

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

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 02



INTRODUCED BY REPRESENTATIVES ALAN PETER "COMPAÑERO" S. CAYETANO, MARIA LAARNI L. CAYETANO, AND PAOLO Z. DUTERTE

**AN ACT
CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS (OFW) AND
FOREIGN EMPLOYMENT, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING
FUNDS THEREFOR, RATIONALIZING THE ORGANIZATION AND FUNCTIONS OF
GOVERNMENT AGENCIES RELATED TO MIGRATION, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society, and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity, the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution.

Preamble, 1987 Philippine Constitution

The Filipino is no slave to anyone, anywhere and everywhere. Every abuse against an OFW is an affront against us, as a sovereign nation. All that I ask for our overseas Filipino workers, is that their dignity is honored and the rights of a human being, upheld and respected.

President Rodrigo Roa Duterte

In a just and humane society, we must not forget our fellow Filipinos who are making ends meet for the betterment of their families and loved ones outside the Philippine soil. No less than the Global Compact for Safe, Orderly, and Regular Migration (GCM) which the Philippines adopted in December 2018 recognizes “that safe, orderly and regular migration works for all when it takes place in a well-informed, planned and consensual manner.”¹ Migration should never be an act of desperation but a choice.

In cases when migration is a result of desperation or due to trafficking, the State must respond to the needs of our Overseas Filipino Workers (OFW) in situations of vulnerability and address the

¹ Global Compact for Safe, Orderly and Regular Migration, par. 13, United Nations Resolution, A/RES/73/195.

respective challenges. The whole of government must work together to attend to the needs of all our nationals in distress.

OFWs are called “modern-day heroes,” feted for the remittances they send every year that in 2018 alone, OFW’s personal **remittances** accounted for 9.7% of gross domestic product (**GDP**) and cash remittances from overseas Filipinos have amounted to USD 28.943 billion. This is in addition to remittances in kind or in the form of investments that migrant Filipino workers send here in the country. Every day, our airports are teeming with migrant workers on their way out of the country, each one a mother or a father, a son or a daughter, now reduced to a statistic in a seemingly endless and relentless diaspora.

The term “modern-day heroes” obscures the realities that form the lives of our OFWs. Driven to work overseas usually due to lack of opportunities at home, they just become statistics – household service workers shuffling around the high rise residential condominiums of Hong Kong and Singapore or cleaning villas in the Middle East; construction workers pouring concrete that will eventually become the gleaming skyscrapers in Dubai’s skyline; nurses with medical degrees from home manning elderly care facilities in Chicago or caregivers in Israel. Many people find their fortune abroad, while some storylines are harsher than others. But a common narrative of sacrifice, commitment and too many times, suffering, runs through their stories.

Carla finished a nursing course in Davao and works as a nurse in Tripoli, Libya. She survived the 2011 and 2014 armed conflict in Libya and is now again facing another one. In April, when the forces of Haftar began their military campaign towards Tripoli, and carried out mortar fire attacks in strategic places in the city, her employer told her she could go home if she wanted to. She thought of her daughters of school age and her husband who has been jobless since Typhoon Pablo ravaged banana plantations in Compostela Valley and decided to stay on.

Dante works as a construction worker in Riyadh, Saudi Arabia standing on scaffolds under the punishing heat of the Middle Eastern sun. Riyadh is a gleaming capital with towering edifices, mostly built from the ground up by Alvin and people like him. After work, however, he goes home to a 23 square meter room that he shares with six other people. It is the best he can do. He has yet to pay the debts incurred when he first came here and there are more debts to be paid at home. Some 3 ½ years ago, his construction firm closed down after working there for 20 years. He stays on in Saudi with an expired *iqama*, doing odd jobs hoping against hope that he will recover his one year unpaid salaries and end of service benefits.

Dina waits excitedly all week for Sunday, the day she meets her “family” at the Filipino Christian Charismatic church she attends in Hong Kong. This is the only family she knows now. Her husband in the Philippines has left her for a younger neighbor, spiriting away their children. She has tried to search for them when she returned a few months ago, only to be told that she has been gone too long, taking care of other children too long.

Joanna in 2014 left her home in Iloilo to work as a domestic worker in Kuwait. In February 2018, Kuwaiti authorities found her body in the freezer of an abandoned apartment belonging to a couple who hired her. There was evidence that she was strangled and tortured then placed inside the freezer to die.

These are but four of an estimated 10.4million Overseas Filipinos, a number that only continues to rise.² Driven by lack of opportunities in the Philippines, they cast their lot in other countries, mostly as laborers and unskilled workers.

DFA reports that the Americas remains as the top region of destination for Filipinos with 4,987,169 OFWs, 48.75% of all our migrant workers. The United States continues to be the number one country of destination where approximately 4,037,564 OFWs dwell comprising 39.47% of all Filipino migrant workers. Second to the Americas is the Asia Pacific region with 2,437,841 OFWs translating to 23.83% of all Filipino migrant workers. About one in every five OFWs work in the Middle East with 2,184,511 representing 21.4% of all our migrant workers. While Europe hosts 588,684 OFWs or 5.75% of all Filipino migrants, Africa only has 31,350 or .031% of all OFWs.³

Although there are many success stories in migration, there are still exceptions that do not fail to shock the Filipino nation. Some of our unfortunate migrants suffer abuse at the hands of their employers or illegal recruiters, living in oppressive work conditions just so that they can send their children to school or support ailing parents.

