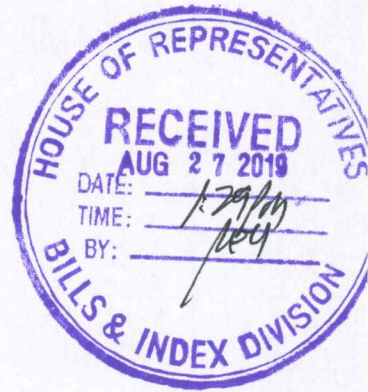




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
First Regular Session

4173
H. B. No. _____

Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
CREATING THE DEPARTMENT FOR FILIPINOS OVERSEAS, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article XIII, Section 3 of the 1987 Constitution declares that "the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all." This provision emphasizes that protection to labor must be in two areas of focus – both domestic and overseas.

According to the latest available statistics, the total number of Overseas Filipino Workers (OFWs) from the period only of April to September 2018 was estimated to be at around 2.3 million. During the same period, the total remittances was estimated at around 235.9 Billion Pesos comprising of 169.4 Billion Pesos for cash sent home, 55.2 Billion Pesos for cash brought home, and 11.2 Billion Pesos for remittance in kind. Given the number of Overseas Filipino Workers that this country has and the significant contributions they give, it is important that there is a department that focuses on promoting and protecting the welfare and interest of the OFWs.

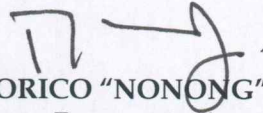
This bill seeks to create a Department for Filipinos Overseas which shall be responsible for the overseas aspect of service our people with particular focus on the OFWs and the allied services, while the Department of Labor and Employment shall concentrate on the domestic aspect with a view to ensuring that the constitutional goals of full protection and full employment shall be achieved or at least approximated.

Today, there are several government agencies, like the Philippine Overseas Employment Association and the Overseas Workers Welfare Administration, which address the different concerns of our OFWs. With these, it is not an uncommon experience where OFWs were given a runaround in the processing of their applications

and other related transactions, unnecessarily wasting their time, effort, and already meager financial resources.

Hence, the creation of this Department is the logical solution which could address this situation of too much bureaucracy, reorganizing and integrating a unified command over all these agencies, thus, giving the overseas Filipinos a much more efficient service.

For such reasons, the immediate passage of this bill is earnestly sought.



HON. TEODORICO "NONONG" T. HARESCO, JR.
Representative
2nd District, Province of Aklan

Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
CREATING THE DEPARTMENT FOR FILIPINOS OVERSEAS, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “**Department for Filipinos**
2 **Overseas.**”

3
4 **SEC. 2. *Declaration of Policy.*** – Pursuant to Article XIII, Section 3, of the 1987 Philippine
5 Constitution, which states that “the State shall afford full protection to labor, local and
6 overseas, organized and unorganized, and promote full employment and equality of
7 employment opportunities to all.”

8
9 It is the policy of this law to create a Department focused on the creation and
10 implementation of policies for the welfare and benefit of the Overseas Filipino Workers
11 (OFWs) and their families. OFWs can now go to a single Department providing a One-
12 Stop Shop service, the Department of Filipinos Overseas, for all their issues and concerns.
13 Through the creation of the Department of Filipinos Overseas, key agencies formerly
14 assisting in OFW affairs such as the Department of Foreign Affairs and the Department
15 of Labor and Employment may now focus on their respective mandates.
16

17 **SEC. 3. *Mandate.*** – A Department for Filipinos Overseas, hereinafter referred to as the
18 Department, is hereby created to serve as the primary agency tasked to formulate, plan,
19 coordinate, promote, administer and implement policies, including, but not limited to,
20 the national development agenda for Filipinos overseas, and especially the OFWs. It shall
21 render an annual report of its activities and achievement to the President and to Congress.
22

23 **SEC. 4. *Powers and Functions of the Department.*** – The Department shall have the
24 following powers and functions, among others:

- 25
26 a. To develop policies which promote the welfare and interest of OFWs and their
27 families;
28
29 b. To formulate, recommend, and implement national policies and programs that
30 will uphold the protection of Filipinos overseas, especially the OFWs;
31

- c. To streamline the process and procedures with regard to the hiring of OFWs by consolidating and harmonizing the pre-employment procedures under different government agencies;
- d. To improve cooperation and coordination with host countries and monitor Filipino deployments in these jurisdictions to ensure their safety;
- e. To employ a proactive approach in providing assistance to Filipinos overseas in times of war, civil unrest, and other analogous circumstances;
- f. To protect the rights of OFWs to fair and equitable employment;
- g. To screen, supervise, and regulate recruitment agencies;
- h. To provide legal assistance in representing, instituting, commencing, or continuing any steps, actions, or proceedings, whether criminal, administrative, or civil, in connection with the employment and deployment of OFWs;
- i. To integrate and provide assistance to former OFWs who want to return home and work domestically;
- j. To coordinate with the various embassies and consular offices where our OFWs are deployed;
- k. To conduct studies and identify overseas employment opportunities; and
- l. To perform such other functions as may be necessary to achieve the objectives provided for by this Act.

