

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

Senate  
Office of the Secretary

19 JUL -2 A11:08

**SENATE**

S. No. 141



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Introduced by **Senator Cynthia A. Villar**

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**AN ACT**

**CREATING THE DEPARTMENT OF MIGRATION AND DEVELOPMENT,  
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS  
THEREFOR, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The presence of Filipinos in other countries is certainly not minuscule. As of December 2013, the Commission on Filipino Overseas estimated that there are around 10.2 million<sup>1</sup> Filipinos overseas, mostly as migrant workers; and their numbers are constantly growing. The latest statistics show that around 2 million Filipinos<sup>2</sup> leave the country every year to work abroad, carrying their auspicious hopes and dreams to amply provide for their families and secure a brighter future. Rather than remain in the country eking out a living and earning a measly income, many choose to live away from their loved ones and endure tough working conditions for higher wages and salaries.

The contribution of the Filipinos working overseas to the Philippine economy is likewise not minuscule. The Filipino migrant workers have been consistent dollar

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<sup>1</sup> <http://www.cfo.gov.ph/images/stories/pdf/StockEstimate2013.pdf>

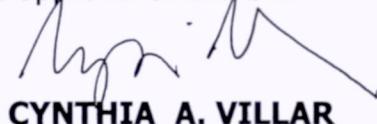
<sup>2</sup> Philippine Statistics Authority, 2018 Survey on Overseas Filipinos

earners for the country. Their remittances are considered a significant contributor to the country's gross domestic product, and their role in keeping the economy buoyant is well acknowledged. Based on the *Bangko Sentral ng Pilipinas* (BSP) figures, the cash remittances in 2018 sent via the formal banking networks by overseas Filipino workers (OFWs) amounted to \$ 28.94 billion, while their personal remittances or those fund transfers that were not captured by the banking sector for the same year amounted to \$ 32.21 billion.<sup>3</sup>

In keeping with the constitutional guarantee of giving full protection to labor, local and overseas alike<sup>4</sup>, 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. However, despite the presence of the POEA and OWWA, even taking into account the assistance provided by the Department of Foreign Affairs, quite a number of our Filipino overseas still see that they are being neglected by government. There are reports of numerous complaints and resentment towards government harbored by overseas Filipino workers apparently brought about by the perceived government's delayed and inadequate support and assistance while they are facing difficult predicaments abroad.

Considering the foregoing, I submit that it is timely and appropriate to create a government agency in the executive Department, aptly called the Department of Migration and Development, which shall have the exclusive function of essentially protecting the welfare and enforcing the rights of our Filipinos overseas. Hence, this measure will transfer POEA and OWWA as attached agencies, and other related agencies that deals with OFW affairs, to the newly created Department thereby empowering this Department to adequately support and give assistance to our Filipinos overseas.

Henceforth, I recommend the immediate approval of this bill.



CYNTHIA A. VILLAR

<sup>3</sup> <http://www.bsp.gov.ph/statistics/keystat/ofw.htm>

<sup>4</sup> Section 3, Article XIII, 1987 Philippine Constitution

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

1       Section 1. *Short Title.* – This Act shall be known as the "Department of  
2       Migration and Development Act of 2019."

3       Sec. 2. *Declaration of Policy.* – The State shall, as a primordial economic  
4       policy, promote full local employment and decent work for all Filipinos within the  
5       national borders. However, for Filipinos living and working overseas, every effort  
6       must be undertaken to ensure their safety, secure their rights, and promote their  
7       general welfare and development. In the same light, it is also the duty of the State  
8       to look after, secure and broaden socio-economic opportunities for families left  
9       behind.

1           Sec. 3. *Creation of a Department of Migration and Development.* – There is  
2 hereby created a Department of Migration and Development, hereinafter referred to  
3 as the Department, which shall, among others, recommend and implement the  
4 government's policies, plans and programs for the promotion of protection, safety,  
5 development, support, of and for Filipinos overseas and their families left behind.

6           Sec. 4. *Mandate.* – The Department shall be the primary policy, planning,  
7 coordinating, implementing, and administrative entity of the executive branch of the  
8 government that will plan, develop, and manage the national migration and  
9 development agenda that is supportive and complimentary to national efforts to  
10 create, sustain, and strengthen local employment and decent work within the  
11 country's borders.

12           Sec. 5. *Powers and Functions.* – The Department shall have the following  
13 powers and responsibilities which shall be exercised by its offices:

14           1) Formulate and recommend national policies and guidelines and  
15 conduct in-depth studies on all policy areas and options that will ensure protection of  
16 Filipino migrants and address perennial issues they face abroad, in consultation with  
17 the relevant stakeholders;

18           2) Assess, review, harmonize and coordinate all overseas Filipino  
19 worker-related local policies and procedures and international agreements to ensure  
20 overall consistency and implementation of the national policies;

21           3) Promote, advance and implement general and specific government  
22 objectives regarding migrant Filipinos or OFW activities, programs, welfare and  
23 interests;

24           4) Build a strong and harmonious partnership with foreign countries and  
25 the private sectors to formulate strategies and implement the same;

1           5)   Represent and negotiate for Philippine interest on matters pertaining to  
2   overseas Filipino affairs in international bodies;

3           6)   Develop, implement and improve coordination with other countries  
4   with the presence of overseas Filipinos and monitor foreign developments to ensure  
5   humane and the most reasonable and working conditions for the OFWs and create a  
6   proactive approach in providing assistance to them especially in times of war and  
7   civil unrest, whether potential or apparent;

8           7)   Promote knowledge, information and resource sharing, and develop a  
9   database to assist overseas Filipinos anywhere in the world;

10          8)   Coordinate and support the generation of resources or funds for use of  
11   overseas Filipinos;

12          9)   Conduct symposia, consultations and seminars on effective programs  
13   relating to overseas Filipinos;

14          10)   Assist and provide technical expertise in the troubleshooting of  
15   overseas Filipinos in distress and tap the services of personnel, foreign and local,  
16   with expertise to help in the repatriation of overseas Filipinos, if needed;

17          11)   Promote, develop and monitor the continuing education, training and  
18   qualification, availability and deployment of OFWs and coordinate with concerned  
19   agencies in the training of overseas Filipinos to improve their competitiveness  
20   globally;

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

23          13)   Ensure that there are existing and effective reintegration programs for  
24   returning OFWs;

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

3           15) Promulgate rules and regulations for the implementation of its  
4 guidelines and policies and related laws;

5           16) Administer, accept, hold and utilize property, both personal and real,  
6 subject to limitations by existing laws, for the purpose of assisting or expediting the  
7 work of the Department; and

8           17) To perform such other functions, as may be needed to achieve the  
9 objectives provided under this Act.

10          Sec. 6. *Composition.* – The Department shall be headed by a Secretary. The  
11 Department proper shall be composed of the Office of the Secretary, the Offices of  
12 the Undersecretaries and the Assistant Secretaries.

13          Sec. 7. *Secretary of Migration and Development.* – The Secretary shall be  
14 appointed by the President, subject to confirmation by the Commission on  
15 Appointments.

16          The Secretary shall have the following functions:

17           a) Provide executive direction and supervision over the entire operations  
18           of the Department and its attached agencies;

19           b) Establish policies and standards for the effective, efficient and  
20           streamlined operations of the Department, in accordance with the  
21           programs, services and priority agenda of the national government;

22           c) Review and approve request for financial and manpower resources of  
23           all operating offices of the Department;

- 1           d) Designate and appoint officers and employees of the Department,  
2           excluding the Undersecretaries, Assistant Secretaries and Directors, in  
3           accordance with the Civil Service laws, rules and regulations;
- 4           e) Collaborate with other government agencies and public and private  
5           interest groups, including all industry associations and civil society  
6           groups, and migrants workers' desks all over the country as well as  
7           Filipino community groups abroad on Department policies, programs  
8           and initiatives;
- 9           f) Undertake regular consultations and joint planning sessions with the  
10          heads of pertinent government agencies on matters relevant to the  
11          welfare and development of migrants and their families;
- 12          g) Extend advice to the President on the promulgation of executive and  
13          administrative orders and regulatory and legislative proposals on  
14          matters pertaining to Filipino migrants;
- 15          h) Coordinate and oversee all policies and programs relevant to migration  
16          and development ;
- 17          i) Formulate such rules and regulations and exercise such other powers  
18          as may be required to implement the objectives of this Act; and,
- 19          j) Perform such other tasks as may be provided by law or assigned by  
20          the President from time to time.

21           Sec. 8. *Undersecretaries.* - The Secretary shall be assisted by three (3)  
22          undersecretaries, who shall be appointed by the President upon the recommendation  
23          of the Secretary. Provided, that one (1) of the undersecretaries shall be a career  
24          officer with at least ten (10) years of experience from the ranks of government labor-

1 oriented agencies. The undersecretaries shall aid the Secretary in the performance  
2 of his/her operational duties and shall perform such other functions as may be  
3 directed by the Secretary.

4        Sec. 9. *Assistant Secretaries*. – The Secretary shall be assisted by three (3)  
5 assistant secretaries who shall be appointed by the President upon the  
6 recommendation of the Secretary. Provided, that priority shall be given to career  
7 officers.

8        Sec. 10. *Qualifications*. – No person shall be appointed Secretary,  
9 Undersecretary, or Assistant Secretary of the Department unless he or she is a  
10 citizen and resident of the Philippines, of good moral character, of proven integrity  
11 and with at least ten (10) years of competence and expertise in the field of migration  
12 and development.

