



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

'17 MAY -4 P2:03

SENATE
S. B. No. 1435

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INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

AN ACT
CREATING THE DEPARTMENT OF FOREIGN EMPLOYMENT, RATIONALIZING THE
ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES RELATED TO OVERSEAS
EMPLOYMENT AND THE SAFETY AND WELFARE OF OVERSEAS FILIPINO WORKERS,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

They are called "modern-day heroes". They sacrifice much so that their family members may survive and have a better future. Their remittances fuel the Philippine economy. Everyday, our airports are teeming with migrant workers on their way out of the country, each one a mother or a father, a son or a daughter, many times reduced to a statistic in a seemingly endless and relentless diaspora.

The term "modern day heroes" obscures the realities that form the lives of our overseas Filipino workers (OFWs). While some OFWs find their fortune abroad, several storylines are harsher than others. With President Rodrigo Roa Duterte's directive for a more compassionate government, the stories behind every Filipino driven to work abroad by the scarcity of opportunities at home demand to be shared and properly considered in the enactment of laws and the crafting of policies that affect their future.

Rena finished a nursing course in Davao and works as a caregiver in Mogadishu, Somalia. When al-Shabaab militants stormed the Presidential Palace and carried out mortar fire attacks in strategic places in the city, her employer told her she could go home if she wanted to. She thought of her daughters of school age and her husband who has been jobless since strong typhoons ravaged banana plantations in Compostela Valley and decided to stay on.

Alvin works as a construction worker in Saudi Arabia, standing on scaffolds under the punishing heat of the Middle Eastern sun. Riyadh is a gleaming capital with towering edifices, mostly built from the ground up by Alvin and people like him. After work, however, he goes home to a 23 square meter room that he shares with six other people. It is the best he can do, he has yet to pay the debts incurred when he first came here and there are more debts to be paid at home.

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

Karen was already working as a domestic worker in Kuwait when she was told by a person she met online that she could get better wages as a waitress in a coffee shop and they wanted her immediately because of her good looks and "pleasing personality". Enticed by the promise of higher wages, she left her employer to work at the "coffee shop". It turned out to be a sex den and she found herself locked up in cramped quarters, waiting to be called to service men.

These are but four of an estimated 10.2 million Overseas Filipinos, a number that only continues to rise. Driven by poverty and joblessness at home, around two million Filipinos leave the

country each year, casting their lot in other countries. Around 78% are deployed to land-based destinations, while the remaining 22% are hired as seafarers to work as personnel in fishing vessels or cruise ships or to serve on mobile offshore and drilling units in the high seas. Many of them suffer abuse at the hands of their employers or illegal recruiters, living in oppressive work conditions, so that they can send their children to school or support ailing parents.

Despite the existence of agencies to protect them, OFWs and their families continue to face numerous problems and challenges such as illegal recruitment; employer abuse; inadequate benefits; inefficient and ineffective delivery of services; and the lack of representation in the agencies that are supposed to protect and promote their rights. Moreover, the social costs of human migration cannot be overlooked. In a study by Ma. Lourdes Carandang (2012) on children of overseas domestic workers, it was found that these "motherless" children have a greater likelihood of growing up psychologically-troubled and facing academic difficulties.¹

Under Republic Act No. 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, as amended, there are at least three agencies with mandates relative to overseas employment. These include the Department of Labor and Employment, the Philippine Overseas Employment Agency, and the Overseas Workers Welfare Administration. In times of emergency, war or civil unrest in the destination countries, it is the Department of Foreign Affairs that usually takes the lead in OFW repatriation. However, the absence of a single agency to address foreign employment concerns has made it difficult for the government to focus on the needs and demands of foreign Filipino employment in general and of OFWs in particular. Hence, there is a pressing need to prioritize the creation of an agency that would manage, harmonize, and strengthen existing policies and programs to address the needs of foreign Filipino employment.

Even the best department secretaries and public servants have a limit to what they can do. Multi-tasking, technological advances, and even inter-agency efforts certainly help. But a focused, single-minded, specialized department secretary solely for OFWs can do so much more.

In light of the foregoing, it is hereby proposed that a Department of Foreign Employment be established to serve as the one-stop umbrella agency to specifically address all the issues and concerns of OFWs as well as their families to afford them full protection, promote their full and just employment, mitigate the social costs back home, and serve as a channel to address OFW issues and grievances. The measure further creates an OFW Distress and Assistance Fund to provide financial support for OFWs 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.

