

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2409



Introduced by Representative Ferdinand L. Hernandez

**AN ACT ESTABLISHING THE DEPARTMENT OF OVERSEAS FILIPINO
WORKERS (DOFW), DEFINING ITS POWERS AND FUNCTIONS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

In the latest survey of the Philippines Statistics Authority, the number of Overseas Filipino Workers (OFWs) who worked abroad during the period of April to September 2018 was estimated at 2.3 million. Female OFWs comprise 55.8% of this number. The Middle East remains to be the current top working destination of OFWs— Saudi Arabia (24.3%), United Arab Emirates (15.7%), Kuwait (5.7%), and Qatar (5.2%). Other countries frequented by OFWs include Hong Kong (6.3%) and Taiwan (5.5%).

While most Overseas Filipinos work in elementary occupations, sales, service, and trade industry, more and more professionals and skilled workers such as doctors, nurses, accountants, IT professionals, engineers, architects, and technicians are moving abroad to seek better opportunities.

As reported by the Bangko Sentral ng Pilipinas, personal remittances from OFWs reached the highest annual level to date at \$32.2 billion for the entire 2018— a steady 3% annual increase from the previous years. It accounted for 9.7% of the gross domestic product (GDP) and 8.1% of the gross national income of the aforementioned year.

While these figures definitely helped propel our country's economy, it cannot be denied that the working situation of the OFWs are not always favorable. There are countries and employers who do not acknowledge and implement international labor standards. Moreover, many of these Filipino workers abroad have experienced various forms of abuse such as mistreatment from the government or officials, violence, cruelty, and exploitation from their recruiter or employer, illegal termination of work contract, human trafficking, and other forms of harassment. There also have been multiple reports of sexual and physical assault towards female OFWs.

Currently, the Department of Foreign Affairs (DFA), the Philippine Overseas Employment Administration (POEA), and the Overseas Workers Welfare Administration (OWWA) of the

Department of Labor and Employment (DOLE) are working hand in hand to look after the welfare and interest of OFWs, as well as to respond to their main concerns. However, due to the increasing number of Filipinos working abroad, there is a need to establish a dedicated agency that will focus on efficiently and effectively addressing the matters concerning our modern day heroes.

Considering the importance of the OFWs and their hefty contribution to our country, this bill seeks to establish a department in our government that will solely cater to their needs and concerns as a sector. Furthermore, the department will also oversee the smooth delivery of services of all agencies dealing with OFWs, and ultimately ensuring their protection.

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



FERDINAND L. HERNANDEZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2409**

Introduced by Representative Ferdinand L. Hernandez

**AN ACT ESTABLISHING THE DEPARTMENT OF OVERSEAS FILIPINO
WORKERS (DOWF), DEFINING ITS POWERS AND FUNCTIONS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

Section 1. Short Title. – This Act shall be known as the “Department of Overseas Filipino Workers Act of 2019.”

Section 2. Declaration of Policy. –

- a) To ensure the protection of the rights of Overseas Filipino Workers (OFWs), promotion of their welfare, safety, and support;
- b) To ensure that the government reaches out and cooperates with other states where there are OFWs;
- c) To develop a database for OFWs to ensure assistance in times of distress;
- d) To establish a strong and effective regulatory system that will ensure only fit Filipinos are allowed to work outside of the country;
- e) To promote the human capital development of OFWs to enable them to better compete in other countries;
- f) To extend deployment and repatriation assistance and support to OFWs; and
- g) To promote the reintegration of returning OFWs.

Section 3. Creation of a Department of Overseas Filipino Workers. – There is hereby created a Department of Overseas Filipino Workers (DOFW), 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, deployment and repatriation of OFWs.

Section 4. Mandate. – The Department shall be the primary policy, planning, coordinating, implementing, regulating and administrative entity of the Government that protects and provides assistance to OFWs who are holders of Philippine passports.

Section 5. Powers and Functions of the Department. – The Department shall have the following powers and responsibilities, which shall be exercised by its offices:

a) Formulate and recommend national policies and guidelines and conduct in-depth studies on all policy areas and options that will ensure protection of OFWs and address perennial issues OFWs face abroad, in consultation with the relevant stakeholders;

b) 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;

c) Promote, advance, and implement general and specific government objectives regarding OFW activities, programs, welfare and interests;

d) Build a strong and harmonious partnership with foreign countries and the private sector to formulate strategies and implement the same;

e) Represent and negotiate for Philippine interest on matters pertaining to OFW affairs in international bodies;

f) Develop, implement, and improve coordination with other countries with OFW presence 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;

g) Promote knowledge, information and resource sharing, and develop a database to assist OFW anywhere in the world;

h) Coordinate and support the generation and build-up of resources or funds for use of OFWs;

i) Conduct symposia, consultations and seminars on effective OFW related programs and plans;

j) Assist and provide technical expertise in the troubleshooting of OFWs in distress and tap the services of personnel, foreign and local, with expertise on the formulation of strategies and plans concerning OFW activities if needed;

k) Promote, develop, and monitor the continuing education, training and qualification, availability and deployment of OFWs, and coordinate with concerned agencies in the training of OFWs to improve their global competitiveness;

l) Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country;

m) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;

n) Promulgate rules and regulations for the implementation of its policies and related laws;

o) Administer, accept, hold, and utilize property, both personal and real, subject to existing laws, for the purpose of assisting or expediting the work of the Department, and,

p) To perform such other functions as maybe needed to achieve its goals and objectives to the fullest and as may be provided by this Act.