13        Sec. 11. *Regional Offices*. – The Department may establish, operate, and  
14 maintain a regional office in the different administrative regions of the country as the  
15 need arises. Each regional office shall be headed by a Regional Director, who may  
16 be assisted by one (1) Assistant Regional Director. The Regional Director and  
17 Assistant Regional Director shall be appointed by the President. The regional offices  
18 shall have, within their respective administrative regions, the following functions:

- 19            a) Implement laws, policies, plans, programs, projects, rules and  
20              regulations of the Department;
- 21            b) Provide efficient and effective service to program beneficiaries and all  
22              stakeholders;
- 23            c) Coordinate with regional offices of other departments, offices, and  
24              agencies;
- 25            d) Coordinate with the LGUs; and

- 1           e) Perform such other functions as may be provided by law or assigned by  
2           the Secretary.

3           Sec. 12. *Attached Agencies.* – The following agencies shall be attached to the  
4           Department for policy and program coordination, and shall continue to function in  
5           accordance with the charters, laws or orders creating them, unless inconsistent with  
6           the substance and spirit of this Act:

- 7           1) Philippine Overseas Employment Administration (POEA); and  
8           2) Overseas Workers' Welfare Administration (OWWA)

9           Sec. 13. *Transfer of Bureaus, Offices and Agencies.* – The following bureaus,  
10          offices and agencies are hereby transferred from their respective departments (as  
11          shown in parenthesis) to the Department.

- 12          a) International Labor Affairs Bureau (ILAB), including all Philippine  
13           Overseas Labor Offices, with direct supervision over Labor Attaches and  
14           Welfare Officers and the Filipino Workers Resource Centers
- 15          b) Overseas Absentee Voting Secretariat (Department of Foreign Affairs)
- 16          c) Commission on Filipinos Overseas (Office of the President)
- 17          d) National Reintegration Center for OFWs (OWWA)
- 18          e) Repatriation Unit (POEA)/ Repatriation Assistance Division (OWWA)
- 19          f) Conciliation Unit (POEA)
- 20          g) Anti-Illegal Recruitment Branch (POEA)
- 21          h) Workers Education Division (POEA)
- 22          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) The Department of Migration and Development;
- 2) The Department of Foreign Affairs (DFA);
- 3) The Department of Labor and Employment (DOLE);
- 4) The Department of Justice (DOJ);
- 5) The Department of Social Welfare and Development (DSWD); and
- 6) The Department of the Interior and Local Government (DILG)

Death row cases involving blood money, terrorism, drug-trafficking, human trafficking as well as large-scale illegal recruitment cases involving Filipino workers,

1 and urgent cases involving overseas or their families left behind that require  
2 humanitarian assistance shall fall under the purview of this Inter-Agency  
3 Coordinating Council with appropriate recommendations for the consideration of the  
4 Office of the President.

5         *Sec. 14. Establishment of One-Stop Migrant Assistance Centers.* – The  
6 Department, in partnership with other government agencies, shall establish One-Stop  
7 Migrant Assistance Centers in all major capital towns and cities nationwide to ensure  
8 prompt, efficient, vital and relevant services to migrant Filipinos and their families to  
9 include passport and authentication services, acquisition of government clearances  
10 and permits, validation of overseas job offers, reintegration services and all pertinent  
11 seminars and workshops for all stakeholders.

12         *Sec. 15. Separation and Retirement from Service.* – Employees separated  
13 from the service as a result of this reorganization shall, within ninety (90) days  
14 therefrom, receive the retirement benefits to which they may be entitled under  
15 existing laws, rules, and regulations.

16         *Sec. 16. Structure and Staffing Pattern.* – The Department shall determine its  
17 organizational structure and create new divisions or units as it may deem necessary,  
18 and shall appoint officers and employees of the Department in accordance with the  
19 Civil Service law, rules, and regulations.

20         *Sec. 17. Special Assistance Revolving Fund.* - A Special Assistance Revolving  
21 Fund for Filipino Migrants, including both documented and undocumented, in the  
22 amount of One Billion Pesos (PHP 1,000,000,000.00) is hereby created. Hereinafter  
23 referred to as the Special Assistance Fund for Filipino Migrants, the fund shall be  
24 utilized for the following purposes:

- 25             a) Emergency repatriation;  
26             b) Medical expenses, hospitalization, and purchase of medicines for  
27 repatriated migrants with dreaded or severe 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 DOJ and DFA;
- 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 13 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.

1           Sec. 19. *Separability Clause.* – If any portion or provision of this Act is  
2 declared unconstitutional or invalid, the remainder of this Act or any provisions  
3 hereof not affected thereby shall continue to be in force and effect.

4           Sec. 20. *Repealing Clause.* – Any law, presidential decree or issuance,  
5 executive order, letter of instruction, rule or regulation inconsistent or contrary to the  
6 provisions of this Act is hereby repealed or modified accordingly.

7           Sec. 21. *Effectivity.* –This Act shall take effect after fifteen (15) days following  
8 its complete publication in the Official Gazette or a newspaper of general circulation.

9           Approved,