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



ALAN PETER "COMPAÑERO" S. CAYETANO
Senator

¹ Carandang, Ma. Lourdes Arellano, Beatrix Aileen L. Sison and Christopher Franz A. Carandang. 2007. *Nawala ang ilaw ng tahanan: Case studies of families left behind by OFW mothers*. Manila: Anvil Publishing, Inc

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AN ACT

CREATING THE DEPARTMENT OF FOREIGN EMPLOYMENT, RATIONALIZING THE
ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES RELATED TO OVERSEAS
EMPLOYMENT AND THE SAFETY AND WELFARE OF OVERSEAS FILIPINO WORKERS,
AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

SECTION 1. *Title.* This Act shall otherwise be known as the "Department of Foreign Employment Act of 2017".

SEC. 2. *Declaration of Policies.*

(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest, and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens, whether residing inside the country or overseas;

(b) Since Overseas Filipino Workers (OFWs) are considered the modern day heroes of the country and since they are a major economic contributor, the State shall use all necessary means to ensure that their rights are protected and their best interests are always promoted;

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

(d) While the State does not promote overseas employment as a means to sustain economic growth and achieve national development, it recognizes the present realities and values the significant contribution of Filipinos employed overseas to the national economy. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of Filipino citizens shall not, at any time, be compromised or violated;

(e) The State shall endeavor to continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development. It shall put in place a twenty-year plan to improve the local economy, such that Filipinos leaving to work abroad will do so only because they really want to, and not because they cannot find employment opportunities in the country;

(f) The State affirms the fundamental equality before the law of women and men and the significant role of women in nation building. Recognizing the contribution of overseas migrant

1 women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria
2 in the formulation and implementation of policies and programs affecting OFWs and the
3 composition of bodies tasked for their welfare;

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

9 (h) The right of OFWs and all overseas Filipinos to participate in the democratic decision-
10 making processes of the State and to be represented in institutions relevant to overseas
11 employment is recognized and guaranteed;

13 (i) Civil society organizations and non-governmental organizations, duly recognized as
14 legitimate, are partners of the State in the protection of Filipinos employed overseas and in the
15 promotion of their welfare, the State shall cooperate with them in a spirit of trust and mutual
16 respect.

CHAPTER II THE DEPARTMENT PROPER

22 **SEC. 3. *Creation.*** The Department of Foreign Employment, hereinafter referred to as the
23 Department, is hereby organized, structurally and functionally in accordance with the provisions of
24 this Act.

26 **SEC. 4. *Mandate and Objectives.*** The Department shall be the primary policy,
27 programming, coordinating and administrative entity of the Executive Branch of the government
28 that protects and provides assistance to OFWs who are holders of Philippine passports in the field
29 of overseas labor and employment. It shall assume primary responsibility for:

31 (a) The advancement of overseas workers' welfare by providing for just and humane
32 working conditions and terms of employment;

34 (b) Promoting and developing the overseas employment program;

36 (c) Regulating the private sector participation in recruitment and overseas placement
37 promoting tripartism, full disclosure, deregulation, selective deployment, and dynamism in systems
38 and information technology;

40 (d) The maintenance of industrial peace by promoting harmonious, equitable, and stable
41 employment relations that assures equal protection for the rights of all concerned parties;

43 (e) The protection of the interest and promotion of the welfare of OFWs in recognition of
44 their valuable contribution to the overall development effort;

46 (f) The implementation of the provisions of the Labor Code concerning the responsibility of
47 the government to promote the well-being of OFWs;

49 (g) Providing social and welfare services to OFWs, including insurance, social work
50 assistance, legal assistance, cultural services, and remittance services;

52 (h) Ensuring the efficiency of collection and viability and sustainability of the overseas fund
53 through sound and judicious investment and fund management policies;

55 (i) Undertaking studies and researches for the enhancement of their social, economic and
56 cultural well-being;

58 (j) The development, support and financing of specific projects for the welfare of OFWs;

60 (k) Providing advice to the President and the Congress on matters relating to the
61 formulation and execution of Philippine foreign policy relating to the protection of the dignity,

1 fundamental rights and freedoms of Filipino citizens abroad, while giving particular attention to the
2 protection and promotion of the welfare and dignity of overseas Filipinos;

3
4 (l) Serving as a forum for preserving and enhancing the social, economic and cultural ties of
5 Filipinos overseas with the motherland; and

6
7 (m) Liaising on behalf of Filipinos overseas with appropriate government and private
8 agencies in the transaction of business and similar ventures in the Philippines.

