



HOUSE OF REPRESENTATIVES

H. No. 5832

BY REPRESENTATIVES CAYETANO (A.P.), CAYETANO (M.L.), DUTERTE, ARENAS, AGLIPAY, CAMPOS, SINGSON-MEEHAN, SALCEDA, PICHAY, ROMERO, GONZALEZ, YAP (E.), TULFO, TADURAN, DELOSO-MONTALLA, HERNANDEZ, CASTELO, VARGAS, VILLAFUERTE, VILLARAZA-SUAREZ, SUAREZ (D.), SAVELLANO, MATUGAS, CABREDO, TAN (A.S.), GONZALES (A.), ROMUALDEZ (Y.M.), ROMUALDEZ (F.M.), SIAO, ACOSTA-ALBA, VILLAR, SANTOS-RECTO, MACAPAGAL ARROYO, DALOG, ONG (R.), ALBANO, PADUANO, GERON, TORRES-GOMEZ, SILVERIO, SY-ALVARADO, BOLILLA, ARROYO, CALDERON, FERRER (J.M.), UMALI (M.V.), ZAMORA (W.K.), TAMBUNTING, MOMO, FLORES, BUSTOS, PACQUIAO (A.), NIETO, SALO, ROBES, DEL MAR, ACOSTA, DALIPE, VERGARA, MANGUDADATU, CASTRO (F.H.), LIM, FARINAS (R.C.), HARESCO, OLIVAREZ, EBCAS, DEFENSOR (M.), UY (R.), LACSON, AUMENTADO, TEVES (J.), ARAGONES, ROMAN, BUSTOS, HOFER, YAP (V.), GARCIA (P.J.), CHATTO, VILLANUEVA (N.), LARA, REVILLA, VIOLAGO, JIMENEZ, SANGCOPAN, HATAMAN, SUANSING (E.), FORTUN, PADIERNOS, TOLENTINO, ESPINO, CHIPECO, VILLANUEVA (E.), RIVERA, LOPEZ, GARIN (S.), KHO (W.), TUTOR, AGABAS, LUSOTAN, NOGRALES (J.F.F.), MENDOZA, ERIGUEL, TIANGCO, ROMUALDO, LACSON-NOEL, LOYOLA, OUANO-DIZON, YU, MADRONA, MARINO, UNGAB, PINEDA, GO (M.), ONG (J.), VARGAS, ALFONSO, SUNTAY, RODRIGUEZ, MARCOLETA, TAN (S.A.), ABANTE, CUARESMA, ZUBIRI, VILLARICA, GARIN (J.) AND SAKALURAN, PER COMMITTEE REPORT NO. 142

AN ACT CREATING THE DEPARTMENT OF FILIPINOS OVERSEAS AND FOREIGN EMPLOYMENT, DEFINING ITS MANDATE, POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* — This Act shall be known as the “Department of Filipinos Overseas (DFO) Act”.

SEC. 2. *Declaration of Policy.* —

(a) It is the primordial duty of the State to protect the rights and promote the welfare and interest of Filipinos overseas;

(b) It is the duty of the State to uphold the dignity of labor and enhance its bargaining position in both domestic and international conditions. The State shall protect the welfare of all Filipinos, particularly when working and/or residing abroad, provide social protection and minimize the social costs of migration to their families at home, execute programs to sustain them when they return from abroad, and to harness the robust contribution of Filipino communities outside of the country towards nation-building, utilizing a whole-of-government and whole-of-society approach;

(c) While recognizing the significant contribution of Filipinos overseas, including Overseas Filipino Workers (OFWs), 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 State’s overseas employment program rests solely on the assurance that the dignity and human rights of OFWs shall neither be compromised nor violated. Towards this end, the State shall continually aim to make overseas employment a choice and not a necessity for every Filipino citizen;

(d) 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, continuously monitor bilateral agreements with countries of destination and international conventions in order to adopt or be a signatory to and ratify those that guarantee the protection to Filipinos overseas;

(e) The State shall afford full protection to OFWs, promote full employment, ensure equal work opportunities regardless of sex, gender, race, creed or religion, monitor 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;

(f) The State affirms the fundamental equality before the law of men and women and the latter's significant role in nation-building. In recognizing the particular vulnerabilities of women, the State shall apply gender sensitive criteria in the formulation and implementation of its policies and programs;

(g) Free access to the courts, 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 by the State to ensure that the rights and interests of Filipinos overseas in distress, in general, and OFWs, in particular, whether on regular or irregular status, are adequately protected and safeguarded;

(h) The State shall recognize and guarantee the right of all Filipinos overseas and OFWs, in particular, to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment;

(i) 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 Filipinos overseas and in the promotion of their welfare. The State shall nurture and uphold mutual trust and respect in possible areas of cooperation;

(j) The State shall protect every citizen desiring to work locally or overseas by securing the citizen 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;

(k) The State 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;

(l) The State recognizes that the most effective tool for empowerment and protection of rights of OFWs is their possession of appropriate skills. The government shall embark on a robust expansion of skills development and enhancement programs of the concerned agencies and shall facilitate access of OFWs to these programs through scholarships and/or training subsidies or grants. Pursuant to this, the government shall allow the deployment only of skilled and semi-skilled Filipino workers five (5) years from the enactment of this Act. The State shall also pursue bilateral, regional and multilateral agreements on skills qualification, certification and matching;

