

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5256



Introduced by
Rep. RAYMOND DEMOCRITO C. MENDOZA
TUCP Partylist

EXPLANATORY NOTE

The social cost of overseas employment is enormous. We are constantly bombarded by its perils with continuing reports of abuses, brutality, hardships, and deaths of Overseas Filipino Workers (OFWs), and various forms of victimization while slaving in a foreign land. At home, we have seen the disintegration of families and the effect on children of growing up with the love, care, and presence of one or both parents being substituted by material things. Brain drain and skills drain, as recently felt in the implementation of Build, Build, Build, cannot be overemphasized.

The close to \$30 billion US dollars remittances that the estimated 2.3 million OFWs and about 100,000 more Filipinos abroad pump yearly into the economy cannot compensate for the social cost. Hence, State policy on overseas employment has evolved from a "stop gap employment measure" in the 70s to regulations and management in the 90s as institutionalized in Section 2(c) of Republic Act No. 8042 or the "*Migrant Workers and Overseas Filipinos Act of 1995*," as amended by Republic Act Nos. 9422 and 10022, and has remained unchanged over the years, it provides:

While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, 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 citizen 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. (*underscoring supplied*)

Philippine labor policy does not encourage the deployment of Filipino workers overseas. Nonetheless, it recognizes that overseas work is a choice that is available to all Filipinos. But that policy is perceived as pure "lip service" given the context of the continuing lack of decent jobs in the domestic market. The current unemployment and underemployment rates are at 5.2% and 15.6% respectively¹, indicative that for many Filipinos there is no choice but to seek employment abroad.

The purpose of this proposed legislation is therefore to address the entire policy, regulatory, and operational cycle that workers confront, from recruitment to deployment, placement and assistance, to their possible repatriation and national reintegration, as

they enter the frequently dangerous and occasionally fatal world of overseas employment.

Philippine policies and programs on overseas employment are in place. In fact, the World Bank, in 2017, has recognized that the Philippines has a highly-developed support system for migrant labor and can serve as a model for other countries. The Trade Union Congress of the Philippines (TUCP) has in fact been consistently part of the process of policy formulation as borne out by discussion documents including in the framing of multilateral framework agreements and international conventions on migrant workers, the most recent being ILO Convention No. 189 or the Convention on Domestic Workers.

Republic Act No. 8042 or the "*Migrant Workers and Overseas Filipinos Act of 1995*," as amended by Republic Act Nos. 9422 and 10022, and recently by Republic Act No. 11299 or the Social Welfare Attache Act, already institutionalized the policies on overseas employment and high standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress.

But despite the recognition in management of labor migration with the involvement of tripartite stakeholders, there are policy and administrative gaps and an urgent need to strengthen the system for fast and efficient delivery of services and execution of programs and plans. There is also a need for additional appropriations to fill up those gaps.

One area of discontent is the slow and insufficient response of government to the immediate needs of OFWs and their families. They are being made to "chase papers" from one agency to another. Further, we note issues with respect to the lack of manpower complement to take on the broad mandate in overseas employment. The absence of a single national agency on overseas employment is a glaring concern despite the inter-agency coordination and the "one country, one team approach" at the embassies abroad. Currently, overseas employment programs and services are "ad hoc" or being tucked in or are piggy-backing on the mandates of several government agencies, the main being the Department of Labor and Employment (DOLE) and the Department of Foreign Affairs (DFA).

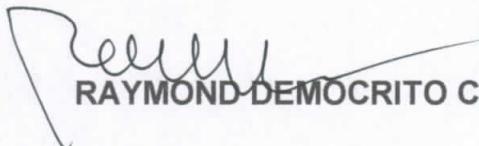
Fast, efficient and seamless coordination in the protection of rights and delivery of welfare and legal services is the clamor of the OFWs and their families. There is also a need for proactive programs, including circulation-friendly visa policies and incentives, to encourage circular and return migration and reintegration into the country of overseas Filipinos for transfer of capital, skills and technology.

Hence, to provide prompt and bundled services and assistance to OFWs, their families and Filipinos overseas, and to integrate programs for coherent and complete migration and development cycle, this Bill proposes to elevate the Philippine Overseas Employment Administration (POEA) to become the backbone of the new Department of Overseas Filipinos with regional and provincial structures, integrating therein for the purpose the DOLE International Labor Affairs Bureau (ILAB) including all the Philippine Overseas Labor Offices (POLOs); National Reintegration Center for OFWs (NRCO); and the DFA Office of the Legal Assistant for Migrant Workers Affairs (OLAMWA).