Despite the existence of agencies to protect migrant Filipinos, the numerous problems and challenges confronting OFWs and their families such as trafficking in persons, illegal recruitment, employer abuse, delayed or unpaid salaries, inadequate benefits, inefficient and ineffective delivery of services to OFWs, and the lack of representation of the interests of OFWs in the agencies that are supposed to protect and promote still persist. Moreover, the social costs of human migration cannot be overlooked. In a study by Ma. Lourdes Carandang (2012) on children of overseas domestic workers, it was found that these "motherless" children have a greater likelihood of growing up psychologically troubled and facing academic difficulties.⁴

Currently, there are five (5) major agencies that have mandates relative to overseas employment, namely the Department of Labor and Employment (DOLE), the Philippine Overseas Employment Administration (POEA), the Overseas Workers Welfare Administration (OWWA), the Commission on Filipinos Overseas (CFO), and the Office of the Undersecretary for Migrant Workers' Affairs

² Report to Congress of the Office of the Undersecretary for Migrant Workers' Affairs, Department of Foreign Affairs, June-December 2018.

³Id.

⁴ Carandang, Ma. Lourdes Arellano, Beatrix Aileen L. Sison and Christopher Franz A. Carandang. 2007. *Nawala ang ilaw ng tahanan: Case studies of families left behind by OFW mothers*. Manila: Anvil Publishing, Inc

(OUMWA) of the Department of Foreign Affairs (DFA). However, the absence of a single agency to address foreign employment concerns has made it difficult for the government to focus on the needs and demands of migration in general and of OFWs in particular. Oftentimes, help is delayed because the OFWs and the next of kin are confused which agency to approach and sometimes there is a conflict or overlapping jurisdiction. There are also instances when there is a conflict of policy pronouncements and handling of cases between the agencies. Hence, there is a pressing need to have a one-stop shop for OFWs to make life more comfortable for them. There is an urgency to prioritize the creation of an agency that would manage, harmonize, and strengthen existing policies and programs on migration to address the needs of OFWs.

On December 19, 2018, the Philippines adopted the Global Compact for Safe, Orderly and Regular Migration (GCM) which is an inter-governmentally negotiated agreement that has 23 objectives for the protection and promotion of the rights of migrant workers. The creation of the Department of Overseas Filipino Workers and Foreign Employment will then expedite the fulfilment of the objectives of the GCM.

In light of the foregoing, it is hereby proposed that a Department of Overseas Filipino Workers and Foreign Employment be established to serve as the umbrella agency to specifically address all the issues and concerns of OFWs as well as their families to afford them full protection, promote their full and just employment, mitigate the social costs back home, and serve as a channel to address OFW issues and grievances. Moreover, the creation of this department will ensure that help and assistance will be given to this sector is fast, responsive, efficient, and adequate.

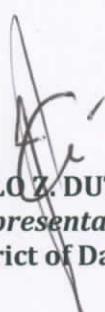
In view of the foregoing, approval of this bill is earnestly sought.



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AN ACT
CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS (OFW) AND FOREIGN EMPLOYMENT, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, RATIONALIZING THE ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES RELATED TO MIGRATION, AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the "Department of OFW Act of 2019."

SECTION 2. Declaration of Policies. -

- a. While recognizing the significant contribution of Filipino migrant workers and overseas Filipinos to the national economy through their foreign exchange remittances and investments, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development. Toward this end, the State shall continually aim to make migration a choice and not a necessity for every Filipino worker;
- b. In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest, and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens, whether in country or overseas, in general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt/be signatory to and ratify those that guarantee protection to our migrant workers, and

endeavor to enter into bilateral agreements with countries hosting overseas Filipino workers;

- c. The State shall afford full protection to OFWs, promote full employment, ensure equal work opportunities regardless of sex, gender, race, creed or religion, regulate the relations between OFWs and their employers, and promote their welfare and well-being at all times. The State shall protect the rights of the workers to security of tenure, and just and humane conditions of work. Towards this end, the State shall provide adequate and timely social, economic, and legal services to OFWs;
- d. The State affirms the fundamental equality before the law of women and men and the significant role of women in nation building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers;
- e. Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interests of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/documents or irregular/undocumented, are adequately protected and safeguarded;
- f. The right of Filipino migrant workers and of all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed;
- g. The State recognizes non-governmental organizations, trade unions, workers associations, business organizations and other stakeholders duly recognized as legitimate, as partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. The significant contribution of recruitment and manning agencies shall form part of this partnership;
- h. The State shall protect every citizen desiring to work locally or overseas by securing for him or her the best possible terms and conditions of employment. The State shall endeavor to facilitate a free choice of available employment by persons seeking work and regulate the movement of workers in conformity with the national interest;
- i. The State further affirms that the Filipino family, as a basic autonomous social institution, is the foundation of the nation. Accordingly, the solidarity of the families of OFWs shall be strengthened and their total development shall be actively promoted;
- j. The State recognizes that the most effective tool for empowerment and protection of rights of Filipino migrant workers is their possession of appropriate skills. The government shall expand skills development and enhancement programs of the concerned agencies and shall facilitate access of overseas Filipino workers to these programs through scholarships and/or training subsidies/grants. Pursuant to this, the

