

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

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4189



Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

Just recently, the nation celebrated the National Heroes Day. The Philippines celebrates this day in order to celebrate Filipino heroes who have sacrificed themselves in order to fight for our freedom and give glory to our country. But outside the history books, there are also heroes who from day to day, despite the numerous challenges that come their way, despite being away from their families and homes, continue to sacrifice in order to provide for their loved ones and at the same time contributing to the advancement of the economy of the nation. "Modern-day heroes" – this is what President Rodrigo Duterte particularly called the OFWs.

OFWs are faced with numerous problems that make working outside the country difficult. Throughout the years, OFWs have suffered different kinds of struggles which include, among others, different forms of abuse from employers, illegal termination of work contract, illegal recruitment, delayed or unpaid salaries and various forms of harassment. Although there are agencies that are mandated to address these kinds of problems, the structure of these agencies is complicated and at times, the jurisdiction of the agencies overlap making it confusing for the OFWs and/or their next of kin to seek for help.

This Bill is intended to provide for a Department of Overseas Filipino Workers which will address the needs and issues of OFWs all under one department. Through the passage of this Bill, said department will be able to ensure the welfare, protection of OFWS and their access to government services. The Department of Overseas Filipino Workers is expected to merge and integrate the services currently being provided by Office of the Legal Assistant for Migrant Worker's Affair, the International Labor Affairs Bureau under DOLE, all Philippine Overseas Labor Offices under DOLE, the National Reintegration Center for OFWs under DOLE, the Philippine Overseas Employment Administration; and Overseas Workers Welfare Administration.

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

eric l. olivarez
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AN ACT
CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS, DEFINING ITS POWERS AND FUNCTIONS, 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 and cited as the "Department of Overseas Filipino Workers Act."

SECTION 2. *Declaration of Policy.* - The following are hereby declared to be the policies of the State:

- 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

- b) Afford protection to Filipino workers and their families, promote their interest and safeguard their interests and welfare;
- c) Afford full protection to labor, local and overseas, organized and unorganized and promote full employment opportunities for all;
- d) Promote and develop overseas employment opportunities in cooperation with relevant government institutions and the private sector;
- e) Afford protection to every citizen whether local or overseas by securing the best possible terms and conditions of employment;
- f) Afford protection to the right of Filipino migrant workers and all overseas Filipinos to participate in the democratic decision processes of the state and to be represented in institutions relevant to overseas employment;
- g) While recognizing the significant contribution of Overseas Filipino 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 citizens shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development;
- h) The State affirms the fundamental equality before the law of women and men and the significant role of women OFWs. The State shall apply gender sensitive criteria in

- the formulation and implementation of policies and programs affecting OFWs;
- i) The State recognizes non-governmental organizations, trade unions, workers associations, stakeholders, and similar legitimate entities as partners of the State in the protection of OFW and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. The significant contribution of recruitment and manning agencies shall form part of this partnership.

SECTION 3. *Definition of Terms.* -

- a) **Act** refers to the “Department of Overseas Filipinos Act”;
- b) **Department** shall refer to the Department of Overseas Filipino Workers;
- c) **Secretary** refers to the Secretary of the Department of Overseas Filipino Workers;
- d) **Overseas Filipinos** shall refer to migrant workers, other Filipino nationals, and their dependents abroad, including Filipinos who are permanent residents abroad;
- e) **Overseas Filipino Worker (OFW) or Migrant Worker** refers to a Filipino who is to be engaged, is actually engaged, or has been engaged in remunerated activity in a state of which he or she is not a citizen, or on board a vessel navigating foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas;
- f) **Overseas Filipino Worker in Distress** refers to an Overseas Filipino Worker who has a medical, psycho-social or legal assistance problem requiring treatment, hospitalization, counselling, legal representation, or any kind of intervention with the authorities in the country where he or she is found;

SECTION 4. *Creation.* – A Department of Overseas Filipino Workers (herein after referred to as the Department), is hereby created to serve as the primary agency under the Executive Branch designated to create, administer and implement policies including but not limited to, the national development program for managing and monitoring the overseas employment of Filipinos and programs for the protection, safety and support of OFWs.

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

SECTION 6. *Exclusive and Original Jurisdiction.* – The Department shall have exclusive and original jurisdiction over all cases involving employer-employee relations, documented or undocumented workers arising out of any law or contract involving Filipino workers for overseas employment.

SECTION 5. *Powers and Functions.* – The Department shall have the following powers and functions

- a) Formulate, recommend and implement national policies and guidelines that will ensure the protection of OFWs and undertake concerns OFWs face abroad in consultation with relevant stakeholders;
- b) Assess, review, harmonize and coordinate all OFW-related local policies and procedures and international agreements to ensure overall consistency and implementation of the national policies;
- c) Promote the interests of Filipinos desiring to work overseas by ensuring them the most equitable terms and conditions of employment in accordance with applicable and appropriate local, on-site and international standards;
- d) Build a strong and harmonious relationship with foreign countries and the private sectors to formulate strategies and implement the same;