(m) The State shall ensure the effective implementation and propose amendments, if necessary, to laws affecting overseas

1 employment and OFWs, such as Republic Act No. 10022, otherwise
 2 known as the "Migrant Workers and Overseas Filipinos Act of
 3 1995", and Executive Order No. 247, otherwise known as the
 4 "Reorganizing the Philippine Overseas Employment Administration
 5 and for Other Purposes"; and

6 (n) The State commits to fulfill the twenty-three (23)
 7 objectives of the Global Compact for Safe, Orderly and Regular
 8 Migration (GCM):

9 (1) Collect and utilize accurate and disaggregated data as a
 10 basis for evidence-based policies;

11 (2) Minimize the adverse drivers and structural factors that
 12 compel people to leave the country;

13 (3) Provide accurate and timely information at all stages of
 14 migration;

15 (4) Ensure that all migrants have proof of legal identity and
 16 adequate documentation;

17 (5) Enhance availability and flexibility of pathways for
 18 regular migration;

19 (6) Facilitate fair and ethical recruitment and safeguard
 20 conditions that ensure decent work;

21 (7) Address and reduce vulnerabilities in migration;

22 (8) Save lives and establish coordinated international efforts
 23 on missing migrants;

24 (9) Strengthen the transnational response to smuggling of
 25 migrants;

26 (10) Prevent, combat and eradicate trafficking in persons in
 27 the context of international migration;

28 (11) Manage borders in an integrated, secure and coordinated
 29 manner;

1 (12) Strengthen certainty and predictability in migration
 2 procedures for appropriate screening, assessment and referral;

3 (13) Use migration detention only as a measure of last resort
 4 and work towards alternatives;

5 (14) Enhance consular protection, assistance and cooperation
 6 throughout the migration cycle;

7 (15) Provide access to basic services for migrants;

8 (16) Empower migrants and societies to realize full inclusion
 9 and social cohesion;

10 (17) Eliminate all forms of discrimination and promote
 11 evidence-based public discourse to shape perceptions of migration;

12 (18) Invest in skills development and facilitate mutual
 13 recognition of skills, qualifications and competencies;

14 (19) Create conditions for migrants and diasporas to fully
 15 contribute to sustainable development in all countries;

16 (20) Promote faster, safer and cheaper transfer of
 17 remittances and foster financial inclusion of migrants;

18 (21) Cooperate in facilitating the safe and dignified return
 19 and readmission of migrants as well as their sustainable
 20 reintegration into their home countries;

21 (22) Establish mechanisms for the portability of social
 22 security entitlements and earned benefits; and

23 (23) Strengthen international cooperation and global
 24 partnerships for safe, orderly and regular migration.

25 SEC. 3. *Definition of Terms.* – As used in this Act:

26 (a) *Assistance to Nationals (ATN)* refers to services provided
 27 by the Philippine Government to any Filipino overseas who is in
 28 distress which may be in the form of repatriation, medical
 29 assistance, shipment of remains, legal assistance and
 30 representation, rescue, evacuation, financial assistance or any other

1 analogous help to ensure that the Filipino national's human rights
2 and welfare are protected, respected, and fulfilled;

3 (b) *Countries of destination* refer to any country other than
4 the Philippines where a Filipino citizen temporarily or permanently
5 resides;

6 (c) *Ethical recruitment* refers to the practice of recruiting and
7 deploying overseas workers through government accredited
8 recruitment or manning agencies, that allow overseas workers to
9 change employers and modify the conditions or length of their stay
10 with minimal administrative burden, while promoting greater
11 opportunities for decent work and respect for international human
12 rights and labor law, prohibit the confiscation or nonconsequential
13 retention of work contracts, and travel or identity documents from
14 migrants and guarantees that the employer pay principle is upheld;

15 (d) *Filipinos overseas (FOs)* refer to Filipino nationals outside
16 the Philippines, whether permanent or temporary, including OFWs
17 and their dependents abroad, tourists, pilgrims, students, trainees,
18 religious missionaries, among others;

19 (e) *Filipino overseas in distress* refers to a Filipino citizen
20 abroad who has a medical, psycho-social, or legal problem, or is
21 experiencing abuse or exploitation, or whose human rights are
22 being violated, and who requires treatment, hospitalization,
23 counseling, legal representation, rescue, repatriation, or any other
24 kind of analogous interventions, including those who have died
25 thereat and whose remains have to be repatriated to the
26 Philippines;

27 (f) *Irregular migrant workers* are:

28 (1) Those who acquired their passports or other travel
29 documents through fraud or misrepresentation;

1 (2) Those who possess expired visas or permits to stay in host
2 or transit countries;

3 (3) Those who have no travel documents whatsoever;

4 (4) Those who have valid but inappropriate visas;

5 (5) Those whose employment contracts were not approved by
6 the Department of Filipinos Overseas and Foreign Employment; or

7 (6) Those who are victims of illegal recruitment or trafficking
8 of persons.