The Overseas Workers Welfare Administration (OWWA) being a holder in trust of the funds of the overseas Filipino workers, should remain as is based on its new charter, and therefore should be an attached agency except with respect to the NRCO, which shall be transferred to the new Department. The Commission on Filipinos Overseas (CFO) under the Office of the President, shall be attached to the Department including the National Maritime Polytechnic (NMP), which is currently an attached agency of the DOLE.

The proposed law also seeks to institutionalize the industry tripartite councils namely, the Maritime Industry Tripartite Council (MTC) and the Overseas Landbased Tripartite Consultative Council (LTCC) and creates a Migration and Development Inter-agency Council. It also requires a deliberate plan for development and assistance to Filipino seafarers overseas to enhance the country's competitive advantage in the international maritime sector.

The enactment of this Bill is earnestly sought as it captures the need for a single department for Overseas Filipinos with restraint not to create a top heavy bureaucratic behemoth.



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AN ACT

AN ACT
UPGRADING THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION
INTO DEPARTMENT OF OVERSEAS FILIPINOS, REVISING AND
CONSOLIDATING FOR THE PURPOSE EXECUTIVE ORDER NO. 247, SERIES
OF 1987, SECTIONS 2, 3, 19, 23 (b) and (b1) OF REPUBLIC ACT NO. 8042,
OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS
FILIPINOS ACT OF 1995, AS AMENDED BY REPUBLIC ACT NO. 9422,
REPUBLIC ACT NO. 10022 AND REPUBLIC ACT NO. 11299, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

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 Overseas Filipinos Act of 2019."

SECTION 2. Section 2 of Republic Act. No. 8042, as amended, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," is hereby adopted with modification, and the Declaration of Policy on Overseas Employment shall read as follows:

"SECTION 2. Declaration of Policy. —

- (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 labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all Filipinos. Towards this end, the State shall promote in the country the preferential use of Filipino labor and shall ensure measures for adequate and timely social, economic and legal services to Filipino workers overseas.
- (c) While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, 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 citizen 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.
- (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 interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/documentated or irregular/undocumented, are adequately protected and safeguarded.
- (f) The right of Filipino migrant workers and 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 that the most effective tool for empowerment is the possession of skills by migrant workers. The government shall provide them free and accessible skills development and enhancement programs. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only of skilled Filipino workers.
- (h) The State recognizes non-governmental organizations, trade unions, workers associations, stakeholders and their similar entities duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The State

90 shall cooperate with them in a spirit of trust and mutual respect. The
91 significant contribution of recruitment and manning agencies shall from
92 part this partnership.

- 93 (i) Government services and recruitment, introduction, placement and
94 assistance to migrant workers shall be rendered free.

95

96 SECTION 3. *Section 3 of Republic Act. No. 8042, as amended, otherwise known as*
97 *the "Migrant Workers and Overseas Filipinos Act of 1995," is hereby amended, and*
98 *the Definition of Terms shall read as follows:*

99 "SECTION 3. *Definition of Terms.* – The following terms, as used in this Act, shall
100 mean:

- 102 (a) "Authority" refers to a document issued by the Secretary authorizing the
103 officers, personnel, agents or representatives of licensed
104 recruitment/manning agency to conduct recruitment and placement
105 activities as a private recruitment entity.
- 107 (b) "*Irregular/Undocumented Filipino Migrant Workers*" refer to any of the
108 following:
109 1. Those who have acquired Philippine passports through fraud or
110 misrepresentation;
112 2. Those who possess expired visas or permits to stay;
113 3. Those without valid and authentic travel documents;
114 4. Those who have valid but inappropriate visas;
115 5. Those whose employment contracts were not approved by the
116 Department; and,
117 6. Those who are victims of trafficking in persons.
- 119 (c) "License" refers to the document issued by the Secretary authorizing a
120 person, partnership or corporation to operate a private
121 recruitment/manning agency.
- 123 (d) "*Manning Agency*" refers to any person, partnership or corporation duly
124 licensed by the Secretary to engage in the recruitment and placement of
125 seafarers for ships plying international waters and for related maritime
126 activities with a view of deriving pecuniary or material advantage within
127 the limits allowed by law and/or existing rules and regulations.
- 129 (e) "*Private Recruitment Agency*" refers to any person, partnership or
130 corporation duly licensed by the Secretary to engage in the recruitment
131 and placement of workers for overseas employment with a view of
132 deriving any pecuniary or material advantage within the limits allowed by
133 law and/or existing rules and regulations.
- 135 (f) "*Overseas employment*" refers to employment of a worker outside the

