

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3888



Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

We always call our Overseas Filipino Workers our modern-day heroes. They leave their families behind to work in a foreign and unknown land. They go abroad in order to provide a better life for their families here at home. By doing so, our OFWs support our economy by sending over billions of dollars every year. Our economy experiences growth thanks to these remittances. As we are grateful for the economic support they send us, we oftentimes forget the blood, sweat, tears, and suffering which go behind the financial support they send. In spite of the fact that we oftentimes call them our modern-day heroes, we often fail to treat our OFWs as such. The current government bureaucracy does not provide the adequate services which our modern-day heroes deserve. Our OFWs have to wait in line for hours or need to comply with unnecessary paper work simply to get the government services they need. This is not how we should be treating modern-day heroes. Thus, the creation of the Department of Overseas Filipino Workers is sought.

Many versions of this measure have already been filed both in the Senate and the House of Representatives. I would like to acknowledge Senate Bill No. 141 filed by Senator Cynthia Villar and Senate Bill No. 92 by Sen. Koko Pimentel as said Senate bills served as my primary sources and basis for this current measure. I thank the good senators for their work. It is my hope that after the legislative process is finished, we can create a Department of OFWs which will best serve the Filipino people.

For the good of our OFWs, our modern-day heroes, I seek the enactment of this measure.


JOY MYRA S. TAMBUNTING

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**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 House of Representatives of the Philippines in
Congress assembled:*

Section 1. *Short Title.* - This Act shall be known as "The Department of Overseas Filipino Workers Act of 2019."

Sec. 2. *Declaration of Policy.* - The State shall, as a primordial economic policy, promote full local employment and decent work for all Filipinos within the national borders. However, for Filipinos living and working overseas, every effort must be undertaken to ensure their safety, secure their rights, and promote their general welfare and development. In the same light, it is also the duty of the State to look after, secure and broaden socio-economic opportunities for families left behind.

Sec. 3. *Creation of a Department of Overseas Filipino Workers.* - There is hereby created a Department of Overseas Filipino Workers, 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 Filipino Workers and their families left behind.

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 agenda for Overseas Filipino Workers.

Sec. 5. *Powers and Functions.* - The Department shall have the following powers and responsibilities which shall be exercised by its offices:

- 1) Formulate and recommend national policies and guidelines and conduct studies on all policy areas and options that will ensure protection of OFWs

and address issues they face abroad, in consultation with the relevant stakeholders;

- 2) 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;
- 3) Promote, advance and implement government objectives regarding migrant Filipinos or OFW activities, programs, welfare and interests;
- 4) Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;
- 5) Represent and negotiate for Philippine interest on matters pertaining to overseas Filipino affairs in international bodies;
- 6) Develop, implement and improve coordination with other countries with the presence of overseas Filipinos and monitor foreign developments to ensure humane and the most reasonable and 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 or apparent;
- 7) Promote knowledge, information and resource sharing, and develop a database to assist overseas Filipinos anywhere in the world;
- 8) Coordinate and support the generation of resources or funds for use of overseas Filipinos;
- 9) Conduct symposia, consultations and seminars on effective programs relating to overseas Filipinos;
- 10) Assist and provide technical expertise in the troubleshooting of overseas Filipinos in distress and tap the services of personnel, foreign and local, with expertise to help in the repatriation of overseas Filipinos, if needed;
- 11) 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;
- 12) Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country;
- 13) Ensure that there are existing and effective reintegration programs for returning OFWs;
- 14) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
- 15) Promulgate rules and regulations for the implementation of its guidelines and policies and related laws;
- 16) Administer, accept, hold and utilize property, both personal and real, subject to limitations by existing laws, for the purpose of assisting of expediting the work of the Department; and
- 17) To perform such other functions, as may be needed to achieve the objectives provided under this Act.

Sec. 6. *Composition.* - The Department shall be headed by a Secretary. The Department proper shall be composed of the Office of the Secretary, the Offices of the Undersecretaries and the Assistant Secretaries.

Sec. 7. *Secretary of the Department of Overseas Filipino Workers.* - The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments.

The Secretary shall have the following functions:

- 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 streamlined operations of the Department, in accordance with the programs, services and priority agenda of the national government;
- c) Review and approve request 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 Directors, in accordance with the Civil Service laws, rules and regulations;
- e) Collaborate with other government agencies and public and private interest groups, including all industry associations and civil society groups, and migrant workers' desks all over the country as well as Filipino community groups abroad on Department policies, programs and initiatives;
- f) Undertake regular consultations and joint planning sessions with the heads of pertinent government agencies on matters relevant to the welfare and development of migrants and their families;
- g) Extend advice to the President on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to Filipino migrants;
- h) Coordinate and oversee all policies and programs relevant to Overseas Filipino Workers ;
- 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 from time to time.

Sec. 8. *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. The undersecretaries shall aid the Secretary in the performance of his/her operational duties and shall perform such other functions as may be directed by the Secretary.

Sec. 9. *Assistant Secretaries.* - The Secretary shall be assisted by three (3) assistant secretaries who shall be appointed by the President upon the

recommendation of the Secretary. Provided, that priority shall be given to career officers.

Sec. 10. *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 five (5) years of experience in any of the following fields:

- a) Labor Standards
- b) Labor Relations
- c) Overseas Filipino Worker Concerns
- d) Foreign Affairs and/or Relations
- e) Immigration
- f) Development
- g) Law
- h) Human Resources
- i) Management

Sec. 11. *Regional Offices.* - The Department may establish, operate, and maintain a regional office in the different administrative regions of the country as the need arises. Each regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The Regional Director and Assistant Regional Director shall be appointed by the President. The regional offices shall have, within their respective administrative regions, the following functions:

- a) Implement laws, policies, plans, programs, projects, rules and regulations of the Department;
- b) Provide efficient, effective, and affordable service to program beneficiaries and all stakeholders;
- c) Coordinate with regional offices of other departments, offices, and agencies;
- d) Coordinate with the LGUs; and
- e) Perform such other functions as may be provided by law or assigned by the Secretary.

Sec. 12. *Transfer of Agencies and Personnel.* — The following agencies and their functions are hereby specifically transferred to the Department:

- a. Office of the Legal Assistant for Migrant Workers Affairs of the DFA as provided for under Section 24 of R.A. No. 8042, as amended;
- b. All Philippine Overseas Labor Offices under DOLE;
- c. The National Reintegration Center for OFWs under DOLE;
- d. The International Labor Affairs Bureau under DOLE;
- e. The Philippine Overseas Employment Administration (POEA); and
- f. Overseas Workers Welfare Administration (OWWA)

Sec. 14. *Establishment of One-Stop Overseas Filipino Worker Assistance Centers.* - The Department, in partnership with other government agencies, shall

establish One-Stop Overseas Filipino Worker Assistance Centers in all major capital towns and cities 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 , pertinent seminars and workshops for all stakeholders, and any other services as determined by the Department.

Sec. 15. *Separation and Retirement from Service.* - Employees separated from the service as a result of this reorganization shall, within ninety (90) days therefrom, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

Sec. 16. *Structure and Staffing Pattern.* - 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. 17. *Special Assistance Revolving Fund.* - A Special Assistance Revolving Fund for OFWs , including both documented and undocumented OFWs, in the amount of Five Billion Pesos (PHP 5,000,000,000.00) is hereby created. Hereinafter referred to as the Special Assistance Fund for OFWs , the fund shall be utilized for the following purposes:

- a) Emergency repatriation;
- b) Medical expenses, hospitalization, and purchase of medicines for repatriated migrants with dreaded or severe diseases;
- c) Immigration penalties for overstaying, indigent and ailing overseas Filipino workers, as well as victims of human trafficking and illegal recruitment;
- d) Legal assistance for labor cases involving ten or more Filipino workers;
- e) Payment of blood money, when recommended by the Department, in consultation with the DOJ and DFA;
- f) Humanitarian assistance to families left behind, particularly in times of calamity;
- g) Basic necessities of OFWs in embassy shelters or for those under detention;
- h) Scholarships for children of Filipinos overseas who are victims of injustice involving modern slavery, human rights violations, and political as well as economic upheavals.
- i) Maintenance and operational expenses including capital outlay for the establishment of One-Stop Migrant Processing and Assistance Centers in all regions including the central office of the Department.

Sec. 18. *Appropriations.* - The appropriations of bureaus, agencies, and offices identified in Section 13 of this Act shall be transferred to the Department. 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. Thereafter, the amount needed for the operation and maintenance of the Department including the Special Assistance Revolving Fund shall be included in the General Appropriations Act.

The proceeds from the Documentary Stamp Tax (DST) accruing from dollar remittances of overseas Filipinos, as determined by Congress, shall be used to ensure the efficient and effective operations of OFW One-Stop Assistance Centers throughout the country.

Sec. 19. *Separability Clause.* - If any portion or provision of this Act is declared unconstitutional or invalid, the remainder of this Act or any provisions hereof not affected thereby shall continue to be in force and effect.

Sec. 20. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent or contrary to the provisions of this Act is hereby repealed or modified accordingly.

Sec. 21. *Effectivity.* -This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,