9 (g) *License* refers to the document issued by the Secretary of
10 the Department authorizing a natural or juridical person to operate
11 a private recruitment or manning agency, empowering in turn the
12 duly designated official or representative of such natural or juridical
13 person to conduct recruitment activities on its behalf;

14 (h) *Manning agency* refers to any natural or juridical person
15 duly licensed by the Secretary of the Department to engage in the
16 recruitment and placement of seafarers or sea-based workers;

17 (i) *Migrant* refers to, for the purposes of this Act, any person
18 who is moving or has moved across an international border away
19 from one's habitual place of residence, regardless of the person's
20 legal status; whether the movement is voluntary or involuntary;
21 what the causes for the movement are; or what the length of the
22 stay is;

23 (j) *Overseas employment* refers to employment outside the
24 Philippines;

25 (k) *Overseas Filipino Worker (OFW)* refers to a Filipino who is
26 to be engaged, is engaged, or had been engaged in remunerated
27 activity in a State of which the person is not a citizen, whether as
28 land-based or sea-based worker. A "person to be engaged in a
29 remunerated activity" refers to a worker who has been contracted
30 for employment overseas but has not yet left the Philippines;

(l) *Recruitment agency* refers to any natural or juridical person duly licensed by the Secretary to engage in the recruitment and placement of workers for land-based overseas employment;

(m) *Regular migrant workers* refer to the following:

(1) Those who possess valid passports and appropriate visas or permits to stay and work in the receiving country; or

(2) Those whose contracts of employment have been approved by the Department;

(n) *Reintegration program* refers to a way of mainstreaming returning OFWs into Philippine society. The reintegration program may offer in-country livelihood opportunities to OFWs who have finished contracts and have no wish to return to work abroad, the reintegration program is also offered to distressed OFWs by way of self-employment or livelihood projects as a means of income generation for their family even after their overseas employment. Wellness programs to distressed OFWs is part of the reintegration program; and

(o) *Seafarer or sea-based worker* refers to any person who is engaged in employment in any capacity on board a merchant marine vessel plying international waters or other seacraft of similar category, including fisherfolk, cruise ship personnel, yacht crew, those serving on mobile offshore and drilling units in the high seas, and similarly situated persons.

SEC. 4. *Creation and Mandate.* – The Department of Filipinos Overseas and Foreign Employment, hereinafter referred to as the Department, is hereby organized structurally and functionally in accordance with the provisions of this Act.

The Department shall be the primary agency under the Executive Branch tasked to protect the rights and promote the welfare of FOs; to formulate, plan, coordinate, promote, administer,

implement policies, and undertake systematic national development programs for managing and monitoring the overseas or foreign employment of Filipino workers, while taking into consideration domestic manpower requirements and the need to protect their rights to decent work and fair and ethical recruitment practices.

The Department shall render an annual report of its activities and achievements to the President and to Congress.

SEC. 5. *Powers and Functions.* – To carry out its mandate, the Department shall:

(a) Formulate, recommend, and implement national policies, plans, programs, and guidelines that will ensure the protection of FOs, especially the OFWs, promote their interests, and help resolve the problems they face abroad, in consultation with all relevant stakeholders;

(b) Ensure policies and programs are in place, particularly at the pre-deployment stage, to adequately protect and prepare prospective FOs, including OFWs;

(c) Regulate the deployment of Filipino workers and promulgate regulations on the deployment of sea-based and land-based OFWs;

(d) Initiate, pursue, and help prosecute illegal recruitment and human trafficking cases as defined under Republic Act No. 10022, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995", in coordination with the Department of Justice;

(e) Conduct in-depth studies, in coordination with the relevant stakeholders, on all policy areas and options that will ensure protection of FOs, especially OFWs, and address perennial issues they encounter abroad;

(f) Protect and promote the interest of every citizen desiring to work overseas, by among others, protecting their rights to decent work and fair and ethical recruitment practices, and ensuring that social and welfare services are provided to them;

(g) Protect and promote the welfare, well-being, and interests of the families of OFWs;

(h) Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;

(i) Assess, review, harmonize, and coordinate applicable policies and procedures pursuant to multilateral, regional or bilateral treaties and agreements with countries of destination especially the OFW receiving countries, migrant sending countries, the United Nations (UN) and its affiliate organizations, and other international and regional organizations, in coordination with the Department of Foreign Affairs (DFA);

(j) Improve cooperation and coordination with countries of destination, and monitor labor developments in foreign jurisdictions to ensure that the terms and conditions of work afforded to FOs, especially OFWs, are in accordance with applicable and appropriate Philippine, on-site, and international standards;

(k) Employ proactive, effective, and efficient approaches in providing timely ATN services especially to OFWs in the normal course of their sojourn abroad particularly in times of war, civil unrest, or other analogous circumstances, whether potential or actual;

(l) Assume responsibility for ATN services, in coordination with the DFA, in terms of providing services to FOs particularly, the OFWs in distress;

(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 prospective OFWs, in cooperation with the Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), and other government agencies, civil society and nongovernmental organizations aimed at promoting the global competitiveness of the FOs;

(o) Administer the generation, accumulation, and utilization of funds for the benefit of FOs, particularly OFWs as defined in Section 3(m) of this Act;

(p) Administer reintegration and social services programs for Filipinos who have worked abroad and are returning to the country, and for their families;

(q) Encourage and enhance information and resource sharing, and develop an electronic database to improve services for FOs, especially OFWs, and to strengthen linkages among government agencies, consistent with national and OFW-focused objectives;

(r) Regulate effectively, the operations of private recruitment and manning agencies and related business entities involved in the employment of Filipinos abroad to uphold the primacy of the welfare and protection of OFWs, with due consideration of the relevant market conditions;