- government shall consider to deploy and/or allow the deployment only of skilled and semi-skilled Filipino workers five (5) years from the enactment of this law. Thereafter, only *Balik Manggagawa* unskilled workers will be allowed to return to their former employers. The State shall also pursue bilateral, regional and multilateral agreements on skills qualification, certification and matching; and
- k. The State shall endeavor to fulfill its commitment in the fulfillment of the 23 objectives of the Global Compact for Safe, Orderly and Regular Migration (GCM).

SECTION 3. *Definition of Terms.* - The following terms, as used in this Act, shall mean:

- a. *Act* refers to the "Department of Overseas Filipinos Workers Act of 2019";
- b. *Authority* refers to a document issued by the Secretary authorizing the officers, personnel, agents, or representatives of licensed recruitment/manning agency to conduct recruitment and placement activities as a private recruitment entity;
- c. *Irregular/Undocumented Filipino Migrant Workers* refers to any of the following:
 - 1) Those who acquired their passports through fraud or misrepresentation;
 - 2) Those who possess expired visas or permits to stay;
 - 3) Those who have no travel documents whatsoever;
 - 4) Those who have valid but inappropriate visas;
 - 5) Those whose employment contracts were not approved by the Department; and
 - 6) Those who are victims of trafficking in persons.
- d. *License* refers to the document issued by the Secretary authorizing a person, partnership or corporation to operate a private recruitment/manning agency;
- e. *Manning Agency* refers to any person, partnership or corporation duly licensed by the Secretary to engage in the recruitment and placement of seafarers for ships plying international waters and for related maritime activities;
- f. *Overseas employment* refers to employment of a worker outside the Philippines;
- g. *Overseas Filipinos* refers to migrant workers, other Filipino nationals, and their dependents abroad, including Filipinos who are permanent residents abroad;
- h. *Overseas Filipino Worker or Migrant Worker* refers to a Filipino who is to be engaged, is engaged, or has been engaged in remunerated activity in a state of which he or she is not a citizen, or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas. A "person to be engaged in a remunerated activity" refers to an applicant worker

who has been promised or assured employment overseas;

- i. *Overseas Filipino Worker in Distress* refers to an Overseas Filipino Worker who has a medical, psycho-social or legal assistance problem requiring treatment, hospitalization, counseling, legal representation, or any kind of intervention with the authorities in the country where he or she is found;
- j. *Private Recruitment/Employment Agency* refers to any person, partnership or corporation duly licensed by the Secretary to engage in the recruitment and placement of workers for overseas employment for a fee which is charged, directly or indirectly, from the workers who renewed their employment contracts with the same principal;
- k. *Regular/Documented Overseas Filipino Workers* refers to the following:
 - (1) Those who possess valid passports and appropriate visas or permits to stay and work in the receiving country; and
 - (2) Those whose contracts of employment have been approved by the Department.
- l. *Seafarer* refers to any person who is employed or engaged in overseas employment in any capacity on board a ship other than a government ship used for military or non-commercial purposes. The definition shall include fisher folk, cruise ship personnel, and those serving on mobile offshore and drilling units in the high seas;
- m. *Secretary* refers to the Secretary of the Department of Overseas Filipinos and Migrant Workers;

CHAPTER II

THE DEPARTMENT PROPER

SECTION 4. Creation. - The Department of Overseas Filipino Workers and Foreign Employment, hereinafter referred to as the Department, is hereby organized, structurally and functionally in accordance with the provisions of this Act.

The Department is hereby created to serve as the primary agency under the Executive Branch tasked to promote the welfare of overseas Filipinos; formulate, plan, coordinate, promote, administer, implement policies, and undertake a systematic national development program for managing and monitoring the overseas/foreign employment of Filipino workers, including seafarers, domestic helpers, skilled and unskilled workers taking into consideration domestic manpower requirements and the need to protect their rights to fair and equitable employment practices.

The Department shall render an annual report of its activities and achievements to the President and to Congress. In addition, it shall have original and exclusive jurisdiction over all cases

involving employer-employee relations, documented/regular or undocumented/irregular workers, arising out of or by virtue of any law or contract involving Filipino workers for overseas employment.

SECTION 5. Powers and Functions. - In pursuit of its mandate, the Department shall have the following powers and functions:

- a. Formulate, recommend, and implement national policies, plans, programs, and guidelines that will ensure the protection of Overseas Filipinos and Migrant Workers, and address the problems that they face abroad in consultation with all relevant stakeholders;
- b. Conduct in-depth studies on all policy areas and options that will ensure protection of Overseas Filipinos and OFWs and address perennial issues OFWs face abroad, in consultation with the relevant stakeholders;
- c. Assess, review, harmonize, and coordinate all OFW-related local policies and procedures and international agreements to ensure overall consistency and implementation of the national policies;
- d. Protect and promote the interest of every citizen desiring to work overseas by securing for him/her the most equitable terms and conditions of employment, and by providing social and welfare services;
- e. Protect and promote the welfare, well-being, and interests of the families of OFWs;
- f. Formulate general guidelines concerning wage and income policy subject to the limitations imposed by the laws of the foreign countries;
- g. Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;
- h. Assess, review, harmonize, and coordinate applicable policies and procedures, as well as multilateral or bilateral treaties and agreements with OFW countries of destination and other migrant countries of origin, the United Nations and its affiliate organizations, and other international and regional organizations, fora, and processes, in coordination with the Department of Labor and Employment (DOLE) and the Department of Foreign Affairs (DFA);
- i. Represent Philippine interests and negotiate on matters pertaining to overseas Filipinos and migrant workers in international bodies, in coordination with the Department of Foreign Affairs and the Department of Labor and Employment;

- j. Be the primary agency in countries of destination in charge of Overseas Filipinos and Overseas Filipino Workers concerns under the control and supervision of the head of Post in the person of the Ambassador or Consul General following the One Country Team Approach (OCTA);
- k. Employ a proactive approach in providing assistance to the Overseas Filipinos and Overseas Filipino Workers in times of war, civil unrest, or other analogous circumstances, whether potential or actual;
- l. Assist and provide timely assistance to Overseas Filipinos and Overseas Filipino Workers in distress and, for this purpose, tap the services of local and foreign-based personnel, lawyers, labor experts, security providers and other professionals;
- m. Provide social and welfare services to OFWs, including insurance, social work assistance, legal assistance, cultural services, and remittance services;
- n. Provide job matching services to the public, in cooperation with the Department of Education, the Commission on Higher Education, the Technical Education and Skills Development Authority, and other government agencies, civil society and non-governmental organizations, with the view of promoting the global competitiveness of the Filipino;
- o. Promote knowledge, information and resource sharing, and develop a database system complete with information on the status and location of Overseas Filipinos and Migrant Workers anywhere in the world;
- p. Coordinate and support the generation and build-up of resources or funds for the use of Overseas Filipinos and OFWs;
- q. Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country;
- r. Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
- s. Control and supervise the operation of private recruitment agencies and other relevant business entities involved in the deployment of OFWs taking into account the primacy of upholding the welfare and protection of OFWs, and with due consideration to relevant market conditions;

- t. Assist in the professionalization, training and capacity building of private recruitment agencies, and recognize their freedom of association for the purpose of effective government regulation, raising accountability and effective representation, and the adoption of a code of ethical conduct among its members, and provide a system of incentives therefor;
- u. Assume all other powers, functions, and responsibilities assigned to the DOLE relating to OFWs provided for under Republic Act No. 8042, as amended, otherwise known as the Migrant Workers Act of 1995, R.A. No. 10801 otherwise known as the Overseas Workers Welfare Administration Act, and other related laws; and
- v. Promulgate rules and regulations for the implementation of its guidelines and policies and related laws.

SECTION 6. *Composition.* - The Department shall consist of the Department proper comprising of the Office of the Secretary, the Office of the Undersecretaries and Assistant Secretaries, the Service Units, the Staff Bureaus, Regional Offices, and Philippine Overseas Labor Offices.

The Secretary shall be appointed by the President and confirmed by the Commission of Appointments. The Undersecretaries and Assistant Secretaries shall be likewise be appointed by the President upon the recommendation of the Secretary.

SECTION 7. *Secretary of the Department of Overseas Filipinos.* - The authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary of the Department of Overseas Filipino Workers and Foreign Employment, hereinafter referred to as the Secretary, who shall have supervision and control over the Department. For such purposes, the Secretary shall have the following powers and functions:

- a. Establish the policies and standards for the operation of the Department pursuant to the approved programs of government;
- b. Exercise jurisdiction over al bureaus, offices, agencies and corporations under the Department as are provided by law, and in accordance with the applicable relationships as specified in Chapters 7,8, and 9 of the Administrative Code of 1987;
- c. Delegate authority for the performance of any function to officers and employees of the Department;
- d. Advise the President on the promulgation of executive and administrative orders, other

regulative issuances, and legislative proposals on matters pertaining to foreign labor and employment;

- e. Formulate policies, guidelines, rules and regulations and other issuances essential and necessary to carry out Department policies, plans, programs and projects;
- f. Issue orders, directives, rules and regulations, and other issuances to carry out foreign labor and employment policies, plans, programs and projects;
- g. Coordinate with other government offices, labor, organizations, employers' associations, and any other group to carry out the mandate of the Department;
- h. Negotiate with foreign governments in coordination with the Department of Foreign Affairs treaties, agreements, compacts, and other instruments that are related to labor migration;
- i. Evaluate the policy, plans, programs and project accomplishments of the Department;
- j. Prepare reports for the President and for the public;
- k. Administer and manage the Overseas Filipinos Assistance Fund, and issue guidelines for the proper utilization of the Fund; and
- l. Exercise such other powers and functions as may be provided by law or assigned by the President.

