

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4663

Introduced by **REPRESENTATIVE JUMEL ANTHONY I. ESPINO**

EXPLANATORY NOTE

As early as the 1900, Filipino workers have been working abroad, particularly in the United States, to satisfy the labor needs. Filipinos were recruited as agricultural workers, railroad workers, construction workers, service workers in hotels and restaurants. By the 1950s to the 1960s, there was an increase in the migration of Filipino workers particularly medical practitioners, engineers, accountants and entertainers. With the rise of middle eastern countries' economy, more Filipino workers migrated to seek employment there. Remittances from Overseas Filipino Workers dramatically increase every year as deployment and recruitment also increased. Today, their remittances is one of the biggest contributors of our country's Gross Domestic Product accounting for 9.7 percent with an estimated USD 28.943 Billion cash remittances last year alone.

This is why we acknowledge and honor these modern day heroes because, not only do they contribute so much to our economy, but they have to sacrifice a lot by leaving their family to earn and uplift their socio-economic condition and secure their family's future. A lot of these OFWs are lucky enough to see their dreams fulfilled. But there are also a lot that have experienced abuse, violence, discrimination and even death.

There are several agencies that address the employment, welfare and concerns of the Filipino migrant workers like the Department of Labor and Employment (DOLE), the Philippine Overseas Employment Administration (POEA), the Overseas Workers Welfare Administration (OWWA) and the Department of Foreign Affairs – Office of the Undersecretary for Migrant Workers Affairs (DFA-OUMWA). There is no single office that coordinates these different agencies making it very difficult for the government to focus on the needs of OFWs as the agencies are functioning independently from each other. This is why a lot of concerns remain unresolved like illegal recruitment, employer abuse, sexual abuse, inadequate benefits, inefficient and ineffective delivery of services to OFWs, lack of

representation of the OFW interests in the agencies that are supposed to protect and promote their rights, among others. Hence, it is important to establish an agency that would manage, harmonize, and strengthen existing policies and programs to address the needs of foreign Filipino employment.

This legislative measure proposes the establishment of a Department of Migration and Overseas Filipinos to serve as the single agency to bring together the various agencies concerned with OFWs employment and welfare to specifically address all the issues and concerns of Filipinos in abroad and their families, to afford them full protection, promote their full and just employment, mitigate the social costs back home, and serve as a channel to address OFW issues and grievances.

This bill also establishes an Overseas Filipinos Assistance Fund in order to provide financial assistance for Filipino migrants in distress, inclusive of repatriation and provisions for life-saving funds in times of great emergency or distress; and provides training and livelihood loans for OFWs returning to the Philippines for good.

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



HON. JUMEL ANTHONY I. ESPINO



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HOUSE BILL NO. 4663

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HON. JUMEL ANTHONY I. ESPINO

AN ACT

CREATING THE DEPARTMENT OF MIGRATION AND OVERSEAS FILIPINOS, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, RATIONALIZING THE ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES RELATED TO MIGRATION, AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. ***Short Title.*** - This Act shall be known as the "**Department of Migration and Overseas Filipinos (DMOF) Act.**"

SEC. 2. ***Declaration of Policies.*** -

- (a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest, and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens, whether in country or overseas, in general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt/be signatory to and ratify those that guarantee protection to our migrant workers, and endeavor to enter into bilateral agreements with countries hosting overseas Filipino workers;
- (b) The State shall afford full protection to OFWs, promote full employment, ensure equal work opportunities regardless of sex, gender, race, creed or religion, regulate the relations between OFWs 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 OFWs;

- (c) While recognizing the significant contribution of Filipino migrant workers and overseas Filipinos to the national economy through their foreign exchange remittances and investments, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development. Toward this end, the State shall continually aim to make migration a choice and not a necessity for every Filipino worker;
- (d) The State affirms the fundamental equality before the law of women and men and the significant role of women in nation building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers;
- (e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interests of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/documented or irregular/undocumented, are adequately protected and safeguarded;
- (f) The right of Filipino migrant workers and of all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed;
- (g) The State recognizes non-governmental organizations, trade unions, workers associations, business organizations and other stakeholders duly recognized as legitimate, as partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. The significant contribution of recruitment and manning agencies shall form part of this partnership;
- (h) 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;
- (i) The State further affirms that the Filipino family, as a basic autonomous social institution, is the foundation of the nation. Accordingly, the solidarity of the families of OFWs shall be strengthened and their total development shall be actively promoted;
- (j) The State shall endeavor to fulfill its commitment in the fulfillment of the 23 objectives of the Global Compact for Safe, Orderly and Regular Migration (GCM).

SEC 3. **Definition of Terms.** - The following terms, as used in this Act, shall mean:

- (a) *Act* refers to the "Department of Migration and Overseas Filipinos (DMOF) Act.";
- (b) *Authority* refers to a document issued by the Secretary authorizing the officers, personnel, agents, or representatives of licensed recruitment/manning agency to conduct recruitment and placement activities as a private recruitment entity;
- (c) *Irregular/Undocumented Filipino Migrant Workers* refers to the following:
 - (1) Those who acquired their passports through fraud or misrepresentation;
 - (2) Those who possess expired visas or permits to stay;
 - (3) Those who have no travel documents whatsoever;
 - (4) Those who have valid but inappropriate visas; or
 - (5) Those whose employment contracts were not approved by the Department.
- (d) *License* refers to the document issued by the Secretary authorizing a person, partnership or corporation to operate a private recruitment/manning agency;
- (e) *Manning Agency* refers to any person, partnership or corporation duly licensed by the Secretary to engage in the recruitment and placement of seafarers for ships plying international waters and for related maritime activities;
- (f) *Overseas employment* refers to employment of a worker outside the Philippines;
- (g) *Overseas Filipinos* refers to migrant workers, other Filipino nationals, and their dependents abroad, including Filipinos who are permanent residents abroad;
- (h) *Overseas Filipino Worker or Migrant Worker* refers to a Filipino who is to be engaged, is engaged, or has been engaged in remunerated activity in a state of which he or she is not a citizen, or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas. A "person to be engaged in a remunerated activity" refers to an applicant worker who has been promised or assured employment overseas;
- (i) *Overseas Filipino Worker in Distress* refers to an Overseas Filipino Worker who has a medical, psycho-social or legal assistance problem requiring treatment, hospitalization, counselling, legal representation, or any kind of intervention with the authorities in the country where he or she is found;
- (j) *Private Recruitment/Employment Agency* refers to any person, partnership or corporation duly licensed by the Secretary to engage in the recruitment and placement of workers for overseas employment for a fee which is charged, directly or indirectly, from the workers who renewed their employment contracts with the same principal;
- (k) *Regular/Documented Overseas Filipino Workers* refers to the following:

- (1) Those who possess valid passports and appropriate visas or permits to stay and work in the receiving country; and
- (2) Those whose contracts of employment have been approved by the Department.
- (l) *Seafarer* refers to any person who is employed or engaged in overseas employment in any capacity on board a ship other than a government ship used for military or non-commercial purposes. The definition shall include fisher folk, cruise ship personnel, and those serving on mobile offshore and drilling units in the high seas;
- (m) *Secretary* refers to the Secretary of the Department of Migration and Overseas Filipinos;

CHAPTER II THE DEPARTMENT PROPER

SEC. 4. ***Creation.*** - The Department of Migration and Overseas Filipinos, hereinafter referred to as the Department or DMOF, is hereby organized, structurally and functionally in accordance with the provisions of this Act.

The Department is hereby created to serve as the primary agency under the Executive Branch tasked to promote and protect the rights and welfare of migrant workers and overseas Filipinos; formulate, plan, coordinate, promote, administer, implement policies, and undertake a systematic national development program for managing and monitoring the overseas employment of Filipino workers, including seafarers, skilled and unskilled workers taking into consideration domestic manpower requirements and the need to protect their rights to fair and equitable employment practices.

The Department shall render bi-annual reports of its programs, services, activities and achievements to the President and to Congress. In addition, it shall have original and exclusive jurisdiction over all cases involving employer-employee relations, documented/regular or undocumented/irregular workers, arising out of or by virtue of any law or contract involving Filipino workers for overseas employment.

SEC. 5. ***Powers and Functions.*** - In pursuit of its mandate, the Department shall have the following powers and functions:

- (a) Formulate, recommend, and implement national policies, plans, programs, and guidelines that will ensure the protection of Overseas Filipinos and Migrant Workers, and address the problems that they face abroad in consultation with all relevant stakeholders;
- (b) Conduct in-depth studies on all policy areas and options that will ensure protection of OFW and address perennial issues OFWs face abroad, in consultation with the relevant stakeholders;
- (c) 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;

- (d) Protect and promote the interest of every citizen desiring to work overseas by securing for him/her the most equitable terms and conditions of employment, and by providing social and welfare services;
- (e) Protect and promote the welfare, well-being, and interests of the families of OFWs;
- (f) Formulate general guidelines concerning wage and income policy subject to the limitations imposed by the laws of the foreign countries;
- (g) Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;
- (h) Assess, review, harmonize, and coordinate applicable policies and procedures, as well as multilateral or bilateral treaties and agreements with OFW countries of destination and other migrant countries of origin, the United Nations and its affiliate organizations, and other international and regional organizations, fora, and processes, in coordination with the Department of Labor and Employment (DOLE) and the Department of Foreign Affairs (DFA);
- (i) Represent Philippine interests and negotiate on matters pertaining to overseas Filipinos and migrant workers in international bodies, in coordination with the Department of Foreign Affairs and the Department of Labor and Employment;
- (j) Be the primary agency in countries of destination in charge of Overseas Filipinos and Migrant Workers concerns under the control and supervision of the head of Post in the person of the Ambassador or Consul General following the One Country Team Approach (OCTA);
- (k) Employ a proactive approach in providing assistance to the Overseas Filipinos and Migrant Workers in times of war, civil unrest, or other analogous circumstances, whether potential or actual;
- (l) Assist and provide timely assistance to Overseas Filipinos and Migrant workers in distress and, for this purpose, tap the services of local and foreign-based personnel, lawyers, labor experts, security providers and other professionals;
- (m) Provide social and welfare services to OFWs, including insurance, social work assistance, legal assistance, cultural services, and remittance services;
- (n) Provide job matching services to the public, in cooperation with the Department of Education, the Commission on Higher Education, the Technical Education and Skills Development Authority, and other government agencies, civil society and non-governmental organizations, with the view of promoting the global competitiveness of the Filipino;
- (o) Promote knowledge, information and resource sharing, and develop a Database system complete with information on the status and location of Overseas Filipinos and Migrant Workers anywhere in the world;

- (p) Coordinate and support the generation and build-up of resources or funds for the use of Overseas Filipinos and Migrant Workers;
- (q) Coordinate with concerned government agencies in the training and support Of Filipinos who have worked abroad and are returning to the country;
- (r) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
- (s) Regulate the operation of private recruitment agencies and other relevant business entities involved in the deployment of OFWs taking into account the primacy of upholding the welfare and protection of OFWs, and with due consideration to relevant market conditions;
- (t) Assist in the professionalization, training and capacity building of private recruitment agencies, and recognize their freedom of association for the purpose of self-regulation, raising accountability and effective representation, and the adoption of a code of ethical conduct among its members, and provide a system of incentives therefor;
- (u) Assume all other powers, functions, and responsibilities assigned to the DOLE relating to OFWs provided for under Republic Act No. 8042, as amended, otherwise known as the Migrant Workers Act of 1995, R.A. No. 10801 otherwise known as the Overseas Workers Welfare Administration Act, and other related laws; and
- (v) Promulgate rules and regulations for the implementation of its guidelines and policies and related laws.