(s) Foster the professionalization or ensure compliance with ethical standards, training, and capacity-building of private recruitment agencies for land-based employment, and for manning agencies for sea-based employment;

(t) Represent Philippine national interests pertaining to all FOs, especially OFWs, in bilateral, regional, subregional, and

1 multilateral fora and in international bodies, and negotiate on
2 matters concerning them, in coordination with the DFA;

3 (u) Conduct researches and studies, and submit policy
4 recommendations to the President and to Congress on Filipino
5 diaspora as a distinct topic and in relation to national development;

6 (v) Promulgate rules and regulations for the implementation
7 of pertinent laws and related policies;

8 (w) Accept, hold, administer, and utilize property, both
9 personal and real, subject to limitations set by existing laws, in
10 pursuit of the Department's mandates;

11 (x) Perform all the powers, functions, and responsibilities
12 assigned to all the agencies or units to be transferred to the
13 Department pursuant to the consolidation mandated by this Act;

14 (y) Prosecute cases arising out of the implementation of this
15 Act, particularly those involving trafficking in persons and illegal
16 recruitment, in coordination with quasi-judicial body such as
17 the National Labor Relations Commission (NLRC) and other
18 government agencies such as the Department of Labor and
19 Employment (DOLE), National Bureau of Investigation (NBI), and
20 the Inter-Agency Council Against Trafficking (IACAT);

21 (z) Assume all other powers, functions, and responsibilities
22 assigned to the DOLE relating to FOs, particularly OFWs, provided
23 for under Republic Act No. 8042, otherwise known as the "Migrant
24 Workers and Overseas Filipinos Act of 1995", as amended, Republic
25 Act No. 10801, otherwise known as the "Overseas Workers Welfare
26 Administration Act", and other related laws;

27 (aa) Assess, review, harmonize, and coordinate applicable
28 policies and procedures, as well as regional and multilateral or
29 bilateral treaties and agreements with OFW countries of transit and
30 destination and other migrant countries of origin, the United

1 Nations and its affiliate organizations, and other international and
2 regional organizations, fora, and processes, in coordination with the
3 DFA; and

4 (bb) Perform such other functions as may be necessary to
5 achieve the objectives provided for by this Act.

6 SEC. 6. *Composition.* – The Department shall consist of the
7 Department Proper comprising of the Office of the Secretary, the
8 Office of the Undersecretaries and Assistant Secretaries, the Service
9 Units, the Staff Bureaus, Regional Offices, and ATN Units of
10 Philippine Foreign Service Posts.

11 The Secretary shall be appointed by the President, subject to
12 the confirmation by the Commission on Appointments. The
13 Undersecretaries and Assistant Secretaries shall likewise be
14 appointed by the President upon the recommendation of the
15 Secretary.

16 SEC. 7. *Secretary of the Department of Filipinos Overseas and*
17 *Foreign Employment.* – The authority and responsibility for the
18 exercise of the mandate, powers, and functions of the Department
19 shall be vested in the Secretary of the Department of Filipinos
20 Overseas and Foreign Employment, hereinafter referred to as the
21 Secretary, who shall exercise supervision and control over the
22 Department. For such purposes, the Secretary shall have the
23 following powers and functions:

24 (a) Provide executive direction, supervision, and control over
25 the entire operations of the Department and its attached agency;

26 (b) Establish policies and standards for the effective, efficient,
27 and economical operation of the Department, consistent with the
28 programs of the government;

29 (c) Exercise jurisdiction over all bureaus, offices, agencies,
30 and corporations under the Department as provided by law, and in

1 accordance with the applicable relationships as specified in
2 Chapters 7, 8, and 9 of the Administrative Code of 1987;

3 (d) Delegate authority for the performance of any function to
4 officers and employees of the Department;

5 (e) Issue orders, directives, rules and regulations, and other
6 issuances to carry out foreign labor and employment policies, plans,
7 programs, and projects;

8 (f) Negotiate with foreign governments, in coordination with
9 the DFA, treaties, agreements, compacts, and other similar
10 instruments that are related to labor migration;

11 (g) Evaluate policies, plans, programs, and project
12 accomplishments of the Department;

13 (h) Advise the President on the promulgation of executive and
14 administrative orders and formulation of necessary regulatory and
15 legislative proposals on matters pertaining to FOs with focus on
16 OFWs;

17 (i) Administer and manage the Assistance to Nationals Fund
18 (ATN Fund), and issue guidelines for the proper utilization thereof;

19 (j) Formulate such rules and regulations and exercise such
20 other powers, as may be required, to implement the objectives of
21 this Act;

22 (k) Supervise and control the prosecution of cases utilizing
23 the ATN Fund;

24 (l) Exercise supervision and control over the following
25 Assistant Secretaries whose offices are under the Office of the
26 Secretary:

27 (1) Assistant Secretary on Policy Coordination, Management
28 Information System, Strategic Communication and Public
29 Diplomacy, and Legislative Liaison. The Assistant Secretary shall
30 also act as the Chief Coordinator of the Department; and

1 (2) Assistant Secretary on Investigation and Prosecution of
2 Illegal Recruitment and Trafficking in Persons who is a lawyer in
3 good standing and heads the Special Prosecution Unit for Illegal
4 Recruitment and Trafficking in Persons;

5 (m) Acts as the Chairperson of the Overseas Workers Welfare
6 Administration (OWWA) Board;

7 (n) Create additional offices and positions, as necessary, to
8 fulfill the mandate provided for in this Act;

9 (o) Perform such other tasks provided by law or assigned by
10 the President; and

11 (p) Promulgate the implementing rules and regulations, in
12 coordination with the Undersecretaries and other agencies as
13 provided in this Act.

