

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 351

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Introduced by **HONORABLE ROMERO "MIRO" S. QUIMBO**

EXPLANATORY NOTE

In the 2015 survey of the Philippine Statistics Authority, there are at least 2.4 million Filipinos currently employed overseas marking a 1.17% increase from 2014. Based on the same survey, the total remittances of overseas Filipino workers (OFW) in 2015 increased to 180.3 billion pesos from 173.2 billion pesos of the previous year. These remittances from OFWs contribute significantly to the country's Gross Domestic Product. The 2015 report of the Department of Labor and Employment shows that the average number of daily deployment of migrant workers increased to 6,092 from 5,054 of the previous year. The number of deployment is based on documented departures only, should the undocumented departures be included, the number would have increased significantly.

With their situation and physical remoteness from the Philippines, their families and support systems, Filipinos overseas are highly vulnerable to abuses, exploitation and a multitude of intense stressors. These pose a challenge to the State which is constitutionally mandated to serve, protect and ensure the welfare of its citizens, wherever they may be.

Various statutes have been legislated enumerating specific services that must be provided to overseas Filipino workers and victims of human trafficking. Among these statutes are: (1) Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act" requires the establishment of Migrant Workers and Overseas Filipinos Resource Centers in countries where there are large concentrations of Filipino migrant workers to provide counseling, legal and welfare assistance and other services to OFW's; (2) The Labor Code of the Philippines requires Labor Attachés and consular officials to provide protection to Filipino workers on all matters arising out of employment; to ensure that they are not exploited or discriminated against; and to verify and certify that the terms and conditions of employment contracts are in accordance with the Labor Code and the rules and regulations of Overseas Workers Welfare Administration (OWWA); and (3) Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", has mandated government agencies, specifically the Department of Social Welfare and Development (DSWD) to establish and implement rehabilitative and protective programs for victims of such trafficking.

In 2004, the Office of the President issued Executive Order No. 287 establishing and providing the guidelines for the posting of Social Welfare Attachés in areas where there are large concentration of overseas Filipino workers.

Given the significant role that Social Welfare Attachés currently play in assisting overseas Filipinos and the growing number of Filipinos overseas requiring psychological and social welfare assistance, there is a need to institutionalize by statute Social Welfare Attachés as permanent components of Philippine foreign posts in countries or jurisdictions where large number of Filipinos are employed or there are high number of cases of Filipinos being trafficked.

This bill institutionalizes the position of Social Welfare Attachés and provides the qualifications and attributes that they must possess. This bill also provides the specific responsibilities of the different departments and agencies in ensuring the effective and efficient functioning of Social Welfare Attachés.

This bill is but a small measure to ensure that the State fulfills its sacred mandate to serve, protect and ensure the welfare of its citizens, wherever they may be.

The immediate passage of this bill is of great importance.



ROMERO "MIRO" S. QUIMBO
Representative
Second District, Marikina City

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Introduced by **HONORABLE ROMERO “MIRO” S. QUIMBO**

**AN ACT ESTABLISHING SOCIAL WELFARE ATTACHÉS
AND FOR OTHER PURPOSES**

SECTION 1. Short Title. This Act shall be known as the *Social Welfare Attaché Act of 2016*.

SECTION 2. Declaration of Policies.

- a) It is the policy of the State to ensure the dignity and welfare of all its citizens and afford full protection to Filipino labor, wherever they may be located.
- b) The State recognizes the invaluable contribution of overseas Filipino workers to the Philippine economy and their critical role in the pursuit of national development.
- c) Overseas Filipino workers, by the nature of their work and remoteness from the Philippines and their families and support systems, are vulnerable not only to abuse and exploitation but to extreme physical, emotional and psychological stress as well, thus requiring the State to ensure that adequate measures are taken to address these vulnerabilities.
- d) It is the obligation of the State to ensure that it is capable of delivering the social welfare services mandated by existing laws and statutes to be provided to overseas Filipino workers, other overseas Filipinos and victims of human trafficking.

SECTION 3. Definition of Terms.

- a) Social Welfare Attachés (SWA) – personnel of the Department of Social Welfare and Development posted in Philippine consular offices, or similar offices, and selected in accordance with this Act and its implementing rules and regulations to provide and coordinate social welfare services to overseas Filipino workers, their families and victims of human trafficking.

1 coordinate social welfare services to overseas Filipino workers,
2 their families and victims of human trafficking.

