

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

**SEVENTEENTH CONGRESS**  
**First Regular Session**

House Bill No. **3255**

HOUSE OF REPRESENTATIVES	
<b>RECEIVED</b>	
DATE	24 AUG 2016
TIME	1:40 PM
BY	YEM
REGISTRATION UNIT BILLS AND HOUSE SERVICE	

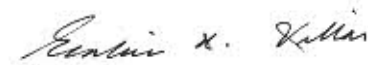
Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

**EXPLANATORY NOTE**

There are millions of Filipinos who work abroad, some purely by choice, others because it is the only way that they believe that they can truly provide a better life for their families. The State has dubbed our Overseas Foreign Workers as heroes -- but many of them feel like anything but. What our OFWs need more than accolades are government institutions, systems, and mechanisms that have the capacity to efficiently administer assistance to the millions of Filipinos living and working abroad, many of them living in nations where organs of the Philippine government are their best and last means of receiving justice or aid. To accomplish this should be a top priority of the government, not because of the income the nation receives from its OFWs, but because these are some of the most vulnerable of our citizens, most in need of our quick and dependable protection.

While the government has established the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) in order to protect and enforce the welfare and rights of our Filipino migrant workers, these institutions have not proven to be enough -- in spite of their best efforts and those of the Department of Foreign Affairs -- to consistently cope with the number of OFWs in need of assistance as well as the scope of some of their more pressing problems. Part of this is due to the fact that there are many disparate entities with overlapping jurisdictions relating to OFWs. At best, this can lead to confusion, and at worst, to finger-pointing that allows failures to go unresolved.

This cannot continue. To this end, this bill -- filed as a counterpart of Senate Bill No. 146 with the support of its author, Senator Cynthia Villar -- proposes the creation of a new agency in the executive Department, aptly called the Department of Migration and Development, which shall function exclusively to protect and enforce the welfare and rights of our Filipinos overseas, absorbing the POEA and OWWA as attached agencies, as well as other related agencies that deal with OFW affairs. This will empower the newly-created Department to adequately support and give assistance to our Filipinos overseas, or at the very least make any omissions or flaws of systems and procedures more easily observable, with a clear and streamlined chain of command.

  
**EMMELINE Y. AGLIPAY – VILLAR**  
Representative, DIWA Party-list

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**AN ACT**  
**CREATING THE DEPARTMENT OF MIGRATION AND DEVELOPMENT,**  
**DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS**  
**THEREFOR, ANDFOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* - This Act shall be known as the “*Department of Migration and Development Act of 2016.*”

SEC. 2. *Declaration of Policy.*- The State shall, as a primordial economic policy, promote full local employment and decent work for all Filipinos within the national borders. However, for Filipinos living and working overseas, every effort must be undertaken to ensure their safety, secure their rights, and promote their general welfare and development. In the same light, it is also the duty of the State to look after, secure and broaden socio-economic opportunities for families left behind.

SEC. 3. *Creation of a Department of Migration and Development.*- There is hereby created a Department of Migration and Development, hereinafter referred to as the Department, which shall, among others, recommend and implement the government’s policies, plans and programs for the promotion of protection, safety, development, support, of and for Filipinos overseas and their families left behind.

SEC. 4. *Mandate.*- The Department shall be the primary policy, planning, coordinating, implementing, and administrative entity of the executive branch of the government that will plan, develop, and manage the national migration and development agenda that is supportive and complimentary to national efforts to create, sustain, and strengthen local employment and decent work within the country’s borders.

