

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3663



INTRODUCED BY HONORABLE LIANDA B. BOLILIA

EXPLANATORY NOTE

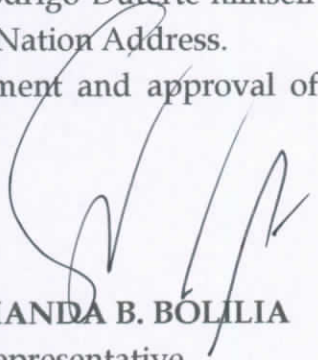
The Philippine economy is in a sound position today in part because of the steady growth and size of remittances of Overseas Filipino Workers (OFWs) to the country. In 2017, the personal remittances of OFWs accounted for 10 percent of GDP. The billions of dollars they are sending back home have huge impact on the country's net dollar receipts and macro-fundamentals. It is why they are called "*bagong bayani*" (new heroes).

But not all of the unsung heroes have stories of success to tell – many of them have faced and are facing misfortunes akin to a Greek tragedy. They have to endure trafficking, illegal recruitment, abusive working and living conditions, contract violations, exploitation, discrimination, and social exclusion. Some have been totally deprived of liberty and are being treated like slaves. Some have met their end at the hands of their employers. Back home, their marriages are irretrievably breaking down, and children are left to fend for themselves. Returning OFWs struggle to reintegrate, facing unemployment prospects.

There are several governmental agencies tasked to address the needs of some 10 million OFWs. But these entities are under different departments and have overlapping and redundant functions. The lack of coordination becomes problematic as multiple agencies have the same jurisdiction.

The creation of the Department of Overseas Filipino Workers is long overdue. It will harmonize, streamline, and reengineer all national policies and agencies to better serve and protect our OFWs. No less than President Rodrigo Duterte himself pushed for the creation of such department in his latest State of the Nation Address.

In view of the foregoing, the immediate enactment and approval of this bill is earnestly sought.


LIANDA B. BOLILIA
Representative
4th District, Batangas

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HOUSE OF REPRESENTATIVES
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3663
House Bill No. _____

INTRODUCED BY HONORABLE LIANDA B. BOLILIA

AN ACT

CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS,
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION. 1. Title.** – This Act shall be known as the “Department of Overseas
2 Filipino Workers Act.”
3

4 **SEC. 2. Declaration of Policy.** – It shall be the policy of the State to ensure the
5 protection of the rights of our overseas Filipino workers and the promotion of their
6 welfare and safety. The State shall effect vital changes in governmental bodies that
7 promote, manage, and protect the overseas Filipino workers for rationalization and
8 promotion of efficient and effective delivery of services to our OFWs.
9

10 **SEC. 3. Creation and Mandates.** – A Department of Overseas Filipino Workers
11 (OFWs), hereinafter referred to as the Department, is hereby created to serve as the
12 primary agency under the Executive Branch tasked to formulate, plan, coordinate,
13 promote, administer and implement policies, including, but not limited to, the
14 national development agenda for OFWs. It shall render an annual report of its
15 activities and achievements to the President and to Congress.
16

17 **SEC. 4. Powers and Functions.** – To carry out its mandates, the Department shall
18 exercise the following powers and functions:
19

- 20 (a) Formulate, recommend, and implement national policies, plans, programs,
21 and guidelines that will ensure the protection of OFWs and address the
22 problems that they encounter abroad in consultation with all relevant
23 stakeholders;
24 (b) Assess, review, harmonize, and coordinate OFW-related policies and
25 procedures, and international agreements;
26 (c) Improve cooperation and coordination with OFW host countries and
27 monitor labor developments in these jurisdictions to ensure that the terms