- 136 Philippines.
- 137
- 138 (g) "Overseas Filipinos" refer to migrant workers, other Filipino nationals, and
139 their dependents abroad including permanent residents that have
140 successfully applied for dual citizenship.
- 141
- 142 (h) "Overseas Filipino Worker or Migrant Worker" refers to a Filipino who is to
143 be engaged, is engaged, or has been engaged in remunerative activity in
144 a state of which he or she is not a citizen, or on board a vessel navigating
145 the foreign seas other than a government ship used for military or non-
146 commercial purposes, or on an installation located offshore or on the high
147 seas. A "person engaged in a remunerated activity" refers to an applicant
148 worker who has been promised or assured employment overseas.
- 149
- 150 (i) "Regular/Documented Migrant Workers" refer to the following:
- 151
- 152 1. Those who possess valid passports and appropriate visas or permits to
153 stay and work in the receiving country; and,
- 154 2. Those whose employment contracts were validated, processed and
155 approved by the Department.
- 156
- 157 (j) "Seafarer" refers to any person who is employed or engaged in overseas
158 employment in any capacity on board a ship other than a government ship
159 used for military or non-commercial purposes. The definition shall include
160 fisher folk, cruise ship personnel, and those serving on mobile offshore
161 and drilling units in the high seas."
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- 163
- 164 SECTION 4. *Upgrading the Philippine Overseas Employment Administration into*
165 *Department of Overseas Filipinos.* – The Philippine Overseas Employment
166 Administration is hereby upgraded into Department of Overseas Filipinos, hereinafter
167 referred to as the Department.
- 168
- 169
- 170 SECTION 5. *Mandate.* - The Department shall be the primary policy, planning,
171 coordinating, implementing, and administrative entity of the executive branch of the
172 government in ensuring the effective implementation of State policies on overseas
173 employment and development, migration regulations and wholistic management of
174 overseas employment vis-à-vis its strategic role in the overall national economic
175 development to create, sustain, and strengthen local employment and decent work
176 within the country's borders.
- 177
- 178 SECTION 6. *The provisions of Section 23 (b-1) of Republic Act. No. 8042, as*
179 *amended, otherwise known as the "Migrant Workers and Overseas Filipinos Act of*
180 *1995," is hereby integrated with modification, and the powers and functions of the*
181 *Department shall read as follows:*
- 182 "SECTION 6. Powers and Functions. - The Department shall have the following
183 powers and responsibilities:

- 184
- 185 (a) Formulate and recommend national policies and guidelines and conduct
186 in-depth studies to ensure protection of all overseas Filipinos and address
187 perennial issues they face abroad, in consultation with all stakeholders;
- 188
- 189 (b) Assess, review, harmonize and coordinate all overseas Filipinos-related
190 policies and services, and develop fast, efficient and seamless action on
191 protection of rights and delivery of welfare and legal services to overseas
192 Filipino workers and their families especially in times of natural calamities,
193 war and civil unrest;
- 194
- 195 (c) Promote, advance and implement policies and programs providing
196 incentives on transfer of capital, skills and technology by overseas Filipino
197 workers and Filipinos abroad and their families to encourage return
198 migration and reintegration in the country;
- 199
- 200 (d) Develop, implement and improve bilateral or multilateral agreements with
201 receiving countries on protection and exercise of fundamental principles
202 and rights at work of overseas Filipino workers;
- 203
- 204 (e) Represent and negotiate for Philippine interest on matters pertaining to
205 overseas Filipino affairs in international bodies and to ensure consistency
206 of national policies with ratified international conventions and agreements;
- 207
- 208 (f) Regulate and manage overseas employment from the pre-employment
209 stage, securing the best possible employment terms and conditions
210 consistent with the internationally accepted principles of decent work, safe
211 and orderly migration for overseas Filipino workers, and taking into
212 consideration the needs of vulnerable sectors and the peculiarities of sea-
213 based and land-based workers;
- 214
- 215 (g) Set-up a licensing and registration system ensuring compliance with
216 ethical recruitment standards, in line with international conventions on
217 overseas employment, for the protection of the rights and welfare of
218 overseas Filipino workers;
- 219
- 220 (h) Regulate private sector participation in the recruitment and overseas
221 placement of workers and provide incentives in partnership and close
222 coordination with various stakeholders and relevant government agencies;
- 223
- 224 (i) It shall not engage in the recruitment and placement of overseas workers
225 except on a government-to-government arrangement only;
- 226
- 227 (j) Ensure that deployment of Filipino workers overseas shall only be to
228 countries where the Philippines has concluded bilateral labor agreements
229 or arrangements: *Provided*, That such countries shall guarantee to protect
230 the rights of Filipino migrant workers; and *Provided, further*, That such
231 countries shall observe and/or comply with the international laws and
232 standards for migrant workers;
- 233