SEC. 5. Composition. - The Department shall be composed of the Office of the Secretary, the Office of the Undersecretaries and the assistant secretaries.

SEC. 6. Office of the Secretary of the Department for Overseas Filipinos. - The Secretary of the Department shall be appointed by the President. The Secretary shall have the following powers and duties:

- a. Promulgate rules and regulations necessary to carry out the Department's policies, mandate, and functions;
- b. Exercise supervision and control over all Bureaus and Offices under the Department;
- c. Supervise all attached agencies and corporations in accordance with law; and
- d. Perform such other duties and responsibilities as may be provided by law.

SEC. 7. Undersecretaries. - The Secretary shall be assisted by three (3) Undersecretaries, who shall be appointed by the President, upon the recommendation of the Secretary: *Provided, That, two (2) of the Undersecretaries shall be career officers.*

SEC. 8. Assistant Secretaries. - The Secretary shall be assisted by four (4) Assistant Secretaries who shall be appointed by the President upon the recommendation of the Secretary: *Provided, That, two (2) of the Undersecretaries shall be career officers: Provided,*

1 *further*, That, at least one (1) of the Assistant Secretaries shall be a member of the
2 Integrated Bar of the Philippines.

3
4 **SEC. 9. *Qualifications.*** – No person shall be appointed Secretary, Undersecretary, or
5 Assistant Secretary of the Department unless he or she is a Filipino citizen, a resident of
6 the Philippines, of good moral character, with proven integrity, and with at least ten (10)
7 years of experience and expertise in any of the following: Labor and Employment,
8 Foreign Affairs, and/or Foreign Relations.

9
10 **SEC. 10. *Regional Offices.*** – The Department may create, establish, operate, and maintain
11 regional offices as may be necessary. The Regional Director shall head the Regional Office
12 who shall be appointed by the President. The following are the functions and duties of
13 the Regional Director:

- 14
15 a. Implement the laws, rules and regulations, policies, programs, and projects of the
16 Department;
17
18 b. Submit monthly reports to the Department; and
19
20 c. Perform other functions as may be provided by law or assigned by the Secretary.

21
22 **SEC. 11. *Transfer of Agencies and Personnel.*** – The following agencies and their functions
23 are hereby specifically transferred to the Department:

- 24
25 a. Office of the Legal Assistant for Migrant Workers Affairs of the Department of
26 Foreign Affairs;
27
28 b. The Commission on Filipinos Overseas (CFO);
29
30 c. All Philippine Overseas Labor Offices under DOLE;
31
32 d. The International Labor Affairs Bureau under DOLE;
33
34 e. The Philippine Overseas Employment Administration (POEA);
35
36 f. Overseas Workers Welfare Administration (OWWA);
37
38 g. The National Reintegration Center for OFWs under OWWA;
39
40 h. The Social Welfare Attaché Office (SWATO) of the Department of Social Welfare
41 and Development (DSWD); and
42
43 i. The Attaché Offices of other Department or agencies sending Officers or Staff
44 abroad for Assistance to Nationals (ATN) purposes.

45
46 **SEC. 12. *Transition Period.*** – The transfer of functions, assets, funds, equipment,
47 properties, transactions, and personnel of the affected agencies, and the formulation of
48 the internal organic structure, staffing pattern, operating system, and revised budget of
49 the Department, shall be completed within six (6) months from the effectivity of this Act:
50 *Provided*, That, within this period, the existing personnel shall continue to assume their
51 posts in holdover capacities until new appointments shall have been issued: *Provided*,
52 *further*, That, after the organization and rationalization process, the Department, in
53 coordination with the Department of Budget and Management (DBM), shall determine

1 and create new positions, the funding requirements of which shall not exceed the
2 equivalent cost of positions abolished.

3
4 **SEC. 13. *Appropriations.*** – The amount needed for the operation and maintenance of the
5 Department shall be included in the General Appropriations Act.

6
7 **SEC. 14. *Implementing Rules and Regulations.*** – Within ninety (90) days from effectivity
8 of this Act, the DFO, DFA, DBM, DOLE and the Civil Service Commission shall
9 promulgate the rules and regulations to effectively implement the provisions of this Act.

10
11 **SEC. 15. *Separability Clause.*** – If any provisions of this Act or the application of such
12 provision to any person or circumstances be declared unconstitutional, the remainder of
13 this Act or the application of such provision to other person or circumstances shall not be
14 affected by such declaration.

15
16 **SEC. 16. *Repealing Clause.*** – All laws, decrees, proclamations, executive orders, rules and
17 regulations or other issuances or parts thereof contrary to inconsistent with the
18 provisions of this Act are hereby repealed, amended or modified accordingly.

19
20 **SEC. 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
21 the Official or in at least two (2) national newspapers of general circulation.

22
23 *Approved,*