14 SEC. 8. *Structure of the Department.* – The Secretary shall
15 be assisted by at least five (5) Undersecretaries and by an
16 appropriate number of Assistant Secretaries as determined by this
17 law.

18 The following offices are hereby created to be each headed by
19 an Undersecretary and assisted by other officers and staff:

20 (A) Office of the Undersecretary for Administration and
21 Finance

22 The Office of the Undersecretary for Administration and
23 Finance shall have the following functions:

24 (1) Provide the Department with efficient, effective, and
25 economical services relating to records management, supplies,
26 equipment, collections, disbursements, building administration and
27 maintenance, security, and custodial work;

28 (2) Administer personnel programs including selection and
29 placement, development, performance evaluation, employee
30 relations, and welfare;

(3) Supervise and control the operational activities of the Assistant Secretaries heading each of the following units:

(i) Financial Management and Internal Audit;

(ii) Human Resources, Regional Operations, Assets Management, and Records and Archives; and

(iii) Legal Department and Bids and Awards Committee.

(4) Manage internal budgetary and financial matters, including an internal accounting and auditing system, and data banking; and

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

(B) Office of the Undersecretary for Land-based Foreign Employment

The Office of the Undersecretary for Land-based Foreign Employment shall subsume the related 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 overall long-term and short-term plans and programs on land-based overseas employment;

(2) Review and evaluate the progress or status of projects and accomplishments in relation to set standards, objectives, and schedules;

(3) Supervise and control operational activities of one (1) Assistant Secretary; and

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

(C) Office of the Undersecretary for Sea-based Foreign Employment

The Office of the Undersecretary for Sea-based Foreign Employment shall subsume the related 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 overall long-term and short-term plans and programs on sea-based overseas employment;

(2) Review and evaluate the progress or status of projects and accomplishments in relation to set standards, objectives, and schedules;

(3) Supervise and control operational activities of one (1) Assistant Secretary; and

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

(D) Office of the Undersecretary for Diaspora Engagements and Special Concerns

The Office of the Undersecretary for Diaspora Engagements and Special Concern shall subsume all the related functions and mandate of the Commission on Filipinos Overseas. It shall exercise the following functions:

(1) Formulate and implement an integrated program for the promotion of the welfare of FOs, and the provision of pre-departure orientation seminars and counseling services to emigrants, marriage migrants, *au pairs*, and exchange visitor program participants;

(2) Implement programs and services to adequately prepare Filipinos migrating to other countries to meet the practical and psychological problems attendant to international migration;

(3) Act as the Department's advocacy arm and shall execute programs and services to raise public awareness on the dangers and indicators of illegal recruitment, human trafficking, mail-order-spouse schemes, and access to the different government policies and programs in place that aim to address these concerns;

(4) Serve as a forum for preserving and enhancing the social, economic, and cultural ties of FOs with their motherland;

(5) Provide liaison services to FOs with appropriate government and private agencies in the transaction of business and similar ventures in the Philippines;

(6) Exercise control and supervision over one (1) Assistant Secretary heading the Special Concerns Unit; and

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

(E) Office of the Undersecretary for Assistance to Filipinos overseas in Distress

The Office of the Undersecretary for Assistance to Filipinos Overseas in Distress shall subsume all the functions of the Office of the Undersecretary for Migrant Workers' Affairs of the DFA and the Social Welfare Attachés Office (SWATO) under the Department of Social Welfare and Development (DSWD), now operating as the International Social Services Office (ISSO). It shall exercise the following functions:

(1) Provide prompt and appropriate response to global emergencies or crisis situations affecting FOs, particularly OFWs, and members of their families left behind;

(2) Undertake all repatriation activities, in coordination with the DFA, Philippine Foreign Service Posts, and other government agencies, in cases of war, epidemic, disasters or calamities, whether natural or man-made, amnesties, emergencies, abuse, and other

similar events without prejudice to reimbursement by the responsible principal employer or recruitment or manning agency;

(3) Enforce the ATN Fund guidelines, procedures, and criteria for the utilization of the said fund as provided for in Section 17 of this Act;

(4) Administer the ATN Fund and to authorize disbursements therefrom in accordance with the purpose for which the fund was set up;

(5) Ensure effective coordination and cooperation with other government agencies and Philippine Foreign Service Posts in the provision of legal assistance and ATN services utilizing the ATN Fund;

(6) Tap the assistance of the Integrated Bar of the Philippines, other bar associations, legal experts on labor, migration, and human rights laws, reputable law firms, and civil society organizations, to complement government services and resources to provide legal and other forms of assistance to FOs in distress and OFWs;

(7) Establish a 24/7 Emergency Response and Action Center Unit and media and social media monitoring center to respond to the emergency needs of FOs and their families;

(8) Exercise control and supervision over the Assistant Secretaries heading the following units:

(i) Operations; and

(ii) Public Assistance Center;

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

(F) Office of the Undersecretary for Policy, Treaties, and International Agreements

The Office of the Undersecretary for Policy, Treaties, and International Agreements shall subsume all the substantive functions of the International Labor Affairs Bureau (ILAB) under the DOLE. It shall exercise the following functions:

(1) Monitor the observance and implementation of the Philippines' obligations and commitments to migration related international organizations and treaties;

(2) Coordinate with the DFA regarding the negotiations of treaties, agreements, compacts, and other instruments that are related to labor migration;

(3) Manage and administer the ATN Career Corps as created by Section 13 of this Act in coordination with the DFA;

(4) Exercise control and supervision over one (1) Assistant Secretary heading the ATN Career Corps Unit; and

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

SEC. 9. *Qualifications.* — No person shall be appointed as Secretary, Undersecretary, or Assistant Secretary of the Department unless a natural born citizen and resident of the Philippines, of good moral character, of proven integrity and competence in public administration, and expertise preferably in migration governance affecting FOs, particularly OFWs.

No person involved in the business of recruitment of OFWs, shall be appointed as Secretary, Undersecretary, or Assistant Secretary of the Department with relatives up to the fourth civil degree of consanguinity or affinity. Likewise, it shall be unlawful for any official or employee of the Department or other government agencies involved in the implementation of this Act, or their relatives within the fourth civil degree of consanguinity or affinity, to engage, directly or indirectly, in the business of recruiting OFWs,

as defined in this Act. The penalties in Republic Act No. 8042, as amended by Republic Act No. 10022, shall be imposed upon them.

SEC. 10. *Regional Offices.* — The Department shall establish, operate, and maintain a regional office, as far as practicable, in each of the administrative regions of the country and in such other lower level offices as may be deemed necessary by the Secretary. All regional offices of the POEA shall become the regional offices of the Department.

SEC. 11. *Structure and Staffing Pattern.* — The Department shall determine its organizational structure and create new divisions or units as it may deem necessary at the national, regional, provincial, and in such other lower levels, and shall appoint officers and employees of the Department in accordance with Civil Service laws, rules and regulations. Republic Act No. 6656, or the Government Reorganization Law shall govern the organization of the Department, and the reorganization of affected agencies.

Sixty (60) days from the approval of this Act, the Department shall present its new staffing pattern to the Department of Budget and Management and the Civil Service Commission for approval. This new staffing pattern shall be implemented effective immediately upon approval but not later than the holdover period of all the subsumed agencies of the Department.

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, the 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 Sectoral and Industry Task Forces.

SEC. 13. *ATN Career Officers Corps.* – The Department shall immediately establish the Assistance-to-Nationals Career Officer Corps similar to the Foreign Service Corps and the Foreign Trade Representative Corps. The hiring and selection, continuous training and education, merit promotion system, and rotation system for deployment and recall shall also be established by the Department, in accordance with existing civil service rules and regulations.

(a) The deployment and performance of the ATN Career Officer Corps member at any Philippine Foreign Service Post shall be governed by the Philippine Foreign Service Act of 1991 and the Vienna Convention on Consular Relations and are also subject to the rules and regulations imposed by the receiving State;

(b) The ATN unit of the Philippine Foreign Service Post shall be the foreign office of the Department in all Posts. The ATN unit shall absorb all the powers and functions of the Philippine Overseas Labor Offices (POLO) and social welfare services in all Philippine embassies and consulates. Until an ATN Head with a rank of Consul has been appointed by the Secretary of the Department, the ATN Foreign Service Officer of Post shall be the head of the ATN unit.

(c) All regional offices of the OWWA shall be located beside the regional office of the Department for foreign posts. The OWWA shall be under the ATN to consolidate the migration team of the Foreign Service and will be under supervision of the ATN Head.

SEC. 14. *One Country-Team Approach.* – Under the one country-team approach, all officers, representatives and personnel of the Philippine government posted abroad regardless of their

mother agencies shall, on a per country basis, act as one country-team with a mission under the leadership of the Ambassador or the Consul General. In this regard, the Ambassador or the Consul General acting as Head of Post, may recommend to the Secretary, in coordination with the Secretary of the DFA, the recall of officers, representatives, and personnel of the Philippine government posted abroad for acts inimical to the national interest such as the failure to provide the necessary services to protect the rights of FOs, particularly OFWs.

SEC. 15. *Management Information System.* – The Department shall establish, in cooperation with other government agencies concerned, a computer-based management information system on FOs, particularly on OFWs, to support its operations and as well as to have a source of relevant data for programs and policy formulation. Each office of the Department may likewise create and maintain its own relevant database, as it deems necessary: *Provided*, That these are integrated into the Department's main management information system.

SEC. 16. *Transfer of Agencies and Functions.* – The following agencies and their functions are hereby specifically transferred and their powers and functions subsumed to the Department which shall assume and perform all their powers and functions:

(a) The Office of the Undersecretary for Migrant Workers' Affairs (OUMWA) of the DFA as provided for under Republic Act No. 8042, as amended, to include all present and previous units in the DFA performing functions mandated by the said law;

(b) The Commission on Filipinos Overseas (CFO);

(c) All Philippine Overseas Labor Offices (POLO) under the DOLE;

(d) The International Labor Affairs Bureau (ILAB) under the DOLE;

(e) The Philippine Overseas Employment Administration (POEA); and

(f) The Social Welfare Attachés Office (SWATO) under the DSWD, now operating as the International Social Services Office (ISSO).