SEC.6. **Composition.** - The Department shall consist of the Department proper comprising of the Office of the Secretary, the Office of the Undersecretaries and Assistant Secretaries, the Service Units and the Staff Bureaus, and its Regional Offices.

The Secretary shall be appointed by the President and confirmed by the Commission of Appointments. The Undersecretaries and Assistant Secretaries shall be likewise be appointed by the President upon the recommendation of the Secretary.

SEC.7. **Secretary of the Department of Migration and Overseas Filipinos.** - The authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary of Overseas Filipinos, hereinafter referred to as the Secretary, who shall have supervision and control over the Department. For such purposes, the Secretary shall have the following powers and functions:

- (a) Establish the policies and standards for the operation of the Department pursuant to the approved programs of government;
- (b) Exercise jurisdiction over al bureaus, offices, agencies and corporations under the Department as are provided by law, and in accordance with the applicable relationships as specified in Chapters 7,8, and 9 of the Administrative Code of 1987;

- (c) Delegate authority for the performance of any function to officers and employees of the Department
- (d) Advise the President on the promulgation of executive and administrative orders, other regulative issuances, and legislative proposals on matters pertaining to foreign labor and employment;
- (e) Formulate policies, guidelines, rules and regulations and other issuances essential and necessary to carry out Department policies, plans, programs and projects;
- (f) Issue orders, directives, rules and regulations, and other issuances to carry out foreign labor and employment policies, plans, programs and projects;
- (g) Coordinate with other government offices, labor, organizations, employers' associations, and any other group to carry out the mandate of the Department;
- (h) Negotiate with foreign governments in coordination with the Department of Foreign Affairs treaties, agreements, compacts, and other instruments that are related to labor migration;
- (i) Evaluate the policy, plans, programs and project accomplishments of the Department;
- (j) Prepare reports for the President and for the public;
- (k) Administer and manage the Overseas Filipinos Assistance Fund, and issue guidelines for the proper utilization of the Fund; and
- (l) Exercise such other powers and functions as may be provided by law or assigned by the President.

SEC. 8. ***Undersecretaries.*** - The Secretary shall be assisted by not more than six (6) Undersecretaries who shall be appointed by the President upon the recommendation of the Secretary. The following offices are hereby created to be each headed by an Undersecretary and assisted by other officers and staff:

- (a) *Office of the Undersecretary for Administration and Finance* which shall provide the Department with efficient, effective and, economical services relating to records, management, supplies, equipment, collections, disbursements, building administration and maintenance, security, and custodial work; administer personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare; manage internal budgetary and financial matters. The Office shall supervise the operational activities of the Administrative Unit, Human Resource Development Unit and the Financial Management Unit;
- (b) *Office of the Undersecretary for Overseas Employment* which shall absorb the mandates and functions of the Philippine Overseas Employment Administration under Executive Order 247 s. 1987 and Republic Act No. 8042, as amended, and shall have the following additional functions:

1. Advise and assist the Secretary in the formulation of the Department's over-all long-range and short-term plans and programs on overseas employment, with special focus on the government's compliance with international labor agreements;
2. Review and evaluate the progress/status of projects and accomplishments in relation to set standards, objectives and schedules;
3. Supervise the operational activities of the Policy Planning, Research and Legal Affairs Unit, and the Information and Publication Unit; and
4. Perform such other functions as may be provided by law or assigned by the Secretary from time to time.

(c) *Office of the Undersecretary for Workers' Welfare and Reintegration* which shall absorb the mandates and functions of the Overseas Workers Welfare Administration under Republic Act No. 10801, implement and deliver programs and services through regional and on-site operations and shall have the following additional functions:

1. Develop support programs and projects for livelihood, entrepreneurship, savings, investment and financial literacy for returning Filipino overseas migrant workers and their families, in coordination with relevant stakeholders, service providers and international organizations;
2. Coordinate with appropriate stakeholders, service providers and relevant international organizations for the promotion, development and the full utilization of the skills and potentials of returning overseas Filipino workers;
3. Institute, in cooperation with other government agencies concerned, a computer-based information system on returning Filipino overseas migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private;
4. Provide a periodic study and assessment of job opportunities returning Filipino overseas migrant worker;
5. Develop and implement other appropriate programs to promote the welfare of returning Filipino overseas migrant workers;
6. Maintain an interest-based communication system for on-line registration of returning OFWs and interaction with clients, and maintain and upgrade computer-based service capabilities of the Department;
7. Develop capacity-building programs for returning overseas Filipino workers and their families, implementers, service providers and stakeholders;
8. Conduct research for policy recommendations and program development;
9. Administer the Migrant Workers Loan Guarantee Fund; and

10. Supervise the operational activities of the Welfare Fund Secretariat.

11. Undertake other programs and activities as may be determined by the Department.

(d) *Office of the Undersecretary for Overseas Filipinos* which shall have the following functions:

1. Formulate, in coordination with agencies concerned, an integrated program for the promotion of the welfare of Filipinos overseas for implementation by suitable existing agencies;
2. Coordinate and monitor the implementation of such an integrated program;
3. Initiate and directly undertake the implementation of special projects and programs, whenever necessary, to promote the welfare of Filipinos overseas with respect to their interests and activities in the Philippines;
4. Serve as a forum for preserving and enhancing the social, economic and cultural ties of Filipinos overseas with their motherland;
5. Provide liaison services to Filipinos overseas with appropriate government and private agencies in the transaction of business and similar ventures in the Philippines; and
6. Perform such other functions as may be provided by law or assigned by the Secretary from time to time.

