



**Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City**

**EIGHTEENTH CONGRESS**

**FIRST REGULAR SESSION**

**House Bill No. 3168**

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**Introduced by REPRESENTATIVE ROSE MARIE 'BABY' J. ARENAS**

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**EXPLANATORY NOTE**

It has been said that one can find a Filipino in practically any part of the world. The Commission on Filipinos Overseas reported that as of December 2009, there were 8,579,378 Filipinos overseas, more than half of which or about 4,522,438 were temporary workers. Such is the Filipino diaspora that, especially in the last 30 years, remittances from overseas Filipinos had steadily grown and consistently bolstered the economy especially in times of economic crises. Preliminary data from the Bangko Sentral ng Pilipinas show that from January to December 2010, total remittances stood at US\$18.763 billion or PhP846.398 billion, which is 8.68 percent of our gross national product for the same year. These remittances were pumped into the economy through the increased spending of the families of the migrant workers. The absence of this spending would lead to the contraction of the economy. If the overseas remittances were to go to the national coffers, this amount would have funded more than half of the national budget which in 2010, was at PhP1.54 trillion.

And yet, they go through unspeakable suffering too many to count.

The Department of Foreign Affairs (DFA) reported a total of 47 OFW deaths in Kuwait in 2013 alone. A total of 196 Filipino workers died in Kuwait since 2016 to the present—almost 79 percent of the victims died due to physical abuse, according to OWWA. In 2017, the Philippine Embassy in Kuwait recorded 6,000 abuses, including sexual abuse and rape.

The body of slain OFW, the 47-year old CONSTANCIA LAYUG DAYAG, was found dead last May 14 in her room at her employer's residence in Kuwait, who sustained various contusions and hematoma on her body but also had a cucumber stuffed inside her privates.

The whole nation was outraged when OFW JOANNA DEMA FELIS was killed by her employers, and for nearly two years, her corpse kept in a freezer in an abandoned apartment while the decomposing body of 33 year old OFW, JENNY DECHOSA, was discovered in between the air-conditioning units on the roof of the Kuwait International Fair Grounds. President Rodrigo Duterte himself, called her death a "national shame" and ordered a ban on the deployment of OFWs to Kuwait, which was lifted shortly after.

In January 2017, JAKATIA PAWA, was executed for a crime she did not commit. The Pawa Case has spanned three administrations—from Presidents Arroyo to Aquino, and Duterte - not an iota of evidence linked her to the crime. Seven (7) more OFW deaths since Pawa, followed.

One death is too many.

Despite these abuses, the number of OFWs continue to rise and during the period of April to September 2018, their number was estimated at 2.3 million. Their cash remittances during the same period was estimated at 235.9 billion pesos.

Every hour, about 121 Filipinos leave the country to work abroad. The truth is, our economy is unable to create and make available 1.5 million new jobs a year to the large number of Filipinos entering the labor force.

Despite the significant contributions of our OFWs over the years, there is still no single agency in the Government, high enough to be on a department level, that attends to their needs. It is about time therefore that the Government to realign its resources so that we can be responsive to the needs of our OFWs.

The Migrant Workers and Overseas Filipinos Act or Republic Act 8042, Section 2C provides that: "...the State does not promote overseas employment as a means to sustain economic growth and achieve national development." However, overseas employment continues, with millions of workers deployed overseas.

Republic Act 10022 Amending the Migrant Workers' Act specifically indicates that the Government must allow the deployment of OFWs only in countries where their rights are protected without compromise. The Commission on Human Rights recently reminded the Government that labor protection must include access to justice, emergency response, psychosocial, and medical treatment guaranteed by the labor-receiving country especially for aggrieved OFWs.

It is time for us to fast track, through legislation, the creation of the Department of Overseas Workers, rationalizing the organization and functions of government agencies related to overseas employment.



To enable the Government to be more responsive to the needs of the OFWS as a sector, Congress must create a single government body that will address all their concerns including, but not limited to, their recruitment, deployment, repatriation, reintegration, and re-employment.

We need to elevate the protection of their welfare to a department level so that we can consolidate all agencies, such as the POEA and OWWA, and their pertinent units in other agencies to provide a purposeful and comprehensive approach to their needs.

Recently, President Duterte announced that he wants a separate Department of Overseas Filipino Workers (OFWs) to be established within six months to address the persistent woes of OFWs with regard to illegal recruiters and other labor malpractices. The proposed department will also ban recruitment of OFWs abroad and will put Philippine-based recruitment agencies under strict government regulation.

Congress has no more excuse not to pass this as an urgent and priority Bill!



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**AN ACT  
CREATING THE DEPARTMENT OF OVERSEAS WORKERS, RATIONALIZING  
THE ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES  
RELATED TO  
OVERSEAS EMPLOYMENT, AND FOR OTHER PURPOSES**

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

**CHAPTER I**

**GENERAL PROVISIONS**

Section 1. *Short Title.* – This Act shall be known as the "*Department of Overseas Workers Act*".