- (k) Promote knowledge, information and resource sharing, and develop a database to assist overseas Filipinos anywhere in the world;
 - (l) Ensure fast and efficient repatriation system for timely assistance and services to overseas Filipino workers in distress under the one-country team approach;
 - (m) Ensure the existence and operation of an effective, substantial and sustainable reintegration program for returning overseas Filipinos;
 - (n) Establish community-based OFW Family Support Services to include promotion of financial literacy, value formation, skills training and sustainable livelihood development;
 - (o) Promote and develop, through joint undertaking with concerned agencies particularly MARINA, TESDA, CHED and DepED, in the training of overseas Filipino workers to acquire world class skills set and competencies;
 - (p) Enhance the employability and competitiveness of Filipino seafarers in the domestic and international labor market and come up with a deliberate plan for development and assistance to Filipino seafarers overseas to enhance the country's competitive advantage in the international maritime sector.
 - (q) In appropriate cases as provided in the guidelines that shall be issued by the Department, it shall suspend, cancel or allow the lifting of suspension of erring recruitment/manning agencies upon the payment of a fine as determined by the Secretary, which shall not be below ONE HUNDRED FIFTY THOUSAND PESOS (P150,000.00) for every month of suspension. At least 50% of the fines shall be utilized for research services, legal services, skills development, as well as the reintegration of overseas Filipino workers;
 - (r) Strengthen and intensify anti-illegal recruitment and anti-trafficking advocacy and prosecution in partnership with other law-enforcement agencies;
 - (s) Inform migrant workers not only of their rights as workers but also of their rights as human beings, instruct and guide the workers how to assert their rights and provide the available mechanism to redress violation of their rights through a comprehensive Pre-Employment Orientation Seminars (PEOS) that will discuss topics such as prevention of illegal recruitment and gender-sensitivity.
 - (t) Promulgate rules and regulations for the implementation of its guidelines and policies and related laws;
 - (u) Administer, accept, hold and utilize property, both personal and real, subject to limitations by existing laws, for the purpose of assisting of

expediting the work of the Department; and

(v) To perform such other functions, as may be needed to achieve the policies and objectives provided under this Act.

SECTION 7. Composition. - The Department shall be headed by a Secretary who shall be assisted by three (3) Undersecretaries and four (4) Assistant Secretaries. All shall be appointed by the President and the appointment of the Secretary shall be subject to confirmation by the Commission on Appointments.

SECTION 8. Exercise of Powers and Functions. - The Secretary shall exercise general administrative, executive, and policy-making functions and adjudicatory powers. Further, the Secretary shall exercise supervision over the entire operations of the Department, extend advice to the President on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to overseas Filipino and exercise such other powers and functions as may be provided by law or assigned by the President.

SECTION 9. Undersecretaries. - The Secretary shall be assisted by three (3) undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary. All undersecretaries shall be career officers with at least six (6) years of experience in government service managing overseas employment, migration, repatriation and reintegration. The undersecretaries shall aid the Secretary in the performance of his/her operational duties and shall perform such other functions as may be directed by the Secretary.

SECTION 10. Assistant Secretaries. - The Secretary shall be assisted by four (4) assistant secretaries who shall be career officers with at least six (6) years of experience in managing overseas employment, migration, repatriation and reintegration, landbased workers concerns and seabased workers concerns. All shall be appointed by the President upon the recommendation of the Secretary.