(e) *Office of the Undersecretary for Assistance to Overseas Filipinos in Distress* which shall have the following functions:

1. Provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families;
2. Recommend to the Secretary the grant of the use of Overseas Filipinos Assistance Fund;
3. Undertake all repatriation activities, in coordination with the Office of the Undersecretary for Foreign Employment, Office of the Undersecretary for Reintegration and Social Services, and other government agencies, in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or agency;
4. Draft the guidelines, procedures and criteria for the provisions of Overseas Filipinos Assistance Fund to Overseas Filipino and Migrant Workers;
5. Ensure effective coordination and cooperation with other agencies and the Foreign Service Posts in the provision of assistance from the Overseas Filipinos Assistance Fund to Overseas Filipino and Migrant Workers;

6. Coordinate with the Office of the Undersecretary for Overseas Employment, Office of the Undersecretary for Workers' Welfare and Reintegration, and other government agencies concerned, as well as with non-governmental organizations assisting migrant workers, to ensure effective coordination in providing legal assistance to migrant workers;
 7. Tap the assistance of the Integrated Bar of the Philippines (IBP), other bar associations, legal experts on labor, migration and human rights laws, reputable law firms, and other civil society organizations, to complement government services and resources to provide legal assistance to migrant workers; and
 8. Supervise the operational activities of the Overseas Filipinos Assistance Fund Unit.
- (f) *Office of the Undersecretary for International Labor Affairs* which shall have the following functions:
1. Monitor the observance and implementation of the Philippines' obligations and commitments to international organizations and treaties;
 2. Supervise and monitor the activities of the Philippine Overseas Labor Offices;
 3. Coordinate with the Department of Foreign Affairs regarding treaties, agreements, compacts, and other instruments that are related to labor migration; and
 4. Perform such other functions as may be provided by law or assigned by the Secretary.

SEC. 9. *Department Units.* - The following units are hereby created to be each headed by an Assistant Secretary and assisted by other officers and staff:

- (a) The Policy Planning, Research, and Legal Affairs Unit which shall:
1. Undertake research necessary in preparation and evaluation of policy reports, treaties, and multilateral and bilateral agreements;
 2. Assist and draft policies in line with the functions of the Office of the Secretary and the Department;
 3. Ensure that development policies are in line with national development;
 4. Analyze data in order to make informed decisions and to guide policy intervention with regard to migration and foreign employment;
 5. Ensure collection of accurate and quality statistics to conduct analysis of the changes in the labor and foreign market;

6. Advise and assist the Secretary and the Undersecretaries in the formulation of the Department's over-all long-range and short-term plans and programs on overseas employment, with special focus on the government's compliance with international labor agreements;
 7. Reviews and evaluates the progress/status of projects and accomplishments in relation to set standards, objectives and schedules; and
 8. Perform such other functions as may be provided by law or assigned by the Secretary and/or Undersecretaries from time to time.
- (b) Administrative Unit which shall provide the Department with efficient, effective and, economical services relating to records, management, supplies, equipment, collections, disbursements, building administration and maintenance, security, and custodial work;
 - (c) Human Resource Development Unit which shall provide the Department with a program and corresponding projects that shall make available training, education, and development opportunities needed to upgrade the levels of competence and productivity of Department managers and personnel. It shall absorb the powers and functions of the Administrative Service in relation to the development and administration of personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare;
 - (d) Financial Management Unit which shall be responsible for providing the Department with efficient, effective, and economical services relating to budgetary, financial, management improvement, and internal control matters;
 - (e) Information and Publication Unit which shall be responsible for promoting rapport and understanding between the Department and the public through the development of public relations programs and the dissemination of accurate and updated information on foreign labor and employment, by means of publication, radio, television, and social media coverage of special events and related matters on the Department's policies, plans, programs, and projects. The Service shall likewise be responsible for providing answers to queries from the public regarding the Department's policies, rules, regulations, programs, activities, and services; and
 - (f) The Overseas Filipinos Assistance Fund Unit which shall be responsible for assisting the Secretary in the management and use of the Overseas Filipinos Assistance Fund.

SEC. 10. **Regional Offices.** - The Department is hereby authorized to establish, operate, and maintain such Department-wide Regional Offices in each of the administrative regions of the country, insofar as necessary, which shall be headed by a Regional Director who shall have supervision and control thereof. The Regional Director, whenever necessary, shall be assisted by an Assistant Regional Director. A Regional Office shall have, within its regional area, the following functions:

- (a) Implement laws, policies, plans, programs projects, rules and regulations of the Department;

- (b) Provide economical, efficient and effective service to the people;
- (c) Coordinate with regional offices of other departments and agencies;
- (d) Coordinate with local government units; and
- (e) Perform such other functions as may be provided by law or assigned by the Department.

SEC. 11. ***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 competence and expertise in the plans, programs, projects and activities of the government relative to overseas labor and employment.

SEC. 12. ***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. Additional private sector representatives, such as from the OFWs, academe and private industries directly involved in deployment of OFWs, as well as other national government agencies, local government units, and government-owned and controlled corporations, may be appointed to these working groups.