Sec. 2. *Declaration of Policies.* -

1           (a) In the pursuit of an independent foreign policy and while  
2           considering national sovereignty, territorial integrity, national interest  
3           and the right to self-determination paramount in its relations with other  
4           states, the State shall, at all times, uphold the dignity of its citizens  
5           whether in the country or overseas, in general, and Filipino migrant  
6           workers, in particular, continuously monitor international conventions,  
7           adopt/be signatory to and ratify those that guarantee protection to our  
8           migrant workers, and endeavor to enter into bilateral agreements with  
9           countries hosting overseas Filipino workers.

10           (b) The State shall afford full protection to labor, local and  
11           overseas, organized and unorganized, and promote full employment  
12           and equality of employment opportunities for all. Towards this end, the  
13           State shall provide adequate and timely social, economic and legal  
14           services to Filipino migrant workers.

15           (c) While recognizing the significant contribution of Filipino  
16           migrant workers to the national economy through their foreign  
17           exchange remittances, the State does not promote overseas  
18           employment as a means to sustain economic growth and achieve  
19           national development. The existence of the overseas employment  
20           program rests solely on the assurance that the dignity and fundamental  
21           human rights and freedoms of the Filipino citizens shall not, at any  
22           time, be compromised or violated. The State, therefore, shall  
23           continuously create local employment opportunities and promote the  
24           equitable distribution of wealth and the benefits of development.

25           (d) The State affirms the fundamental equality before the law of  
26           women and men and the significant role of women in nation building.  
27           Recognizing the contribution of overseas migrant women workers and  
28           their particular vulnerabilities, the State shall apply gender sensitive

1 criteria in the formulation and implementation of policies and programs  
2 affecting migrant workers and the composition of bodies tasked for the  
3 welfare of migrant workers.

4 (e) Free access to the courts and quasi-judicial bodies and  
5 adequate legal assistance shall not be denied to any person by reason  
6 of poverty. In this regard, it is imperative that an effective mechanism  
7 be instituted to ensure that the rights and interest of distressed  
8 overseas Filipinos, in general, and Filipino migrant workers in particular,  
9 whether or not with the required documentation, are adequately  
10 protected and safeguarded.

11 (f) The right of Filipino migrant workers and of all overseas  
12 Filipinos to participate in the democratic decision-making processes of  
13 the State and to be represented in institutions relevant to overseas  
14 employment is recognized and guaranteed.

15 (g) The State recognizes that the most effective tool for  
16 empowerment is the possession of skills by migrant workers. The  
17 government shall expand skills development and enhancement  
18 programs of the concerned agencies and shall facilitate access of  
19 overseas Filipino workers to these programs through scholarships  
20 and/or training subsidies/grants. Pursuant to this and as soon as  
21 practicable, the government shall deploy and/or allow the deployment  
22 only of skilled Filipino workers.

23 (h) The State recognizes that non-governmental organizations,  
24 trade unions, workers associations, and other similar duly accredited  
25 entities, are partners of the State in the protection of Filipino migrant  
26 workers and in the promotion of their welfare. The State shall  
27 cooperate with them in a spirit of trust and mutual respect. The

1 significant contribution of recruitment and manning agencies shall form  
2 part of this partnership.

3 Sec. 3. *Definition of Terms.* – The following terms, as used in  
4 this Act, shall mean:

5 a) "*Act*" refers to the "Department of Overseas Workers Act";

6 b) "*Authority*" refers to a document issued by the Secretary  
7 authorizing the officers, personnel, agents, or representatives of a  
8 licensed recruitment/manning agency to conduct recruitment and  
9 placement activities as a private recruitment entity;

10 c) "*Bonafide Non-Government Organizations (NGOs)*" refers to  
11 non-government or civil society or faith-based organizations duly  
12 recognized by the Philippine Embassy as active partners of the  
13 Philippine Government in the protection of Filipino migrant workers and  
14 the promotion of their welfare;

15 d) "*Contracted Workers*" refers to Filipino workers with  
16 employment contracts already approved by the Department for  
17 overseas deployment;

18 e) "*Direct Hires*" refers to workers directly hired by employers for  
19 overseas employment as authorized by the Secretary of Labor and  
20 Employment and processed by the Department, including:

21 1. Those hired by international organizations;

22 2. Those hired members of the diplomatic corps; and

23 3. Name hires or workers who are able to secure overseas  
24 employment opportunity with an employer without the  
25 assistance or participation of any agency;

1 f) "*Employment Contract*" refers to the following:

2 1. For land-based workers hired by private  
3 recruitment/employment agencies - a written agreement  
4 between the foreign principal/employer and the worker  
5 based on the master employment contract approved by the  
6 Department; and

7 2. For seafarers – a written standard Department-approved  
8 employment contract stipulating a specific period of  
9 employment and formulated through tripartite consultation,  
10 individually adopted and agreed upon by the  
11 principal/employer and the seafarer;

12 g) "*Service Contractor*" refers to any person, partnership or  
13 corporation, as defined under the Corporation Code, duly licensed  
14 as a private recruitment agency by the Secretary to recruit  
15 workers for its accredited projects or contracts overseas;

16 h) "*Gender Sensitivity*" is the recognition of the inequalities and  
17 inequities prevalent in society between women and men and a  
18 commitment to address these concerns;

19 i) "*Head*" or "*Manage*" refers to any of the following acts:

20 1. Control and supervise the operations of a  
21 recruitment/manning agency or branch thereof of which  
22 they are employed; or

23 2. Exercise the authority to hire or fire employees and lay  
24 down and execute management policies of a  
25 recruitment/manning agency or branch thereof;



1 j) "*Joint and Several Liability*" refers to the liability of the foreign  
2 principal/employer and the recruitment/manning agency, for any  
3 and all claims arising out of the implementation of the  
4 employment contract involving Filipino workers for overseas  
5 deployment. If the recruitment/manning agency is a juridical  
6 entity, the corporate officers and directors and partners, as the  
7 case may be, shall themselves be jointly and severally liable with  
8 the corporation or partnership for the aforesaid claims and  
9 damages;

10 k) "*Irregular/Undocumented Filipino Migrant Workers*" refers to  
11 the following:

12 (1) Those who acquired their passports through fraud or  
13 misrepresentation;

14 (2) Those who possess expired visas or permits to stay;

15 (3) Those who have no travel document whatsoever;

16 (4) Those who have valid but inappropriate visas; or

17 (5) Those whose employment contracts were not  
18 processed by the Department or subsequently verified and  
19 registered on-site by the Philippine Overseas Labor Offices  
20 (POLOs), if required by law or regulation;

21 m) "*License*" refers to the document issued by the Secretary  
22 authorizing a person, partnership or corporation to operate a  
23 private recruitment/manning agency;

1 n) "*Manning Agency*" refers to any person, partnership or  
2 corporation duly licensed by the Secretary to engage in the  
3 recruitment and placement of seafarers for ships plying  
4 international waters and for related maritime activities;

5 o) "*Non-licensee*" refers to any person, partnership or corporation  
6 engaged in the recruitment and placement of overseas Filipino  
7 workers without a license, or whose license has been revoked,  
8 cancelled, terminated, has expired or otherwise delisted from the  
9 roll of licensed recruitment/manning agencies registered with the  
10 Department;

11 p) "*Overseas Filipinos*" refers to migrant workers, other Filipino  
12 nationals and their dependents abroad;

13 q) "*Overseas Filipino in Distress*" refers to an Overseas Filipino  
14 who has a medical, psycho-social or legal assistance problem  
15 requiring treatment, hospitalization, counseling, legal  
16 representation, or any other kind of intervention with the  
17 authorities in the country where he or she is found;

18 r) "*Overseas Filipino Worker*" or "*Migrant Worker*" refers to a  
19 person who is to be engaged, is engaged, or has been engaged  
20 in a remunerated activity in a state of which he or she is not a  
21 citizen, or on board a vessel navigating the foreign seas other  
22 than a government ship used for military or non-commercial  
23 purposes, or on an installation located offshore or on the high  
24 seas. A "person to be engaged in a remunerated activity" refers  
25 to an applicant worker who has been promised or assured  
26 employment overseas;

1 s) "*Placement Fees*" refers to any and all amounts charged by a  
2 private recruitment/manning agency from a worker for its  
3 recruitment and placement services as prescribed by the  
4 Secretary;

5 t) "*Principal*" refers to a foreign employer or placement agency  
6 hiring or engaging Filipino workers for overseas employment  
7 through a licensed private recruitment/manning agency;

8 u) "*Private Recruitment/Employment Agency*" refers to any  
9 person, partnership or corporation duly licensed by the Secretary  
10 to engage in the recruitment and placement of workers for  
11 overseas employment for a fee which is charged, directly or  
12 indirectly, from the workers who renewed their employment  
13 contracts with the same principal;

14 v) "*Rehires*" refers to land-based workers who renewed their  
15 employment contracts with the same principal;

16 w) "*Regular/Documented Filipino Overseas Migrant Workers*"  
17 refers to the following:

18 (1) Those who possess valid passports and appropriate  
19 visas or permits to stay and work in the receiving country;  
20 and

21 (2) Those whose contracts of employment have been  
22 processed by the Department, or subsequently verified and  
23 registered on-site by the POLO, if required by law or  
24 regulation;

25 x) "*Seafarer*" refers to any person who is employed or engaged in  
26 overseas employment in any capacity on board a ship other than

1 a government ship used for military or non-commercial purposes.  
2 The definition shall include fisherfolk, cruise ship personnel, and  
3 those serving on mobile offshore and drilling units in the high  
4 seas;

5 y) "*Secretary*" refers to the Secretary of the Department of  
6 Overseas Workers;

7 z) "*Skilled Filipino Workers*" refers to those who have obtained an  
8 academic degree, qualification, or experience, or those who are  
9 in possession of an appropriate level of competence, training and  
10 certification, for the job they are applying, as certified to by the  
11 appropriate government agency; and

12 aa) "*Underaged Migrant Workers*" refers to those who are below  
13 18 years or below the minimum age requirement for overseas  
14 employment as determined by the Secretary.

15 *Sec. 4. Department of Overseas Workers.* – To implement the above  
16 declared policies, there is hereby created the Department of Overseas  
17 Workers, hereinafter referred to as the Department, which shall prepare,  
18 integrate, coordinate, supervise, and control all plans, programs, projects, and  
19 activities of the Government relative to overseas employment.  
20

21 *Sec. 5. Powers and Functions.* – The Department shall be the lead  
22 government agency responsible for the formulation and implementation of  
23 policies and programs for the overseas employment of Filipino workers. In  
24 coordination with appropriate entities, it shall formulate and undertake a  
25 systematic program for promoting and monitoring the overseas employment  
26 of Filipino workers, including seafarers, taking into consideration domestic  
27 manpower requirements and the need to protect their rights to fair and

equitable employment practices. It shall have original and exclusive jurisdiction over all cases involving employer-employee relations, documented or undocumented/irregular workers, arising out of or by virtue of any law or contract involving Filipino workers for overseas employment.

## **CHAPTER II**

### **THE DEPARTMENT PROPER**

*Sec. 6. Composition.* – The Department Proper shall be composed of the Office of the Secretary and the Offices of the Undersecretaries and Assistant Secretaries, and divisions of the Department. The Secretary, Undersecretaries, and Assistant Secretaries shall be appointed by the President.

*Sec. 7. Office of the Secretary.* – The Office of the Secretary shall consist of the Secretary and his immediate staff.

The Secretary shall have the following powers and functions:

(1) Establish the policies and standards for the operation of the Department pursuant to the approved programs of government;

(2) Promulgate rules and regulations necessary to carry out department objectives, policies, functions, plans, programs and projects;

(3) Promulgate administrative issuances necessary for the efficient administration of the offices under the Secretary and for proper execution of the laws relative thereto. These issuances shall not prescribe penalties for their violation, except when expressly authorized by law;



1 (4) Exercise disciplinary powers over officers and employees in  
2 accordance with law, including the conduct of investigations or  
3 designation of a committee or officer to conduct such investigation;

4 (5) Appoint all officers and employees of the Department except those  
5 whose appointments are vested in the President or in some other  
6 appointing authority; *Provided however, That* where the Department is  
7 regionalized on a department-wide basis, the Secretary shall appoint  
8 employees to positions in the second level in the regional offices as  
9 defined in the Administrative Code of 1987;

10 (6) Exercise jurisdiction over all bureaus, offices, agencies and  
11 corporations under the Department as are provided by law, and in  
12 accordance with the applicable relationships as specified in Chapters 7,  
13 8, and 9 of the Administrative Code of 1987;

14 (7) Delegate authority to officers and employees under the Secretary's  
15 direction in accordance with this Act; and

16 (8) Perform such other functions as may be provided by law.

17 *Sec. 8. The Undersecretaries.* - The Secretary shall be assisted by four  
18 (4) Undersecretaries, one each for the International Labor Affairs Office, the  
19 Funds and Investment Management Office, the Licensing and Regulation  
20 Office, and for the Employment and Welfare Office.

21  
22 A. The general functions of the Undersecretaries are as follows:

23 1) Advise and assist the Secretary in the formulation and  
24 implementation of department objectives and policies;

25 2) Oversee all the operational activities of the department for  
26 which he shall be responsible to the Secretary;

- 1           3)     Coordinate the programs and projects of the department  
2                     and be responsible for its economical, efficient and  
3                     effective administration;
- 4           4)     Serve as deputy to the Secretary in all matters relating to  
5                     the operations of the department;
- 6           5)     Temporarily discharge the duties of the Secretary in the  
7                     latter's absence or inability to discharge his duties for any  
8                     cause, or in case of vacancy of the said office, unless  
9                     otherwise provided by law. Where there are more than  
10                    one undersecretary, the Secretary shall allocate the  
11                    foregoing powers and duties among them. The President  
12                    shall likewise make the temporary designation of Acting  
13                    Secretary from among them; and
- 14          6)     Perform such other functions and duties as may be  
15                    provided by law.

16       B.     Specific Functions

17           1. *Undersecretary for International Labor Affairs Office* shall  
18     advise the Secretary on the various international labor agreements to  
19     which the government is a party and monitor our compliance therewith.  
20     He/she shall exercise technical supervision over the POLOs, ensuring  
21     that programs and projects of the labor offices in the different parts of  
22     the globe are consistent with international labor and department  
23     policies. Moreover, where there are a number of OFW- and labor-  
24     related concerns, Filipino Workers Resource Centers (FWRCs) shall be  
25     established and the operations of which shall be supervised by POLOs.

26           The International Labor Affairs Office shall have the following  
27     divisions: Asian Affairs Division, American and Pacific Affairs Division,

1 European Affairs Division, and the Middle Eastern and African Affairs  
2 Division.

3         2. *Undersecretary for Funds and Investment Management Office*  
4 shall provide the services for the efficient and effective management of  
5 the Overseas Workers Trust Fund created in Section 12, including the  
6 maintenance of computer-based financial data management system  
7 pertaining to collection, fund transfer, investment and assets  
8 management. It shall consolidate all Department collections and  
9 contributions, and ensure an efficient collection and reporting system.  
10 The Undersecretary shall head the Board which is created in Section 13  
11 and shall also be tasked to formulate a medium and annual term  
12 investment plan for the Trust Fund, for approval of the Board.

13  
14         3. *Undersecretary for Licensing and Regulation* shall have the  
15 following powers and function:

- 16  
17         a. Process applications for license or authority to operate  
18 recruitment or manning entities, and recommend to the  
19 Secretary appropriate action thereon;  
20  
21         b. Recommend to the Secretary appropriate actions for violations  
22 of the conditions of license or authority including the  
23 suspension or cancellation or revocation thereof;  
24  
25         c. Monitor the status of cash and surety bonds and require the  
26 replenishment or renewal thereof;  
27  
28         d. Maintain an updated list of licensed or authorized employment  
29 agencies for the guidance of the public;

- 1
- 2 e. Prepare and implement an inspection program for the
- 3 effective supervision and evaluation of the activities of private
- 4 employment or manning agencies;
- 5
- 6 f. Prepare and implement an inspection program for the
- 7 eradication of illegal recruitment activities and provide support
- 8 services to the inter-agency council on illegal recruitment in its
- 9 campaign against illegal recruitment;
- 10
- 11 g. Prepare and implement programs for the evaluation of
- 12 employment agencies and manning companies in pursuance of
- 13 the regulatory functions of the office and in aid of policy
- 14 formulation;
- 15
- 16 h. Formulate and implement programs for standardization of
- 17 allowable fees to be charged by private employment entities,
- 18 medical clinics and testing centers;
- 19
- 20 i. Review and evaluate requirements for issuance of license and
- 21 authorities;
- 22
- 23 j. Review and evaluate service or employment and shipping
- 24 agencies, specifying therein the minimum terms and
- 25 conditions of employment of overseas Filipino workers;
- 26
- 27 k. Formulate and implement programs for the effective
- 28 monitoring of foreign exchange remittances of overseas
- 29 contract workers.
- 30

1           4. *Undersecretary for Employment and Welfare* shall implement  
2 and deliver programs and services through regional and on-site  
3 operations. It shall supervise the operations of the following:  
4

5           a. Regional Operations Coordination Service – Supervises and  
6 provides technical and administrative support to Regional  
7 Welfare Offices (RWOs).  
8

9           1. Regional Welfare Offices (RWOs)  
10

11           a. Administrative and Finance Unit – provides  
12 administrative support services to the RWO and  
13 maintains a sound and adequate regional branch  
14 accounting system.  
15

16           b. Program Services Division – administers and  
17 implements efficient delivery of programs and services  
18 in the regions.  
19

20           2. Overseas Operations Coordination Services – Supervises  
21 and provides administrative and technical support to Overseas  
22 Welfare Offices (OWO). It shall provide technical assistance to  
23 the Overseas Office Operations.  
24

25           a. Overseas Welfare Office – Implements programs and  
26 services to member-OFWs.  
27

28           Sec. 9. *Assistant Secretaries.* – The Secretary shall also be assisted by  
29 three (3) Assistant Secretaries, one (1) for Management Services, one (1) for



1 Policy and International Affairs, one (1) for Regional Operations and  
2 Licensing.

3  
4 A. The general functions of the Assistant Secretaries are as follows:

- 5  
6 1. Advise and assist the Secretary and/or Undersecretaries in the  
7 formulation, determination and implementation of laws, policies,  
8 plans, programs and projects on overseas labor and employment;  
9  
10 2. Oversee the day-to-day administration of the constituent units of  
11 the Department;  
12  
13 3. Perform the duties of the Undersecretaries during their absence  
14 or in case of vacancy of such position in the Department upon  
15 designation by the Secretary; and  
16  
17 4. Perform such other functions as may be provided by law or  
18 assigned by the Secretary and/or Undersecretaries from time to  
19 time.

20  
21 B. Specific Functions

22  
23 1. Assistant Secretary for Management Services shall have the  
24 following functions:

- 25  
26 a. Advises and assists the Secretary and the  
27 Undersecretaries in the formulation and implementation  
28 of the Department's policies, plans, progress and  
29 projects as they relate to general management,

1 information and publication, personnel, finance and  
2 other support services under the Department Proper.

3  
4 b. Supervises the operational activities of the following  
5 offices:

- 6  
7 1. Administrative Service  
8 2. Financial and Management Service  
9 3. Human Resource Development Service  
10 4. Information and publication Service

11  
12 c. Performs such other functions as may be provided by  
13 law or assigned by the Secretary and/or  
14 Undersecretaries from time to time.

15  
16 2. Assistant Secretary for Policy and International Affairs shall  
17 have the following functions:

18  
19 a. Advises and assists the Secretary and the  
20 Undersecretaries in the formulation of the Department's  
21 over-all long-range and short-term plans and programs  
22 on overseas employment, with special focus on the  
23 government's compliance with international labor  
24 agreements;

25  
26 b. Reviews and evaluates the progress/status of projects  
27 and accomplishments in relation to set standards,  
28 objectives and schedules;

1 c. Supervises the operational activities of the International  
2 Labor Affairs Service and Planning Service; and

3  
4 d. Perform such other functions as may be provided by law  
5 or assigned by the Secretary and/or Undersecretaries  
6 from time to time.

7  
8 3. Assistant Secretary for Regional Operations shall have the  
9 following functions;

10  
11 a. Advises and assists the Secretary and the  
12 Undersecretaries in the formulation and implementation  
13 of the Department's objectives and policies at the  
14 regional level;

15  
16 b. Supervises the administration and operations of the  
17 regional offices;

18  
19 c. Promotes coordination of efforts between and among  
20 the regional offices and the regional branches of  
21 attached agencies to insure efficient, effective and  
22 economical implementation of the Department's policies,  
23 plans, programs and projects at the regional level;

24  
25 d. Monitors and assesses developments in the regions with  
26 a view to providing the divisions and other offices in the  
27 Department, necessary information for policy and  
28 program formulation and implementation;

29

1 e. Advises and assists the Secretary and the  
2 Undersecretaries in the resolution of appealed labor  
3 standards cases; and  
4

5 f. Performs such other functions as may be provided by  
6 law or assigned by the Secretary and/or  
7 Undersecretaries from time to time.  
8

9 Sec. 10. *Office of the Legal Adviser.* – The Office of the Legal Adviser  
10 shall be headed by a Legal Adviser, who shall be a career officer and shall be  
11 reporting directly to the Secretary. However, the Legal Adviser may be  
12 appointed by the President upon the recommendation of the Secretary, from  
13 outside the career service. His term shall be co-terminus with the tenure of  
14 the Secretary, unless sooner terminated. The Legal Adviser shall provide legal  
15 advise and services to the Department.  
16

17 It shall provide legal service for the Department's internal and external  
18 requirements, including but not limited to, the drafting of legislative proposal  
19 and provision of opinion on bills, and rules and regulations affecting the  
20 Departments and its operations.  
21

22 The Office of the Legal Adviser shall have a staff complement of  
23 personnel with the necessary competency and skills requirement.  
24

25 Sec. 11. *Offices and Divisions.* – Subject to the power of the Secretary  
26 with the approval of the President, to reorganize, restructure, and redefine  
27 the functions of the offices and divisions for the effective discharge of the  
28 powers and functions of the Department under this Act, the Department shall  
29 have the following offices and divisions:  
30

1 The divisions and offices shall have the following powers and function:

2  
3 A. Internal Audit Division – Reviews and evaluates the soundness,  
4 adequacy and application of accounting, financial and other  
5 management procedures and promotes an effective control system at  
6 reasonable costs.

7  
8 B. Membership Processing Center – Provides and implements  
9 policy guidelines on membership and contribution of OFWs.

10  
11 C. Procurement and Property Management – Manages the  
12 procurement, storage and issuance of supplies, materials and  
13 equipments as well as the disposal of obsolete and excess materials and  
14 supplies.

15  
16 D. Human Resources Management and Development Division –  
17 Manages and administers a comprehensive personnel program  
18 pertaining to recruitment, placement, career and employee  
19 development, and other personnel services and actions.

20  
21 E. Engineering and General Services Division - Formulates and  
22 implements a building and equipment maintenance program.

23  
24 F. Records Management Division - Develops and maintains a  
25 system of retrieval, maintenance, safekeeping, authentication and  
26 disposal of documents and records.

27  
28 G. Budget Division – Manages the budgetary system and  
29 monitors fund utilization and provides annual budget guidelines.

30



1           H. Accounting Division – Implements systems and procedures for  
2 appropriate accounting and financial transactions including the  
3 management of sub-systems in the regional and overseas operating  
4 units. It shall ensure compliance with New Government Accounting  
5 System (NGAS).  
6

7           I. Cash Division – Implements systems and procedures on  
8 collection and disbursement.  
9

10          J. Repatriation and Assistance Division – Facilitates family  
11 inquiries regarding cases and circumstances of their OFW-relatives,  
12 documented or irregular/undocumented Filipino overseas workers. It  
13 shall maintain a case management and documentation system, and  
14 manage the repatriation program to include airport assistance and  
15 provision of counseling services, medical and rehabilitation assistance to  
16 OFWs.  
17

18          K. Program Services Divisions – Administers and implements  
19 efficient delivery of programs and services for the OFWs in the region.  
20

21          L. Advocacy and Social Marketing Division - Establishes and  
22 maintains public information counters, website and hotlines. It shall  
23 cause the mounting of membership campaigns and development of  
24 information materials, press releases and mass media packages  
25 designed to manage public perception of the Department.  
26

27          M. Grievance and Adjudication Division shall have the following  
28 powers and function:  
29

- 30               1. Provides legal assistance to OFWs;

2. Provides mandatory conciliation of complaints;
3. Performs legal research and docketing of cases;
4. Hears and arbitrates complaints and cases filed against recruitment and manning agencies, foreign principals and employers through their agents, and OFWs for reported violation of Department Rules and Regulation; and
5. Enforce all writs.

N. National Reintegration Center for OFWs Division – The NRCO shall undertake the following:

1. Develop support programs and projects for livelihood, entrepreneurship, savings, investment and financial literacy for returning Filipino overseas migrant workers and their families, in coordination with relevant stakeholders, service providers and international organizations;
2. Coordinate with appropriate stakeholders, service providers and relevant international organizations for the promotion, development and the full utilization of the skills and potentials of returning overseas Filipino workers;
3. Institute, in cooperation with other government agencies concerned, a computer-based information system on returning Filipino overseas migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private;

1 4. Provide a periodic study and assessment of job  
2 opportunities for returning Filipino overseas migrant  
3 worker;

4  
5 5. Develop and implement other appropriate programs to  
6 promote the welfare of returning Filipino overseas migrant  
7 workers;

8  
9 6. Maintain an internet-based communication system for on-  
10 line registration of returning OFWs and interaction with  
11 clients, and maintain and upgrade computer-based service  
12 capabilities of the NRCO;

13  
14 7. Develop capacity-building programs for returning overseas  
15 Filipino workers and their families, implementers, service  
16 providers and stakeholders;

17  
18 8. Conduct research for policy recommendations and program  
19 development; and

20  
21 9. Undertake other programs and activities as may be  
22 determined by the Department.

23  
24 O. Pre-Departure Division shall have the following powers and  
25 function:

26  
27 1. Maintains a manpower registry of applicants for overseas  
28 and seafaring employment.

29 2. Accredits foreign employers and principals.

30 3. Processes and documents employment contracts.

4. Assists and validates documents at exit points.
5. Undertakes global mapping and profiling of OFWs.
6. Client servicing for government employers hiring through government to government arrangements.
7. Issues Seafarers Identification Document.

P. International Relations Division – shall have the following powers and functions:

1. Develops and monitors new markets and conducts market research; and
2. Enters into a Memoranda of Understanding on the hiring of Filipino workers with labor-receiving countries.

Q. Crisis Management Center – shall provide an under the Office of the Secretary, shall operate on a 24-hour basis including Saturdays, Sundays, and holidays. A counterpart 24-hour Information and Assistance Center to ensure a continuous network and coordinative mechanism shall be established at the DFA and the DOLE/Department.

T. Administrative and Financial Management Office – Supervises administrative and support services. It shall manage all financial transactions and concerns of the Secretariat; formulate, review and implement administrative and financial systems and procedures.

1. General Administrative Service – Manages the administrative systems and procedures relating to human resource, property, procurement and maintenance, records management and general services.

1                   2. Financial Management Service – Formulates, reviews and  
2                   implements systems and procedures on budget, accounting  
3                   and cashiering.

4  
5  
6                   **CHAPTER III**  
7                   **THE OVERSEAS WORKERS TRUST FUND**  
8

9           Sec. 12. *Overseas Workers Trust Fund.* – There is hereby created an  
10 Overseas Workers Trust Fund, hereinafter referred to as the Trust Fund which  
11 shall be lodged in the Department. All fees and charges paid by an overseas  
12 worker pursuant to an approved overseas employment contract shall accrue  
13 to the Trust Fund.

14  
15           The existing overseas fund lodged in the OWWA shall be transferred to  
16 the Trust Fund herein created.

17  
18           Sec. 13. *Overseas Workers Trust Fund Board.* – In order to manage and  
19 administer the Trust Fund, an Overseas Workers Trust Fund Board is hereby  
20 created. The Board shall be composed of the Undersecretary for Funds and  
21 Investment Management who shall be designated as the Chairperson, and six  
22 members to be appointed by the President of the Philippines upon the  
23 recommendation of the Secretary. Four members shall have distinguished  
24 themselves in the field of finance, economics, law, or related disciplines either  
25 in public or private capacity for at least 10 years; *Provided, That*, at least two  
26 of the four shall be certified public accountants. The fifth and sixth members  
27 shall come from the overseas workers sector and shall be nominated by duly  
28 accredited OFW organizations; *Provided, That*, the nominees shall have been  
29 an overseas worker for at least three years. At least two members of the  
30 Board shall be female.



1

2

3 **CHAPTER IV**

4 **TRANSITORY PROVISIONS**

5

6       Sec. 14. *Transfer of Powers and Functions.* - The powers and functions  
7 of the OWWA and POEA and pertinent offices under the Department of Labor  
8 and Employment (DOLE) and Department of Foreign Affairs (DFA) are hereby  
9 transferred to the Department. The foregoing transfer of powers and  
10 functions shall include all applicable funds, personnel, records, property and  
11 equipment, as may be necessary. The same shall apply to agencies which  
12 have been attached to the Department by virtue of this Act.

13

14       Sec. 15. *Transfer of Rights, Assets, and Liabilities.* - The Department  
15 shall, by virtue of this Act, be subrogated to all rights and assume all the  
16 liabilities of OWWA and POEA and all other agencies or government units  
17 whose functions and powers have been transferred to the Department. All  
18 funds, including unexpended appropriations and/or allocations, records,  
19 property, assets, and such personnel as necessary, shall likewise be  
20 transferred to the Department. All contracts and liabilities of said offices,  
21 agencies, and government units are hereby transferred to and assumed by  
22 the Department and shall be acted upon in accordance with the Auditing Code  
23 and other pertinent laws, rules, and regulations; Provided, That the officers  
24 and employees of said offices, agencies, and government units shall continue  
25 in a holdover capacity until such time as the new offices and employees of the  
26 Department shall have been duly appointed pursuant to the provisions of this  
27 Act.

28

29       Sec. 16. *Structure and Staffing Pattern.* – The organizational framework  
30 and staffing pattern of the Department shall be prescribed and approved by

1 the Secretary within sixty (60) days after the approval of this Act and  
2 authorized positions created therein shall be filled by regular appointments by  
3 the President or the Secretary, as the case may be: Provided, that, in the  
4 filling of positions created, preference shall be given to the personnel of the  
5 affected agencies.

6  
7       Sec. 17. *Separation From Service.* – Employees separated from the  
8 service as a result of this reorganization shall, within six (6) months from their  
9 separation from the service, receive the retirement benefits to which they may  
10 be entitled under existing laws, rules, and regulations.

11  
12  
13                   **CHAPTER V**  
14                   **APPROPRIATION**

15  
16       Sec. 18. *Appropriations.* - Such sums as may be necessary for the  
17 implementation of this Act shall be taken from the current fiscal year  
18 appropriations of the OWWA and POEA and pertinent offices of the DOLE and  
19 DFA. Thereafter the amount needed for the operation and maintenance of the  
20 Department shall be included in the annual General Appropriations Act.

21  
22                   **CHAPTER VI**  
23                   **MISCELLANEOUS PROVISIONS**

24  
25       Sec. 19. *Disclosure and Divestment of Financial Interest.* – Before  
26 assumption of office, the Secretary, the Undersecretaries, and the Assistant  
27 Secretaries shall submit to the Civil Service Commission a list of all companies,  
28 partnership, or business enterprises, including nonprofit organizations, in  
29 which he/she, or any immediate member of their families within the second  
30 degree of consanguinity or affinity have any form of financial interests or

1 employment relationship, including consultancy: *Provided, however, That* all  
2 other forms of employment relationship held by the heads of the offices of the  
3 Department shall be immediately terminated upon assumption of office.

4  
5 Within thirty (30) days thereafter, complete divestments of financial  
6 interests in any institution, firm, or company which fall under the supervisory  
7 or regulatory jurisdiction of the Department shall be made: *Provided,*  
8 *however, That* in cases where confirmation of appointment by the  
9 Commission on Appointments is required, the divestment mandated herein  
10 shall be complied with within thirty (30) days after such confirmation.

11  
12 The divestment prescribed in the preceding paragraph shall likewise  
13 apply to the member of the immediate family within the second degree of  
14 consanguinity having interest in any institution or activity which falls under  
15 the regulatory jurisdiction or supervision of the Department and its attached  
16 agencies.

17  
18 Sec. 20. *Suppletory Clause.* – The Labor Code of the Philippines, as  
19 amended, shall have suppletory applicability.

20  
21 Sec. 21. *Repealing Clause.* - All laws, presidential decrees, executive  
22 orders, and rules and regulations, or parts thereof, inconsistent with the  
23 provisions of this Act are hereby repealed or modified accordingly.

24  
25 Sec. 22. *Separability Clause.* – If, for any reason, any section or  
26 provision of this Act is held unconstitutional or invalid, the other sections or  
27 provisions hereof shall not be affected thereby.

28  
29 Sec. 23. *Effectivity Clause.* - This Act shall take effect after its complete  
30 publication in at least two (2) national newspapers of general circulation.

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*Approved,*