Section 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 Undersecretaries, and Assistant Secretaries and Regional and Assistant Regional Directors.

Section 7. Secretary of Overseas Filipino Workers. – The Secretary shall be appointed by the President of the Republic of the Philippines with confirmation of 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 economical operation of the Department, in accordance with the programs of the 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 and Assistant Secretaries, in accordance with Civil Service laws, rules, and regulations;

e) Coordinate with other government agencies and public and private interest groups, including non-government organizations (NGOs) and people's organizations on Department policies and initiatives;

f) Undertake consultations with other members of the Cabinet and officers of the government relating to OFW concerns;

g) Advise the President on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to OFW development;

h) Advise the President of the activities, programs, plans, and all information necessary or relevant to OFWs;

i) Coordinate all policies and programs relating to OFW affairs;

j) Formulate such rules and regulations and exercise such other powers as may be required to implement the objectives of this Act; and

k) Perform such other tasks as may be provided by law or assigned by the President from time to time.

Section 8. Undersecretaries. – The Secretary shall be assisted by three (3) Undersecretaries who shall be appointed by the President upon recommendation of the Secretary: *Provided*, That one (1) of the undersecretaries shall be a career officer coming from the ranks of existing government labor 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.

Section 9. Assistant Secretaries. – The Secretary shall be assisted by three (3) assistant secretaries who shall be career officers appointed by the President upon the recommendation of the Secretary.

Section 10. Qualifications. – No person shall be appointed Secretary, Undersecretary or Assistant Secretary of the Department unless he is a citizen and resident of the Philippines of good moral character and of proven integrity.

Section 11. Regional Offices. – The Department shall be authorized to establish, operate, and maintain a Regional Office in each of the administrative regions of the country as the need arises. The regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. 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 technical expertise and know-how and information to OFWs and efficient services;

c) Coordinate with regional offices of other departments, offices, and agencies and local government units for the consolidation and integration of OFW programs; and,

d) Perform such other functions as may be provided by law or assigned by the Secretary.

Section 12. Transfer of Bureaus, Offices and Agencies. – The following bureaus, offices and agencies are hereby transferred from their respective departments to the Department of Overseas Filipino Workers:

a) Office for the Overseas Filipino Workers Affairs of the Department of Foreign Affairs;

b) Office of the Legal Assistant for Migrant Worker's Affairs of the Department of Foreign Affairs;

c) Commission on Filipino Overseas from the Office of the President; and

d) All Philippine Overseas Labor Offices of the Department of Labor and

Employment.

Section 13. Attached Agencies. – The following agencies are hereby attached to the Department for policy and program coordination, and shall continue to function in accordance with the charters, laws or orders creating them, in so far as they are not inconsistent with this Act:

- a) The Philippine Overseas Employment Administration (POEA); and
- b) Overseas Workers Welfare Administration (OWWA).

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.

Section 14. Sectoral and Industry Task Force – 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 (NGAs), LGUs, and GOCCs, may be appointed to these working groups.

Section 15. Structure and Staffing Pattern. – The Department shall determine its organization 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.

Section 16. Separation 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.

Section 17. Special Assistance Revolving Fund. – A Special Assistance Revolving Fund for OFWs in distress, both documented and undocumented, in the amount of One Billion Pesos (P1,000,000,000.00) is hereby created. The fund shall be utilized for the following purposes:

- a) Repatriation;
- b) Medical expenses, hospitalization and purchase of medicine in the form of vouchers for six (6) months from arrival;
- c) Migration fees for overstaying Filipinos;
- d) Legal assistance including litigation expenses, legal fees, payment of translation fees, attendance in court hearings;
- e) Payment of blood money, when necessary; and
- f) Basic necessities of OFWs caught in emergencies or are detained: *Provided, That*

thirty percent (30%) of the total fund shall be allotted to support a livelihood training program or re-training of returning OFWs in new skills and literacy.

Section 18. Appropriation. – The appropriation allotted for the Office of the Overseas Filipino Workers Affairs, Office of the Legal Assistant for Migrant Worker's Affairs, Commission on Filipino Overseas, and all Philippine Overseas Labor Offices shall be transferred to the Department of Overseas Filipino Workers: *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 to the Department of Overseas Filipino Workers. Thereafter, the amount needed for the operation and maintenance of the Department shall be included in the General Appropriations Act: *Provided*, that for the next fiscal year, following the approval of this Act, the appropriation for the Department shall not be lower than five billion pesos: *Provided further*, That 1 billion pesos (P1,000,000,000.00) of the same appropriation shall be allotted for the Special Assistance Revolving Fund as stated in Section 17 hereof.

Section 19. Separability Clause. – If any part or provision of this Act is held unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 20. Repealing Clause. – All laws, orders, rules or regulations which, are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

Section 21. Effectivity. – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,