CHAPTER III OFW CENTERS

SEC 13. ***Establishment of OFW Centers.*** - The Migrant Workers and other Overseas Filipinos Resource Center shall be transformed into the OFW Center established initially in countries where there are large concentrations of OFWs, as determined by the Secretary. The OFW Center shall act as a one-stop shop for Overseas Filipinos in the countries of destination. It shall be established within the premises of the Philippine Embassy or the Consulate and be under the administrative jurisdiction of the Philippine Embassy. Within five (5) years from the effectivity of this Act, OFW Centers shall be established in all Philippine Embassies or Consulates abroad.

When the OFW Center is established outside the premises of the Embassy or Consulate, the Department of Foreign Affairs shall exert its best effort to secure appropriate recognition from the receiving government in accordance with applicable laws and practices.

SEC 14. ***Functions.*** - The OFW Center shall provide the following services:

- a. Counseling and legal services;
- b. Welfare assistance including the procurement of medical and hospitalization services;
- c. Information, advisory programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction;
- d. Registration of irregular/undocumented workers to bring them within the purview of Republic Act 8042, as amended;

- e. Implementation of Department Programs;
- f. Gender-sensitive programs and activities to assist particular needs of migrant workers;
- g. Orientation program for returning workers and other migrants;
- h. Monitoring of the daily situation, circumstances and activities affecting migrant workers and other overseas Filipinos;
- i. Ensuring that labor and social welfare laws in the receiving country are fairly applied to migrant workers and other overseas Filipinos; and
- j. Conciliation of disputes arising from employer-employee relationship, in accordance with this Rule.

SEC 15. **Personnel.** - Each OFW Center shall be staffed by the following:

- (a) Foreign Service personnel;
- (b) A Labor Attaché who shall undertake its current functions under Republic Act 8042, as amended and shall be the representative of the Department on-site;
- (c) A Welfare Officer;
- (d) A Social Welfare Attaché; and
- (e) Other service attaches or officers who represent Philippine government agencies abroad.

The following personnel shall assist the attaches and be assigned to the Center:

- (a) Psychologists, and Shari'a or Human Rights Lawyers;
- (b) Individual volunteers and representatives from bona fide non-government organizations from the receiving countries, if available and necessary as determined by the Labor Attaché in consultation with the Chief of Mission;
- (c) Public Relations Officer or Case Officer conversant, orally and in writing, with the local language, laws, customs and practices; and
- (d) Legal Officers and such other professionals deemed necessary by the Secretary.

SEC. 16. **Administration of the Center.** The Philippine Overseas Labor Office through the Labor Attaché shall supervise and coordinate the operations of the OFW Center and shall keep the Chief of Mission informed and updated on all matters affecting it at least quarterly through a written report addressed to the Chief of Mission.

SEC 17. ***Round-the Clock Operations.*** The OFW Center shall operate on a 24-hour basis including Saturdays, Sundays and holidays. A counterpart 24-hour Information and Assistance Center to ensure a continuous network and coordinative mechanism shall be established at the Department.

SEC. 18. ***Budget.*** - The establishment, yearly maintenance and operating costs of the OFW Centers, including the costs of services and programs not specially funded under the Act, shall be sourced from the General Appropriations Act (GAA) and shall be included in the annual budget of the Department.

The salaries and allowances of overseas personnel shall be sourced from the respective agencies' budgets.

SEC. 19. ***OFW Assistance Center / Help Desk.*** — Pursuant to Republic Act 8042, as amended by Republic Act 10022, the Department, in partnership with other government agencies and local government units (LGUs), shall establish an OFW assistance center or Help Desk in all provinces, cities and municipalities to ensure prompt and efficient provision of services to OFWs and their families such as acquisition of government permits, validation of overseas job offers, grievance and complaints desks, reintegration services and pre-employment orientation seminars (PEOS).

CHAPTER IV TRANSFER OF AGENCIES

SEC. 20. ***Transfer of Bureaus, Offices, Agencies.*** - The following agencies are hereby abolished, and their powers and functions under Republic Act 8042, as amended by Republic Act 10022, and other applicable laws, and the funds and appropriations, records, equipment, property, and personnel are likewise transferred to this Department:

- (a) Overseas Workers Welfare Administration (OWWA);
- (b) Philippine Overseas Employment Administration (POEA);
- (c) Commission on Filipino Overseas (CFO);
- (d) International Labor Affairs Bureau of the Department of Labor and Employment (DOLE);
and
- (e) National Reintegration Center for OFWs (NRCO).

The powers and functions of the Office of the Undersecretary for Migrant Workers Affairs under the Department of Foreign Affairs and all Philippine Overseas Labor Offices and their officials under the DOLE are hereby transferred to this Department.

In the case of OWWA, all its membership records, funds appropriated under the GAA, and all its trust funds are transferred to this Department. The Department shall issue guidelines on the transfer of records and funds in accordance with the provisions of Chapter VII of this Act: *Provided*, That existing members shall not be required to re-apply for a new membership: *Provided, further*, That in no case shall individual membership contributions be increased: *Provided, finally*, That benefits and

services to OFW members shall not be diminished. The administration and disbursement of the OWWA Trust Fund shall be governed by Chapter VII of this Act.

The laws and rules on government reorganization as provided for by Republic Act 6656, otherwise known as the Reorganization Law, and other relevant civil service laws and regulations shall govern the reorganization process of the Department.