9
10 **SEC. 5. Powers and Functions.** In pursuit of its mandate, the Department shall have the
11 following powers and functions:

12
13 (a) Formulate and recommend policies, plans, and programs for manpower development,
14 training, allocation, and utilization of OFWs;

15
16 (b) Conduct in-depth studies on all policy areas and options that will ensure protection of
17 OFW and address perennial issues OFWs face abroad, in consultation with the relevant
18 stakeholders;

19
20 (c) Assess, review, harmonize, and coordinate all OFW-related local policies and procedures
21 and international agreements to ensure overall consistency and implementation of the national
22 policies;

23
24 (d) Protect and promote the interest of every citizen desiring to work overseas by securing
25 for him/her the most equitable terms and conditions of employment, and by providing social and
26 welfare services;

27
28 (e) Protect and promote the welfare, well-being, and interests of the families of OFWs, by
29 exerting all efforts including the crafting of a twenty-year plan to ensure that Filipinos leaving to
30 work abroad will do so only because they really want to, and not because they cannot find
31 employment opportunities in the country;

32
33 (f) Formulate general guidelines concerning wage and income policy subject to the
34 limitations imposed by the laws of the foreign countries;

35
36 (g) Provide for safe, decent, humane and improved working conditions and environment for
37 all workers, particularly women and young workers;

38
39 (h) Build a strong and harmonious partnership with foreign countries and the private
40 sectors to formulate strategies and implement the same;

41
42 (i) Represent and negotiate, for the promotion and protection of the interests of the
43 Philippines, on matters pertaining to OFW affairs in international bodies;

44
45 (j) Develop, implement, and improve coordination with other countries with OFW presence
46 and monitor foreign developments to ensure the most reasonable working conditions for the OFWs,
47 and create a proactive approach in providing assistance to them especially in times of war and civil
48 unrest, whether potential or apparent;

49
50 (k) Provide social and welfare services to OFWs, including insurance, social work assistance,
51 legal assistance, cultural services, and remittance services;

52
53 (l) Provide job matching services to the public, in cooperation with the Department of
54 Education, the Commission on Higher Education, the Technical Education and Skills Development
55 Authority, and other government agencies, civil society and non-governmental organizations, with
56 the view of promoting the global competitiveness of the Filipino;

57
58 (m) Promote knowledge, information and resource sharing, and develop a database to
59 assist OFWs anywhere in the world;

60
61 (n) Coordinate and support the generation and build-up of resources or funds for the use of

1 OFWs;

2

3 (o) Conduct symposia, consultations, and seminars on effective OFW-related programs and

4 plans;

5

6 (p) Assist and provide technical expertise in the troubleshooting of OFWs in distress and

7 tap the services of personnel, foreign and local, with expertise on the formulation of strategies and

8 plans concerning OFW activities if needed;

9

10 (q) Coordinate with concerned government agencies in the training and support of Filipinos

11 who have worked abroad and are returning to the country;

12

13 (r) Regulate and guide the business activities relative to the deployment of Filipino workers

14 and other related activities; and

15

16 (s) Promulgate rules and regulations for the implementation of its guidelines and policies

17 and related laws.

18

19 **SEC.6. Secretary of Foreign Employment.** The authority and responsibility for the exercise

20 of the mandate of the Department and for the discharge of its powers and functions shall be vested

21 in the Secretary of Foreign Employment, hereinafter referred by the President, and who shall have

22 supervision and control over the Department. For such purposes, the Secretary shall have the

23 following powers and functions:

24

25 (a) Advise the President on the promulgation of executive and administrative orders, other

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

27 employment;

28

29 (b) Formulate policies, guidelines, rules and regulations and other issuances essential and

30 necessary to carry out Department policies, plans, programs and projects;

31

32 (c) Issue orders, directives, rules and regulations, and other issuances to carry out foreign

33 labor and employment policies, plans, programs and projects;

34

35 (d) Provide overall direction, supervision, and control over all offices under the Department

36 to ensure effective and efficient implementation of its policies, plans, programs and projects;

37

38 (e) Coordinate with other government offices, labor, organizations, employers' associations,

39 and any other group to carry out the mandate of the Department;

40

41 (f) Evaluate the policy, plans, programs and project accomplishments of the Department;

42

43 (g) Prepare reports for the President and for the public;

44

45 (h) Delegate authority for the performance of any function to officers and employees of the

46 Department; and

47

48 (i) Exercise such other powers and functions as may be provided by law or assigned by the

49 President.

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52 **SEC. 7. Office of the Secretary.** The Office of the Secretary shall consist of the Secretary and

53 his or her immediate staff.

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60 **SEC. 8. Undersecretary.** The Secretary shall be assisted by not more than four (4)

Undersecretaries who shall be appointed by the President upon the recommendation of the

Secretary. The Secretary is hereby authorized to delineate and assign the respective functional

areas of responsibility of the Undersecretaries, *provided*, that such responsibility shall be with

respect to the mandate and objectives of the Department; and *provided, further*, that no

Undersecretary shall be assigned primarily administrative responsibilities. Within his or her

functional area of responsibility, an Undersecretary shall have the following functions:

1 (a) Advise and assist the Secretary in the formulation and implementation of the
2 Department's policies, plans, programs, and projects;

4 (b) Oversee the operational activities of the Department;

6 (c) Coordinate the programs and projects of the Department for efficient and effective
7 administration;

9 (d) Serve as an assistant for the Secretary;

11 (e) Perform, when so designated, the power and functions of the Secretary, during the
12 latter's absence or incapacity; and

14 (f) Perform such other functions as may be provided by law or assigned by the Secretary to
15 promote the efficiency and effectiveness in the delivery of public services.

17 **SEC. 9. Assistant Secretaries.** The Department shall likewise be assisted by not more than
18 four (4) Assistant Secretaries who shall be appointed by the President upon the recommendation of
19 the Secretary. The Secretary is hereby authorized to delineate and assign the respective areas of
20 functional responsibility of the Assistant Secretaries. Within his or her functional area of
21 responsibility, an Assistant Secretary shall assist the Secretary and Undersecretaries in the
22 formulation, determination and implementation of laws, policies, plans, programs, and projects on
23 foreign labor and employment and shall oversee the day-to-day administration and supervision of
24 the constituent units of the Department.

26 **SEC. 10. Structural Organization.** The Department shall consist of the Department proper
27 comprising the Office of the Secretary, the Office of the Undersecretary and Assistant Secretaries,
28 the Services and the Staff Bureaus, and its Regional Offices.

30 **SEC.11. Planning Service.** The Planning Service shall provide the Department with
31 efficient, effective, and economical services relating to planning, programming, project
32 development and evaluation, and the development and implementation of a management
33 information system.

35 **SEC.12. Administrative Service.** The Administrative Service shall provide the Department
36 with efficient, effective and, economical services relating to records, management, supplies,
37 equipment, collections, disbursements, building administration and maintenance, security, and
38 custodial work.

40 **SEC. 13. Human Resource Development Service.** The Human Resource Development
41 Service shall provide the Department with a program and corresponding projects that shall make
42 available training, education, and development opportunities needed to upgrade the levels of
43 competence and productivity of Department managers and personnel. It shall absorb the powers
44 and functions of the Administrative Service in relation to the development and administration of
45 personnel programs including selection and placement, development, performance evaluation,
46 employee relations, and welfare.

48 **SEC. 14. Financial Management Service.** The Financial and Management Service shall be
49 responsible for providing the Department with efficient, effective, and economical services relating
50 to budgetary, financial, management improvement, and internal control matters.

52 **SEC. 15. Legal Service.** The Legal Service shall provide legal advice and service to
53 Department officers and employees; prepare informative or clarificatory opinions on labor and
54 employment laws, rules, and regulations for uniform interpretation thereof; answer legal queries
55 from the public; assist the Office of the Solicitor General in suits involving the Department or its
56 officers or employees or act as their principal counsel in all actions taken in their official capacity or
57 other causes, before judicial or administrative bodies.

59 **SEC. 16. Information and Publications Service.** The Information and Publication Service
60 shall be responsible for promoting rapport and understanding between the Department and the
61 public through the development of public relations programs and the dissemination of accurate and

1 updated information on foreign labor and employment, by means of publications and media
2 coverage of special events and related matters on the Department's policies, plans, programs, and
3 projects. The Service shall likewise be responsible for providing answers to queries from the public
4 regarding the Department's policies, rules, regulations, programs, activities, and services.

SEC. 17. *Regional Offices.* The Department is hereby authorized to establish, operate, and maintain such Department-wide Regional Offices in each of the administrative regions of the country, insofar as necessary, which shall be headed by a Regional Director who shall have supervision and control thereof. The Regional Director, whenever necessary, shall be assisted by an Assistant Regional Director. A Regional Office shall have, within its regional area, the following functions:

13 (a) Implement laws, policies, plans, programs projects, rules and regulations of the
14 Department;

(b) Provide economical, efficient and effective service to the people;

(c) Coordinate with regional offices of other departments and agencies;

(d) Coordinate with local government units; and

(e) Perform such other functions as may be provided by law or assigned by the Department.

SEC. 18. Transfer of Bureaus, Offices and Agencies. The following bureaus, offices, and agencies are hereby transferred from their respective departments (as shown in parenthesis) to the Department of Foreign Employment:

(a) Office of the Undersecretary for Migrant Workers Affairs (Department of Foreign Affairs);

(b) Commission on Filipino Overseas (Office of the President):

32

(c) Philippine Overseas Labor Offices (Department of Labor and Employment); and

35 (d) National Reintegration Center for Overseas Filipino Workers (Department of Labor and
36 Employment).

CHAPTER III

ATTACHED AGENCIES

SEC. 19. Attached Agencies. The following agencies shall be transferred to the Department from the Department of Labor and Employment for policy and program coordination and administrative supervision:

(a) Philippine Overseas Employment Administration (POEA); and

(b) Overseas Workers Welfare Administration (OWWA);

The laws and rules on government reorganization as provided for by Republic Act 6656, otherwise known as the Reorganization Law, shall govern the reorganization process of the Department.

SEC. 20. Sectoral and Industry Task Forces. The Department may create sectoral and industry task forces, technical working groups, advisory bodies or committees for the furtherance of its objectives. Additional private sector representatives, such as from the OFWs, academe and private industries directly involved in deployment of OFWs, as well as other national government agencies, local government units, and government-owned and controlled corporations, may be appointed to these working groups.

CHAPTER IV

THE OVERSEAS FILIPINO WORKERS DISTRESS AND ASSISTANCE FUND

SEC. 21. *Overseas Filipino Workers Distress and Assistance Fund.* An OFW Distress and Assistance Fund to address the needs of regular and irregular OFWs in distress, and those OFWs returning to the Philippines for good, in the amount of One Billion Pesos (P1,000,000,000) is hereby created. The fund shall be allocated for the following purposes:

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

CHAPTER V TRANSITORY PROVISIONS

SEC. 22. *New Structure and Pattern.* Upon the approval of this Act, the relevant officers and employees of the transferred entities under Section 18 of this Act, shall in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service as may be provided by law.

The new position structure and staffing pattern of the Department shall be approved and prescribed by the Secretary for the Department within one hundred twenty (120) days from the approval of this Act and the authorized positions created thereunder shall be filled with regular appointments by him or her or by the President, as the case may be. Those incumbents whose positions are not included therein or who are not reappointed shall be deemed separated from the service. Those separated from the service shall receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations. Otherwise, they shall be paid the equivalent of one-month basic salary for every year of service, or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received, but in no case shall such payment exceed the equivalent of twelve (12) months salary.

No court or administrative body shall issue any writ or preliminary injunctions or restraining order to enjoin the separation/replacement of any officer or employee affected under this Act.

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

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

(b) Any transfer of functions which results in the abolition of the entity that has exercised such transferred functions shall include, as may be necessary to the proper discharge of the

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

(c) Any transfer of functions which does not result in the abolition of the entity that has exercised such transferred functions shall include the appropriations, funds, records, equipment, facilities, other assets as well as the personnel of the entity from which such functions have been transferred that are necessary to the proper discharge of such transferred functions. The liabilities, if any, which have been incurred in connection with the discharge of the transferred functions, shall be allocated in accordance with pertinent laws, rules and regulations. Such personnel shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant to existing laws. Any such personnel whose position is not included in the new position structure and staffing pattern approved by the Secretary or who is not reappointed shall be entitled to the benefits provided in the second paragraph of Section 22 hereof.

CHAPTER VI APPROPRIATIONS

SEC. 24. Appropriations. The amount of One Billion Pesos (P1,000,000,000.00) for the initial operation of the Department shall be sourced from the Contingent Fund of the President as well as from the existing funds of the attached offices, bureaus, and agencies. Subsequent funding requirements shall be included in the annual General Appropriations Act.

CHAPTER VII MISCELLANEOUS

SEC. 25. Implementing Authority of the Secretary. The Secretary shall issue such rules, regulations, and other issuances as may be necessary to ensure the effective implementation of the provisions of this Act.

SEC. 26. Separability Clause. Any portion or provision of this Act that is declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions can still subsist and be given effect in their entirety.

SEC. 27. Repealing Clause. All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 28. Effectivity. This Act shall take effect immediately upon its approval.

Approved,