SEC. 5. *Powers and Functions.* – The Department shall have the following powers and responsibilities which shall be exercised by its offices:

- 1) Formulate and recommend national policies and guidelines and conduct in-depth studies on all policy areas and options that will ensure protection of Filipino migrants and address perennial issues they face abroad, in consultation with the relevant stake holders;
- 2) Assess, review, harmonize and coordinate all overseas Filipino worker-related local policies and procedures and international agreements to ensure overall consistency and implementation of the national policies;
- 3) Promote, advance and implement general and specific government objectives regarding migrant Filipinos or OFW activities, programs, welfare and interests;
- 4) Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;
- 5) Represent and negotiate for Philippine interest on matters pertaining to overseas Filipino affairs in international bodies;
- 6) Develop, implement and improve coordination with other countries with the presence of overseas Filipinos and monitor foreign developments to ensure the most reasonable working conditions for the OFWs and create a proactive approach in providing assistance to them especially in times of war and civil unrest, whether potential or apparent;
- 7) Promote knowledge, information and resource sharing, and develop a database to assist overseas Filipinos anywhere in the world;
- 8) Coordinate and support the generation and build up of resources or funds for use of overseas Filipinos;
- 9) Conduct symposia, consultations and seminars on effective programs relating to overseas Filipinos; and
- 10) Assist and provide technical expertise in the troubleshooting of overseas Filipinos in distress and tap the services of personnel, foreign and local, with expertise to help in the repatriation of overseas Filipinos, if needed;
- 11) Promote, develop and monitor the continuing education, training and qualification, availability and deployment of OFWs and coordinate with concerned agencies in the training of overseas Filipinos to improve their competitiveness globally;
- 12) Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country;
- 13) Ensure that there are existing and effective reintegration programs for returning OFWs;
- 14) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
- 15) Promulgate rules and regulations for the implementation of its guidelines and policies and related laws;

16) Administer, accept, hold and utilize property, both personal and real, subject to constraints by existing laws, for the purpose of assisting of expediting the work of the Department; and

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

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

SEC. 7. *Secretary of Migration and Development.* The Secretary shall be appointed by the President, subject to 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 streamlined operations of the Department, in accordance with the programs, services and priority agenda of the national government;
- c) Review and approve request for financial and manpower resources of all operating offices of the Department;
- d) Designate and appoint officers and employees of the Department, excluding the Undersecretaries, Assistant Secretaries and Directors, in accordance with the Civil Service laws, rules and regulations;
- e) Collaborate with other government agencies and public and private interest groups, including all industry associations and civil society groups, and migrants workers' desks all over the country as well as Filipino community groups abroad on Department policies, programs and initiatives;
- f) Undertake regular consultations and joint planning sessions with the heads of pertinent government agencies on matters relevant to the welfare and development of migrants and their families;

- g) Extend advice to the President on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to Filipino migrants;
- h) Coordinate and oversee all policies and programs relevant to migration and development;
- 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 from time to time.

SEC. 8. *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 one (1) of the undersecretaries shall be a career officer with at least ten years experience from the ranks of government labor-oriented agencies. 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.

SEC. 9. *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 priority shall be given to career officers.

SEC. 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 at least ten (10) years of competence and expertise in the field of migration and development.

SEC. 11. *Regional Offices.* - The Department may establish, operate, and maintain a regional office in the different administrative regions of the country as the need arises. Each regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The Regional Director and 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 efficient and effective service to program beneficiaries and all stakeholders;
- c) Coordinate with regional offices of other departments, offices, and agencies;
- d) Coordinate with the LGUs; and,
- e) Perform such other functions as may be provided by law or assigned by the Secretary.

SEC. 12. *Attached Agencies.*- The following agencies shall be attached to the Department for policy and program coordination, and shall continue to function in accordance with the charters, laws or orders creating them, unless inconsistent with the substance and spirit of this Act:

- 1) Philippine Overseas Employment Administration (POEA); and,
- 2) Overseas Workers' Welfare Administration (OWWA).

SEC. 13. *Transfer Of Bureaus, Offices And Agencies.* - The following bureaus, offices and agencies are hereby transferred from their respective departments (as shown in parenthesis) to the Department.