CHAPTER V TRANSITORY PROVISIONS

SEC. 21. ***New Structure and Pattern.*** - Upon the approval of this Act, the relevant officers and employees of the transferred entities under Section 20 of this Act, shall in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service as may be provided by law. Subject to the approval of the Department of Budget and Management, the Department shall, within six (6) months from the effectivity of this Act, determine its organizational structure, staffing pattern, operating system, 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. 22. ***Absorption or Separation from Service of Employees of the Consolidated Agencies.***
- The existing employees of the agencies transferred under the Department shall enjoy security of tenure and shall be absorbed by the Department, in accordance with the new staffing pattern and organizational structure as provided for in Section 21 of this Act, and the selection process as prescribed under Republic Act No. 6656, otherwise known as the "Government Reorganization Law". Employees opting to be separated from the service as a consequence of the consolidation and reconstitution under the provisions of this Act shall within one (1) month from their separation or phase out from the service, receive separation benefits in accordance with existing laws. In addition, those who are qualified to retire shall be allowed to retire and be entitled to all benefits provided, under any of the existing retirement laws.

SEC. 23. ***Rationalization and Other Transitory Provisions.*** - In the transfer of entity functions as prescribed in the Act, the following rules shall be provided:

- (a) Any transfer of entities shall include the functions, appropriations, funds, records, equipment, facilities, other properties, assets, and liabilities of the transferred entity as well as the personnel thereof as may be necessary, who shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits, unless in the meantime they are separated from government service pursuant to existing laws. Those personnel from the transferred entity whose positions are not included in the new position structure and staffing pattern approved by the Secretary or who are not reappointed shall be entitled to the benefits provided in the second paragraph of Section 22 hereof;
- (b) Any transfer of functions which results in the abolition of the entity that has exercised such transferred functions shall include, as may be necessary to the proper discharge of the transferred functions, the appropriations, funds, records, equipment, facilities, other assets, and personnel of the entity from which such functions have been transferred. The remaining

appropriations and funds shall revert to the General Fund and the remaining records, equipment, facilities, and other assets shall be allocated to such appropriate units as the Secretary shall determine or otherwise shall be disposed of, in accordance with the pertinent laws, rules and regulations. The liabilities, if any, of the abolished entity shall be treated likewise in accordance with pertinent laws, rules and regulations. Incumbents of the abolished entity shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant existing laws. Any such personnel whose position is not included in the new position structure and staffing pattern approved by the Secretary or who is not reappointed shall be entitled to the benefits provided in the second paragraph of Section 22 hereof; and

- (c) Any transfer of functions which does not result in the abolition of the entity that has exercised such transferred functions shall include the appropriations, funds, records, equipment, facilities, other assets as well as the personnel of the entity from which such functions have been transferred that are necessary to the proper discharge of such transferred functions. The liabilities, if any, which have been incurred in connection with the discharge of the transferred functions, shall be allocated in accordance with pertinent laws, rules and regulations. Such personnel shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant to existing laws. Any such personnel whose position is not included in the new position structure and staffing pattern approved by the Secretary or who is not reappointed shall be entitled to the benefits provided in the second paragraph of Section 15 hereof.

CHAPTER VI THE OVERSEAS FILIPINO WORKERS ASSISTANCE FUND

SEC. 24. *Overseas Filipinos Assistance Fund.* - The Legal Assistance Fund provided for under Section 25 of Republic Act No. 8042, as amended, is abolished. In its stead, an Overseas Filipinos Assistance Fund to address the needs of regular and irregular OFWs in distress, and those OFWs returning to the Philippines for good, in the amount of Five Billion Pesos (P5,000,000,000) is hereby created. The fund shall be allocated for the following purposes:

- (a) Repatriation;
- (b) Legal assistance, including litigation expenses, legal fees, payment of translation fees, attendance in court hearings;
- (c) Defraying necessary expenses and making payments for the life-saving rescue, medical and hospitalization expenses, retrieval, and rehabilitation of OFWs in distress, as needed;
- (d) Basic necessities of OFWs in emergency situations or in detention; and
- (e) Livelihood training and loans for OFWs who have decided to return to the Philippines for good.

The Emergency Repatriation Fund created in Republic Act No. 8042, as amended, shall form part of the Overseas Filipinos Assistance Fund. The Secretary shall issue guidelines, rules and regulations on the proper management, utilization and disbursement of the Fund. The Department shall submit a quarterly fund utilization report to the Office of the President, copies of which shall be made available to Congress.

CHAPTER VII THE OVERSEAS WORKERS WELFARE FUND

SEC. 25. Notwithstanding the provision of this Act in Chapter II, Section 8, Sub-section c.9 hereof, regarding the administration of the OWWA Fund by the Office of the Undersecretary for Workers' Welfare and Reintegration, the OWWA Fund, which shall henceforth be known as the Welfare Fund, shall continue to have a policy-making body hereinafter known as the Welfare Fund Board of Trustees (WFBOT), or the Board, whose members shall include the following:

- (a) Secretary of the Department of Migration and Overseas Filipinos (DMOF), as Chairperson;
- (b) DMOF Undersecretary for Workers' Welfare and Reintegration, as Vice Chairperson;
- (c) Secretary of Labor and Employment;
- (d) Secretary of Foreign Affairs;
- (e) Secretary of Finance;
- (f) Secretary of Budget and Management;
- (g) Two (2) representatives from the land-based OFWs who are nominated and appointed in accordance with the provisions of Republic Act No. 8042, as amended by Republic Act No. 10022;
- (h) Two (2) representatives from the sea-based OFWs who are nominated and appointed in accordance with the provisions of Republic Act No. 8042, as amended by Republic Act No. 10022;
- (i) One (1) representative from the women sector who is nominated and appointed in accordance with the provisions of Republic Act No. 8042, as amended by Republic Act No. 10022;
- (j) One (1) representative from the land-based recruitment sector who is selected from among the various associations of registered overseas placement and recruitment agencies based in the Philippines, who shall be appointed by the President of the Philippines to serve a single term of three (3) years; and
- (k) One (1) representative from the sea-based manning sector, who is selected from among the various associations of registered overseas placement and manning agencies based in the Philippines, who shall be appointed by the President of the Philippines to serve a single term of three (3) years.

The Trustees holding office as members of the OWWA Board at the time of the effectivity of this Act shall continue to serve in the Welfare Fund Board of Trustees until the expiration of their term of appointments except for the the Administrator of the defunct OWWA and the Administrator of the defunct POEA.

In case of vacancy in any of the appointive positions in the Welfare Fund Board of Trustees, the vacancy shall be filled by the subsequent nomination of the respective sector concerned, in the

same manner as the selection of the predecessor. Such successor shall hold office for the unexpired term.

SEC. 26. The management and supervision of the Welfare Fund shall be vested in its Administrator which shall be the Undersecretary for Workers' Welfare and Reintegration of the DMOF. As Welfare Fund Administrator, the Undersecretary for Workers' Welfare and Reintegration shall oversee the overall operations of the Secretariat that will work under him in the administration of the Welfare Fund, which overseeing shall include the general supervision and control of all Secretariat personnel and resources, and the assumption of full responsibility and accountability thereof.

SEC. 27. Two (2) Deputy Administrators for the Welfare Fund shall assist the Undersecretary for Workers' Welfare and Reintegration in the management and supervision of operations of the Welfare Fund Secretariat. There shall be one (1) Deputy Administrator for Administration and Fund Management, with the rank of Assistant Secretary, and one (1) Deputy Administrator for Operations, also with the rank of Assistant Secretary. They shall be appointed by the President upon the recommendation of the Undersecretary for Workers' Welfare and Reintegration. They must possess good leadership and managerial skills. The Board may assign specific functional responsibilities to the Deputy Administrators.

SEC. 28. The Welfare Fund Secretariat under the administration of the Undersecretary for Workers' Welfare and Reintegration is an integral and inseparable part of the national government agency known as the Department of Migration and Overseas Filipinos vested with the special function of developing and implementing welfare programs and services that respond to the needs of its member-OFWs and their families. It is endowed with powers to administer a trust fund to be called the Welfare Fund. Being an integral and inseparable part of the Department, the Welfare Fund Secretariat shall not fall under any of the following categories: government instrumentalities with corporate powers (GICPs), government corporate entities (GCEs), government financial institutions (GFIs) and/or government-owned or -controlled corporations (GOCCs). The officials and employees of the Welfare Fund Secretariat are covered by the Salary Standardization Law.

SEC. 29. For a more effective financial management, the membership contributions of land-based and sea-based OFW clients of the Welfare Fund shall be accounted for in two (2) separate books of accounts.

SEC. 30. The Welfare Fund for Overseas Workers created under Letter of Instruction No. 537 and Presidential Decree No. 1694, as amended by Presidential Decree No. 1809, often referred to as the OWWA Fund, shall henceforth be known as the Welfare Fund. The Welfare Fund is a private fund held in trust by the government through its Board of Trustees and through the administration by the Undersecretary for Workers' Welfare and Reintegration. Being a trust fund, no portion thereof or any of its income, dividends or earnings shall accrue to the general fund of the National Government. Neither shall any amount or portion thereof be commingled or conjoined with government money, nor revert to the National Government. In the same manner, it is exempted from the "one fund doctrine" of the government.

SEC. 31. Nothing in this Act shall be construed as a limitation or denial of the right of an OFW to avail of any benefit plan which may be adopted in the employment contract, or offered voluntarily by employers, or by the laws of the receiving country, over and above those provided under this Act.

SEC. 32. The Welfare Fund can only be used for the purposes for which it was created, that is, to serve the welfare of member-OFWs and their families which shall include the financing of core programs and services. No funds shall be withdrawn from the Welfare Fund to respond, aid, supplement, or in any manner augment any required expenditure by other units/offices or subdivisions of the Department or other government agencies.

SEC. 33. The Welfare Fund, formerly known as the OWWA Fund, is the sum total of the amounts under the management and fiscal administration of its Board and the Secretariat, including the twenty-five US dollars (US\$25.00) contributions that shall accrue to the Fund as fees, investment and interest income, and income from other sources.

SEC. 34. Any provision of existing law to the contrary notwithstanding, all incomes generated by the Welfare Fund shall, upon their collection, be retained by it and disbursed at the discretion of the Board for providing services and other benefits of its OFW members and their families.

SEC. 35. The Welfare Fund Board of Trustees (WFBOT), or the Board, is designated as the trustee of the Welfare Fund. It is bound by a fiduciary duty to manage the Fund with extraordinary diligence and with utmost skill, care and judiciousness.

SEC. 36. The Welfare Fund shall be managed with full transparency and full public disclosure. The Welfare Fund Board of Trustees and/or the Undersecretary for Workers' Welfare and Reintegration shall make available all records of how the funds are utilized, disbursed, and invested, in accordance with existing laws.

SEC. 37. Within fifteen (15) days after receipt of audited reports from the Commission on Audit, the WFBOT shall submit to the Congress and the President of the Philippines a report showing the total collections of, and the disbursements from, the Welfare Fund and shall publish the electronic copy of the report and make them available online, in a format that is complete, searchable, accessible and useful to the public.

SEC. 38. The Welfare Fund shall be managed and expended in accordance with the purposes stipulated in this Act and safeguarded against any possible loss and misuse. The WFBOT and Undersecretary for Workers' Welfare and Reintegration shall ensure an appropriate growth rate in the Welfare Fund sufficient to sustain the growing needs of client-OFWs. It shall periodically conduct an inventory of its investment instruments and ensure that they are properly kept at a government bank under a custodianship agreement. A monthly report on all investment schedules showing the interest rates, yields, discount rates, and other relevant data, shall be submitted to the Board and the Undersecretary for Workers' Welfare and Reintegration by the Deputy Administrator for Administration and Fund Management.