3
4 b) Country or jurisdiction of posting – the area covered by the
5 jurisdiction of the consular office, or similar office, to which a
6 social welfare attaché is posted.

7
8 c) Operational knowledge – such competence, skill and
9 understanding that ensures effective and efficient performance of
10 mandated tasks.
11

12 **SECTION 4. Selection of Diplomatic Posts for Social Welfare Attachés'**

13 **Deployment.** Social Welfare Attaches shall be deployed in consular offices
14 whose areas of jurisdiction have the highest concentration of Overseas
15 Filipino Workers (OFWs) and/or the highest and most recurring incidence of
16 human trafficking involving Filipinos as may be determined by the
17 Department of Foreign Affairs, Department of Labor and Employment,
18 Philippine Overseas Employment Agency, Inter-Agency Council Against
19 Trafficking and the Department of Social Welfare and Development.

20 **SECTION 5. Functions and Duties of the Social Welfare Attaché.** The
21 Social Welfare Attaché so deployed shall perform the following functions and
22 duties at post:

23 5.1 Undertake surveys and prepare official social welfare
24 situationers on OFWs and trafficking victims in the country or
25 jurisdiction of posting;

26 5.2 Establish a network with overseas-based social welfare agencies
27 and/or individuals and groups which may be mobilized to assist in
28 the provision of appropriate social services, which shall include but
29 not limited to counseling and advising;

30 5.3 Respond to and monitor the resolution of problems and
31 complaints/queries of OFWs and their families and trafficking victims;

32 5.4 Provide primary counseling and advising services to OFWs and
33 their families and trafficking victims;

34 5.5 Establish and maintain a system of data banking and
35 documentation of OFWs and their families and trafficking victims in
36 the area of assignment so that appropriate social welfare services can
37 be more effectively provided;

38 5.6 Submit regular reports to the DSWD, DFA and IACAT on plans
39 and activities undertaken, recommendations, and updates on the
40 situation of OFWs, particularly those encountering difficulties in the
41 host country, and Filipinos who are victims of trafficking within their
42 area of responsibility. Said report shall form part of the Semi-Annual
43 report to Congress as provided under Section 33 of R.A. No. 8042 and
44 Section 27 of R.A. No. 9208;

1 5.7 Provide information about DSWD and its attached agencies and
2 services; and

3 5.8 Perform other related functions in the delivery of social services,
4 as may be directed by the Head of the Diplomatic Post in the area of
5 assignment.

6 **SECTION 6. Minimum Qualifications and Attributes of Social Welfare**
7 **Attaches.** Social welfare attaches are required to possess the following
8 qualifications and attributes, in addition to whatever requirements the
9 DSWD might impose in the implementing rules and regulations of this Act:

- 10 a. At least three (3) years of actual experience in counseling and
11 advising;
12
13 b. Basic training on handling psychological and emotional trauma
14 and stress;
15
16 c. Basic knowledge and literacy of the major language used in the
17 country or jurisdiction of posting as certified by the Department of
18 Foreign Affairs;
19
20 d. Operational knowledge on the cultural and social systems of the
21 country or jurisdiction of posting as certified by the Department of
22 Foreign Affairs;
23
24 e. Operational knowledge on overseas employment laws, rules,
25 regulations and welfare systems as certified by the Department of
26 Labor and Employment through the Philippine Overseas
27 Employment Agency;
28
29 f. Operational knowledge on anti-trafficking programs, laws, rules,
30 regulations and systems as certified by the Inter-Agency Council
31 Against Trafficking; and
32
33 g. Substantial proof of manifested patience, understanding and
34 capacity to empathize with emotionally troubled or distressed
35 persons.

36 **SECTION 7. Institutional Arrangements.** The DSWD, DFA, DOLE, POEA
37 and IACAT are mandated to perform the following tasks/functions in the
38 implementation of this Act:

39 7.1 Department of Social Welfare and Development (DSWD)

40 7.1.1 Serve as the agency with the primary responsibility of
41 ensuring the implementation of this Act;

42 7.1.2 Formulate and issue the implementing rules and
43 regulations for this Act, in consultation with the DFA, DOLE,
44 POEA and IACAT.

- 9 7.1.6 Exercise technical supervision over its deployed
10 personnel in coordination with the DFA, DOLE, IACAT and
11 other relevant agencies and organizations; and
- 12 7.1.7 Tap and allocate funds for the supervision of basic
13 welfare services needed by the OFWs.
- 14 7.2 Department of Foreign Affairs (DFA)
- 15 7.2.1 Facilitate accreditation of deployed DSWD personnel;
- 16 7.2.2 Formulate and administer tests to determine and certify
17 the SWAs' basic knowledge and literacy of the major language
18 used in their respective countries or jurisdictions of posting
19 and operational knowledge and familiarity of the cultural and
20 social systems of such country or jurisdiction;
- 21 7.2.3 Assist the DSWD in the conduct of the pre-deployment
22 orientation and other relevant training program to SWAs;
- 23 7.2.4 Assist the DSWD in facilitating administrative and
24 consular requisites for deployment;
- 25 7.2.5 Provide logistical and operational support to Social
26 Welfare Attaches, including but not limited to appropriate office
27 space and supplemental operational funds; and
- 28 7.2.6 Undertake administrative and operational supervision to
29 the deployed personnel in coordination with DSWD and other
30 relevant agencies and organizations.
- 31 7.3 Department of Labor and Employment (DOLE)
- 32 7.3.1 Work with the DSWD in the provision of relevant skills
33 training to SWAs to facilitate complementation of services;
- 34 7.3.2 Assist the DSWD in the conduct of orientation training
35 and immersion program for Social Welfare Attaches prior to
36 deployment; and

1 7.3.3 Provide assistance, support and information requested or
2 needed by Social Welfare Attaches in relation to the
3 performance of their functions.

4 7.4 Philippine Overseas Employment Agency (POEA)

5 7.4.1 Work with the DSWD in the provision of relevant skills
6 training to SWAs to facilitate complementation of services;

7 7.4.2 Formulate and administer tests to determine and certify
8 operational knowledge on overseas employment laws, rules,
9 regulations and welfare systems of Social Welfare Attaches; and

10 7.4.3 Assist the DSWD in the conduct of orientation training
11 and immersion programs for Social Welfare Attaches prior to
12 deployment; and

13 7.4.4 Provide assistance, support and information requested or
14 needed by Social Welfare Attaches in relation to the
15 performance of their functions.

16 7.5 Inter-Agency Council Against Trafficking (IACAT)

17 7.5.1 Work with the DSWD in the provision of relevant skills
18 training and other welfare services to the OFWs to facilitate
19 complementation of services;

20 7.5.2 Formulate and administer tests to determine and certify
21 operational knowledge on anti-trafficking programs, laws,
22 rules, regulations and systems of Social Welfare Attaches; and

23 7.5.3 Provide assistance, support and information to SWAs in
24 cases involving human trafficking.

25 **SECTION 8. Funding.** The heads of the departments and agencies
26 concerned shall utilize all resources used in the implementation of Executive
27 Order No. 287 of 2004 for the initial implementation of this program. They
28 shall immediately include their responsibilities under this Act in their
29 respective work programs and issue such internal guidelines as appropriate
30 to implement the same. Funding for all programs and activities mandated
31 under this Act shall be included in the concerned agencies' annual General
32 Appropriations Act.

33 **SECTION 9. Implementing Rules.** The DSWD, in consultation with
34 Department of Foreign Affairs, Department of Labor and Employment,
35 Philippine Overseas Employment Agency, and the Inter-Agency Council
36 Against Trafficking, shall formulate and issue the implementing rules and
37 regulations for this Act not later than thirty (30) days after the effectivity of
38 this Act.

39 **SECTION 10. Interpretation in favor of the welfare of overseas Filipino**
40 **workers, their families and trafficking victims.** In the interpretation of
41 any provision of this Act or any rules or regulations issued as a result

1 thereof, the interpretation which is most favorable to ensure the welfare of
2 overseas Filipino workers, their families and trafficking victims shall be
3 controlling. Furthermore, nothing in this Act shall be interpreted to diminish
4 any right or privilege currently being enjoyed by or provided to OFWs, their
5 families and victims of trafficking

6 **SECTION 11. Repealing Clause.** All laws, decrees, executive orders, rules,
7 regulations or parts thereof inconsistent with the provisions of this Act are
8 hereby repealed or modified accordingly.

9 **SECTION 12. Separability Clause.** If, for any reason, any section or
10 provision of this bill is declared unconstitutional or invalid, other sections or
11 provisions hereof shall remain in force.

12 **SECTION 13. Effectivity.** This Act shall take effect fifteen (15) days after
13 publication in a newspaper of general circulation or in the Official Gazette.

14
15 Approved,