- a) International Labor Affairs Bureau (ILAB), including all Philippine Overseas Labor Offices, with direct supervision over Labor Attaches and Welfare Officers and the Filipino Workers Resource Centers;
- b) Overseas Absentee Voting Secretariat (Department of Foreign Affairs);
- c) Commission on Filipinos Overseas (Office of the President);
- d) National Reintegration Center for OFWs (OWWA);
- e) Repatriation Unit (POEA)/ Repatriation Assistance Division (OWWA);
- f) Conciliation Unit (POEA);
- g) Anti-Illegal Recruitment Branch (POEA);
- h) Workers Education Division (POEA);
- i) PDOS unit (OWWA);



- j) Government Placement Branch (POEA);
- k) Adjudication Office (POEA);
- l) Overseas Operations Coordination Service – 24/7 hotline (OWWA);
- m) Social Service Office (Department of Social Welfare and Development);
- n) Pertinent offices of MARINA in relation to the training, certification, and setting and monitoring of standards concerning international seafarers (Department of Transportation and Communications).

The laws and rules on government reorganization as provided for in Republic Act No. 6656, otherwise known as the Reorganization Law, shall govern the reorganization process of the Department.

The Department may create sectoral, industry, and/or geographic task forces, technical working groups, advisory bodies or committees in furtherance of its mandate and objectives. Private sector representatives may be designated members of such working groups in addition to representatives drawn from local and national government agencies, as the need arises.

An inter-agency coordinating Council on Migration and Development, shall be composed of the secretaries of the following departments:

- 1) Department of Migration and Development;
- 2) Department of Foreign Affairs;
- 3) Department of Labor and Employment;
- 4) Department of Justice;
- 5) Department of Social Welfare and Development; and
- 6) Department of Interior and Local Governments.

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 or their families left behind that require humanitarian assistance shall fall under the purview of this Inter-Agency Coordinating Council with appropriate recommendations for the consideration of the Office of the President.

SEC. 14. *Establishment of One-Stop Migrant Assistance Centers.* - The Department, in partnership with other government agencies, shall establish One-Stop Migrant Assistance Centers in all major capital towns and cities nationwide to ensure prompt, efficient, vital and relevant services to migrant Filipinos and their families to include passport and authentication

services, acquisition of government clearances and permits, validation of overseas job offers, reintegration services and all pertinent seminars and workshops for all stakeholders.

SEC. 15. *Separation And Retirement From Service.*- Employees separated from the service as a result of this reorganization shall, within ninety (90) days therefrom, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

SEC. 16. *Structure And Staffing Pattern.*- The Department shall determine its organizational structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with the Civil Service law, rules, and regulations.

SEC. 17. *Special Assistance Revolving Fund.*- A Special Assistance Revolving Fund for Filipino Migrants, including both documented and undocumented, in the amount of One Billion Pesos (PHP 1,000,000,000.00) is hereby created. Hereinafter referred to as the Special Assistance Fund for Filipino Migrants, the fund shall be utilized for the following purposes:

- a) Emergency repatriation;
- b) Medical expenses, hospitalization, and purchase of medicines for repatriated migrants with dreaded diseases;
- c) Immigration penalties for overstaying, indigent and ailing overseas Filipino workers as well as victims of human trafficking and illegal recruitment;
- d) Legal assistance for labor cases involving ten or more Filipino workers;
- e) Payment of blood money, when recommended by the Department in consultation with the Department of Justice and of Foreign Affairs;
- f) Humanitarian assistance to families left behind particularly in times of calamity;
- g) Basic necessities of OFWs in embassy shelters or for those under detention;
- h) Scholarships for children of Filipinos overseas who are victims of injustice involving modern slavery, human rights violations, and political as well as economic upheavals.
- i) Maintenance and Operational expenses including capital outlay for the establishment of One-Stop Migrant Processing and Assistance Centers in all regions including the central office of the Department.



SEC. 18. *Appropriations.*- The appropriations of bureaus, agencies, and offices identified in Section 14 of this Act shall be transferred to the Department.

Provided, that the amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation of the transferred agencies. Thereafter, the amount needed for the operation and maintenance of the Department including the Special Assistance Revolving Fund shall be included in the General Appropriations Act.

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

SEC. 19. *Separability Clause.* - If any part or provision of this Act is held unconstitutional or invalid, the other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 20. *Repealing Clause.*- All laws, orders, rules or regulations, which are inconsistent or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SEC. 21. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved.