

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

**EIGHTEENTH CONGRESS**  
1<sup>st</sup> Regular Session

House Bill No. 2319



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**Introduced by Representatives ERIC GO YAP, JOCELYN PUA TULFO, and  
ROWENA NIÑA TADURAN**

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**EXPLANATORY NOTE**

According to a survey released by the Philippine Statistics Authority, there are around 2.3 Million Overseas Filipino Workers (OFWs) who worked abroad last year during the period of April - September.

When a Filipino worker decides to be part of the foreign workforce, he/she intends to send back a better sum of his/her income to his/her family and relatives to provide for their basic needs, pay off loan and debts, and generally hasten the improvement of their quality of life. Moreover, cash transfers from OFWs to their families not only improve their spending power and increase their household income, but more importantly, it supports domestic activity and overall economic growth. Our OFWs are modern day heroes for a reason; they support their families and contribute to our economic growth through their cash remittances back home at the same time.

However, our migrant workers are confronted with various issues right from the very moment they decide to work abroad until they finally secure pertinent documents to legally gain employment overseas. They had to endure months of going back and forth to different agencies, paying a good sum of money for assortment of fees, and deal with a very complicated bureaucracy that was supposed to make it all easier for our migrant workers.

Arriving in a foreign country to work is a whole new different story - it is worse. Apart from their emotional baggage of having to work away from their loved ones, there have been endless reports of abusive embassy personnel, employer, co-worker, name it. The OFWs plight is worsening. Reports of both physical and sexual abuse has become a norm. There were also reports of workers escaping from their employers and seeking refuge in Philippine embassies but could not be repatriated

or sent home immediately due to their passports being confiscated by their employers.

Once our OFWs are back home, there is a need to ensure that they will be assisted in finding decent jobs in the country or to another overseas destination, if not help them set up business or livelihood opportunities in the country.

Until we have a government agency that is solely and primarily tasked to look after our OFWs welfare, we can never repay their sacrifices and risk having them go through an unfortunate ordeal again.

This bill seeks to harmonize and address the overlapping and duplication of functions and responsibilities of several government agencies that are currently mandated to address different concerns of our OFWs. The creation of a Department of Overseas Filipino Workers (DOFW) will provide a one-stop shop for the needs of our modern-day heroes regardless of their profession as well as ensuring their protection from all kinds of abuse here and abroad.

Our OFWs has suffered long enough as a consequence of a fragmented government structure on OFW welfare and concerns. The creation of this Department will put an immediate relief to our OFWs and their families. While the main goal is to provide for a good employment environment in the country, there will still be those who will work abroad for their families. It is the duty of the government that we guarantee the protection that they rightfully deserve.

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



ERIC GO YAP



JOCELYN PUA TULFO



ROWENA NINA TADURAN

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**AN ACT**  
**ESTABLISHING THE DEPARTMENT OF OVERSEAS FILIPINO**  
**WORKERS (DOFW), DEFINING ITS POWERS AND FUNCTIONS,**  
**APPROPRIATING FUNDS THEREOF 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 Filipino Workers Act of 2019.”

**SECTION 2. Declaration of Policies. –**

- A. To strengthen the protection of the rights of Overseas Filipino Workers (OFWs) and the promotion of their welfare, safety, and support;
- B. To ensure that the government reaches out and cooperates with other states where there are OFWs;
- C. To guarantee the effective provision of information and communication services with other states in times of calamities or emergencies;
- D. To develop a comprehensive database for OFWs to ensure swift action and assistance in times of distress;
- E. To establish a strong and effective regulatory system that will ensure only fit Filipinos are allowed to work outside of the country;

- F. To provide mechanisms for human capital development for OFWs to advance their set skills and qualifications;
- G. To extend deployment and repatriation assistance and support to OFWs; and
- H. To promote the reintegration of returning OFWs.

**SECTION 3. Creation of a Department of Overseas Filipino Workers.**

-There is hereby created a Department of Overseas if Filipino Workers (DOFW), 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, deployment, and repatriation of OFWs.

**SECTION 4. Mandate.** -The Department shall be the primary policy planning, coordinating, regulating, and administrative entity of the executive branch of the Government that protects and provides assistance to OFWs who are holders of Philippine passports.

**SECTION 5. Powers And Functions of the Department.** -The Department shall have the following powers and responsibilities which shall be exercised by its offices:

- A. Formulate and recommend national policies and guidelines, which are supported by in-depth studies on all policy areas and options, that will ensure the protection of OFWs and will promptly address persisting issues OFWs face abroad, as determined through consultation with relevant stake holders;
- B. Assess, review, harmonize, and consolidate all OFW-related local policies and procedures and international agreements to ensure overall consistency and implementation of the national policies;
- C. Promote, advance, and implement general and specific government agenda on OFW activities, programs, welfare, and interests;
- D. Build a strong and harmonious partnership with other states and with private sectors to formulate and implement effective strategies for the protection and promotion of the welfare the OFWs;
- E. Represent and negotiate for Philippine interest on matters pertaining to OFW affairs in international bodies;
- F. Develop, implement, and strengthen coordination with other states with OFW presence, 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;
- G. Promote knowledge, information, and resource sharing and develop a comprehensive database to assist OFWs anywhere in the world;
  - H. Coordinate and support the generations and build up of resources or funds for use of OFWs;
  - I. Conduct symposia, consultations, and seminars on OFW-related programs and plans;
  - J. Assist and provide technical expertise in resolving the distress encountered by OFWs and tap the services of personnel, local and foreign, with expertise on the formulation of strategies and plans concerning OFW activities, if needed;
  - K. Promote, develop, and monitor the continuing education and training of the OFWS, with respect to their qualification, availability, and deployment, to enhance their skills and to upgrade their global competitiveness.
  - L. Collaborate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country;
  - M. Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
  - N. Prescribe rules and regulations for the operation of OFW recruitment agencies;
  - O. Promulgate rules and regulations for the implementation of its guidelines, policies, and related laws;
  - P. 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
  - Q. Perform such other functions as may be needed to achieve its goals and objectives to the fullest and as may be provided by this Act.

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



**SECTION 7. Secretary of Overseas Filipino Workers.** –The Secretary shall be appointed by the President of the Republic of the Philippines with confirmation of 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 the 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 Departments, excluding the Undersecretaries and Assistant Secretaries, in accordance with the Civil Service laws, rules, and regulations;
- E. Exercise disciplinary powers over officers and employees of the Department in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation;
- F. Coordinate with other government agencies and public and private interest groups, including non-government organizations (NGOs) and people's organizations on Department policies and initiatives;
- G. Undertake consultations with other members of the Cabinets and officers of the government relating to OFW concerns;
- H. Advise the President on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to OFW development;
- I. Advise the President of the activities, programs, plans, and all information necessary or relevant to OFWs;
- J. Coordinate all policies and programs relating to OFW affairs;
- K. Formulate such rules and regulations and exercise such other powers as may be required to implement the objectives of this Act; and
- L. Perform such other tasks as may be provided by law or assigned by the President from time to time.

**SECTION 8. Undersecretaries.** –The Secretary shall be assisted by three  
(3) Undersecretaries who shall be appointed by the President upon

recommendation of the Secretary. *Provided*, That one (1) of the undersecretaries shall be a career officer coming from the ranks of existing government labor 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.

**SECTION 9. Assistant Secretaries.** – The Secretary shall be assisted by three (3) assistant secretaries who shall be career officers appointed by the President upon the recommendation of the Secretary.

**SECTION 10. Qualifications.** – No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless he is a citizen and resident of the Philippines, of good moral character, and of proven integrity.