- 1 and conditions of work afforded to OFWs are in accordance with
2 applicable and appropriate local, on-site, and international standards;
- 3 (d) Employ a proactive approach in providing assistance to OFWs in times of
4 war, civil unrest, or other analogous circumstances, whether potential or
5 actual;
- 6 (e) Encourage and enhance information and resource-sharing, develop an
7 electronic database to improve services for OFWs and linkages among
8 government agencies, consistent with national and OFW-focused
9 objectives;
- 10 (f) Regulate the operation of private recruitment agencies and other relevant
11 business entities involved in the deployment of OFWs taking into account
12 the primacy of upholding the welfare and protection of OFWs, and with
13 due consideration to relevant market conditions;
- 14 (g) Assist in the professionalization, training, and capacity building of private
15 recruitment agencies, and recognize their freedom of association for the
16 purpose of self-regulation, raising accountability and effective
17 representation, and the adoption of a code of ethical conduct among its
18 members, and provide a system of incentives therefor;
- 19 (h) Assist and provide timely assistance to OFW in distress and, for this
20 purpose, tap the services of local and foreign-based personnel, lawyers,
21 labor experts, security providers, and other professionals;
- 22 (i) Represent Philippine interests and negotiate on matters pertaining to
23 migrant workers in international bodies, in coordination with the DFA and
24 DOLE;
- 25 (j) Conduct research and studies, and submit policy recommendations on
26 migration and development to the President and to Congress;
- 27 (k) Promulgate rules and regulations for the implementation of pertinent laws
28 and related policies;
- 29 (l) Administer, accept, hold, and utilize property, both personal and real,
30 subject to limitations set by existing laws, in pursuit of the mandates of the
31 Department stated herein;
- 32 (m) All other powers, functions, and responsibilities assigned to the DOLE
33 relating to OFWs provided for under *Republic Act No. 8042*, as amended,
34 otherwise known as the *Migrant Workers Act of 1995*, R.A. No. 10801
35 otherwise known as the *Overseas Workers Welfare Administration Act*, and
36 other related laws are hereby transferred to the Department; and
- 37 (n) Perform such other functions as many be necessary to achieve the
38 objectives provided for by this Act.

39
40 **SEC. 5. Composition.** – The Department shall be headed by a Secretary. The
41 Department proper shall be composed of the Office of the Secretary and the Offices
42 of the Undersecretaries and the Assistant Secretaries.

43
44 **SEC. 6. Secretary of the Department of Overseas Filipino Workers.** – The Secretary
45 shall be appointed by the President, subject to confirmation by the Commission on
46 Appointments. The Secretary shall have the following functions:

47

- (a) Provide executive direction and supervision over the entire operations of the Department and its attached agencies;
- (b) Establish policies and standards for the effective, efficient, and economical operation of the Department, in accordance with the programs of government;
- (c) Review and approve requests for financial and manpower resources of all operating offices of the Department;
- (d) Designate and appoint officers and employees of the Department, excluding the undersecretaries, assistant secretaries, and regional and assistant regional directors, in accordance with the civil service laws, rules, and regulations;
- (e) Exercise disciplinary powers over officers and employees of the Department in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation;
- (f) Coordinate with other agencies and public and private interest groups, including non-government organizations and people's organizations, on Department policies and initiatives;
- (g) Prepare and submit to the President through the Department of Budget and Management (DBM) an estimate of the necessary expenditures of the Department during the next fiscal year, on the basis of the reports and estimates submitted by bureaus and offices under the Department;
- (h) Advise the President on the promulgation of executive and administrative orders and formulation of necessary regulatory and legislative proposals on matters pertaining to OFWs;
- (i) Formulate such rules and regulations and exercise such other powers as may be required to implement the objectives of this Act; and
- (j) Perform such other tasks as may be provided by law or assigned by the President.

SEC. 7. *Undersecretaries.* - The Secretary shall be assisted by three (3) undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary: Provided, that two (2) of the undersecretaries shall be career officers coming from the ranks of existing government labor agencies.

SEC. 8. *Assistant Secretaries.* - The Secretary shall be assisted by five (5) assistant secretaries who shall be appointed by the President upon the recommendation of the Secretary: Provided that three (3) of the assistant secretaries shall be career officers coming from the ranks of existing government labor agencies.

SEC. 9. *Qualifications.* - No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless he or she is a citizen and resident of the Philippines, of good moral character, of proven integrity, and with at least six (6) years of competence and expertise in labor law or migrant workers affairs.