SEC. 17. *Assistance to Nationals Fund.* – The Legal Assistance Fund under Section 25 of Republic Act No. 8042, as amended, as well as the ATN Fund now administered by the DFA are transferred to the Department. In their stead, an ATN Fund for FOs in distress, especially OFWs, in the amount of Five billion pesos (P5,000,000,000.00) is hereby created, to be administered and maintained by the Department. In addition to those guidelines provided for under existing laws, and in accordance with guidelines to be formulated by the Department, the ATN Fund shall be used for the provision of ATN Services as defined in Section 3(a) of this Act. Repatriation, medical and hospitalization expenses, legal retainers and lawyers' fees, other legal fees and costs, and other needs of FOs especially OFWs, facing legal cases and/or detention and other forms of emergencies where such costs and fees are currently not covered by existing funds and sources.

The ATN Fund guidelines shall be issued by the Secretary in consultation with the Undersecretary for Assistance to Filipinos Overseas in Distress and the OWWA Administrator.

SEC. 18. *Use of the Documentary Stamp Tax.* – To ensure the efficient and effective operation of the Department, its budget, as allocated annually by Congress shall be augmented by the proceeds from the documentary stamp tax (DST) accruing from the unavailed exemption on dollar remittances of FOs.

SEC. 19. *Attachment of the OWWA.* – The Department shall exercise administrative supervision over the OWWA created under Republic Act No. 10801 as an attached agency for purposes of policy and program coordination, monitoring and evaluation. The OWWA shall continue to function in accordance with its charter.

The OWWA shall perform the following functions:

(a) Develop an effective reintegration program for returning OFWs and their families which will include among others, projects for livelihood, entrepreneurship, savings, investment, and financial literacy, in coordination with relevant stakeholders, service providers, and local and international organizations;

(b) 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 OFWs;

(c) Provide a periodic study and assessment of job opportunities for returning OFWs;

(d) Develop and implement other appropriate programs to promote the welfare of returning OFWs and their families;

(e) Maintain an internet-based communication system for online registration of returning FOs, particularly OFWs, and interaction with clients;

(f) Develop capacity building programs for returning OFWs and their families, implementers, service providers and stakeholders;

(g) Conduct research for policy recommendations and program development;

(h) Administer the distribution of the End-of-Service Benefits of qualified workers;

1 (i) Conduct the pre-departure Orientation Seminar for all
2 OFWs;

3 (j) Plan and execute a robust expansion of skills development
4 and enhancement programs of the concerned agencies and facilitate
5 access of OFWs to these programs through scholarships and/or
6 training subsidies or grants; and

7 (k) Undertake other programs and activities as may be
8 determined by the Department, or as directed by the Secretary.

9 Two (2) years after the effectivity of this Act, the Department
10 shall conduct a review of the administration, operations and
11 functions of the OWWA as an attached agency of the Department.
12 From its evaluation, the Department may propose the necessary
13 changes to fulfill its mandate and the objectives of this Act.

14 SEC. 20. *Reorganization and Other Transitory Provisions.* --
15 In the transfer of functions of affected agencies under this Act, the
16 following rules shall apply:

17 (a) Any transfer of entities shall include the functions,
18 appropriations, funds, records, equipment, facilities, other
19 properties, assets, and liabilities of the transferred entity as well as
20 the personnel thereof as may be necessary, who shall, in a holdover
21 capacity, continue to perform their respective duties and
22 responsibilities and receive the corresponding salaries and benefits,
23 unless in the meantime they are separated from government service
24 pursuant to existing laws. Those personnel from the transferred
25 entity whose positions are not included in the new position
26 structure and staffing pattern approved by the Secretary or who are
27 not reappointed shall be entitled to the benefits provided in the
28 second paragraph of Section 21 hereof;

29 (b) Any transfer of functions which results in the subsuming
30 of the entity that has exercised such transferred functions shall

1 include, as may be necessary to the proper discharge of the
2 transferred functions, the appropriations, funds, records,
3 equipment, facilities, other assets, and personnel of the entity from
4 which such functions have been transferred. The remaining
5 appropriations and funds shall revert to the General Fund and the
6 remaining records, equipment, facilities, and other assets shall be
7 allocated to such appropriate units as the Secretary shall
8 determine, or otherwise shall be disposed of, in accordance with
9 pertinent laws, rules and regulations. The liabilities, if any, of the
10 subsumed entity shall be treated likewise in accordance with
11 pertinent laws, rules and regulations. Incumbents of the subsumed
12 entity shall, in a holdover capacity, continue to perform their
13 respective duties and responsibilities and receive the corresponding
14 salaries and benefits unless in the meantime they are separated
15 from government service, pursuant to existing laws. Any such
16 personnel whose position is not included in the new position
17 structure and staffing pattern approved by the Secretary or who is
18 not reappointed shall be entitled to the benefits provided in Section
19 21 hereof; and

20 (c) Any transfer of functions which does not result in the
21 subsuming of the entity that has exercised such transferred
22 functions shall include the appropriations, funds, records,
23 equipment, facilities, other assets as well as the personnel of the
24 entity from which such functions have been transferred that are
25 necessary to the proper discharge of such transferred functions.
26 The liabilities, if any, which have been incurred in connection with
27 the discharge of the transferred functions, shall be allocated in
28 accordance with pertinent laws, rules and regulations. Such
29 personnel shall, in a holdover capacity, continue to perform their
30 respective duties and responsibilities and receive the corresponding

1 salaries and benefits unless in the meantime they are separated
2 from government service pursuant to existing laws. Any such
3 personnel whose position is not included in the new position
4 structure and staffing pattern approved by the Secretary or who is
5 not reappointed shall be entitled to the benefits under applicable
6 laws, rules and regulations.