SEC. 39. To ensure that all the properties belonging to the Welfare Fund are safeguarded and preserved, the same must be properly accounted for and documented, reinspected, reappraised, and insured. An asset development/disposal plan shall be submitted by the Administrator for the consideration of the Board. Foreclosed properties shall be registered as assets of the Welfare Fund within one (1) month after foreclosure. Unredeemed investments and other receivables shall be inventoried semi-annually and corresponding redemption plan shall be submitted to the Board. All receivables shall be supported by documents appropriately acknowledged by the accountable party.

SEC. 40. Upon approval of the Board, all Welfare Fund investments shall be placed only in government securities and bonds which provide optimum earnings, liquidity and protection of the Fund. Portfolio management of investible funds shall be outsourced to GFIs.

SEC. 41. The Undersecretary for Workers' Welfare and Reintegration shall make a periodic actuarial examination and valuation of all the funds of the Welfare Fund in accordance with accepted actuarial principles.

SEC. 42. Realignment of funds sourced from the Welfare Fund including adjustments in targets shall be submitted to the Board for approval. Similarly, in the event that extraordinary circumstances may occur which require sourcing of additional funds from the Welfare Fund beyond the coverage of the approved budget, the same shall be submitted to the Board for approval.

SEC. 43. The Welfare Fund, through the Undersecretary for Workers' Welfare and Reintegration, shall install sound internal control and monitoring systems and submit quarterly prescribed Financial Statements to the COA, such as income statement, balance sheet, and cash flow as prescribed in post auditing reports by the COA. The Welfare Fund Secretariat shall submit a monthly fund utilization report to the Board, copies of which shall be made available to Congress. It shall also submit an Annual Report on its overall performance for the previous year within the first sixty (60) days of the following year to the Board, the Congress and the President of the Philippines.

SEC. 44. The Welfare Fund Secretariat shall adopt the appropriate and standard chart of accounts as prescribed by the Commission on Audit.

SEC. 45. Nothing in this Act shall prevent the National Government from allocating funds for the operation or implementation of any of the programs or services of the Welfare Fund, including the budget for capital outlay.

SEC. 46. In recognition of the contribution of long-time members of the OWWA Fund which is now the Welfare Fund, the Welfare Fund Secretariat shall develop and implement a program for the grant of rebates or some form of financial assistance to OFWs who have been members of the former OWWA and the current Welfare Fund for at least ten (10) years and who, along with their families, have not availed of any service or benefit from the Fund. The provision and the amount of rebates shall be based on actuarial study commissioned by the Welfare Fund Secretariat for this purpose.

SEC. 47. The procurement system of the Welfare Fund and its Secretariat shall be governed by Republic Act No. 9184, also known as the "Government Procurement Reform Act".

SEC. 48. Exemption from Tax, Legal Process and Lien. – All laws to the contrary notwithstanding, the Welfare Fund and all its assets and properties, all contributions collected and all accruals thereto and income or investment earnings therefrom as well as all supplies, equipment, papers or documents shall be exempt from any tax, assessment, fee, charge, or customs or import duty. All benefit payments made by the Welfare Fund shall likewise be exempt from all kinds of taxes, fees or charges, and shall not be liable to attachments, garnishments, levy or seizure by or under any legal or equitable process, either before or after receipt by the person or persons entitled thereto, except to pay any debt of the member-OFW to the Welfare Fund. No tax measure of whatever nature enacted shall apply to the Welfare Fund, unless this section is expressly, specifically and categorically revoked

or repealed by law and a provision is enacted to substitute or replace the exemption referred to herein. Any tax assessment imposed against the Welfare Fund shall be null and void.

SEC. 49. All facilities, equipment, supplies, records, files, appropriations and funds under the Overseas Workers Welfare Administration (OWWA), as organized under Letter of Instruction No. 537 and Presidential Decree No. 1694, as amended by Presidential Decree No. 1809, and renamed under Executive Order No. 126, series of 1987, shall remain with the Welfare Fund and the Welfare Fund Secretariat.

SEC. 50. The pertinent provisions of Republic Act 10801, otherwise known as the “Overseas Workers Welfare Administration Act”, which are not in conflict with the provisions of this Act, shall remain in full force and effect and shall serve as supplementary provisions of this Chapter.

CHAPTER VIII APPROPRIATIONS

SEC. 51. **Appropriations.** - The amount of Six Billion Pesos (P6,000,000,000.00) for the initial operation of the Department shall be sourced from the Contingent Fund of the President as well as from the existing funds of the attached offices, bureaus, and agencies. Subsequent funding requirements shall be included in the annual General Appropriations Act. The Department shall include in its proposed budget the necessary amount to enable it to achieve its mandate.

CHAPTER IX MISCELLANEOUS

SEC 52. **Implementing Rules and Regulations.** — The DFA, DOLE, DBM, POEA, OWWA, CFO, NRCO and the Civil Service Commission shall, within sixty (60) days after the effectivity of this Act, promulgate such rules and regulations necessary to implement this Act.

SEC. 54. **Separability Clause.** - Any portion or provision of this Act that is declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions can still subsist and be given effect in their entirety.

SEC. 55. **Repealing Clause.** - All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

All applicable provisions of Republic Act 8042, as amended, shall remain in full force and effect and shall serve as supplementary provisions of this Act. This Act does not repeal any benefits already provided and accorded to migrant workers and overseas Filipinos in other laws, rules, regulations and other issuances.

SEC. 56. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette and in two (2) newspapers of general circulation.

Approved