SECTION 8. *Undersecretaries*. - The Secretary shall be assisted by not more than six (6) Undersecretaries who shall be appointed by the President upon the recommendation of the Secretary. The following offices are hereby created to be each headed by an Undersecretary and assisted by other officers and staff:

- a. **Office of the Undersecretary for Administration and Finance** which shall provide the Department with efficient, effective and, economical services relating to records, management, supplies, equipment, collections, disbursements, building administration and maintenance, security, and custodial work; administer personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare; manage internal budgetary and financial matters. The Office shall supervise the operational activities of the Administrative Unit, Human Resource Development Unit and the Financial Management Unit;

b. Office of the Undersecretary for Foreign Employment which shall absorb the mandates and functions of the Philippine Overseas Employment Administration under Executive Order 247 s. 1987 and Republic Act No. 8042, as amended, and shall have the following additional functions:

- 1) Advise and assist the Secretary in the formulation of the Department's over-all long-range and short-term plans and programs on overseas employment, with special focus on the government's compliance with international labor agreements;
- 2) Review and evaluate the progress/status of projects and accomplishments in relation to set standards, objectives and schedules;
- 3) Supervise the operational activities of the Policy Planning, Research and Legal Affairs Unit, and the Information and Publication Unit; and
- 4) Perform such other functions as may be provided by law or assigned by the Secretary from time to time.

c. Office of the Undersecretary for Reintegration and Social Services which shall absorb the mandates and functions of the Overseas Workers Welfare Administration under Republic Act No. 10801, implement and deliver programs and services through regional and on-site operations and shall have the following additional functions:

- 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;
- 4) Provide a periodic study and assessment of job opportunities returning Filipino overseas migrant worker;
- 5) Develop and implement other appropriate programs to promote the welfare of returning Filipino overseas migrant workers;
- 6) Maintain an internet-based communication system for on-line registration of returning OFWs and interaction with clients, and maintain and upgrade computer-based service capabilities of the Department;
- 7) Develop capacity-building programs for returning overseas Filipino workers and their

- families, implementers, service providers and stakeholders;
- 8) Conduct research for policy recommendations and program development;
 - 9) Administer the OWWA Fund;
 - 10) Administer the Migrant Workers Loan Guarantee Fund;
 - 11) Administer the distribution of the End of Service Benefits of qualified workers; and
 - 12) Undertake other programs and activities as may be determined by the Department.

d. Office of the Undersecretary for Overseas Filipinos which shall have the following functions:

- 1) Formulate, in coordination with agencies concerned, an integrated program for the promotion of the welfare of Filipinos overseas for implementation by suitable existing agencies;
- 2) Coordinate and monitor the implementation of such an integrated program;
- 3) Initiate and directly undertake the implementation of special projects and programs, whenever necessary, to promote the welfare of Filipinos overseas with respect to their interests and activities in the Philippines;
- 4) Serve as a forum for preserving and enhancing the social, economic and cultural ties of Filipinos overseas with their motherland;
- 5) Provide liaison services to Filipinos overseas with appropriate government and private agencies in the transaction of business and similar ventures in the Philippines; and
- 6) Perform such other functions as may be provided by law or assigned by the Secretary from time to time.

e. Office of the Undersecretary for Assistance to Overseas Filipinos in Distress which shall have the following functions:

- 1) Provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families;
- 2) Recommend to the Secretary the grant of the use of Overseas Filipinos Assistance Fund;
- 3) Undertake all repatriation activities, in coordination with the Office of the Undersecretary for Foreign Employment, Office of the Undersecretary for Reintegration and Social Services, and other government agencies, in cases of war, epidemic, disasters or calamities, natural or man-made, amnesties, emergencies, abuse, and other similar events without prejudice to reimbursement by the responsible principal or agency;
- 4) Draft the guidelines, procedures and criteria for approval of the Secretary for the provisions of Overseas Filipinos Assistance Fund to Overseas Filipino and Overseas Filipino Workers;
- 5) Ensure effective coordination and cooperation with other agencies and the Foreign Service Posts in the provision of assistance from the Overseas Filipinos Assistance Fund to Overseas Filipino and Migrant Workers;

- 6) Coordinate with the Office of the Undersecretary for Foreign Employment, Office of the Undersecretary for Reintegration and Social Services, and other government agencies concerned, as well as with non-governmental organizations assisting OFWs to ensure effective coordination in providing legal assistance to migrant workers;
- 7) Tap the assistance of the Integrated Bar of the Philippines (IBP), other bar associations, legal experts on labor, migration and human rights laws, reputable law firms, and other civil society organizations, to complement government services and resources to provide legal assistance to migrant workers;
- 8) Supervise the operational activities of the Overseas Filipinos Assistance Fund Unit; and
- 9) Supervise the operational activities of the Emergency Response and Action Center Unit.

f. **Office of the Undersecretary for International Labor Affairs** which shall have the following functions:

- 1) Monitor the observance and implementation of the Philippines' obligations and commitments to migration related international organizations and treaties;
- 2) Control, supervise and monitor the activities of the Philippine Overseas Labor Offices;
- 3) Coordinate with the Department of Foreign Affairs regarding treaties, agreements, compacts, and other instruments that are related to labor migration; and
- 4) Perform such other functions as may be provided by law or assigned by the Secretary.

SECTION 9. *Department Units.* - The following units are hereby created to be each headed by an Assistant Secretary and assisted by other officers and staff:

a. **The Policy, Planning, Research, and Legal Affairs** Unit which will be directly under the Office of the Secretary shall:

- 1) Undertake research necessary in preparation and evaluation of policy reports, treaties, and multilateral and bilateral agreements;
- 2) Assist and draft policies in line with the functions of the Office of the Secretary and the Department;
- 3) Ensure that development policies are in line with national development;
- 4) Analyze data in order to make informed decisions and to guide policy intervention with regard to migration and foreign employment;
- 5) Ensure collection of accurate and quality statistics to conduct analysis of the changes in the labor and foreign market;
- 6) Advise and assist the Secretary and the Undersecretaries in the formulation of the Department's over-all long-range and short-term plans and programs on overseas employment, with special focus on the government's compliance with international labor agreements;

- 7) Reviews and evaluates the progress/status of projects and accomplishments in relation to set standards, objectives and schedules; and
 - 8) Perform such other functions as may be provided by law or assigned by the Secretary and/or Undersecretaries from time to time.
- b. **Administrative Unit** which shall provide the Department with efficient, effective and, economical services relating to records, management, supplies, equipment, collections, disbursements, building administration and maintenance, security, and custodial work;
- c. **Human Resource Development Unit** which shall provide the Department with a program and corresponding projects that shall make available training, education, and development opportunities needed to upgrade the levels of competence and productivity of Department managers and personnel. It shall absorb the powers and functions of the Administrative Service in relation to the development and administration of personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare;
- d. **Financial Management Unit** which shall be responsible for providing the Department with efficient, effective, and economical services relating to budgetary, financial, management improvement, and internal control matters;
- e. **Information and Publication Unit** which shall be responsible for promoting rapport and understanding between the Department and the public through the development of public relations programs and the dissemination of accurate and updated information on foreign labor and employment, by means of publication, radio, television, and social media coverage of special events and related matters on the Department's policies, plans, programs, and projects. The Service shall likewise be responsible for providing answers to queries from the public regarding the Department's policies, rules, regulations, programs, activities, and services;
- f. **The Overseas Filipinos Assistance Fund Unit** which shall be responsible for assisting the Secretary in the management and use of the Overseas Filipinos Assistance Fund.;
- g. **The Emergency Response and Action Center Unit** which operates the 24/7 call center and media and social media monitoring center to respond to the emergency needs of Overseas Filipinos, Overseas Filipino Workers and their families wherever they may be.; and
- h. **The Overseas Filipinos' Family Welfare Unit** which shall be the Department's lead coordinator among all government agencies pertaining to the welfare and support programs for the family members of the OFWs.

SECTION 10. *Regional Offices.* - The Department is hereby authorized to establish, operate, and maintain such Department-wide Regional Offices in each of the administrative regions of the country, insofar as necessary, which shall be headed by a Regional Director who shall have supervision and control thereof. The Regional Director, whenever necessary, shall be assisted by an Assistant Regional Director. A Regional Office shall have, within its regional area, the following functions:

- a. Implement laws, policies, plans, programs projects, rules and regulations of the Department;
- b. Provide economical, efficient and effective service to the people;
- c. Coordinate with regional offices of other departments and agencies;
- d. Coordinate with local government units; and
- e. Perform such other functions as may be provided by law or assigned by the Department.

SECTION 11. *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 competence and expertise in the plans, programs, projects and activities of the government relative to migration management and overseas labor and employment.

SECTION 12. *Sectoral and Industry Task Forces.* - The Department may create sectoral and industry task forces, technical working groups, advisory bodies or committees for the furtherance of its objectives. Additional private sector representatives, such as from the OFWs, academe and private industries directly involved in deployment of OFWs, as well as other national government agencies, local government units, and government-owned and controlled corporations, may be appointed to these working groups.

CHAPTER III

OFW CENTERS

SECTION 13. *Establishment of OFW Centers.* - The Migrant Workers and other Overseas Filipinos Resource Center shall be transformed into the OFW Center established initially in countries where there is a large concentration of OFWs, as determined by the Secretary. The OFW Center shall act as a one-stop shop for Overseas Filipinos in the countries of destination. It shall be established within the premises of the Philippine Embassy or the Consulate and be under the administrative jurisdiction of the Philippine Embassy. Within five (5) years from the effectivity of this Act, OFW Centers shall be established in all Philippine Embassies and Consulates abroad.

When the OFW Center is established outside the premises of the Embassy or Consulate, the Department of Foreign Affairs shall exert its best effort to secure appropriate recognition from the

receiving government in accordance with applicable laws and practices.