7 SEC. 21. *Absorption, Separation and Retirement from Service.*

8 – The existing employees of the transferred and subsumed agencies
9 under this Act shall enjoy security of tenure and shall be absorbed
10 by the Department, in accordance with their staffing patterns and
11 the selection process as prescribed under Republic Act. No. 6656 or
12 the Government Reorganization Law.

13 Employees who are affected by the creation of the Department
14 and are separated from service within six (6) months from the
15 effectivity of this Act as a result of the organization and
16 reorganization under this Act, shall receive separation benefits
17 under Republic Act No. 6656, or the Government Reorganization
18 Law, and other applicable laws, rules and regulations: *Provided,*
19 That those who are qualified to retire and receive retirement
20 benefits under existing retirement laws shall be allowed to retire.

21 Detailed, transferred, or seconded career personnel to the
22 Department from transferred or subsumed entities or any
23 government entity shall neither lose seniority in rank or status, nor
24 suffer any diminution of their salaries, allowances, other privileges,
25 and entitlements.

26 SEC. 22. *Transition Period.* – The transfer of functions,
27 assets, funds, equipment, properties, transactions, and personnel of
28 the affected agencies, and the formulation of the internal organic
29 structure, staffing pattern, operating system, and revised budget of
30 the Department, shall be completed within six (6) months from the

1 effectivity of this Act: *Provided,* That within this period, the
2 existing personnel of all subsumed entities shall continue to
3 assume their posts on holdover capacities until new appointments
4 or a new staffing pattern shall have been issued: *Provided, further,*
5 That after the organization and rationalization process, the
6 Department, in coordination with the DBM, shall determine and
7 create new positions, the funding requirements of which shall not
8 exceed the equivalent cost of the positions subsumed.

9 SEC. 23. *Congressional Oversight Committee.* – There shall
10 be created a Congressional Oversight Committee on Filipinos
11 Overseas to monitor and oversee the implementation of the
12 provisions of this Act. The Committee shall be composed of six (6)
13 members from the Senate and six (6) members from the House of
14 Representatives with the Chairpersons of the Committees on
15 Government Reorganization and Overseas Workers Affairs of the
16 House of Representatives and Committee on Labor, Employment
17 and Human Resources Development of the Senate as
18 Cochairpersons of this Committee. The other members from each
19 Chamber are to be designated by the Senate President and the
20 Speaker of the House of Representatives, respectively. The
21 minority shall be entitled to *pro rata* representation but shall have
22 at least two (2) representatives from each Chamber.

23 SEC. 24. *Appropriations.* – The amount needed for the
24 initial implementation of this Act shall be taken from the current
25 year's appropriations of the agencies, entities, divisions, sections or
26 bodies subsumed or transferred to the Department by virtue of this
27 Act. Thereafter, such sums, as may be necessary for its continued
28 implementation, shall be included in the annual General
29 Appropriations Act.

1 SEC. 25. *Mandatory Review.* –

2 (a) Ten (10) years after the effectivity of this Act, or as the
3 need arises, the Congressional Oversight Committee shall conduct a
4 systematic evaluation of the accomplishments and impact of this
5 Act, as well as the performance and organizational structure of its
6 implementing agencies, for purposes of determining remedial
7 legislation.

8 (b) Ten (10) years from the creation of this Department, the
9 Congressional Oversight Committee may choose to abolish the
10 Department should circumstances prove that there is no more need
11 for its existence. The relevance and practicality of maintaining the
12 Department shall be reviewed every five (5) years after the ten (10)
13 year mandatory review.

14 SEC. 26. *Implementing Rules and Regulations (IRR).* – The
15 Department of Filipinos Overseas and Foreign Employment, the
16 Department of Finance, DFA, Department of Budget Management,
17 DOLE, CSC, National Economic and Development Authority,
18 Philippine Statistics Authority, and the Office of the Presidential
19 Adviser on OFWs (OPA-OFW) shall, within sixty (60) days after the
20 effectivity of this Act, promulgate such rules and regulations
21 necessary to implement this Act.

22 The Secretary of the Department shall chair the committee
23 that shall establish and promulgate the IRR.

24 SEC. 27. *Separability Clause.* – Should any provision of this
25 Act or part thereof be declared unconstitutional, the other
26 provisions or parts not affected thereby shall remain valid and
27 effective.

28 SEC. 28. *Repealing Clause.* – All other laws, decrees, orders,
29 rules and regulations or parts thereof inconsistent with this Act are
30 hereby repealed or modified accordingly.

1 SEC. 29. *Effectivity.* – This Act shall take effect fifteen (15)
2 days after its complete publication in at least two (2) newspapers of
3 general circulation.

 Approved,

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