

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

Office of the Secretary
Senate

19 JUL 15 A10:03

SENATE

S. No. 461

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Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

The country has millions of overseas Filipinos working in more than 100 countries around the world. Their remittances provide significant contribution to our local economy, comprising at about ten percent of the nation's Gross Domestic Product (GDP). This significant contribution makes the OFW sector a vital lifeline for the economy and the society.

Our OFWs continue to face a number of issues in regards employment and non-payments. Add to these issues are some distressing factors they go through while they are away from home. Furthermore, a number of our OFWs also experience maltreatment, sexual abuse while under the care of foreign employers.

While there are programs which are already in place to cater to the needs of our overseas workers, there is an urgent need to streamline these programs and to establish a whole-of-government approach to provide immediate response to some distressing situations our OFWs undergo.

This bill seeks to create the Department of Overseas Filipino Workers which will primarily focus on the formulation and implementation of projects and programs for overseas Filipinos by managing the affairs, reconciling policies and ensuring the rights and welfare of all overseas Filipinos. This department will provide streamlined support to our overseas workers and will become the main regulating body for overseas recruitment, and assist in professionalizing government and private firms that will in turn, provide trainings that will hone the skills and increase the employability rate of potential OFW's.

In view of the foregoing, the passage of this measure is earnestly sought.



RAMON BONG REVILLA, JR.

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

*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 Overseas Filipino Workers Act."

3 Sec. 2. *Declaration of Policy.* - The following are hereby declared as State
4 policies:
5

6 (a) The State shall, at all times, uphold the dignity of its Overseas Filipino
7 Workers (OFWs);
8

9 (b) The State shall continuously monitor international conventions, adopt and
10 ratify those that guarantee protection to our OFWs, and represent and negotiate for
11 Philippine interest on matters pertaining to OFW affairs;
12

13 (c) The State shall provide adequate and timely social, economic, and legal
14 services to OFWs;
15

16 (d) The State recognizes non-governmental organizations, trade unions,
17 worker associations, stakeholders and similar legitimate entities as partners of the
18 State in the protection of OFWs and in the promotion of their welfare. The State
19 shall cooperate with them in a spirit of trust and mutual respect. The significant
20 contribution of recruitment and manning agencies shall form part of this partnership.
21

22 (e) While recognizing the significant contribution of OFWs to the national
23 economy through their foreign exchange remittances, the State does not promote
24 overseas employment as a means to sustain economic growth and achieve national
25 development. The existence of the overseas employment program rests solely on
26

1 the assurance that the dignity and fundamental human rights and freedoms of the
2 Filipino citizens shall not, at any time, be compromised or violated. The State,
3 therefore, shall continuously create local employment opportunities and promote the
4 equitable distribution of wealth and the benefits of development;

5
6 (f) The State affirms the fundamental equality before the law of women and
7 men and the significant role of women in nation building. Recognizing the
8 contribution of women OFWs, the State shall apply gender sensitive criteria in the
9 formulation and implementation of policies and programs affecting OFWs;

10
11 (g) Free access to the courts and quasi-judicial bodies and adequate legal
12 assistance shall not be denied to any person by reason of poverty. In this regard, it
13 is imperative that an effective mechanism be instituted to ensure that the rights and
14 interest of distressed OFWs, whether regular/documents or
15 irregular/undocumented, are adequately protected and safeguarded;

16
17 (h) The right of OFWs to participate in the democratic decision-making
18 processes of the State and to be represented in institutions relevant to overseas
19 employment is recognized and guaranteed; and

20
21 (i) The State recognizes that the ultimate protection to all OFWs is the
22 possession of marketable skills. Pursuant to this and as soon practicable, and taking
23 into consideration the fundamental right to work, the government shall allow the
24 deployment only of skilled Filipino workers.

25
26 Sec. 3. *Creation and Mandates.* - A Department of Overseas Filipino Workers,
27 hereinafter referred to as the Department, is hereby created to serve as the primary
28 agency under the Executive Branch tasked to formulate, plan, coordinate,
29 promote, administer and implement policies, including, but not limited to, the
30 national development agenda for OFWs. It shall render an annual report of its
31 activities and achievements to the President and to Congress.