SECTION 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, competence and expertise in the field of migration and development.

SECTION 12. Department Services and Bureaus. – The Department shall have Department Services which shall include the Planning Service, the Financial and Management Service, the Administrative Service, ICT Service, Internal Audit Service, Legal Service, Information and Publication Service, Records and Management Service, Human Resource Development Service, Policy and Labor Market Research Service, Legislative Liaison Service and such other service as may be necessary.

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336 SECTION 13. *Department Line and Staff Bureaus.* – The Department shall have
337 staff and line bureaus, which shall include Bilateral/Multilateral Agreements
338 Development, Implementation and Monitoring Bureau; Bureau of Skills Development
339 for Overseas Employment with Seabased and Landbased Divisions; Workers' Education
340 Bureau; Accreditation Bureau; Employment Contracts and Workers Documentation
341 Bureau; Inspection, Regulation and Monitoring Bureau; Licensing of Recruitment and
342 Manning Agencies Bureau with Seabased and Landbased Divisions; Prosecution and
343 Adjudication Bureau; Anti-Illegal Recruitment Bureau; International Labor Affairs Bureau;
344 Legal Assistance for Migrant Workers' Bureau; Repatriation Bureau and such other Bureau as may be necessary.
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348 SECTION 14. *Regional Offices and Provincial or Field Offices.* - The Department
349 shall establish, operate, and maintain a regional, as well as provincial or field office
350 as may be necessary, in the different administrative regions of the country. Each
351 regional office shall be headed by a Regional Director, who shall be assisted by one
352 (1) Assistant Regional Director. The Regional Director and Assistant Regional
353 Director shall be appointed by the President, career officers and with at least three
354 (3) years of proven experience in field operations. The regional offices shall have,
355 within their respective administrative regions, the following functions:
356

- 357 (a) Implement laws, policies, plans, programs, projects, rules and regulations
358 of the Department;
- 359 (b) Provide efficient and effective service to program beneficiaries and all
360 stakeholders;
- 361 (c) Coordinate with regional offices of other departments, offices, and
362 agencies;
- 363 (d) Coordinate with the LGUs; and
- 364 (e) Perform such other functions as may be provided by law or assigned by
365 the Secretary.

370
371
372 SECTION 15. *Attached Agencies.* – The following agencies shall be attached to the
373 Department for policy and program coordination, and shall continue to function in
374 accordance with its charter, unless inconsistent with the substance and spirit of this
375 Act:

- 376 (a) Overseas Workers' Welfare Administration (OWWA). The Trust Fund
377 held by OWWA shall be distinct and separate from any other funds
378 allocated to the Department; the utilization of the OWWA Trust Fund must
379 strictly adhere to safeguards provided for in its Charter and as resolved by
380 the Board of Trustees through Board resolutions that are accessible to the
381 public. The OWWA Board however, is mandated under this Act to
382 present a study or conversion plan on its transformation into a Provident

- 384 Fund for OFWs within five years from the passage of this Act.
385
- 386 (b) Commission on Overseas Filipinos (CFO). The CFO consistent with its
387 mandate, shall primarily be the Department's arm in promoting and
388 upholding the interests, rights and welfare of overseas Filipinos and their
389 families, and strengthening their ties with the motherland.
390
- 391 (c) National Maritime Polytechnic (NMP). The NMP consistent with its
392 mandate, shall primarily be the Department's arm in the enhancement of
393 the employability and competitiveness of Filipino seafarers in the domestic
394 and international labor market by offering specialization and upgrading of
395 courses for both licensed officers and ratings and conducting researches
396 and studies on the latest maritime technologies and other related matters
397 for the maritime industry.
398
399
- 400 SECTION 16. *Transfer of Bureaus, Offices and Agencies.* - The following bureaus,
401 units, offices and agencies are hereby transferred and integrated from their
402 respective departments (as shown in parenthesis) to the Department.
403
- 404 (a) International Labor Affairs Bureau (ILAB), including all Philippine Overseas
405 Labor Offices, with direct supervision over Labor Attaches and Welfare
406 Officers and the Filipino Workers Resource Centers
407
- 408 (b) National Reintegration Center for OFWs (OWWA), and shall continue to
409 carry out its mandate as provided under Republic Act No. 10801
410
- 411 (c) Office of Legal Assistant for Migrant Workers Affairs (OLAMWA-DFA)
412
413
- 414 SECTION 17. *Transition of Bureaus, Offices and Agencies.* – The laws and rules on
415 government reorganization as provided for in Republic Act No. 6656, otherwise
416 known as the Reorganization Law, shall govern the reorganization process of the
417 Department.
418
- 419 Employees separated from the service as a result of this reorganization shall, within
420 ninety (90) days therefrom, receive the retirement benefits to which they may be
421 entitled under existing laws, rules, and regulations.
422
423
- 424 SECTION 18. *Structure and Staffing Pattern.* - The Department shall determine its
425 organizational structure and create new divisions or units as it may deem necessary,
426 and shall appoint officers and employees of the Department in accordance with the
427 Civil Service law, rules, and regulations.
428
- 429 SECTION 19. *Tripartite Councils and Industry Working Group.* - The Maritime
430 Industry Tripartite Council (MITC), currently lodged with the Department of Labor and
431 Employment, shall be transferred and integrated to the Department along with the
432 Overseas Landbased Tripartite Consultative Council (LTCC) of the Philippine
433 Overseas Employment Administration, to serve as sectoral consultative Governing

