OFWs.

17

18 K. Program Services Divisions – Administers and implements
19 efficient delivery of programs and services for the OFWs in the
20 region.

21

22 L. Advocacy and Social Marketing Division - Establishes and
23 maintains public information counters, website and hotlines. It shall
24 cause the mounting of membership campaigns and development of
25 information materials, press releases and mass media packages
26 designed to manage public perception of the Department.

27

28 M. Grievance and Adjudication Division shall have the
29 following powers and function:

- 30
- 31 1. Provides legal assistance to OFWs;
32 2. Provides mandatory conciliation of complaints;

- 1 3. Performs legal research and docketing of cases;
- 2 4. Hears and arbitrates complaints and cases filed against
- 3 recruitment and manning agencies, foreign principals
- 4 and employers through their agents, and OFWs for
- 5 reported violation of Department Rules and Regulation;
- 6 and
- 7 5. Enforce all writs.

8
9 N. National Reintegration Center for OFWs Division – The
10 NRCO shall undertake the following:

- 11 1. Develop support programs and projects for livelihood,
12 entrepreneurship, savings, investment and financial
13 literacy for returning Filipino overseas migrant workers
14 and their families, in coordination with relevant
15 stakeholders, service providers and international
16 organizations;
- 17
18 2. Coordinate with appropriate stakeholders, service
19 providers and relevant international organizations for
20 the promotion, development and the full utilization of
21 the skills and potentials of returning overseas Filipino
22 workers;
- 23
24 3. Institute, in cooperation with other government
25 agencies concerned, a computer-based information
26 system on returning Filipino overseas migrant workers
27 which shall be accessible to all local recruitment
28 agencies and employers, both public and private;

4. Provide a periodic study and assessment of job opportunities for returning Filipino overseas migrant worker;
5. Develop and implement other appropriate programs to promote the welfare of returning Filipino overseas migrant workers;
6. Maintain an internet-based communication system for on-line registration of returning OFWs and interaction with clients, and maintain and upgrade computer-based service capabilities of the NRCO;
7. Develop capacity-building programs for returning overseas Filipino workers and their families, implementers, service providers and stakeholders;
8. Conduct research for policy recommendations and program development; and
9. Undertake other programs and activities as may be determined by the Department.

O. Pre-Departure Division shall have the following powers and function:

1. Maintains a manpower registry of applicants for overseas and seafaring employment.
2. Accredits foreign employers and principals.
3. Processes and documents employment contracts.
4. Assists and validates documents at exit points.
5. Undertakes global mapping and profiling of OFWs.

- 1 6. Client servicing for government employers hiring
2 through government to government arrangements.
3 7. Issues Seafarers Identification Document.

4

5 P. International Relations Division – shall have the following
6 powers and functions:

- 7
- 8 1. Develops and monitors new markets and conducts
9 market research; and
10 2. Enters into a Memoranda of Understanding on the hiring
11 of Filipino workers with labor-receiving countries.

12

13 Q. Crisis Management Center – shall provide an under the
14 Office of the Secretary, shall operate on a 24-hour basis including
15 Saturdays, Sundays, and holidays. A counterpart 24-hour
16 Information and Assistance Center to ensure a continuous network
17 and coordinative mechanism shall be established at the DFA and the
18 DOLE/Department.

19

20 T. Administrative and Financial Management Office –
21 Supervises administrative and support services. It shall manage all
22 financial transactions and concerns of the Secretariat; formulate,
23 review and implement administrative and financial systems and
24 procedures.

- 25
- 26 1. General Administrative Service – Manages the
27 administrative systems and procedures relating to
28 human resource, property, procurement and
29 maintenance, records management and general
30 services.

- 1 2. Financial Management Service – Formulates, reviews
2 and implements systems and procedures on budget,
3 accounting and cashiering.

6 CHAPTER III

7 THE OVERSEAS WORKERS TRUST FUND

9 Sec. 12. *Overseas Workers Trust Fund.* – There is hereby created
10 an Overseas Workers Trust Fund, hereinafter referred to as the Trust
11 Fund which shall be lodged in the Department. All fees and charges paid
12 by an overseas worker pursuant to an approved overseas employment
13 contract shall accrue to the Trust Fund.

15 The existing overseas fund lodged in the OWWA shall be transferred
16 to the Trust Fund herein created.

18 Sec. 13. *Overseas Workers Trust Fund Board.* – In order to manage
19 and administer the Trust Fund, an Overseas Workers Trust Fund Board is
20 hereby created. The Board shall be composed of the Undersecretary for
21 Funds and Investment Management who shall be designated as the
22 Chairperson, and six members to be appointed by the President of the
23 Philippines upon the recommendation of the Secretary. Four members
24 shall have distinguished themselves in the field of finance, economics,
25 law, or related disciplines either in public or private capacity for at least
26 10 years; *Provided, That*, at least two of the four shall be certified public
27 accountants. The fifth and sixth members shall come from the overseas
28 workers sector and shall be nominated by duly accredited OFW
29 organizations; *Provided, That*, the nominees shall have been an overseas
30 worker for at least three years. At least two members of the Board shall
31 be female.

