

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
*Quezon City*

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 822



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INTRODUCED BY REPRESENTATIVE ARTHUR C. YAP

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**EXPLANATORY NOTE**

In 2013, the Commission on Filipinos Overseas (CFO) estimated that approximately 10.2 million Filipinos worked or resided abroad. Of this figure, the Philippine Statistics Authority (PSA) estimates that roughly 2.4 million are overseas workers.

More than a million Filipinos every year leave to work abroad through overseas employment agencies, and other programs, including government-sponsored initiatives. Overseas Filipinos often work as doctors, physical therapists, nurses, accountants, IT professionals, engineers, architects, entertainers, technicians, teachers, military servicemen, seafarers, students and fast food workers. Also, many overseas workers are women applying as domestic helpers and caregivers. The exodus includes a number of skilled workers taking on unskilled work overseas, resulting in what has been referred to as a brain drain.

In 2015, cash remittances sent via the formal banking networks by overseas Filipino workers (OFWs) amounted to \$25.76 billion up 4.6 percent from \$24.63 billion in 2014, according to the Bangko Sentral ng Pilipinas (BSP). The BSP also reported that personal remittances – these are fund transfers that were not captured by the banking sector – increased by 4.4 percent (4.4%) year-on-year to \$28.5 billion as of end-December. The total remittances accounted for 9.8 percent (9.8%) of gross domestic product and 8.3 percent (8.3%) of gross national income.

Working in another country as an overseas worker definitely involves some risks. Working conditions among Filipinos employed abroad varies depending on whether the host country acknowledges and enforces International labor standards. Many of our OFWs have suffered various forms of abuse, which include experiencing rude treatment from government representatives or embassy officials, exploitation of any sort by an employer or a recruiter, unfair charging of unnecessary fees, illegal and untimely termination of work contract, human trafficking, and various forms


of harassment. Particularly, reports regarding OFWs that have been sexually assaulted or physically attacked can be a cause of grave concern for the overseas employees and their families.

At present, several government agencies are involved in looking after the welfare and interest of OFWs, among them; the Department of Foreign Affairs (DFA), the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) of the Department of Labor (DOLE). These agencies are mandated to address the main concerns of OFWs, which include repatriation, illegal recruitment, excessive collection of placement fees, and legal assistance. Unfortunately, the government has a very complicated migration management structure. While coordination of these agencies is essential, they often lead to overlapping of functions and responsibilities and wastage of public funds.

This bill seeks to create a department in our government that will focus solely on the needs and welfare of OFWs. A department dedicated to the task of addressing issues of OFWs and coordinate the delivery of services of all these agencies dealing with OFWs, study all the problems of our workers abroad and find solutions to their problems. A separate department for OFWs is necessary because overseas workers have their own unique concerns that pertain only to their sector.

Our OFWs are the new heroes and heroines of our country because they keep the economy afloat, but the way in which we are responding to their needs is simply not enough.

In view of the foregoing, the immediate consideration and passage of the bill, a counterpart of the previous Senate Bill No. 31, filed by Senator Cynthia Villar in the 16<sup>th</sup> Congress, is earnestly sought.



**ARTHUR C. YAP**  
Representative

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**AN ACT**  
**ESTABLISHING THE DEPARTMENT OF OVERSEAS**  
**FILIPINO WORKERS (DOFW), 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.*

1       **SECTION 1. *Short Title.*** – This Act shall be known as the  
2       "Department of Overseas Filipino Workers Act of 2016."

3       **SECTION 2. *Declaration of Policies*** –

- 4       a) To ensure the protection of the rights of Overseas Filipino Workers  
5       (OFWs), promotion of their welfare, safety, and support;
- 6       b) To ensure that the government reaches out and cooperates with other  
7       states where there are OFWs;
- 8       c) To develop a database for OFWs to ensure assistance in times of  
9       distress;
- 10      d) To establish a strong and effective regulatory system that will ensure  
11      only fit Filipinos are allowed to work outside of the country;

- e) To promote the human capital development of OFWs to enable them to better compete in other countries;
- f) To extend deployment and repatriation assistance and support to OFWs; and
- g) To promote the reintegration of returning OFWs.

**SECTION 3. *Creation of a Department Of Overseas Filipino Workers.*** - There is hereby created a Department of Overseas Filipino Workers (DOFW), 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, deployment and repatriation of OFWs.

**SECTION 4. *Mandate.*** - The Department shall be the primary policy, planning, coordinating, implementing, regulating and administrative entity of the Government that protects and provides assistance to OFWs who are holders of Philippine passports.

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

- a) Formulate and recommend national policies and guidelines and conduct in-depth studies on all policy areas and options that will ensure protection of OFWs and address perennial issues OFWs face abroad, in consultation with the relevant stake holders;
- b) Assess, review, harmonize and coordinate all OFW-related local policies and procedures and international agreements to ensure overall consistency and implementation of the national policies;

- 1 c) Promote, advance and implement general and specific government  
2 objectives regarding OFW activities, programs, welfare and  
3 interests;
- 4 d) Build a strong and harmonious partnership with foreign countries and  
5 the private sector to formulate strategies and implement the same;
- 6 e) Represent and negotiate for Philippine interest on matters pertaining  
7 to OFW affairs in international bodies;
- 8 f) Develop, implement and improve coordination with other countries  
9 with OFW presence and monitor foreign developments to ensure the  
10 most reasonable working conditions for the OFWs and create a  
11 proactive approach in providing assistance to them especially in  
12 times of war and civil unrest, whether potential or apparent;
- 13 g) Promote knowledge, information and resource sharing, and develop a  
14 database to assist OFW anywhere in the world;
- 15 h) Coordinate and support the generation and build-up of resources or  
16 funds for use of OFWs;
- 17 i) Conduct symposia, consultations and seminars on effective OFW  
18 related programs and plans;
- 19 j) Assist and provide technical expertise in the troubleshooting of OFWs  
20 in distress and tap the services of personnel, foreign and local, with  
21 expertise on the formulation of strategies and plans concerning OFW  
22 activities if needed;
- 23 k) Promote, develop and monitor the continuing education, training and  
24 qualification, availability and deployment of OFWs, and coordinate



1 with concerned agencies in the training of OFWs to improve their  
2 global competitiveness;

3 l) Coordinate with concerned government agencies in the training and  
4 support of Filipinos who have worked abroad and are returning to the  
5 country;

6 m) Regulate and guide the business activities relative to the deployment  
7 of Filipino workers and other related activities;

8 n) Promulgate rules and regulations for the implementation of its  
9 policies and related laws;

10 o) Administer, accept, hold and utilize property, both personal and real,  
11 subject to existing laws, for the purpose of assisting or expediting the  
12 work of the Department, and,

13 p) To perform such other functions as maybe needed to achieve its goals  
14 and objectives to the fullest and as may be provided by this Act.

15 **SECTION 6. *Composition.*** - The Department shall be headed by a  
16 Secretary. The Department proper shall be composed of the Office of the  
17 Secretary, the Offices of Undersecretaries, and Assistant Secretaries and  
18 Regional and Assistant Regional Directors.

19 **SECTION 7. *Secretary of Overseas Filipino Workers*** - The  
20 Secretary shall be appointed by the President of the Republic of the  
21 Philippines with confirmation of the Commission on Appointments. The  
22 Secretary shall have the following functions:

23 a) Provide executive direction and supervision over the entire  
24 operations of the Department and its attached agencies;

- 1       b) Establish policies and standards for the effective, efficient and  
2       economical operation of the Department, in accordance with the  
3       programs of the government;
- 4       c) Review and approve request for financial and manpower resources of  
5       all operating offices of the Department;
- 6       d) Designate and appoint officers and employees of the Department,  
7       excluding the Undersecretaries and Assistant Secretaries, in  
8       accordance with the Civil Service laws, rules and regulations;
- 9       e) Coordinate with other government agencies and public and private  
10      interest groups, including non-government organizations (NGOs) and  
11      people's organizations on Department policies and initiatives;
- 12      f) Undertake consultations with other members of the Cabinet and  
13      officers of the government relating to OFW concerns;
- 14      g) Advise the President on the promulgation of executive and  
15      administrative orders and regulatory and legislative proposals on  
16      matters pertaining to OFW development;
- 17      h) Advise the President of the activities, programs, plans and all  
18      information necessary or relevant to OFWs;
- 19      i) Coordinate all policies and programs relating to OFW affairs;
- 20      j) Formulate such rules and regulations and exercise such other powers  
21      as may be required to implement the objectives of this Act; and,
- 22      k) Perform such other tasks as may be provided by law or assigned by  
23      the President from time to time.

24       **SECTION 8. *Undersecretaries.*** - The Secretary shall be assisted by  
25      three (3) Undersecretaries who shall be appointed by the President upon

1 recommendation of the Secretary: *Provided*, That one (1) of the  
2 undersecretaries shall be a career officer coming from the ranks of existing  
3 government labor agencies. The undersecretaries shall aid the Secretary in  
4 the performance of his/her operational duties, and shall perform such other  
5 functions as may be directed by the Secretary.

6 **SECTION 9. *Assistant Secretaries.*** - The Secretary shall be assisted  
7 by three (3) assistant secretaries who shall be career officers appointed by  
8 the President upon the recommendation of the Secretary.

9 **SECTION 10. *Qualifications.*** - No person shall be appointed  
10 Secretary, Undersecretary or Assistant Secretary of the Department unless  
11 he is a citizen and resident of the Philippines of good moral character and of  
12 proven integrity.

13 **SECTION 11. *Regional Offices.*** - The Department shall be  
14 authorized to establish, operate, and maintain a Regional Office in each of  
15 the administrative regions of the country as the need arises. The regional  
16 office shall be headed by a Regional Director, who may be assisted by one  
17 (1) Assistant Regional Director. The regional offices shall have, within their  
18 respective administrative regions, the following functions:

- 19 a) Implement laws, policies, plans, programs, projects, rules and  
20 regulations of the Department;
- 21 b) Provide technical expertise and know-how and information to OFWs  
22 and efficient services;
- 23 c) Coordinate with regional offices of other departments, offices, and  
24 agencies and local government units for the consolidation and  
25 integration of OFW programs; and,



d) Perform such other functions as may be provided by law or assigned by the Secretary.

**SECTION 12. *Transfer of Bureaus, Offices and Agencies*** - The following bureaus, offices and agencies are hereby transferred from their respective departments to the Department of Overseas Filipino Workers:

a) Office for the Overseas Filipino Workers Affairs of the Department of Foreign Affairs;

b) Office of the Legal Assistant for Migrant Worker's Affairs of the Department of Foreign Affairs;

c) Commission on Filipino Overseas from the Office of the President; and,

d) All Philippine Overseas Labor Offices of the Department of Labor and Employment.

**SECTION 13. *Attached Agencies***. - The following agencies are hereby attached to the Department for policy and program coordination, and shall continue to function in accordance with the charters, laws or orders creating them, in so far as they are not inconsistent with this Act:

a) The Philippine Overseas Employment Administration (POEA); and,

b) Overseas Workers Welfare Administration (OWWA).

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.

**SECTION 14. *Sectoral and Industry Task Forces*** - The Department may create sectoral and industry task forces, technical working groups, advisory bodies or committees for the furtherance of its objectives.

1 Additional private sector representatives, such as from the OFWs, academe  
2 and private industries directly involved in deployment of OFWs, as well as  
3 other National Government Agencies (NGAs), LGUs, and GOCCs, may be  
4 appointed to these working groups.

5 **SECTION 15. *Structure and Staffing Pattern*** - The Department  
6 shall determine its organization structure and create new divisions or units as  
7 it may deem necessary, and shall appoint officers and employees of the  
8 Department in accordance with the Civil Service law, rules, and regulations.

9 **SECTION 16. *Separation from Service*** - Employees separated from  
10 the service as a result of this reorganization shall, within ninety (90) days  
11 therefrom, receive the retirement benefits to which they may be entitled  
12 under existing laws, rules, and regulations.

13 **SECTION 17. *Special Assistance Revolving Fund*** - A Special  
14 Assistance Revolving Fund for OFWs in distress, both documented and  
15 undocumented, in the amount of One Billion Pesos (P 1,000,000,000.00) is  
16 hereby created. The fund shall be utilized for the following purposes:

- 17 a) Repatriation;
- 18 b) Medical expenses, hospitalization and purchase of medicine in the  
19 form of vouchers for six (6) months from arrival;
- 20 c) Migration fees for overstaying Filipinos;
- 21 d) Legal assistance including litigation expenses, legal fees, payment of  
22 translation fees, attendance in court hearings;
- 23 e) Payment of blood money, when necessary; and,
- 24 f) Basic necessities of OFWs caught in emergencies or are detained:

25 *Provided, That thirty percent (30%) of the total fund shall be allotted*

1 to support a livelihood training program or re-training of returning  
2 OFWs in new skills and literacy.

3 **SECTION 18. *Appropriation*** - The appropriation allotted for the  
4 Office for the Overseas Filipino workers Affairs, Office of the Legal  
5 Assistant for Migrant Worker's Affairs, Commission on Filipino Overseas,  
6 and all Philippine Overseas Labor Offices shall be transferred to the  
7 Department of Overseas Filipino Workers: *Provided*, That the amount  
8 needed for the initial implementation of the this Act shall be taken from the  
9 current fiscal year's appropriation of the transferred agencies to the  
10 Department of Overseas Filipino Workers. Thereafter, the amount needed  
11 for the operation and maintenance of the Department shall be included in  
12 the General Appropriations Act: *Provided*, That for the next fiscal year,  
13 following the approval of this Act, the appropriation for the Department  
14 shall not be lower than five billion pesos: *Provided further*, That 1 billion  
15 pesos (1,000,000,000.00) of the same appropriation shall be allotted for the  
16 Special Assistance Revolving Fund as stated in Section 17 hereof.

17 **SECTION 19. *Separability Clause*** - If any part or provision of this  
18 Act is held unconstitutional or invalid, the other parts or provisions hereof  
19 which are not affected thereby shall continue to be in full force and effect.

20 **SECTION 20. *Repealing Clause*** - All laws, orders, rules or  
21 regulations which, are inconsistent with or contrary to the provisions of this  
22 Act are hereby amended or repealed accordingly.

23 **SECTION 21. *Effectivity*** - This Act shall take effect fifteen (15)  
24 days after its publication in at least two (2) national newspapers of general  
25 circulation.

APPROVED.