SECTION 14. *Functions*. - The OFW Center shall provide the following services:

- a. Counseling and legal services;
- b. Welfare assistance including but not limited to providing shelter to OFWs in distress and the procurement of medical and hospitalization services;
- c. Information, advisory programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction;
- d. Registration of irregular/undocumented workers to bring them within the purview of Republic Act 8042, as amended and provide a pathway for regularization;
- e. Implementation of Department Programs;
- f. Gender-sensitive programs and activities to assist particular needs of migrant workers;
- g. Orientation program for returning workers and other migrants;
- h. Monitoring of the daily situation, circumstances and activities affecting migrant workers and other overseas Filipinos;
- i. Ensuring that labor and social welfare laws in the receiving country are fairly applied to migrant workers and other overseas Filipinos; and
- j. Conciliation of disputes arising from employer-employee relationship, in accordance with this Rule.

SECTION 15. *Personnel*. - Each OFW Center shall be staffed by the following:

- a. Main personnel:
 - 1) Foreign Service personnel;
 - 2) A Labor Attaché who shall undertake its current functions under Republic Act 8042, as amended shall be the representative of the Department on-site and shall be responsible for the request and administration of the Department's funds subject to the supervision of the Ambassador in cases of Embassies and Consul General in cases of Consulates;
 - 3) A Police Attaché who shall establish and maintain liaison with principal law enforcement and security services in destination countries, and shall be appointed by

- the Chief of the Philippine National Police;
- 4) A Justice Attaché who shall render assistance to address legal needs of Overseas Filipinos and assist the Labor Attaché in matters relating to Overseas Filipinos in distress, and shall be appointed by the Secretary of the Department of Justice; and
 - 5) Other service attachés or officers who represent Philippine government agencies abroad.
- b. The following personnel shall assist the attachés and be assigned to the Center:
- 1) Psychologists, Social Workers, and a Shari'a or Human Rights Lawyer;
 - 2) Individual volunteers and representatives from bona fide non-government organizations from countries of destination, if available and necessary as determined by the Labor Attaché in consultation with the Chief of Mission;
 - 3) Public Relations Officer or Case Officer conversant, orally and in writing, with the local language, laws, customs and practices; and
 - 4) Legal Officers and such other professionals deemed necessary by the Secretary.

SECTION 16. Administration of the Center. - The Philippine Overseas Labor Office through the Labor Attaché shall supervise and coordinate the operations of the OFW Center and shall keep the Chief of Mission informed and updated on all matters affecting it at least quarterly through a written report addressed to the Chief of Mission.

SECTION 17. Round-the-Clock Operations. - The OFW Center 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 Department through the Emergency Response and Action Center Unit.

SECTION 18. Budget. - The establishment, yearly maintenance and operating costs of the OFW Centers, including the costs of services and programs not specially funded under the Act, shall be sourced from the General Appropriations Act (GAA) and shall be included in the annual budget of the Department.

The salaries and allowances of overseas personnel shall be sourced from the respective agencies' budgets.

SECTION 19. OFW Malasakit Center. - The Department, in partnership with other government agencies and local government units, shall establish a one-stop shop OFW assistance center to be known as "OFW Malasakit Center" in all provinces and major cities to ensure prompt and efficient provision of services to OFWs and their families such as acquisition of government permits, validation of overseas job offers, grievance and complaints desks and reintegration services.

CHAPTER IV

TRANSFER OF AGENCIES

SECTION 20. Transfer of Bureaus, Offices, Agencies. - The following agencies are hereby transferred to the Department of OFW:

- 1) Overseas Workers Welfare Administration (OWWA);
- 2) Philippine Overseas Employment Administration (POEA);
- 3) Commission on Filipino Overseas (CFO);
- 4) International Labor Affairs Bureau of the Department of Labor and Employment (DOLE); and
- 5) National Reintegration Center for OFWs (NRCO).

The Secretary may propose a reorganization plan to be approved by the President. The laws and rules on government reorganization as provided for by Republic Act 6656, otherwise known as the Reorganization Law, and other relevant civil service laws and regulations shall govern the reorganization process of the Department.

CHAPTER V

TRANSITORY PROVISIONS

SECTION 21. New Structure and Pattern. - Upon the approval of this Act, the relevant officers and employees of the transferred entities under Section 20 of this Act, shall in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service as may be provided by law.

Subject to the approval of the Department of Budget and Management, the Department shall, within six (6) months from the effectivity of this Act, determine its organizational structure, staffing pattern, operating system, and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with the Civil Service law, rules, and regulations.

SECTION 22. Absorption or Separation from Service of Employees of the Consolidated Agencies. - The existing employees of the agencies transferred under the Department shall enjoy security of tenure and shall be absorbed by the Department, in accordance with the new staffing pattern and organizational structure as provided for in Section 21 of this Act, and the selection

process as prescribed under Republic Act No. 6656, otherwise known as the "Government Reorganization Law".