1

2 CHAPTER IV

3 TRANSITORY PROVISIONS

4

5 Sec. 14. *Transfer of Powers and Functions.* - The powers and
6 functions of the OWWA and POEA and pertinent offices under the
7 Department of Labor and Employment (DOLE) and Department of Foreign
8 Affairs (DFA) are hereby transferred to the Department. The foregoing
9 transfer of powers and functions shall include all applicable funds,
10 personnel, records, property and equipment, as may be necessary. The
11 same shall apply to agencies which have been attached to the
12 Department by virtue of this Act.

13

14 Sec. 15. *Transfer of Rights, Assets, and Liabilities.* - The
15 Department shall, by virtue of this Act, be subrogated to all rights and
16 assume all the liabilities of OWWA and POEA and all other agencies or
17 government units whose functions and powers have been transferred to
18 the Department. All funds, including unexpended appropriations and/or
19 allocations, records, property, assets, and such personnel as necessary,
20 shall likewise be transferred to the Department. All contracts and
21 liabilities of said offices, agencies, and government units are hereby
22 transferred to and assumed by the Department and shall be acted upon in
23 accordance with the Auditing Code and other pertinent laws, rules, and
24 regulations; Provided, That the officers and employees of said offices,
25 agencies, and government units shall continue in a holdover capacity until
26 such time as the new offices and employees of the Department shall have
27 been duly appointed pursuant to the provisions of this Act.

28

29 Sec. 16. *Structure and Staffing Pattern.* - The organizational
30 framework and staffing pattern of the Department shall be prescribed and
31 approved by the Secretary within sixty (60) days after the approval of
32 this Act and authorized positions created therein shall be filled by regular

1 appointments by the President or the Secretary, as the case may be:
2 Provided, that, in the filling of positions created, preference shall be given
3 to the personnel of the affected agencies.

4

5 *Sec. 17. Separation From Service.* – Employees separated from the
6 service as a result of this reorganization shall, within six (6) months from
7 their separation from the service, receive the retirement benefits to which
8 they may be entitled under existing laws, rules, and regulations.

9

10 CHAPTER V
11 APPROPRIATION

12

13 *Sec. 18. Appropriations.* - Such sums as may be necessary for the
14 implementation of this Act shall be taken from the current fiscal year
15 appropriations of the OWWA and POEA and pertinent offices of the DOLE
16 and DFA. Thereafter the amount needed for the operation and
17 maintenance of the Department shall be included in the annual General
18 Appropriations Act.

19

20 CHAPTER VI
21 MISCELLANEOUS PROVISIONS

22

23 *Sec. 19. Disclosure and Divestment of Financial Interest.* – Before
24 assumption of office, the Secretary, the Undersecretaries, and the
25 Assistant Secretaries shall submit to the Civil Service Commission a list of
26 all companies, partnership, or business enterprises, including nonprofit
27 organizations, in which he/she, or any immediate member of their
28 families within the second degree of consanguinity or affinity have any
29 form of financial interests or employment relationship, including
30 consultancy: *Provided, however, That* all other forms of employment
31 relationship held by the heads of the offices of the Department shall be
32 immediately terminated upon assumption of office.

1
2 Within thirty (30) days thereafter, complete divestments of financial
3 interests in any institution, firm, or company which fall under the
4 supervisory or regulatory jurisdiction of the Department shall be made:
5 *Provided, however, That* in cases where confirmation of appointment by
6 the Commission on Appointments is required, the divestment mandated
7 herein shall be complied with within thirty (30) days after such
8 confirmation.

9
10 The divestment prescribed in the preceding paragraph shall likewise
11 apply to the member of the immediate family within the second degree of
12 consanguinity having interest in any institution or activity which falls
13 under the regulatory jurisdiction or supervision of the Department and its
14 attached agencies.

15
16 Sec. 20. *Suppletory Clause.* – The Labor Code of the Philippines, as
17 amended, shall have suppletory applicability.

18
19 Sec. 21. *Repealing Clause.* - All laws, presidential decrees,
20 executive orders, and rules and regulations, or parts thereof, inconsistent
21 with the provisions of this Act are hereby repealed or modified
22 accordingly.

23
24 Sec. 22. *Separability Clause.* – If, for any reason, any section or
25 provision of this Act is held unconstitutional or invalid, the other sections
26 or provisions hereof shall not be affected thereby.

27
28 Sec. 23. *Effectivity Clause.* - This Act shall take effect after its
29 complete publication in at least two (2) national newspapers of general
30 circulation.

31
32 *Approved,*