434 Boards and a continuing forum for tripartite advisement and consultation with the
435 industry stakeholders on policies and programs. The tripartite councils shall be
436 chaired by the Department Secretary and the sectoral representatives shall be
437 appointed by the President. These councils shall have a permanent Secretariat.

438

439 Specific to the MITC, in addition to its existing mandate, it shall:

440

- 441 (a) Coordinate, formulate and monitor the implementation of policies
442 regulating and supervising the activities of agents or representatives of
443 shipping companies in the hiring of Filipino seafarers for overseas
444 employment and secure the best possible terms for these workers;
- 445 (b) Set standards for training and certification in compliance with international
446 conventions and obligations;
- 447 (c) Develop a deliberate plan for development and assistance to Filipino
448 seafarers overseas to enhance the country's competitive advantage in the
449 international maritime sector;
- 450 (d) Create a career development program from cadetship to chief engineer or
451 master mariner, in partnership with the private sector and maritime
452 experts; and,
- 453 (e) Monitor the implementation of relevant provisions ILO Convention 108 as
454 amended by ILO Convention 185 to include the issuance of seafarers'
455 identity documents and MLC, 2006.

456

457 Additionally, the Department may create tripartite sectoral, industry, and/or
458 geographic task forces, technical working groups, or committees in furtherance of its
459 mandate and objectives. Representatives of private recruitment and manning
460 agencies, trade union organizations, OFWs organizations and other stakeholders
461 may be designated members upon endorsement of their respective sectors or
462 organizations, subject to organizational recall of representation. The members of the
463 councils herein shall not receive any compensation but shall be provided per diem at
464 rates allowed under existing laws, rules, and regulations.

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467 SECTION 20. *Migration and Development Inter-Agency Council.* - An inter-agency
468 coordinating Council on Migration and Development, is hereby established and shall
469 be composed of the following departments:

470

471

- 472 (a) National Economic Development Authority (NEDA)
- 473 (b) Department of Overseas Filipinos (DOF);
- 474 (c) Department of Foreign Affairs (DFA);
- 475 (d) Department of Labor and Employment (DOLE);
- 476 (e) Department of Justice (DOJ);

- (f) Department of Trade and Industry (DTI);
 - (g) Department of Social Welfare and Development (DSWD);
 - (h) Department of the Interior and Local Government (DILG);
 - (i) Department of Health (DOH);
 - (j) Department of Agriculture (DA);
 - (k) Department of Education (DepEd);
 - (l) Technical Education and Skills Development Authority (TESDA);
 - (m) Commission on Higher Education (CHED);
 - (n) Maritime Industry Authority (MARINA) of the Department of Transportation in relation to training, certification, standard setting and monitoring concerning international seafarers

The Migration and Development Inter-Agency Council shall formulate the country's migration and development policies and program. It shall develop and implement incentive schemes for returning skilled and professional overseas Filipino workers to stay and invest in the country and encourage overseas Filipinos to return and help in national development. Programs similar to "Balik Scientist Program" and "Sa Pinas, Ikaw ang Ma'am at Sir" shall also be developed to encourage Filipino ship captains and other ranks and other professions to participate in the development and enhancement of the country's domestic and overseas seafaring industry as well as other industries in the Philippines.