SEC. 10. *Regional Offices.* - The Department shall establish, operate, and maintain a regional office in all the administrative regions of the country, and such lower level offices as may be deemed necessary. Each regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The

1 Regional Director and Assistant Regional Director shall be appointed by the
2 President. The regional offices shall have, within their respective administrative
3 jurisdictions, the following functions:

- 4 (a) Implement laws, policies, plans, programs, and projects, and enforce
5 compliance with rules and regulations of the Department;
- 6 (b) Provide timely, affordable, efficient, and effective services to the people in
7 line with Department policies and programs;
- 8 (c) Coordinate with regional offices of other departments, offices, and
9 agencies;
- 10 (d) Coordinate with the local government units (LGUs); and
- 11 (e) Perform such other necessary functions as may be provided by law or
12 assigned by the Secretary.

13
14 **SEC. 11. *Transfer of Agencies, Bureaus, and Offices.*** - The following agencies and
15 their functions are hereby specifically transferred to the Department:

- 16 (a) Office of the Legal Assistant for Migrant Workers Affairs (Department of
17 Foreign Affairs);
- 18 (b) Office for the Overseas Filipino Workers Affairs (Department of Foreign
19 Affairs);
- 20 (c) Commission on Filipino Overseas (Office of the President);
- 21 (d) All Philippine Overseas Labor Offices (Department of Labor and
22 Employment);
- 23 (e) The National Reintegration Center for OFWs (Department of Labor and
24 Employment);
- 25 (f) The International Labor Affairs Bureau (Department of Labor and
26 Employment);
- 27 (g) The Philippine Overseas Employment Administration (POEA);
- 28 (h) Overseas Workers Welfare Administration (OWWA).

29
30 **SEC. 13. *Structure and Staffing Pattern.*** - The Department shall determine its
31 organizational structure and create new divisions or units as it may deem necessary,
32 and shall appoint officers and employees of the Department in accordance with the
33 Civil Service law, rules, and regulations: Provided, That the recruitment in the ranks
34 of labor attachés shall be exclusively through open competitive examinations to
35 determine the competence, fitness and aptitude of candidates.

36
37 **SEC. 14. *Separation from Service.*** - Employees separated from the service as a result
38 of this reorganization shall, within ninety (90) days therefrom, receive the retirement
39 benefits to which they may be entitled under existing laws, rules, and regulations.

40
41 **SEC. 15. *Special Assistance to Nationals Fund.*** - The Legal Assistance Funds
42 provided for under *Section 25 of R.A. No. 8042*, as amended, is abolished. In its stead,
43 a Special Assistance to Nationals Fund (SATNAF) for OFWs in distress, in the
44 amount of Three Billion Pesos (Php3,000,000,000.00), is hereby created, to be
45 administered and maintained by the Department. The fund shall be utilized for the
46 following purposes:

- 47 (a) Repatriation;
- 48 (b) Medical and hospitalization expenses;

- (c) Legal retainers and lawyers' fees and other legal fees and costs;
- (d) Payment of blood money, when necessary;
- (e) Other needs of OFWs caught in emergencies or are detained; and
- (f) Livelihood training program or re-training of returning OFWs in new skills and literacy.

SEC. 16. *Implementing Rules and Regulations.* - Within sixty (60) days from the effectivity of this Act, the Secretary shall issue such rules, regulations, and other issuances as may be necessary to ensure the effective implementation of the provisions of this Act.

SEC. 17. *Appropriations.* - The appropriation allotted for the Office of the Legal Assistant for Migrant Workers Affairs, Office for the Overseas Filipino Workers Affairs, Commission on Filipino Overseas, all Philippine Overseas Labor Offices, the National Reintegration Center for OFWs, the International Labor Affairs Bureau, the Philippine Overseas Employment Administration, and the Overseas Workers Welfare Administration shall be transferred to the Department of Overseas Filipino Workers: Provided, That the amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation of the transferred agencies to the Department of Overseas Filipino Workers. Thereafter, the amount needed for the operation and maintenance of the Department shall be included in the General Appropriations Act.

SEC. 18. *Separability Clause.* - Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 19. *Repealing Clause.* - All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 20. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,