**SECTION 11. Regional Offices.** – The Department shall be authorized to establish, operate, and maintain Regional Office in each of the administrative regions of the country as the need arises. The regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. 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 technical expertise and know-how and information to provide OFW-centered and efficient services;
- C. Conduct consultations with stake holders located within and around the area of the Regional Office to determine pertinent issues encountered by OFWs and provide a report to the Department;
- D. Coordinate with regional offices of other departments, offices, and agencies and local government units for the consolidation and integration of OFW programs; and
- E. Perform such other functions as may be provided by law or assigned by the Secretary.

**SECTION 12. 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 of Overseas Filipino Workers:

- A. Office for the Overseas Filipino Workers Affairs (Department of Foreign Affairs);
- B. Office of the Legal Assistant for Migrant Worker's Affairs (Department of Foreign Affairs);
- C. Commission on Filipino Overseas (Office of the President); and
- D. All Philippine Overseas Labor Offices (Department of Labor and Employment).

**SECTION 13. Attached Agencies.** -The following agencies are hereby attached to the Department for policy and program coordination, and shall continue and function in accordance with the charters, laws or orders creating them, in so far as they are not inconsistent with this Act:

- A. The Philippine Overseas Employment Administration (POEA); and
- B. Overseas Workers Welfare Administration (OWWA).

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.

**SECTION 14. Sectoral and Industry Task Forces.** - The Department may create sectoral and industry task forces, technical working groups, advisory bodies, or committees for the furtherance of its objectives. Additional private sector representatives, such as from the OFWs, as well as other National Government Agencies (NGAs), LGUs, and GOCCs, that may be appointed to these working groups.

**SECTION 15. 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.

**SECTION 16. Separation from Service.** -Employees separated from the service within six (6) months from the effectivity of this Act as a result of the consolidation and/or reorganization under the provisions of this Act shall receive separation benefits to which they may be entitled under Executive Order No. 366, s. 2004: *Provided, That* those who are qualified to retire under existing laws shall be allowed to retire and receive retirement benefits to which they may be entitled under existing laws, rules, and regulations.



**SECTION 17. Special Assistance Revolving Fund.** – A Special Assistance Revolving Fund for OFWs in distress, both documented and undocumented, in the amount of One Billion Pesos (P 1,000,000,000.00) is hereby created. The fund shall be utilized for the following purposes:

- A. Repatriation;
  - B. Medical expenses, hospitalization, and purchase of medicine in the form of vouchers for six (6) months from arrival;
  - C. Migration fees for overstaying Filipinos;
  - D. Legal assistance, including litigation expenses, legal fees, payment of translation fees, attendance in court hearings;
  - E. Payment of blood money, when necessary; and
  - F. Basic necessities of OFWs caught in emergencies or are detained.
- Provided, That thirty percent (30%) of the total fund shall be allotted to support a livelihood training program or re-training of returning*

**SECTION 18. Appropriation.** – The appropriation allotted for the Office for the Overseas Filipino Workers Affairs, Office of the Legal Assistant for Migrant Worker's Affairs, Commission on Filipino Overseas, and all Philippine Overseas Labor Offices shall be transferred to the Department of Overseas Filipino Workers. *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 to the Department of Overseas Filipino Workers. Thereafter, the amount needed for the operation and maintenance of the Department shall be included in the General Appropriations Act. Provided, That for the next fiscal year, following the approval of this Act, the appropriation for the Department shall not be lower than five billion pesos (P 5,000,000,000.00). Provided, That one billion pesos (P 1,000,000,000.00) of the same appropriation shall be allotted for the Special Assistance Revolving Fund as stated in Section 17 thereof.*

**SECTION 19. Repealing Clause.** – All laws, decrees, executive orders and proclamations, rules and regulations or parts thereof that are inconsistent with this Act are hereby repealed or modified accordingly.

**SECTION 20. Separability Clause.** – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SECTION 21. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspaper of general circulation, whichever comes earlier.

Approved,