The Council will develop an agenda in support of the Principles of Fair Recruitment and the Global Compact on Safe and Orderly Migration. It will look into Public-Private Partnerships to advance technology transfer, brain gain, and harness the untapped potential of returning Filipino Migrants.

The Council shall submit appropriate recommendations to the Office of the President and Congress on policies that would address gaps and urgent concerns, including a seven-year roadmap to reduce the deployment of overseas workers at risk.

Moreover, death row cases involving blood money, terrorism, drug-trafficking, human trafficking as well as large-scale illegal recruitment cases involving Filipino workers, and urgent cases involving overseas workers, or their families left behind that require humanitarian assistance shall fall under the purview of this Inter-Agency Council with appropriate recommendations for the consideration of the Office of the President. The Council shall be supported by a permanent Secretariat.

533 SECTION 21. *Membership in Inter-Agency Councils.* – The Department shall
534 automatically be a member of the Inter-Agency Council Against Trafficking (IACAT)
535 and such other existing inter-agency councils on overseas Filipinos.
536

537 SECTION 22. *The provisions of Section 19 of Republic Act. No. 8042, as amended,
538 otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," is
539 hereby integrated with modification, and shall read as follows:*

540 “SECTION 22. *Establishment of Overseas Filipinos Malasakit Centers.* - The
541 Department, in partnership with other government agencies, shall establish and/or
542 strengthen the following:

- 543
- 544 (a) One-Stop Service Centers for OFWs (OSSCO) shall be renamed One-
545 Stop Services for Overseas Filipinos Malasakit Centers. It shall be
546 established in all major capital towns and cities nationwide to ensure
547 prompt, efficient, vital and relevant services to migrant Filipinos and their
548 families to include passport and authentication services, acquisition of
549 government clearances and permits, validation of overseas job offers,
550 reintegration services and all pertinent seminars and workshops for all
551 stakeholders.
- 552
- 553 (b) Migrant Workers and other Overseas Filipinos Resource Center shall be
554 renamed Overseas Filipinos Malasakit Center. Within the premises and
555 under the administrative jurisdiction of the Philippine Overseas Labor
556 Office. In countries where there are no Philippine Overseas Labor Offices
557 but there are large concentrations of Filipino migrant workers, there shall
558 be established an Overseas Filipinos Malasakit Center with the following
559 services:
- 560
- 561 i. Counseling and legal services;
562 ii. Welfare assistance including the procurement of medical and
563 hospitalization services;
564 iii. Information, advisory and programs to promote social integration
565 such as post-arrival orientation, settlement and community
566 networking services and activities for social interaction;
567 iv. Institute a scheme of registration of undocumented workers to
568 bring them within the purview of this Act. For this purpose, the
569 Center is enjoined to compel existing undocumented workers to
570 register with it within six (6) months from the effectivity of this Act,
571 under pain of having his/her passport cancelled;
572 v. Human resource development, such as training and skills
573 upgrading;
574 vi. Gender sensitive program and activities to assist particular needs
575 of women migrant workers;
576 vii. Orientation program for returning worker and other migrants; and
577 viii. Monitoring of daily situations, circumstances and activities
578 affecting migrant workers and other overseas Filipinos.

579 The establishment and operations of the Center shall be a joint
580 undertaking of the various government agencies. The Center shall be
581 open for twenty-four (24) hours daily including Saturdays, Sundays and
582 holidays, and shall be staffed by Foreign Service personnel, service
583 attaches or officers who represent other Philippine government agencies
584 abroad and, if available, individual volunteers and *bona fide* non-
585 government organizations from the host countries. In countries
586 categorized as highly problematic by the Department of Foreign Affairs
587 and the Department of Overseas Filipinos and where there is a
588 concentration of Filipino migrant workers, the government must provide a
589 lawyer and a social worker for the Center. In addition to these personnel,
590 the government must also hire within the receiving country, in such
591 number as may be needed by the post, public relation officers or case
592 officers who are conversant, orally and in writing, with the local language,
593 laws, customs and practices. The Labor Attaché shall coordinate the
594 operation of the Center and shall keep the Chief of Mission informed and
595 updated on all matters affecting it.

