

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session
2982

HOUSE BILL NO. _____



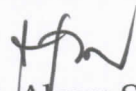
Introduced by Representative ALYSSA SHEENA TAN

EXPLANATORY NOTE

The Overseas Filipino Workers are considered as our modern day heroes. Their hard work and sacrifices benefit not only their families but the entire nation as well. The total number of OFWs is estimated at 2.3 million based on latest information revealed by the Philippine Statistics Authority. Remittances and investments made by the OFWs significantly contribute to the national economy. According to Bangko Central ng Pilipinas, personal remittances of OFWs rose to \$2.9 billion in May 2019 which is 5.5% higher than the \$2.7 billion in the same month last year. The presence of OFWs abroad establishes the competence of Filipinos and raises awareness about Filipino talent and skills in different countries. More than half of the female OFWs are in elementary occupations while the largest group among male OFWs involve plant and machine operators and assembler workers. In addition, their active role in promoting our culture all over the world cannot be denied. Top destinations include United Arab Emirates, Hong Kong, Kuwait, Taiwan and Qatar. Hence, there is a great need to establish the Department of OFWs in order to streamline the well-deserved services that can be catered to our Filipino workers worldwide.

In line with the President's recent State of the Nation Address, the furtherance of the government's care and service program shall be prioritized especially to Filipinos who seek for employment opportunities in foreign lands. The bill seeks to unify government agencies that attend to the dealings of the OFWs and upgrade the services currently available to further enhance the well-being and protection of their rights. The Philippine government's effort to safeguard the interests of OFWs is constant but apparently not enough. The existing statutes concerning Filipinos employed overseas require to be strengthened as numerous OFWs still continue to suffer through illegal recruitment, unjust working conditions and delayed repatriation. It is high time to create a department dedicated solely to our OFWs as the government's initiative to express appreciation to the countless "bagong bayani" of our nation.

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


Atty. Alyssa Sheena Tan
Representative, 4th District of Isabela

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10 **Introduced by Representative ALYSSA SHEENA TAN**

11
12 **AN ACT**
13 **CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS,**
14 **DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS**
15 **THEREFOR, AND FOR OTHER PURPOSES**

16
17 *Be it enacted by the Senate and House of Representatives of the Philippines in*
18 *Congress assembled:*

19
20 **SECTION 1. *Short Title.*** This Act shall be known as the “Department of OFW Act of
21 2019.”

22
23 **SECTION 2. *Declaration of Policies.*** The State shall afford full protection to the rights
24 of Overseas Filipino Workers (OFWs) and promote their welfare and well-being at
25 all times. It shall continuously monitor international conventions and adopt or be a
26 signatory to, and ratify those that guarantee protection to OFWs. Bilateral
27 agreements with countries hosting OFWs shall be endeavored by the State for their
28 protection.

29
30 Full employment, and equal work opportunities regardless of sex, gender,
31 race, creed, or religion shall be insured by the State, applying context-sensitive
32 criteria in the formulation and implementation of policies and programs affecting
33 migrant workers and the composition of bodies tasked for the welfare of migrant
34 workers.

35
36 The State shall also regulate relations between OFWs and their employers. It
37 shall secure for overseas workers the best possible terms and conditions of
38 employment. The right of workers to security of tenure, and just and humane
39 conditions of work shall be protected by the State

40
41 **SECTION 3. *Definition of Terms.*** The following terms, as used in this Act, shall
42 mean:

- 43 (a) Irregular/Undocumented Filipino Migrant Workers refers to the
44 following:

- 45 1.) Those who acquired their passports through fraud or
46 misrepresentation;
47 2.) Those who possess expired visas or permits to stay;
48 3.) Those who have no travel documents whatsoever;
49 4.) Those who have valid but inappropriate visas; or
50 5.) Those whose employment contracts were not approved by the
51 Department.
- 52 (b) Overseas employment refers to employment of a worker outside the
53 Philippines;
54 (c) Overseas Filipinos refers to migrant workers, other Filipino nationals,
55 and their dependents abroad, including Filipinos who are permanent
56 residents abroad;
57 (d) Overseas Filipino Worker or Migrant Worker refers to a Filipino who
58 is to be engaged, is engaged, or has been engaged in remunerated
59 activity in a state of which he or she is not a citizen, or on board a
60 vessel navigating the foreign seas other than a government ship used
61 for military or non-commercial purposes, or on an installation located
62 offshore or on the high seas. A "person to be engaged in a
63 remunerated activity" refers to an applicant worker who has been
64 promised or assured employment overseas;
65 (e) Overseas Filipino Worker in Distress refers to an Overseas Filipino
66 Worker who has a medical, psycho-social or legal assistance problem
67 requiring treatment, hospitalization, counselling, legal representation,
68 or any kind of intervention with the authorities in the country where
69 he or she is found;
70 (f) Private Recruitment/Employment Agency refers to any person,
71 partnership or corporation duly licensed by the Secretary to engage in
72 the recruitment and placement of workers for overseas employment
73 for a fee which is charged, directly or indirectly, from the workers
74 who renewed their employment contracts with the same principal;
75 (g) Regular/Documented Overseas Filipino Workers refers to the
76 following:
77 (1) Those who possess valid passports and appropriate visas or
78 permits to stay and work in the receiving country; and
79 (2) Those whose contracts of employment have been approved by
80 the Department; and
81 (h) Seafarer refers to any person who is employed or engaged in overseas
82 employment in any capacity on board a ship other than a government
83 ship used for military or non-commercial purposes. The definition
84 shall include fisher folk, cruise ship personnel, and those serving on
85 mobile offshore and drilling units in the high seas.
86

87 **SECTION 4.** *The Department of Overseas Filipino Workers.* The Department of
88 Overseas Filipino Workers, hereinafter referred to as "the Department," is hereby
89 created to serve as the primary agency under the Executive Branch tasked to
90 promote the welfare of overseas Filipinos; formulate, plan, coordinate, promote,

administer, implement policies, and undertake a systematic national development program for managing and monitoring the overseas/foreign employment of Filipino workers, including seafarers, domestic helpers, 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 be composed of specialized Bureaus, each headed by an Undersecretary and assisted by other officers and staff, and regional offices.

SECTION 5. *Qualification of the Secretary and Undersecretaries.* The Secretary of Overseas Filipino Workers shall be a member of the Philippine Bar and must have been engaged in the practice of law in the Philippines for at least fifteen (15) years, with at least five (5) years experience or exposure in the field of labor-management relations. The Undersecretaries of the Department shall likewise be members of the Philippine Bar and must have been engaged in the practice of law in the Philippines for at least ten (10) years, with at least five (5) years experience or exposure in the field of labor-management relations.

The Secretary and Undersecretaries of the Department shall hold office during good behavior until they reach the age of sixty-five (65) years, unless sooner removed for cause as provided by law or become incapacitated to discharge the duties of their office: *Provided*, that the President of the Republic of the Philippines may extend the services of the Secretary and Undersecretaries up to the maximum age of seventy (70) years.

The Secretary of the Department shall be appointed by the President. The Undersecretaries shall also be appointed by the President, upon the recommendation of the Secretary, and shall be subject to the Civil Service Law, rules and regulations. The Secretary of the Department shall appoint the staff and employees of the Department and its regional branches as the needs of the service may require, subject to the Civil Service Law, rules and regulations, and upgrade their current salaries, benefits and other emoluments in accordance with law.

SECTION 6. *Powers of the Secretary of Overseas Filipino Workers.* 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 Filipino Workers, 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 all bureaus, offices, agencies and corporations under the Department as provided by law, and in accordance with the applicable relationships as specified in Chapters 7, 8, and 9 of Book IV 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) Evaluate the policy, plans, programs and project accomplishments of the Department;
- (j) Prepare annual reports of its activities and achievements to 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;
- (l) Exercise disciplinary powers over the Department staff; and
- (m) Exercise such other powers and functions as may be provided by law or assigned by the President.

SECTION 7. *Department Composition.* The following Bureaus within the Department are hereby created, and shall perform the respective functions:

- (a) The Policy Planning, Research, and Legal Affairs Bureau which shall:
 - 1.) 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;
 - 2.) 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;
 - 3.) 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;
 - 4.) Formulate general guidelines concerning wage and income policy subject to the limitations imposed by the laws of the foreign countries;
 - 5.) 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

- 183 organizations, and other international and regional
184 organizations, fora, and processes, in coordination with the
185 Department of Labor and Employment (DOLE) and the
186 Department of Foreign Affairs (DFA);
- 187 6.) Undertake research necessary in preparation and evaluation of
188 policy reports, treaties, and multilateral and bilateral agreements;
 - 189 7.) Assist and draft policies in line with the functions of the Office of
190 the Secretary and the Department;
 - 191 8.) Ensure that development policies are in line with the national
192 development;
 - 193 9.) Analyze data in order to make informed decisions and to guide
194 policy intervention with regard to migration and foreign
195 employment;
 - 196 10.) Ensure collection of accurate and quality statistics to conduct
197 analysis of the changes in the labor and foreign market;
 - 198 11.) Advise and assist the Secretary and the Undersecretaries in the
199 formulation of the Department's overall long-range and short-
200 term plans and programs on overseas employment, with special
201 focus on the government's compliance with international labor
202 agreements; and
 - 203 12.) Review and evaluate the progress/status of projects and
204 accomplishments in relation to set standards, objectives, and
205 schedules.

206
207 (b) The Foreign Employment Bureau which shall:

- 208 1.) Protect and promote the interest of every citizen desiring to work
209 overseas by securing for him/her the most equitable terms and
210 conditions of employment, and by providing social and welfare
211 services;
- 212 2.) Build a strong and harmonious partnership with foreign countries
213 and the private sectors to formulate strategies and implement the
214 same;
- 215 3.) Represent Philippine interests and negotiate on matters pertaining
216 to overseas Filipinos and migrant workers in international
217 bodies, in coordination with the Department of Foreign Affairs
218 and the Department of Labor and Employment;
- 219 4.) Monitor the observance and implementation of the Philippines'
220 obligations and commitments to international organizations and
221 treaties;
- 222 5.) Supervise and monitor the activities of the Philippine Overseas
223 Labor Offices; and
- 224 6.) Coordinate with the Department of Foreign Affairs regarding
225 treaties, agreements, compacts, and other instruments that are
226 related to labor migration.

227
228 (c) The Overseas Filipino Workers Administrative Bureau which shall:

- 1.) 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;
- 2.) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities; and
- 3.) 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.

(d) The Human Resource Development Bureau which shall:

- 1.) 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;
- 2.) Develop and administer personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare;
- 3.) Provide social and welfare services to OFWs, including insurance, social work assistance, cultural services, and remittance services;
- 4.) 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;
- 5.) 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;
- 6.) Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country; and
- 7.) 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.

(e) The Financial Management Bureau which shall:

- 1.) Provide the Department with efficient, effective, and economical services relating to budgetary, financial, management

- 275 improvement, and internal control matters;
- 276 2.) Coordinate and support the generation and build-up of resources
277 or funds for the use of Overseas Filipinos and Migrant Workers;
- 278 3.) Assist the Secretary in the management and use of the Overseas
279 Filipinos Assistance Fund; and
- 280 4.) Develop support programs and projects for livelihood,
281 entrepreneurship, savings, investment and financial literacy for
282 returning Filipino overseas migrant workers and their families, in
283 coordination with relevant stakeholders, service providers and
284 international organizations.
- 285
- 286 (f) The Information and Publication Bureau which shall:
- 287 1.) Promote rapport and understanding between the Department and
288 the public through the development of public relations programs;
- 289 2.) Disseminate accurate and updated information on foreign labor
290 and employment, by means of publication, radio, television, and
291 social media coverage of special events and related matters on the
292 Department's policies, plans, programs, and projects;
- 293 3.) Provide answers to queries from the public regarding the
294 Department's policies, rules, regulations, programs, activities, and
295 services;
- 296 4.) Promote knowledge, information and resource sharing, and
297 develop a database system complete with information on the
298 status and location of Overseas Filipinos and Migrant Workers
299 anywhere in the world;
- 300 5.) Institute, in cooperation with other government agencies
301 concerned, a computer-based information system on returning
302 Filipino overseas migrant workers which shall be accessible to all
303 local recruitment agencies and employers, both public and
304 private; and
- 305 6.) Provide a periodic study and assessment of job opportunities
306 returning Filipino overseas migrant worker.
- 307
- 308 (g) The Assistance to Overseas Filipinos in Distress Bureau which shall:
- 309 1.) Provide prompt and appropriate response to global emergencies
310 or crisis situations affecting OFWs and their families;
- 311 2.) Recommend to the Secretary the grant of the use of Overseas
312 Filipinos Assistance Fund;
- 313 3.) Undertake all repatriation activities, in coordination with the
314 Office of the Undersecretary for Foreign Employment, Office of
315 the Undersecretary for Reintegration and Social Services, and
316 other government agencies, in cases of war, epidemic, disasters or
317 calamities, natural or man-made, and other similar events without
318 prejudice to reimbursement by the responsible principal or
319 agency;
- 320 4.) Draft the guidelines, procedures and criteria for the provisions of

- 321 Overseas Filipinos Assistance Fund to Overseas Filipino and
322 Migrant Workers;
- 323 5.) Ensure effective coordination and cooperation with other agencies
324 and the Foreign Service Posts in the provision of assistance from
325 the Overseas Filipinos Assistance Fund to Overseas Filipino and
326 Migrant Workers;
- 327 6.) Tap the assistance of the Integrated Bar of the Philippines (IBP),
328 other bar associations, legal experts on labor, migration and
329 human rights laws, reputable law firms, and other civil society
330 organizations, to complement government services and resources
331 to provide legal assistance to migrant workers in distress; and
- 332 7.) Assist and provide timely assistance to overseas Filipinos and
333 migrant workers in distress and, for this purpose, tap the services
334 of local and foreign-based personnel, lawyers, labor experts,
335 security providers and other professionals.
336

337 **SECTION 8. *Regional Offices.*** The Department is hereby authorized to establish,
338 operate, and maintain such Department-wide Regional Offices in each of the
339 administrative regions of the country, insofar as necessary, which shall be headed by
340 a Regional Director who shall have supervision and control thereof. The Regional
341 Director, whenever necessary, shall be assisted by an Assistant Regional Director. A
342 Regional Office shall have, within its regional area, the following functions:
343

- 344 (a) Implement laws, policies, plans, programs projects, rules and
345 regulations of the Department;
- 346 (b) Function as a one-stop shop to provide economical, efficient and
347 effective service to the OFWs and their families such as acquisition of
348 government permits, validation of overseas job offers, grievance and
349 complaints desks and reintegration services;
- 350 (c) Coordinate with local government units, regional offices of other
351 departments and agencies;
- 352 (d) Disseminate information for the awareness on the conditions of
353 overseas employment; and
- 354 (e) Perform such other functions as may be provided by law or assigned
355 by the Department.
356

357 **SECTION 9. *Sectoral and Industry Task Forces.*** The Department may create sectoral
358 and industry task forces, technical working groups, advisory bodies or committees
359 for the furtherance of its objectives. Additional private sector representatives, such
360 as from the OFWs, academe and private industries directly involved in deployment
361 of OFWs, as well as other national government agencies, local government units,
362 and government-owned and controlled corporations, may be appointed to these
363 working groups.
364

365 **SECTION 10. *Establishment of OFW Centers.*** The Migrant Workers and other
366 Overseas Filipinos Resource Center shall be transformed into the OFW Center

established initially in countries where there are large concentration 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.

If 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.

SECTION 11. *Functions of OFW Centers.* 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.

SECTION 12. *OFW Center Personnel.* Each OFW Center shall be staffed by the following:

- (a) Foreign Service personnel;
- (b) A Labor Attache who shall undertake its current functions under Republic Act 8042, as amended and shall be the representative of the Department on-site;
- (c) A Police Attache who shall establish and maintain liaison with principal law enforcement and security services in destination countries, and shall be appointed by the Chief of the Philippine National Police;
- (d) A Justice Attache who shall render assistance to address legal needs of Overseas Filipinos and assist the Labor Attache in matters relating to

- 413 Overseas Filipinos in distress, and shall be appointed by the Secretary
414 of the Department of Justice; and
415 (e) Other service attaches or officers who represent Philippine government
416 agencies abroad. The following personnel shall assist the attaches and
417 be assigned to the Center:
418 1.) Psychologists, Social Workers, and a Shari'a or Human Rights
419 Lawyers;
420 2.) Individual volunteers and representatives from bona fide non-
421 government organizations from the receiving countries, if
422 available and necessary as determined by the Labor Attache in
423 consultation with the Chief of Mission;
424 3.) Public Relations Officer or Case Officer conversant, orally and in
425 writing, with the local language, laws, customs and practices; and
426 4.) Legal Officers and such other professionals deemed necessary by
427 the Secretary.
428

429 **SECTION 13. *Round-the-Clock Operations.*** The OFW Center shall operate on a 24-
430 hour basis including Saturdays, Sundays and holidays. A counterpart 24-hour
431 Information and Assistance Center to ensure a continuous network and coordinative
432 mechanism shall be established at the Department.
433

434 **SECTION 14. *OFW Center Budget.*** The establishment, yearly maintenance and
435 operating costs of the OFW Centers, including the costs of services and programs not
436 specially funded under the Act, shall be sourced from the General Appropriations
437 Act (GAA) and shall be included in the annual budget of the Department. The
438 salaries and allowances of overseas personnel shall be sourced from the respective
439 agencies' budgets.
440

441 **SECTION 15. *Transfer of Bureaus, Offices, and Agencies.*** The following agencies are
442 hereby abolished, and their powers and functions under Republic Act 8042, as
443 amended by Republic Act 10022, and other applicable laws, and the funds and
444 appropriations, records, equipment, property, and personnel are likewise
445 transferred to this Department:

- 446 (a) Overseas Workers Welfare Administration (OWWA);
447 (b) Philippine Overseas Employment Administration (POEA);
448 (c) Commission on Filipino Overseas (CFO);
449 (d) International Labor Affairs Bureau of the Department of Labor and
450 Employment (DOLE); and
451 (e) National Reintegration Center for OFWs (NRCO)
452

453 The powers and functions of the Office of the Undersecretary for Migrant
454 Workers Affairs under the Department of Foreign Affairs and all Philippine
455 Overseas Labor Offices and their officials under the DOLE are hereby transferred to
456 this Department.
457

458 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: *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 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.

SECTION 16. *New Structure and Pattern.* Upon the approval of this Act, the relevant officers and employees of the transferred entities under Section 15 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 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.

SECTION 17. *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 16 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.

SECTION 18. *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 Section 17 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 Section 17 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 Section 17 hereof.

SECTION 19. Jurisdiction. Upon establishment of the Department, 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.

SECTION 20. *Overseas Filipinos Assistance Fund.* The Legal Assistance Funds 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.

SECTION 21. *Appropriations.* The amount of One Billion Pesos (P1,000,000,000.00) 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.

SECTION 22. *Implementing Rules and Regulations.* The DFA, DOLE, DBM, POEA, OWWA, CFO, NCRO 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.

SECTION 23. *Implementing Authority of the Secretary.* The Secretary shall issue such rules, regulations, and other issuances as may be necessary to ensure the effective implementation of the provisions of this Act.

SECTION 24. *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.

SECTION 25. *Repealing Clause.* All laws, ordinances, rules, regulations, other

597 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed
598 or modified accordingly. This Act does not repeal any benefits already provided and
599 accorded to Overseas Filipinos and Migrant Workers in other laws, ordinances,
600 rules, regulations and other issuances.

601

602 **SECTION 26. Effectivity.** This Act shall take effect fifteen (15) days after its
603 publication in the Official Gazette or in a newspaper of general circulation.

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605 *Approved,*