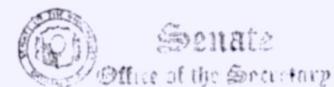


EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



SENATE

'19 JUL -2 P3:22

S. B. No. 202

RSP

A handwritten signature in black ink, appearing to read "Christopher T. Go".

INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

**AN ACT  
CREATING THE DEPARTMENT OF OVERSEAS FILIPINOS, 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 hail our Overseas Filipino Workers (OFWs) as “modern-day heroes” not only for their remittances that contributes to the country’s Gross Domestic Product, but also for their sacrifice of having to leave their families behind just to uplift the quality of lives of their loved ones. Some find their fortune abroad, while some experiences are harsher than others.

As of 2018, there are around 10.08-million Overseas Filipinos around the globe. Together, they drive of domestic consumption and account for 9.7 percent of the Gross Domestic Product in 2018<sup>1</sup>. Particularly, the Bangko Sentral ng Pilipinas reports that, in 2018, cash remittances from overseas Filipinos have amounted to USD 28.943 Billion<sup>2</sup>. This is in addition to remittances in kind or in the form of investments that migrant Filipino workers send here in the country.

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<sup>1</sup> <https://www.manilatimes.net/ofw-remittances-hit-all-time-high-in-2018/512476/>

<sup>2</sup> <http://www.bsp.gov.ph/statistics/keystat/ofw.htm>

Currently, there are different agencies that have mandates relative to overseas employment, *i.e.*, the Department of Labor and Employment (DOLE), the Philippine Overseas Employment Agency (POEA), the Overseas Workers Welfare Administration (OWWA), and the Department of Foreign Affairs - Office of the Undersecretary for Migrant Workers Affairs (DFA-OUMWA). There are also other agencies that have programs and projects for OFWs such as Technical Education and Skills Development Authority (TESDA), Department of Social Welfare and Development (DSWD), Social Security System, among others. 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 foreign Filipino employment, in general, and of OFWs, in particular.

Furthermore, the lack of coordination among these agencies and redundancy of work lead to confusion among our OFWs and compromises the services to be rendered to our modern-day heroes. Despite the existence of agencies to protect Filipinos abroad, numerous problems and challenges confront OFWs and their families: illegal recruitment, employer abuse, sexual abuse, inadequate benefits, inefficient and ineffective delivery of services to OFWs, lack of representation of the OFW interests in the agencies that are supposed to protect and promote their rights, among others.

Hence, there is a pressing need to establish an agency that would manage, harmonize, and strengthen existing policies and programs to address the needs of foreign Filipino employment.

This legislative measure proposes the establishment of a Department of Overseas Filipinos to serve as the umbrella agency to specifically address all the issues and concerns of Filipinos in abroad and 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. The measure further creates a Overseas Filipinos Assistance Fund to provide financial support for Filipino migrants in distress, inclusive of repatriation and provisions for life-saving funds in times of great emergency or distress; and provides training and livelihood loans for OFWs returning to the Philippines for good.

While we recognize that the government has to prioritize to continuously create local employment opportunities and develop local industries, we shall not overlook the need to serve millions of our overseas Filipinos and ensure the just employment of our migrant workers.

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

  
**SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO**

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

SENATE  
S. B. No. 202



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INTRODUCED BY CHRISTOPHER "BONG" T. GO

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**AN ACT  
CREATING THE DEPARTMENT OF OVERSEAS FILIPINOS, 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:*

1                               **CHAPTER I**  
2                               **GENERAL PROVISIONS**  
3  
4

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

6  
7                               **SEC. 2. Declaration of Policies.** -

8                               (a) In the pursuit of an independent foreign policy and while considering  
9                               national sovereignty, territorial integrity, national interest, and the right to self-  
10                              determination paramount in its relations with other states, the State shall, at all times,  
11                              uphold the dignity of its citizens, whether in country or overseas, in general, and  
12                              Filipino migrant workers, in particular, continuously monitor international conventions,  
13                              adopt/be signatory to and ratify those that guarantee protection to our migrant  
14                              workers, and endeavor to enter into bilateral agreements with countries hosting  
15                              overseas Filipino workers;

1               (b) The State shall afford full protection to OFWs, promote full employment,  
2 ensure equal work opportunities regardless of sex, gender, race, creed or religion,  
3 regulate the relations between OFWs and their employers, and promote their welfare  
4 and well-being at all times. The State shall protect the rights of the workers to security  
5 of tenure, and just and humane conditions of work. Towards this end, the State shall  
6 provide adequate and timely social, economic, and legal services to OFWs;

7

8               (c) While recognizing the significant contribution of Filipino migrant workers  
9 and overseas Filipinos to the national economy through their foreign exchange  
10 remittances and investments, the State does not promote overseas employment as a  
11 means to sustain economic growth and achieve national development. The existence  
12 of the overseas employment program rests solely on the assurance that the dignity  
13 and fundamental human rights and freedoms of the Filipino citizens shall not, at any  
14 time, be compromised or violated. The State, therefore, shall continuously create local  
15 employment opportunities and promote the equitable distribution of wealth and the  
16 benefits of development. Toward this end, the State shall continually aim to make  
17 migration a choice and not a necessity for every Filipino worker;

18

19               (d) The State affirms the fundamental equality before the law of women and  
20 men and the significant role of women in nation building. Recognizing the contribution  
21 of overseas migrant women workers and their particular vulnerabilities, the State shall  
22 apply gender sensitive criteria in the formulation and implementation of policies and  
23 programs affecting migrant workers and the composition of bodies tasked for the  
24 welfare of migrant workers;

25

26               (e) Free access to the courts and quasi-judicial bodies and adequate legal  
27 assistance shall not be denied to any person by reason of poverty. In this regard, it is  
28 imperative that an effective mechanism be instituted to ensure that the rights and  
29 interests of distressed overseas Filipinos, in general, and Filipino migrant workers, in  
30 particular, whether regular/documents or irregular/undocumented, are adequately  
31 protected and safeguarded;

32

1                         (f) The right of Filipino migrant workers and of all overseas Filipinos to  
2 participate in the democratic decision-making processes of the State and to be  
3 represented in institutions relevant to overseas employment is recognized and  
4 guaranteed;

5

6                         (g) The State recognizes non-governmental organizations, trade unions,  
7 workers associations, business organizations and other stakeholders duly recognized  
8 as legitimate, as partners of the State in the protection of Filipino migrant workers  
9 and in the promotion of their welfare. The State shall cooperate with them in a spirit  
10 of trust and mutual respect. The significant contribution of recruitment and manning  
11 agencies shall form part of this partnership;

12

13                         (h) The State shall protect every citizen desiring to work locally or overseas by  
14 securing for him or her the best possible terms and conditions of employment. The  
15 State shall endeavor to facilitate a free choice of available employment by persons  
16 seeking work and regulate the movement of workers in conformity with the national  
17 interest;

18

19                         (i) The State further affirms that the Filipino family, as a basic autonomous  
20 social institution, is the foundation of the nation. Accordingly, the solidarity of the  
21 families of OFWs shall be strengthened and their total development shall be actively  
22 promoted;

23

24                         (j) The State shall endeavor to fulfill its commitment in the fulfillment of the  
25 23 objectives of the Global Compact for Safe, Orderly and Regular Migration (GCM).

26

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

- 29                         a) *Act* refers to the "Department of Overseas Filipinos Act";  
30                         b) *Authority* refers to a document issued by the Secretary authorizing the officers,  
31                         personnel, agents, or representatives of licensed recruitment/manning agency  
32                         to conduct recruitment and placement activities as a private recruitment entity;

- 1       c) *Irregular/Undocumented Filipino Migrant Workers* refers to the following:
- 2              (1) Those who acquired their passports through fraud or misrepresentation;
- 3              (2) Those who possess expired visas or permits to stay;
- 4              (3) Those who have no travel documents whatsoever;
- 5              (4) Those who have valid but inappropriate visas; or
- 6              (5) Those whose employment contracts were not approved by the Department.
- 7       d) *License* refers to the document issued by the Secretary authorizing a person,
- 8              partnership or corporation to operate a private recruitment/manning agency;
- 9       e) *Manning Agency* refers to any person, partnership or corporation duly licensed
- 10             by the Secretary to engage in the recruitment and placement of seafarers for
- 11             ships plying international waters and for related maritime activities;
- 12       f) *Overseas employment* refers to employment of a worker outside the
- 13             Philippines;
- 14       g) *Overseas Filipinos* refers to migrant workers, other Filipino nationals, and their
- 15             dependents abroad, including Filipinos who are permanent residents abroad;
- 16       h) *Overseas Filipino Worker* or *Migrant Worker* refers to a Filipino who is to be
- 17             engaged, is engaged, or has been engaged in remunerated activity in a state
- 18             of which he or she is not a citizen, or on board a vessel navigating the foreign
- 19             seas other than a government ship used for military or non-commercial
- 20             purposes, or on an installation located offshore or on the high seas. A "person
- 21             to be engaged in a remunerated activity" refers to an applicant worker who has
- 22             been promised or assured employment overseas;
- 23       i) *Overseas Filipino Worker in Distress* refers to an Overseas Filipino Worker who
- 24             has a medical, psycho-social or legal assistance problem requiring treatment,
- 25             hospitalization, counselling, legal representation, or any kind of intervention
- 26             with the authorities in the country where he or she is found;
- 27       j) *Private Recruitment/Employment Agency* refers to any person, partnership or
- 28             corporation duly licensed by the Secretary to engage in the recruitment and
- 29             placement of workers for overseas employment for a fee which is charged,
- 30             directly or indirectly, from the workers who renewed their employment
- 31             contracts with the same principal;
- 32       k) *Regular/Documented Overseas Filipino Workers* refers to the following:

- 1                   (1) Those who possess valid passports and appropriate visas or permits to  
2                   stay and work in the receiving country; and  
3                   (2) Those whose contracts of employment have been approved by the  
4                   Department.
- 5                   l) *Seafarer* refers to any person who is employed or engaged in overseas  
6                   employment in any capacity on board a ship other than a government ship used  
7                   for military or non-commercial purposes. The definition shall include fisher folk,  
8                   cruise ship personnel, and those serving on mobile offshore and drilling units  
9                   in the high seas;
- 10                  m) *Secretary* refers to the Secretary of the Department of Overseas Filipinos and  
11                  Migrant Workers;

12

## 13                   **CHAPTER II**

### 14                   **THE DEPARTMENT PROPER**

15

16                  **SEC. 4. Creation.** - The Department of Overseas Filipinos, hereinafter referred  
17                  to as the Department, is hereby organized, structurally and functionally in accordance  
18                  with the provisions of this Act.

19

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

27

28                  The Department shall render an annual report of its activities and achievements  
29                  to the President and to Congress. In addition, it shall have original and exclusive  
30                  jurisdiction over all cases involving employer-employee relations, documented/regular  
31                  or undocumented/irregular workers, arising out of or by virtue of any law or contract  
32                  involving Filipino workers for overseas employment.

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

4           (a) Formulate, recommend, and implement national policies, plans, programs, and  
5 guidelines that will ensure the protection of Overseas Filipinos and Migrant  
6 Workers, and address the problems that they face abroad in consultation with  
7 all relevant stakeholders;

9           (b) Conduct in-depth studies on all policy areas and options that will ensure  
10 protection of OFW and address perennial issues OFWs face abroad, in  
11 consultation with the relevant stakeholders;

13          (c) Assess, review, harmonize, and coordinate all OFW-related local policies and  
14 procedures and international agreements to ensure overall consistency and  
15 implementation of the national policies;

17          (d) Protect and promote the interest of every citizen desiring to work overseas by  
18 securing for him/her the most equitable terms and conditions of employment,  
19 and by providing social and welfare services;

21          (e) Protect and promote the welfare, well-being, and interests of the families of  
22 OFWs;

24          (f) Formulate general guidelines concerning wage and income policy subject to the  
25 limitations imposed by the laws of the foreign countries;

26          (g) Build a strong and harmonious partnership with foreign countries and the private  
27 sectors to formulate strategies and implement the same;

29          (h) Assess, review, harmonize, and coordinate applicable policies and procedures,  
30 as well as multilateral or bilateral treaties and agreements with OFW countries  
31 of destination and other migrant countries of origin, the United Nations and its

- 1 affiliate organizations, and other international and regional organizations, fora,  
2 and processes, in coordination with the Department of Labor and Employment  
3 (DOLE) and the Department of Foreign Affairs (DFA);
- 4 (i) Represent Philippine interests and negotiate on matters pertaining to overseas  
5 Filipinos and migrant workers in international bodies, in coordination with the  
6 Department of Foreign Affairs and the Department of Labor and Employment;
- 7 (j) Be the primary agency in countries of destination in charge of Overseas Filipinos  
8 and Migrant Workers concerns under the control and supervision of the head of  
9 Post in the person of the Ambassador or Consul General following the One  
10 Country Team Approach (OCTA);
- 11 (k) Employ a proactive approach in providing assistance to the Overseas Filipinos  
12 and Migrant Workers in times of war, civil unrest, or other analogous  
13 circumstances, whether potential or actual;
- 14 (l) Assist and provide timely assistance to Overseas Filipinos and Migrant Workers  
15 in distress and, for this purpose, tap the services of local and foreign-based  
16 personnel, lawyers, labor experts, security providers and other professionals;
- 17 (m) Provide social and welfare services to OFWs, including insurance, social work  
18 assistance, legal assistance, cultural services, and remittance services;
- 19 (n) Provide job matching services to the public, in cooperation with the Department  
20 of Education, the Commission on Higher Education, the Technical Education and  
21 Skills Development Authority, and other government agencies, civil society and  
22 non-governmental organizations, with the view of promoting the global  
23 competitiveness of the Filipino;
- 24 (o) Promote knowledge, information and resource sharing, and develop a database  
25 system complete with information on the status and location of Overseas  
26 Filipinos and Migrant Workers anywhere in the world;

- 1
- 2     (p) Coordinate and support the generation and build-up of resources or funds for  
3         the use of Overseas Filipinos and Migrant Workers;
- 4
- 5     (q) Coordinate with concerned government agencies in the training and support of  
6         Filipinos who have worked abroad and are returning to the country;
- 7
- 8     (r) Regulate and guide the business activities relative to the deployment of Filipino  
9         workers and other related activities;
- 10
- 11    (s) Regulate the operation of private recruitment agencies and other relevant  
12         business entities involved in the deployment of OFWs taking into account the  
13         primacy of upholding the welfare and protection of OFWs, and with due  
14         consideration to relevant market conditions;
- 15
- 16    (t) Assist in the professionalization, training and capacity building of private  
17         recruitment agencies, and recognize their freedom of association for the purpose  
18         of self-regulation, raising accountability and effective representation, and the  
19         adoption of a code of ethical conduct among its members, and provide a system  
20         of incentives therefor;
- 21
- 22    (u) Assume all other powers, functions, and responsibilities assigned to the DOLE  
23         relating to OFWs provided for under Republic Act No. 8042, as amended,  
24         otherwise known as the Migrant Workers Act of 1995, R.A. No. 10801 otherwise  
25         known as the Overseas Workers Welfare Administration Act, and other related  
26         laws; and
- 27
- 28    (v) Promulgate rules and regulations for the implementation of its guidelines and  
29         policies and related laws.
- 30

31              **SEC.6. *Composition.*** - The Department shall consist of the Department  
32         proper comprising of the Office of the Secretary, the Office of the Undersecretaries  
33         and Assistant Secretaries, the Service Units and the Staff Bureaus, and its Regional

1 Offices.

2

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

6

7       **SEC.7. *Secretary of the Department of Overseas Filipinos.*** - The authority  
8 and responsibility for the exercise of the mandate of the Department and for the  
9 discharge of its powers and functions shall be vested in the Secretary of Overseas  
10 Filipinos, hereinafter referred to as the Secretary, who shall have supervision and  
11 control over the Department. For such purposes, the Secretary shall have the following  
12 powers and functions:

13

- 14 (a) Establish the policies and standards for the operation of the Department  
15 pursuant to the approved programs of government;
- 16 (b) Exercise jurisdiction over all bureaus, offices, agencies and corporations under  
17 the Department as are provided by law, and in accordance with the applicable  
18 relationships as specified in Chapters 7,8, and 9 of the Administrative Code of  
19 1987;
- 20 (c) Delegate authority for the performance of any function to officers and employees  
21 of the Department
- 22 (d) Advise the President on the promulgation of executive and administrative orders,  
23 other regulative issuances, and legislative proposals on matters pertaining to  
24 foreign labor and employment;
- 25 (e) Formulate policies, guidelines, rules and regulations and other issuances  
26 essential and necessary to carry out Department policies, plans, programs and  
27 projects;
- 28 (f) Issue orders, directives, rules and regulations, and other issuances to carry out  
29 foreign labor and employment policies, plans, programs and projects;
- 30 (g) Coordinate with other government offices, labor, organizations, employers'  
31 associations, and any other group to carry out the mandate of the Department;
- 32 (h) Negotiate with foreign governments in coordination with the Department of

- 1        Foreign Affairs treaties, agreements, compacts, and other instruments that are  
2        related to labor migration;
- 3        (i) Evaluate the policy, plans, programs and project accomplishments of the  
4        Department;
- 5        (j) Prepare reports for the President and for the public;
- 6        (k) Administer and manage the Overseas Filipinos Assistance Fund, and issue  
7        guidelines for the proper utilization of the Fund; and
- 8        (l) Exercise such other powers and functions as may be provided by law or assigned  
9        by the President.

10

11        **SEC. 8. Department Units.** – The following units are hereby created to be  
12        each headed by an Assistant Secretary and assisted by other officers and staff:

- 13
- 14        a. The Policy Planning, Research, and Legal Affairs Unit which shall:
- 15            1. Undertake research necessary in preparation and evaluation of policy  
16              reports, treaties, and multilateral and bilateral agreements;
- 17            2. Assist and draft policies in line with the functions of the Office of the  
18              Secretary and the Department;
- 19            3. Ensure that development policies are in line with national development;
- 20            4. Analyze data in order to make informed decisions and to guide policy  
21              intervention with regard to migration and foreign employment;
- 22            5. Ensure collection of accurate and quality statistics to conduct analysis of  
23              the changes in the labor and foreign market;
- 24            6. Advise and assist the Secretary and the Undersecretaries in the formulation  
25              of the Department's over-all long-range and short-term plans and programs  
26              on overseas employment, with special focus on the government's  
27              compliance with international labor agreements;
- 28            7. Reviews and evaluates the progress/status of projects and  
29              accomplishments in relation to set standards, objectives and schedules;  
30              and
- 31            8. Perform such other functions as may be provided by law or assigned by the  
32              Secretary and/or Undersecretaries from time to time.

- 1        b. Administrative Unit which shall provide the Department with efficient, effective  
2              and, economical services relating to records, management, supplies, equipment,  
3              collections, disbursements, building administration and maintenance, security,  
4              and custodial work;
- 5        c. Human Resource Development Unit which shall provide the Department with a  
6              program and corresponding projects that shall make available training,  
7              education, and development opportunities needed to upgrade the levels of  
8              competence and productivity of Department managers and personnel. It shall  
9              absorb the powers and functions of the Administrative Service in relation to the  
10             development and administration of personnel programs including selection and  
11             placement, development, performance evaluation, employee relations, and  
12             welfare;
- 13       d. Financial Management Unit which shall be responsible for providing the  
14              Department with efficient, effective, and economical services relating to  
15              budgetary, financial, management improvement, and internal control matters;
- 16       e. Information and Publication Unit which shall be responsible for promoting  
17              rapport and understanding between the Department and the public through the  
18              development of public relations programs and the dissemination of accurate and  
19              updated information on foreign labor and employment, by means of publication,  
20              radio, television, and social media coverage of special events and related matters  
21              on the Department's policies, plans, programs, and projects. The Service shall  
22              likewise be responsible for providing answers to queries from the public  
23              regarding the Department's policies, rules, regulations, programs, activities, and  
24              services; and
- 25       f. The Overseas Filipinos Assistance Fund Unit which shall be responsible for  
26              assisting the Secretary in the management and use of the Overseas Filipinos  
27              Assistance Fund.

28  
29              **SEC. 9. Undersecretaries.** - The Secretary shall be assisted by not more than  
30              six (6) Undersecretaries who shall be appointed by the President upon the  
31              recommendation of the Secretary. The following offices are hereby created to be each  
32              headed by an Undersecretary and assisted by other officers and staff:

- 1           a. Office of the Undersecretary for Administration and Finance which shall  
2           provide the Department with efficient, effective and, economical services  
3           relating to records, management, supplies, equipment, collections,  
4           disbursements, building administration and maintenance, security, and  
5           custodial work; administer personnel programs including selection and  
6           placement, development, performance evaluation, employee relations, and  
7           welfare; manage internal budgetary and financial matters. The Office shall  
8           supervise the operational activities of the Administrative Unit, Human  
9           Resource Development Unit and the Financial Management Unit;
- 10          b. Office of the Undersecretary for Foreign Employment which shall absorb the  
11          mandates and functions of the Philippine Overseas Employment  
12          Administration under Executive Order 247 s. 1987 and Republic Act No.  
13          8042, as amended, and shall have the following additional functions:  
14           1. Advise and assist the Secretary in the formulation of the Department's  
15           over-all long-range and short-term plans and programs on overseas  
16           employment, with special focus on the government's compliance with  
17           international labor agreements;  
18           2. Review and evaluate the progress/status of projects and  
19           accomplishments in relation to set standards, objectives and schedules;  
20           3. Supervise the operational activities of the Policy Planning, Research and  
21           Legal Affairs Unit, and the Information and Publication Unit; and  
22           4. Perform such other functions as may be provided by law or assigned by  
23           the Secretary from time to time.
- 24          c. Office of the Undersecretary for Reintegration and Social Services which  
25          shall absorb the mandates and functions of the Overseas Workers Welfare  
26          Administration under Republic Act No. 10801, implement and deliver  
27          programs and services through regional and on-site operations and shall  
28          have the following additional functions:  
29           1. Develop support programs and projects for livelihood,  
30           entrepreneurship, savings, investment and financial literacy for  
31           returning Filipino overseas migrant workers and their families, in  
32           coordination with relevant stakeholders, service providers and

- 1                   international organizations;
- 2       2. Coordinate with appropriate stakeholders, service providers and  
3                   relevant international organizations for the promotion, development  
4                   and the full utilization of the skills and potentials of returning overseas  
5                   Filipino workers;
- 6       3. Institute, in cooperation with other government agencies concerned, a  
7                   computer-based information system on returning Filipino overseas  
8                   migrant workers which shall be accessible to all local recruitment  
9                   agencies and employers, both public and private;
- 10      4. Provide a periodic study and assessment of job opportunities returning  
11                   Filipino overseas migrant worker;
- 12      5. Develop and implement other appropriate programs to promote the  
13                   welfare of returning Filipino overseas migrant workers;
- 14      6. Maintain an interest-based communication system for on-line  
15                   registration of returning OFWs and interaction with clients, and  
16                   maintain and upgrade computer-based service capabilities of the  
17                   Department;
- 18      7. Develop capacity-building programs for returning overseas Filipino  
19                   workers and their families, implementers, service providers and  
20                   stakeholders;
- 21      8. Conduct research for policy recommendations and program  
22                   development;
- 23      9. Administer the OWWA Fund;
- 24      10. Administer the Migrant Workers Loan Guarantee Fund; and
- 25      11. Undertake other programs and activities as may be determined by the  
26                   Department.
- 27      d. Office of the Undersecretary for Overseas Filipinos which shall have the  
28                   following functions:
- 29       1. Formulate, in coordination with agencies concerned, an integrated  
30                   program for the promotion of the welfare of Filipinos overseas for  
31                   implementation by suitable existing agencies;
- 32       2. Coordinate and monitor the implementation of such an integrated

- 1 program;
- 2 3. Initiate and directly undertake the implementation of special projects
- 3 and programs, whenever necessary, to promote the welfare of Filipinos
- 4 overseas with respect to their interests and activities in the Philippines;
- 5 4. Serve as a forum for preserving and enhancing the social, economic and
- 6 cultural ties of Filipinos overseas with their motherland;
- 7 5. Provide liaison services to Filipinos overseas with appropriate
- 8 government and private agencies in the transaction of business and
- 9 similar ventures in the Philippines; and
- 10 6. Perform such other functions as may be provided by law or assigned by
- 11 the Secretary from time to time.
- 12 e. Office of the Undersecretary for Assistance to Overseas Filipinos in Distress
- 13 which shall have the following functions:
- 14 1. Provide prompt and appropriate response to global emergencies or crisis
- 15 situations affecting OFWs and their families;
- 16 2. Recommend to the Secretary the grant of the use of Overseas Filipinos
- 17 Assistance Fund;
- 18 3. Undertake all repatriation activities, in coordination with the Office of the
- 19 Undersecretary for Foreign Employment, Office of the Undersecretary
- 20 for Reintegration and Social Services, and other government agencies,
- 21 in cases of war, epidemic, disasters or calamities, natural or man-made,
- 22 and other similar events without prejudice to reimbursement by the
- 23 responsible principal or agency;
- 24 4. Draft the guidelines, procedures and criteria for the provisions of
- 25 Overseas Filipinos Assistance Fund to Overseas Filipino and Migrant
- 26 Workers;
- 27 5. Ensure effective coordination and cooperation with other agencies and
- 28 the Foreign Service Posts in the provision of assistance from the
- 29 Overseas Filipinos Assistance Fund to Overseas Filipino and Migrant
- 30 Workers;
- 31 6. Coordinate with the Office of the Undersecretary for Foreign
- 32 Employment, Office of the Undersecretary for Reintegration and Social

- 1 Services, and other government agencies concerned, as well as with  
2 non-governmental organizations assisting migrant workers, to ensure  
3 effective coordination in providing legal assistance to migrant workers;
- 4 7. Tap the assistance of the Integrated Bar of the Philippines (IBP), other  
5 bar associations, legal experts on labor, migration and human rights  
6 laws, reputable law firms, and other civil society organizations, to  
7 complement government services and resources to provide legal  
8 assistance to migrant workers; and
- 9 8. Supervise the operational activities of the Overseas Filipinos Assistance  
10 Fund Unit.
- 11 f. Office of the Undersecretary for International Labor Affairs which shall have  
12 the following functions:
- 13 1. Monitor the observance and implementation of the Philippines'  
14 obligations and commitments to international organizations and treaties;
- 15 2. Supervise and monitor the activities of the Philippine Overseas Labor  
16 Offices;
- 17 3. Coordinate with the Department of Foreign Affairs regarding treaties,  
18 agreements, compacts, and other instruments that are related to labor  
19 migration; and
- 20 4. Perform such other functions as may be provided by law or assigned by  
21 the Secretary.

22

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

- 29 (a) Implement laws, policies, plans, programs projects, rules and regulations of the  
30 Department;
- 31 (b) Provide economical, efficient and effective service to the people;
- 32 (c) Coordinate with regional offices of other departments and agencies;

- 1                         (d) Coordinate with local government units; and  
2                         (e) Perform such other functions as may be provided by law or assigned by the  
3                         Department.