Employees opting to be separated from the service as a consequence of the consolidation and reconstitution under the provisions of this Act shall within one (1) month from their separation or phase out from the service, receive separation benefits in accordance with existing laws. In addition, those who are qualified to retire shall be allowed to retire and be entitled to all benefits provided, under any of the existing retirement laws.

SECTION 23. Rationalization and Other Transitory Provisions. - In the transfer of entity functions as prescribed in the Act, the following rules shall be provided:

(a) Any transfer of entities shall include the functions, appropriations, funds, records, equipment, facilities, other properties, assets, and liabilities of the transferred entity as well as the personnel thereof as may be necessary, who shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits, unless in the meantime they are separated from government service pursuant to existing laws. Those personnel from the transferred entity whose positions are not included in the new position structure and staffing pattern approved by the Secretary or who are not reappointed shall be entitled to the benefits provided in the second paragraph of Section 22 hereof;

(b) Any transfer of functions which results in the abolition of the entity that has exercised such transferred functions shall include, as may be necessary to the proper discharge of the transferred functions, the appropriations, funds, records, equipment, facilities, other assets, and personnel of the entity from which such functions have been transferred. The remaining appropriations and funds shall revert to the General Fund and the remaining records, equipment, facilities, and other assets shall be allocated to such appropriate units as the Secretary shall determine or otherwise shall be disposed of, in accordance with the pertinent laws, rules and regulations. The liabilities, if any, of the abolished entity shall be treated likewise in accordance with pertinent laws, rules and regulations. Incumbents of the abolished entity shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant existing laws. Any such personnel whose position is not included in the new position structure and staffing pattern approved by the Secretary or who is not reappointed shall be entitled to the benefits provided in the second paragraph of Section 22 hereof; and

(c) Any transfer of functions which does not result in the abolition of the entity that has exercised such transferred functions shall include the appropriations, funds, records, equipment, facilities, other assets as well as the personnel of the entity from which such functions have been transferred that are necessary to the proper discharge of such transferred functions. The liabilities, if any, which have been incurred in connection with the discharge of the transferred functions, shall

be allocated in accordance with pertinent laws, rules and regulations. Such personnel shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant to existing laws. Any such personnel whose position is not included in the new position structure and staffing pattern approved by the Secretary or who is not reappointed shall be entitled to the benefits provided in the second paragraph of Section 15 hereof.

CHAPTER VI
THE OVERSEAS FILIPINO WORKERS DISTRESS
AND ASSISTANCE FUND

SECTION 24. *Overseas Filipinos Assistance Fund.* - The Legal Assistance Funds provided for under Section 25 of Republic Act No. 8042, as amended, is abolished. In its stead, an Overseas Filipinos Assistance Fund to address the needs of regular and irregular OFWs in distress, and those OFWs returning to the Philippines for good, in the amount of Five Billion Pesos (P5,000,000,000.00) annually is hereby created. The fund shall be allocated for the following purposes:

- (a) Repatriation;
- (b) Legal assistance, including litigation expenses, legal fees, payment of translation fees, attendance in court hearings;
- (c) Defraying necessary expenses and making payments for the life-saving rescue, medical and hospitalization expenses, retrieval, and rehabilitation of OFWs in distress, as needed;
- (d) Basic necessities of OFWs in emergency situations or in detention;
- (e) Maintenance of shelters and provisions for food, toiletries, and basic necessities of wards;
- (f) Livelihood training and loans for OFWs who have decided to return to the Philippines for good; and
- (g) Operational expenses for the promotion and protection of OFWs in distress.

The Emergency Repatriation Fund created in Republic Act No. 8042, as amended, shall form part of the Overseas Filipinos Assistance Fund. The Secretary shall issue guidelines, rules and regulations on the proper management, utilization and disbursement of the Fund. The Department shall submit a quarterly fund utilization report to the Office of the President, copies of which shall be made available to Congress.

CHAPTER VII

APPROPRIATIONS

SECTION 25. *Appropriations.* - The amount of One Billion Pesos (P1,000,000,000.00) for the initial operation of the Department shall be sourced from the Contingent Fund of the President as well as from the existing funds of the attached offices, bureaus, and agencies. Subsequent funding requirements shall be included in the annual General Appropriations Act. The Department shall include in its proposed budget the necessary amount to enable it to achieve its mandate.

CHAPTER VIII

MISCELLANEOUS

SECTION 26. *Implementing Rules and Regulations.* - The DFA, DOLE, DBM, POEA, OWWA, CFO, NCRO and the Civil Service Commission shall, within sixty (60) days after the effectivity of this Act, promulgate such rules and regulations necessary to implement this Act.

SECTION 27. *Implementing Authority of the Secretary.* - The Secretary shall issue such rules, regulations, and other issuances as may be necessary to ensure the effective implementation of the provisions of this Act.

SECTION 28. *Separability Clause.* - Any portion or provision of this Act that is declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions can still subsist and be given effect in their entirety.

SECTION 29. *Repealing Clause.* - All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly. This Act does not repeal any benefits already provided and accorded to Overseas Filipinos and Migrant Workers in other laws, ordinances, rules, regulations and other issuances.

SECTION 30. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,