



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 3246



Introduced by REPRESENTATIVE AURELIO D. GONZALES, JR.

EXPLANATORY NOTE

Hailed as the Bagong Bayani, the Overseas Filipino Workers are indeed the new heroes of our society. They may not bear arms to fight foreign invaders, but they endure innumerable struggles and hardships while being miles away from their families, so that they could give them financial support and provide them with a better life. As noble as their intentions are, and despite the many stories of success some of our OFWs achieve, there are some cases unfortunately, where our heroes are exploited; being implicated in crimes they did not commit, being molested or abused by their foreign employers leading some of them to be imprisoned, or being deported back to our country with nothing in their pockets and trapped in debt or worse, returning to our Motherland void of life.

This bill seeks to stop such scenarios by creating a department specifically for them. Under this bill, all existing offices and agencies providing assistance to our Overseas Filipino Workers would be consolidated under a single Department. This endeavor seeks to provide a more comprehensive and synchronized services to our overseas workers that will not only aid them locally, but also in the international workforce.

As legislators and servants of our people, the responsibility to protect and care for some 2.3 million Overseas Filipino Workers rests on our shoulders. They continuously contribute a strong foundation in our growing economy by remitting 28.1 Billion US Dollars in 2017 alone. No excuses could be made to delay this much-needed help for our people. These fellow citizens are our heroes that should be lauded, respected and taken care of. If we do not act now, there will come a time that these heroes will eventually stop struggling, and that will be of much detriment to our nation whose hopes and dreams are now slowly achieving its realizations.

In the view of the foregoing, the passage of this bill is earnestly and urgently sought.


AURELIO D. GONZALES, JR.
3rd District, Pampanga



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

SECTION 1. *Short Title.* - This act shall be known as the "Department of Overseas Filipinos Act."

Sec 2. *Declaration of Policy.* - The State shall afford full protection to Overseas Filipino Workers (OFW) and other overseas Filipinos, promote full employment, ensure equal work opportunities regardless of sex, gender, race, creed or religion, regulate the relations between OFW and their employers, and promote their welfare and well-being at all times. The State shall protect the rights of the workers to security of tenure, and just and humane conditions of work. Towards this end, the State shall provide adequate and timely social, economic, and legal services to OFW.

The State shall protect every citizen desiring to work locally or overseas by securing for him or her the best possible terms and conditions of employment. The State shall endeavor to facilitate a free choice of available employment by persons seeking work and regulate the movement of workers in conformity with the national interest.

Sec. 3. *Creation of a Department of Overseas Filipinos.* - There is hereby created a Department of Overseas Filipinos, hereinafter referred to as the Department, which shall among others, recommend and implement the government's policies, plans and programs for the promotion of protection, safety, development, support of and for overseas Filipinos and their families.

Sec. 4. *Mandate.* - The Department shall be the primary policy, planning, coordinating, implementing, and administrative entity of the executive branch of the government that will plan, develop, and manage the national migration and development agenda of Overseas Filipinos that is supportive and complementary to national efforts to create, sustain, and strengthen local employment.

Sec. 5. *Powers and Functions.* -

- (a) Formulate and recommend national policies and guidelines and conduct in-depth studies on all policy areas and options that will ensure protection of Filipino migrants and address perennial issues they face abroad, in consultation with the relevant stakeholders;

- (b) Assess, review, harmonize and coordinate all overseas Filipino worker-related local policies and procedures and international agreements to ensure overall consistency and implementation of the national policies;
- (c) Promote, advance and implement general and specific government objectives regarding migrant Filipinos' activities, programs, welfare and interests;
- (d) Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;
- (e) Represent and negotiate for the Philippine interest on matters pertaining to overseas Filipino affairs in international bodies;
- (f) Develop, implement and improve coordination with other countries where overseas Filipinos are present;
- (g) Monitor foreign development to ensure humane and the most reasonable working conditions for the OFWs and create a proactive approach in providing assistance to them especially in times of war and civil unrest, whether potential, real, imminent or apparent;
- (h) Promote knowledge, information and resource sharing, and develop a database to assist overseas Filipinos anywhere in the world;
- (i) Coordinate and support the generation of resources or funds for use of overseas Filipinos;
- (j) Conduct symposia, consultations and seminars on effective programs relating to overseas Filipinos;
- (k) Assist and provide technical expertise to overseas Filipinos in distress and tap the services of personnel, foreign and local, with expertise to help in the repatriation of OFWs, if needed;
- (l) Promote, develop and monitor the continuing education, training and qualification, availability and deployment of OFWs and coordinate with concerned agencies in the training of overseas Filipinos to improve their competitiveness globally;
- (m) Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country;
- (n) Ensure that there are existing and effective reintegration programs for returning OFWs;
- (o) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
- (p) Promulgate rules and regulations for the implementation of its guidelines and policies and related laws;
- (q) Administer, accept, hold and utilize property, both personal and real, subject to limitation by existing laws, for the purpose of assisting or expediting the work of the Department;

- (r) Shall establish a Shared Government Information System for Migration which shall allow free flow data exchanges and sharing among concerned agencies; and
- (s) To perform such other functions, as maybe needed to achieve the objectives provided under this Act.

