



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

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 526

Introduced by **DIWA Party-list Representative Hon. Michael Edgar Y. Aglipay**

EXPLANATORY NOTE

It is high time to create a specific department in the government which will promote the overall welfare and cater to the specific needs of our migrant workers and their families.

At present, we have more than 12 million OFWs scattered all over the world. Most of our Filipino migrant workers opted to work abroad because it is their only way to provide a better life for their families. According to the Central Bank, our migrant workers remit an annual average of about Twenty-five Billion Dollars (\$25,000,000,000.00). However, despite the valued recognition from our government on the significant contribution of our Filipino migrant workers to our economy, our Filipino migrants still feel neglected. What our migrant workers need more than the recognition and praises are government institutions, systems, and mechanisms that can effectively and efficiently provide assistance to the millions of Filipinos living and working abroad. Many of our migrant workers abroad can only rely on the organs of the Philippine government therein as their last resort and only means of receiving justice and aid.

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, these agencies are prompted with various challenges to consistently and efficiently cope with the increasing number and widening scope of OFWs in need of assistance. Part of this is due to the many disparate entities, which have overlapping jurisdictions and functions relating to OFWs that at times lead to confusion. With the current set-up, the responsibility for our OFW's various issues and concerns cut across different departments and agencies, which may lead to forward passing, finger-pointing and worse inaction. The most disheartening part, however, is when an OFW's life is at stake and our existing agencies were unable to properly and promptly give them support and assistance.

Given the considerable number of Filipino migrants working and living abroad with various concerns and problems, the government considers as one of its top priorities the creation of an exclusive government institution for our OFWs and other Filipino migrants abroad – the Department of Migrant Development (DMD) or the Department of OFW. More than their contribution to the Philippine economy, our OFWs are considered as one of the most vulnerable citizens, who are in need of immediate assistance and dependable protection.

This Bill, a re-filing of House Bill 3255 of DIWA Party-list filed during the 17th Congress, aims to create the Department of Migration and Development. This legislative measure aims to create an empowered Department for our OFWs, which shall have the exclusive, unified and coherent function to protect the welfare; enforce the rights; provide adequate support; and give assistance to our Filipino migrants working and living abroad as well as their families in the Philippines.

The proposed Department shall, among others, develop, implement and improve coordination with other countries where Filipino migrants are present and monitor foreign developments to ensure the most reasonable working conditions for the OFWs to create a proactive approach in providing assistance to them especially in times of natural calamities and potential and apparent war and civil unrest.

Likewise, it shall promote, develop, and monitor the continuing education, training and qualification, availability and deployment of OFWs and coordinate with concerned agencies for training and education to attain global competitiveness for our OFWs.

Under this legislative measure, the POEA and OWWA will be attached agencies to the Department for policy and program coordination. The creation of the Department will improve interagency coordination and communication since an inter-agency coordinating Council on Migration and Development shall be created. Under the purview of the said Council are death row cases involving blood money, terrorism, drug-trafficking, human trafficking as well as large-scale illegal recruitment cases.

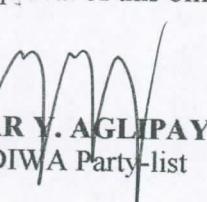
More importantly, this bill seeks to create the P1-billion Special Assistance Revolving Fund for Filipino Migrants, including both documented and undocumented. It will be used for emergency repatriation; medical expenses; immigration penalties; legal assistance; payment of blood money; humanitarian assistance to families left behind; scholarships for children of Filipinos overseas; maintenance and operational expenses including capital outlay for the establishment of One-Stop Migrant Processing and Assistance Centers (OSMPAC) in all major capital towns and cities nationwide.

The OSMPAC aims to provide prompt, efficient, vital and relevant services to migrant Filipinos and their families, which includes passport and authentication services, acquisition of government clearances and permits, and validation of overseas job offers. The Department shall not only address the concerns of our OFWs abroad but also the whole cycle of migration –pre-departure, migration proper and repatriation and reintegration. Our aim is to strengthen the repatriation and reintegration services for migrant Filipinos to facilitate their re-entry into their respective communities.

Creation of a Department of Migration and Development (or a Department of OFW) does not promote migration. Being a migrant worker remains a temporary phase for our OFWs

hence while they are in the migration phase we should provide them all the necessary support and assistance in the most effective and efficient manner so that when they finally decided to come back they will always have a home in the Philippines.

With the foregoing consideration, I earnestly hope the approval of this bill.


MICHAEL EDGAR V. AGLIPAY
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."

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 stakeholders;
- 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.