- e) Promote, advance and implement general and specific government objectives regarding OFW activities, programs and welfare and interests;
- f) Coordinate with the appropriate government agencies in the training and support of returning OFWs who have worked abroad;
- g) Represent and negotiate for Philippine interest on matters pertaining to OFW affairs in international bodies;
- h) Develop programs focused on generation of funds and resources for the use and benefit of OFWs;
- i) Conduct research and studies, and submit policy recommendations on migration and development to the President and to Congress;
- j) Create and develop a system of support for the provision of timely assistance for OFWs in distress and tap the services of appropriate personnel, as the case may be, on the formulation of strategies and plans concerning the OFW in need;
- k) Promote knowledge, information and resource sharing, and develop a database specifically intended to assist OFWs anywhere in the world;
- l) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
- m) Control and supervise the operation of private recruitment agencies and other relevant 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;
- n) Promulgate rules and regulations for the implementation of its guidelines, policies and related laws;
- o) Perform such other functions as may be necessary to achieve the goals and objectives as provided for by this Act;

SECTION 6. *Composition.* – The Department shall be headed by a Secretary. The Department proper shall be composed of the Office of the Secretary and the Offices of the Undersecretaries and the Assistant Secretaries.

SECTION 7. *The Secretary of the Department of Overseas Filipino Workers.* – The Secretary shall be appointed by the President, subject to the confirmation by the Commission on Appointments. The Secretary shall have the following functions:

- a) Provide executive direction and supervision over the entire operations of the Department and its attached agencies;
- b) Establish policies and standards for the effective, efficient and economical operation of the Department, in accordance with the programs of government;
- c) Review and approve requests and manpower resources for all operating offices of the Department;
- d) Designate and appoint offices and employees of the Department, excluding the undersecretaries, assistant secretaries, and regional and assistant directors, in accordance with the civil service laws, rules and regulations;
- e) Exercise disciplinary powers over officers and employees of the Department in accordance of a committee or officer to conduct such investigation;
- f) Coordinate with other agencies and public and private interest groups, including non-government organizations and people's organizations, on department policies and initiatives;
- g) Prepare and submit to the President through the Department of Budget and Management (DBM) an estimate of the necessary expenditure of the Department during the next fiscal year, on the basis of the reports

- and estimates submitted by bureaus and offices under the Department;
- h) Advise the President on the promulgation of executive and administrative orders and formulation of necessary regulatory and legislative proposals on matters pertaining to OFWs;
 - i) Formulate such rules and regulations and exercise such other powers as may be required to implement the objectives of this Act; and
 - j) Perform such other tasks as may be provided by law or assigned by the President.

SECTION 8. *The Undersecretaries.* – The Secretary shall be assisted by three (3) undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary: Provided, that two (2) of the undersecretaries shall be career officers.

SECTION 9. *The Assistant Secretaries.* – The Secretary shall be assisted by three (3) assistant secretaries, who shall be appointed by the President upon the recommendation of the Secretary. Provided, that two (2) of the assistant secretaries shall be career officers: Provided, further, that at least one (1) of the assistant secretaries shall be a lawyer.

SECTION 10. *Qualifications.* – No person shall be appointed Secretary, Undersecretary or Assistant Secretary of the Department unless he or she is a citizen and resident of the Philippines, of good moral character, of proven integrity and with competence and expertise in the plans, programs, projects and activities of the government relative to overseas employment.

SECTION 11. *Regional Offices.* – The Department shall establish, operate and maintain a regional office in all administrative regions of the country. Each regional office shall be

headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The Regional Director and the Assistant Regional Director shall be appointed by the President. The regional offices shall have, within their respective administrative regions, the following functions:

- a) Implement laws, policies, plans, programs, projects, rules and regulations of the Department;
- b) Provide timely, efficient and effective services to the people in line with the Department policies and programs;
- c) Coordinate with the local government units;
- d) Perform such other functions as may be provided by law or assigned by the Secretary.

SECTION 13. *Sectoral and Industry Task Forces.* – The Department may, if it deems it necessary, create sectoral and industry task forces, technical working groups, advisory bodies or committees for the furtherance of its objectives. Additionally, the Department may appoint private sector representatives to these working groups.

SECTION 14. *Transfer of Agencies and Personnel.* – The following agencies are hereby abolished, and their powers and functions, applicable funds and appropriations, records, equipment, property and personnel shall be transferred to the Department:

- a) Office of the Legal Assistant for Migrant Worker's Affairs;
- b) The International Labor Affairs Bureau under DOLE;
- c) All Philippine Overseas Labor Offices under DOLE;
- d) The National Reintegration Center for OFWs under DOLE;
- e) The Philippine Overseas Employment Administration; and
- f) Overseas Workers Welfare Administration.

SECTION 15. *Structure and Staffing Pattern.* - The Department shall determine its organizational structure and may create new divisions if it deems it necessary. The Department shall also appoint its officers and employees in accordance with the Civil Service law, rules and regulations.

SECTION 16. *Separation and Retirement from Service.* - Employees who are separated from service within one hundred eighty (180) days from the effectivity of this Act as a result of this reorganization shall receive separation benefits as applicable under applicable laws and issuances.

SECTION 17. *Appropriation.* - The fund necessary for the effective implementation of the provisions of this Act shall be taken from the funds available to the agencies as mentioned in Section 14 hereof. Additional requirements shall be charged to the appropriations under the current General Appropriations Act. Thereafter, such sum as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 18. *Implementing Rules and Regulations.* - The Department of Foreign Affairs, Department of Labor and Employment, Department of Budget and Management, and the Civil Service Commission shall, within sixty (60) days from the effectivity of this Act, promulgate such rules and regulations necessary to implement this Act.

SEC. 19. *Separability Clause.* - If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

SEC. 20. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 21. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,