

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2334

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Introduced by REPRESENTATIVE CARLOS O. COJUANGCO

EXPLANATORY NOTE

In 2011, data provided by the Commission of Filipino Overseas (CFO) indicate around 10.5 million Filipinos are living in other countries around the world either as permanent residents or overseas workers. A good number of them are without valid visas. The CFO is under the Office of the President.

On the other hand, the Department of Labor and Employment (DOLE) records an average of 1.2 million Overseas Filipino Workers (OFWs) being deployed every year for employment in various countries.

At present, OFW remittances are estimated to reach as much as \$22 billion annually providing precious foreign exchange resources needed to boost the country's economy particularly in times of global financial crises. Hence, earning them the accolade of being dubbed as the country's modern-day heroes.

But how do we repay them?

Apparently, existing government programs fail to guarantee the protection and welfare of our OFWs. Reports of cases of OFWs falling victims to illegal recruiters, if not cruel employers who do not honor their work contracts. Or in some cases, our OFWs are forced to come home when there is civil strife or war breaks out in their host countries. There is also the lack of sufficient and effective legal assistance to Filipino workers abroad who find themselves enmeshed in the criminal justice system of their host countries. Those who are forced or are lucky to be able to come back home face the difficulty of finding suitable work to continue supporting their families. Presently, the government can only offer them token loans or one-shot financial assistance.

It should be noted that there are several agencies that are tasked to handle the various concerns of OFWs. Under the current system, the OFWs and their families have to deal with the Department of Foreign Affairs (DFA) and separately with the DOLE and its other agencies like Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA). The DFA handles criminal cases of OFWs, while the DOLE deals with their labor-related cases. This sometimes confuses OFWs since they don't know the government agency they should approach to address their particular concerns. Hence, the need to put under one umbrella all the government agencies dedicated to serve the needs of our OFWs.

This bill seeks to create and establish a full-fledged Department of Overseas Filipino Workers (DOFW) envisioned to be a one-stop-shop government agency that would not just handle cases of OFWs in distress but also help provide alternative jobs through retraining and reintegration of repatriated OFWs.

The Department will coordinate the delivery of services of all existing agencies dealing with OFWs, study all the problems of our workers abroad that are unique to them and find solutions to these problems. It will also implement proper trainings and equip our overseas workers with additional skills which can help them land a better job when they work abroad.

We have been praising OFWs as our modern-day heroes, but they should be treated the way they deserve to be treated.

In view of the foregoing, the immediate consideration and passage of this bill is earnestly requested.


CARLOS O. COJUANGCO
Representative

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Introduced by REPRESENTATIVE CARLOS O. COJUANGCO

AN ACT
ESTABLISHING DEPARTMENT OF OVERSEAS
FILIPINO WORKERS (DOFW), DEFINING ITS
POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFORE 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."

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;

- c) Promote, advance and implement general and specific government objectives regarding OFW activities, programs, welfare and interests;
- d) Build a strong and harmonious partnership with foreign countries and the private sector to formulate strategies and implement the same;
- e) Represent and negotiate for Philippine interest on matters pertaining to OFW affairs in international bodies;
- f) Develop, implement and improve coordination with other countries with OFW presence and monitor foreign developments to ensure 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 or apparent;
- g) Promote knowledge, information and resource sharing, and develop a database to assist OFW anywhere in the world;
- h) Coordinate and support the generation and build-up of resources or funds for use of OFWs;
- i) Conduct symposia, consultations and seminars on effective OFW related programs and plans;
- j) Assist and provide technical expertise in the troubleshooting of OFWs in distress and tap the services of personnel, foreign and local, with expertise on the formulation of strategies and plans concerning OFW activities if needed;
- k) Promote, develop and monitor the continuing education, training and 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;

- b) Establish policies and standards for the effective, efficient and economical operation of the Department, in accordance with the programs of the 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 and Assistant Secretaries, in accordance with the Civil Service laws, rules and regulations;
- e) Coordinate with other government agencies and public and private interest groups, including non-government organizations (NGOs) and people's organizations on Department policies and initiatives;
- f) Undertake consultations with other members of the Cabinet and officers of the government relating to OFW concerns;
- g) Advise the President on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to OFW development;
- h) Advise the President of the activities, programs, plans and all information necessary or relevant to OFWs;
- i) Coordinate all policies and programs relating to OFW affairs;
- j) Formulate such rules and regulations and exercise such other powers as may be required to implement the objectives of this Act; and,
- k) Perform such other tasks as may be provided by law or assigned by the President from time to time.

SECTION 8. *Undersecretaries.* - The Secretary shall be assisted by 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.