4

5                         **SEC. 11. *Qualifications.*** — No person shall be appointed Secretary,  
6                         Undersecretary, or Assistant Secretary of the Department unless he or she is a citizen  
7                         and resident of the Philippines, of good moral character, of proven integrity and with  
8                         competence and expertise in the plans, programs, projects and activities of the  
9                         government relative to overseas labor and employment.

10

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

18

19                         **CHAPTER III**  
20                         **OFW CENTERS**

21

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

31

32                         When the OFW Center is established outside the premises of the Embassy or

1 Consulate, the Department of Foreign Affairs shall exert its best effort to secure  
2 appropriate recognition from the receiving government in accordance with applicable  
3 laws and practices.

4

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

- 6 a. Counseling and legal services;
- 7 b. Welfare assistance including the procurement of medical and hospitalization  
8 services;
- 9 c. Information, advisory programs to promote social integration such as post-  
10 arrival orientation, settlement and community networking services and  
11 activities for social interaction;
- 12 d. Registration of irregular/undocumented workers to bring them within the  
13 purview of Republic Act 8042, as amended;
- 14 e. Implementation of Department Programs;
- 15 f. Gender-sensitive programs and activities to assist particular needs of migrant  
16 workers;
- 17 g. Orientation program for returning workers and other migrants;
- 18 h. Monitoring of the daily situation, circumstances and activities affecting migrant  
19 workers and other overseas Filipinos;
- 20 i. Ensuring that labor and social welfare laws in the receiving country are fairly  
21 applied to migrant workers and other overseas Filipinos; and
- 22 j. Conciliation of disputes arising from employer-employee relationship, in  
23 accordance with this Rule.

24

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

- 26 (a) Foreign Service personnel;
- 27 (b) A Labor Attaché who shall undertake its current functions under Republic Act  
28 8042, as amended and shall be the representative of the Department on-site;
- 29 (c) A Police Attaché who shall establish and maintain liaison with principal law  
30 enforcement and security services in destination countries, and shall be  
31 appointed by the Chief of the Philippine National Police;
- 32 (d) A Justice Attaché who shall render assistance to address legal needs of

1           Overseas Filipinos and assist the Labor Attaché in matters relating to Overseas  
2           Filipinos in distress, and shall be appointed by the Secretary of the Department  
3           of Justice; and

4           (e) Other service attachés or officers who represent Philippine government  
5           agencies abroad.

7           The following personnel shall assist the attachés and be assigned to the Center:

- 8           a. Psychologists, Social Workers, and a Shari'a or Human Rights Lawyers;
- 9           b. Individual volunteers and representatives from bona fide non-government  
10          organizations from the receiving countries, if available and necessary as  
11          determined by the Labor Attaché in consultation with the Chief of Mission;
- 12          c. Public Relations Officer or Case Officer conversant, orally and in writing, with  
13          the local language, laws, customs and practices; and
- 14          d. Legal Officers and such other professionals deemed necessary by the  
15          Secretary.

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

23           **SEC 17. Round-the Clock Operations.** The OFW Center shall operate on a 24-  
24          hour basis including Saturdays, Sundays and holidays. A counterpart 24-hour  
25          Information and Assistance Center to ensure a continuous network and coordinative  
26          mechanism shall be established at the Department.

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

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

3

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

10

11    **CHAPTER IV**  
12    **TRANSFER OF AGENCIES**

13

14       **SEC. 20. *Transfer of Bureaus, Offices, Agencies.*** - (a) The following  
15 agencies are hereby abolished, and their powers and functions under Republic Act  
16 8042, as amended by Republic Act 10022, and other applicable laws, and the funds  
17 and appropriations, records, equipment, property, and personnel are likewise  
18 transferred to this Department:

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

25

26       The powers and functions of the Office of the Undersecretary for Migrant  
27 Workers Affairs under the Department of Foreign Affairs and all Philippine Overseas  
28 Labor Offices and their officials under the DOLE are hereby transferred to this  
29 Department.

30

31       In the case of OWWA, all its membership records, funds appropriated under  
32 the GAA, and all its trust funds are transferred to this Department. The Department

1 shall issue guidelines on the transfer of records and funds: *Provided*, That existing  
2 members shall not be required to re-apply for a new membership: *Provided, further*,  
3 That in no case shall individual membership contributions be increased: *Provided,*  
4 *finally*, That benefits and services to OFW members shall not be diminished.

5

6 The laws and rules on government reorganization as provided for by Republic  
7 Act 6656, otherwise known as the Reorganization Law, and other relevant civil service  
8 laws and regulations shall govern the reorganization process of the Department.