Sec. 6. Composition. – The Department shall be headed by one (1) Secretary who shall be assisted by four (4) Undersecretaries and four (4) Assistant Secretaries.

Sec. 7. Qualifications. – No person shall be appointed Secretary or Undersecretary and 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 has acquired competence and expertise in the field of migration and development.

The Secretary shall be appointed by the President subject to confirmation by the Commission on Appointments. The Undersecretaries and Assistant Secretaries shall be appointed by the President upon recommendation of the Secretary.

Sec. 8. Exercise of Powers and Functions. – The Secretary shall exercise general administrative, executive, and policy-making functions and adjudicatory powers. Further, the Secretary shall exercise supervision over the entire operations of the Department, extend advice to the President on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to Overseas Filipino and exercise such other powers and functions as may be provided by law or assigned by the President.

Sec. 9. Undersecretaries and Assistant Secretaries. – The Undersecretaries and Assistant Secretaries shall aid the Secretary in the performance of his or her operational duties and shall perform such other functions as may be directed by the Secretary.

Sec. 10. Establishment of Overseas Filipinos Malasakit Centers.– The Department, in partnership with other government agencies and non-government organizations, shall establish the Overseas Filipinos *Malasakit* Centers in all cities and major municipalities nationwide to ensure prompt, efficient, vital and relevant services to migrant Filipinos and their families to include passport and authentication services, acquisition of government clearances and permits, validation of overseas job offers, reintegration services and all pertinent seminars and workshops for all stakeholders.

Sec. 11. Special Assistance Fund for Distressed Overseas Filipinos. – A Special Assistance Fund in the amount of One Billion Pesos (P 1,000,000,000.00) is hereby created to assist overseas Filipinos in distress.

Sec. 12. Appropriations. – The amount allotted for the initial operation of the Department shall be sourced from the fund of the International Labor Affairs Bureau (ILAB), including all Philippine Overseas Labor Offices (POLOs), Commission on Filipinos Overseas, Office for Social Welfare Attaché, and pertinent offices of Maritime Industry Authority (MARINA). Thereafter, the amount needed for the operation and maintenance of the Department shall be included in General Appropriations Act: Provided, that for the next fiscal year, following the approval of this Act, the appropriation for the Department shall not be lower than Five Billion Pesos (P 5,000,000,000.00). Provided further, that One Billion Pesos (P 1,000,000,000.00) of the same appropriation shall be allotted for the Special Assistance Revolving Fund as stated in Section 11 hereof.

Sec. 13. Attached Agencies. - The following agencies shall be attached to the Department for policy and program coordination, and shall continue to function in accordance with the charters, laws or orders creating them, unless inconsistent with the substance and spirit of this Act:

- 1) Philippine Overseas Employment Administration (POEA);
- 2) Overseas Worker's Welfare Administration (OWWA); and
- 3) National Reintegration Center for OFWs (NRCO)

Sec. 14. Transfer of Bureaus, Offices and Agencies. - The following bureaus, offices and agencies are hereby transferred from their respective departments to the Department:

- 1) International Labor Affairs Bureau (ILAB), including all Philippine Overseas Labor Offices (POLOs), with direct supervision over Labor Attachés and the Migrant Workers and other Filipinos Resource Centers (MWOFRCS);
- 2) Commission on Filipinos Overseas (Office of the President);
- 3) Office for Social Welfare Attaché (Department of Social Welfare and Development); and
- 4) Pertinent offices of Maritime Industry Authority (MARINA) in relation to the training, certification, and setting and monitoring of standards concerning international seafarers (Department of Transportation)

Sec. 15. Transition of Bureaus, Offices and Agencies. - The laws and rules on government reorganization as provided for in Republic Act No. 6656, otherwise known as the Reorganization Law, shall govern the reorganization process of the Department.

The Department shall determine its organizational structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with the Civil Service law, rules and regulations.

Sec. 16. Implementing Rules and Regulations. - The Technical Working Group composed of the representatives of the POEA, OWWA, NRCO, ILAB, CFO, DFA, DSWD, DOTr and DOLE shall promulgate the necessary implementing rules and regulations within one hundred and twenty (120) days from the effectivity of this Act.

Sec. 17. Transitory Provision. - All existing orders, rules, regulations and other issuances shall remain in force until the effectivity of this Act.

Sec. 18. Separability Clause. - If any provision of this law or the application thereof to any person or circumstance, is held in valid, the remainder of this law, or the application of such provision or part to other persons or circumstances, shall not be affected thereby.

Sec. 19. Repealing Clause. - All laws, decrees, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 20. Effectivity. - This act shall take effect one (1) year after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,