596 The Center shall have a counterpart 24-hour information and assistance
597 center at the Department and at the Department of Foreign Affairs to
598 ensure a continuous network and coordinative mechanism at the home
599 office."

600 SECTION 22. *Special Assistance Revolving Fund.* - A Special Assistance Revolving
601 Fund for Filipino Migrants, including both documented and undocumented, in the
602 amount of TWO BILLION PESOS (Php2,000,000,000.00) is hereby created.
603 Hereinafter referred to as the Special Assistance Fund for Filipino Migrants, the fund
604 shall be utilized for the following purposes:
605

- 606 (a) Emergency repatriation;
- 607
- 608 (b) Medical expenses, hospitalization, and purchase of medicines for
609 repatriated migrants with dreaded or severe diseases;
- 610
- 611 (c) Immigration penalties for overstaying, indigent and ailing overseas Filipino
612 workers, as well as victims of human trafficking and illegal recruitment;
- 613
- 614 (d) Legal assistance for labor cases involving ten or more Filipino workers;
- 615
- 616 (e) Payment of blood money, when recommended by the Department, in
617 consultation with the DOJ and DFA;
- 618
- 619 (f) Humanitarian assistance to families left behind, particularly in times of
620 Calamity;
- 621
- 622 (g) Basic necessities of OFWs in embassy shelters or for those under
623 detention;
- 624
- 625 (h) Scholarships for children of Filipinos overseas who are victims of injustice

626 involving modern slavery, human rights violations, and political as well as
627 economic upheavals.
628

629 (i) Maintenance and operational expenses including capital outlay for the
630 establishment of One-Stop Services for Overseas Filipinos Malasakit
631 Centers in all regions including the central office of the Department.
632
633

634 SECTION 23. *The provisions of Sections 4 to 14, 16, 21, 22, 23(a), (c) to (e), 24 to*
635 *28, 31, 33, 34, 35, 37, 37-A and 37-B of Republic Act. No. 8042, as amended by*
636 *Republic Act Nos. 9422, 10022 and 11299, otherwise known as the "Migrant Workers and*
637 *Overseas Filipinos Act of 1995," are hereby declared valid and binding and shall remain in*
638 *full force and effect, and references to POEA or the Department of Labor and Employment*
639 *with respect to overseas Filipinos are deemed amended to refer to the Department of*
640 *Overseas Filipinos.*

641
642
643 SECTION 24. *Appropriations.* - The appropriations of bureaus, agencies, and offices
644 identified in Sections 3 and 13 of this Act shall be transferred to the Department.
645 Provided, that the amount needed for the initial implementation of this Act shall be
646 taken from the current fiscal year's appropriation of the transferred agencies.
647 Thereafter, the amount needed for the operation and maintenance of the Department
648 including the Special Assistance Revolving Fund shall be included in the General
649 Appropriations Act.
650

651 The proceeds from the Documentary Stamp Tax (DST) accruing from dollar
652 remittances of overseas Filipinos, as determined by Congress, shall be used to
653 ensure the efficient and effective operations of OFW One-Stop Assistance Centers
654 throughout the country.
655

656 At least 50% of the fines as referred to in Section 6(q) of this Act shall be utilized for
657 research services, legal services, skills development, as well as the reintegration of
658 overseas Filipino workers.
659

660 SECTION 25. *Implementing Rules and Regulations.* – The Technical Working
661 Group composed of representatives of the DOLE, DFA, DSWD, POEA, OWWA,
662 NRCO, CFO, and NMP, shall promulgate the necessary implementing rules and
663 regulations within one hundred and twenty (120) days from the effectivity of this Act.
664
665

666 SECTION 26. *Separability Clause.* - If any portion or provision of this Act is declared
667 unconstitutional or invalid, the remainder of this Act or any provisions hereof not
668 affected thereby shall continue to be in force and effect.
669
670

671 SECTION 27. *Repealing Clause.* - Any law, presidential decree or issuance,
672 executive order, letter of instruction, rule or regulation inconsistent or contrary to the
673 provisions of this Act is hereby repealed or modified accordingly.
674
675

676 SECTION 28. *Effectivity.* - This Act shall take effect after fifteen (15) days following
677 its complete publication in the Official Gazette or a newspaper of general circulation.
678
679 APPROVED,