9

10 **CHAPTER V**  
11 **TRANSITORY PROVISIONS**

12  
13 **SEC. 21. New Structure and Pattern.** - Upon the approval of this Act, the  
14 relevant officers and employees of the transferred entities under Section 20 of this  
15 Act, shall in a hold over capacity, continue to perform their respective duties and  
16 responsibilities and receive the corresponding salaries and benefits unless in the  
17 meantime they are separated from government service as may be provided by law.

18

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

24

25 **SEC. 22. Absorption or Separation from Service of Employees of the**  
26 **Consolidated Agencies.** - The existing employees of the agencies transferred under  
27 the Department shall enjoy security of tenure and shall be absorbed by the  
28 Department, in accordance with the new staffing pattern and organizational structure  
29 as provided for in Section 21 of this Act, and the selection process as prescribed under  
30 Republic Act No. 6656, otherwise known as the "Government Reorganization Law".

31

32 Employees opting to be separated from the service as a consequence of the

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

6

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

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

19

20       (b) Any transfer of functions which results in the abolition of the entity that  
21 has exercised such transferred functions shall include, as may be necessary to the  
22 proper discharge of the transferred functions, the appropriations, funds, records,  
23 equipment, facilities, other assets, and personnel of the entity from which such  
24 functions have been transferred. The remaining appropriations and funds shall revert  
25 to the General Fund and the remaining records, equipment, facilities, and other assets  
26 shall be allocated to such appropriate units as the Secretary shall determine or  
27 otherwise shall be disposed of, in accordance with the pertinent laws, rules and  
28 regulations. The liabilities, if any, of the abolished entity shall be treated likewise in  
29 accordance with pertinent laws, rules and regulations. Incumbents of the abolished  
30 entity shall, in a hold over capacity, continue to perform their respective duties and  
31 responsibilities and receive the corresponding salaries and benefits unless in the  
32 meantime they are separated from government service pursuant existing laws. Any

1 such personnel whose position is not included in the new position structure and  
2 staffing pattern approved by the Secretary or who is not reappointed shall be entitled  
3 to the benefits provided in the second paragraph of Section 22 hereof; and

4

5 (c) Any transfer of functions which does not result in the abolition of the entity  
6 that has exercised such transferred functions shall include the appropriations, funds,  
7 records, equipment, facilities, other assets as well as the personnel of the entity from  
8 which such functions have been transferred that are necessary to the proper discharge  
9 of such transferred functions. The liabilities, if any, which have been incurred in  
10 connection with the discharge of the transferred functions, shall be allocated in  
11 accordance with pertinent laws, rules and regulations. Such personnel shall, in a hold  
12 over capacity, continue to perform their respective duties and responsibilities and  
13 receive the corresponding salaries and benefits unless in the meantime they are  
14 separated from government service pursuant to existing laws. Any such personnel  
15 whose position is not included in the new position structure and staffing pattern  
16 approved by the Secretary or who is not reappointed shall be entitled to the benefits  
17 provided in the second paragraph of Section 15 hereof.

18

19

20

**CHAPTER VI**

**THE OVERSEAS FILIPINO WORKERS DISTRESS**

**AND ASSISTANCE FUND**

21

22

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

- 29       (a) Repatriation;
- 30       (b) Legal assistance, including litigation expenses, legal fees, payment of  
31              translation fees, attendance in court hearings;
- 32       (c) Defraying necessary expenses and making payments for the life-saving rescue,

1        medical and hospitalization expenses, retrieval, and rehabilitation of OFWs in  
2        distress, as needed;  
3        (d) Basic necessities of OFWs in emergency situations or in detention; and  
4        (e) Livelihood training and loans for OFWs who have decided to return to the  
5        Philippines for good.

6  
7        The Emergency Repatriation Fund created in Republic Act No. 8042, as  
8        amended, shall form part of the Overseas Filipinos Assistance Fund. The Secretary  
9        shall issue guidelines, rules and regulations on the proper management, utilization  
10      and disbursement of the Fund. The Department shall submit a quarterly fund  
11      utilization report to the Office of the President, copies of which shall be made  
12      available to Congress.

13

## 14                   **CHAPTER VII**

### 15                   **APPROPRIATIONS**

16

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

23

## 24                   **CHAPTER VIII**

### 25                   **MISCELLANEOUS**

26

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

31

32        **SEC. 27. Implementing Authority of the Secretary.** - The Secretary shall

1 issue such rules, regulations, and other issuances as may be necessary to ensure the  
2 effective implementation of the provisions of this Act.

3

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

8

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

14

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

*Approved,*