32
33 Sec. 4. *Powers and Functions.* - To carry out its mandates the Department
34 shall exercise the following powers and functions:

35
36 (a) Formulate, recommend, and implement national policies, plans, programs,
37 and guidelines that will ensure the protection of OFWs and address the
38 problems that they face abroad in consultation with all relevant
39 stakeholders;

40
41 (b) Assess, review, harmonize, and coordinate applicable policies and
42 procedures, as well as multilateral or bilateral treaties and agreements with
43 OFW receiving countries and other migrant sending countries, the United
44 Nations and its affiliate organizations, and other international and regional
45 organizations, fora, and processes, in coordination with the Department of
46 Labor and Employment (DOLE) and the Department of Foreign Affairs
(DFA);

47
48 (c) Improve cooperation and coordination with OFW host countries and
monitor labor developments in these jurisdictions to ensure that the terms

- 1 and conditions of work afforded to OFWs are in accordance with applicable
2 and appropriate local, on-site, and international standards;
- 3 (d) Employ a proactive approach in providing assistance to OFWs in times of
4 war, civil unrest, or other analogous circumstances, whether potential or
5 actual;
- 6 (e) Encourage and enhance information and resource-sharing, develop an
7 electronic database to improve services for OFWs and linkages among
8 government agencies, consistent with national and OFW-focused
9 objectives;
- 10 (f) Regulate the operation of private recruitment agencies and other relevant
11 business entities involved in the deployment of OFWs taking into account
12 the primacy of upholding the welfare and protection of OFWs, and with
13 due consideration to relevant market conditions;
- 14 (g) Assist in the professionalization, training, and capacity building of private
15 recruitment agencies, and recognize their freedom of association for the
16 purpose of self-regulation, raising accountability and effective
17 representation, and the adoption of a code of ethical conduct among its
18 members, and provide a system of incentives therefor;
- 19 (h) Assist and provide timely assistance to OFWs in distress and, for this
20 purpose, tap the services of local and foreign-based personnel, lawyers,
21 labor experts, security providers, and other professionals;
- 22 (i) Represent Philippine interests and negotiate on matters pertaining to
23 migrant workers in international bodies, in coordination with the
24 Department of Foreign Affairs (DFA) and the Department of Labor and
25 Employment (DOLE);
- 26 (j) Conduct research and studies, and submit policy recommendations on
27 migration and development to the President and to Congress;
- 28 (k) Promulgate rules and regulations for the implementation of pertinent laws
29 and related policies;
- 30 (l) Administer, accept, hold, and utilize property, both personal and real,
31 subject to limitations set by existing laws, in pursuit of the mandates of the
32 Department stated herein;
- 33 (m) All other powers, functions, and responsibilities assigned to the DOLE
34 relating to OFW provided for under Republic Act No. 8042, as amended,
35 otherwise known as the Migrant Workers Act of 1995, R.A. No. 10801
36 otherwise known as the Overseas Workers Welfare Administration Act,
37 and other related laws are hereby transferred to the Department; and
- 38 (n) Perform such other functions as may be necessary to achieve the
39 objectives provided for by this Act.

40
41 Sec. 5. *Composition.* - The Department shall be headed by a Secretary. The
42 Department proper shall be composed of the Office of the Secretary and the Offices
43 of the Undersecretaries and the Assistant Secretaries.

44
45 Sec. 6. *Secretary of the Department of Overseas Filipino Workers.* - The
46 Secretary shall be appointed by the President, subject to confirmation by the
47 Commission on Appointments. The Secretary shall have the following functions:

- (a) Provide executive direction and supervision over the entire operations of the Department and its attached agencies;
 - (b) Establish policies and standards for the effective, efficient, and economical operation of the Department, in accordance with the programs of government;
 - (c) Review and approve requests for financial and manpower resources of all operating offices of the Department;
 - (d) Designate and appoint officers and employees of the Department, excluding the undersecretaries, assistant secretaries, and regional and assistant regional directors, in accordance with the civil service laws and regulations;
 - (e) Exercise disciplinary powers over officers and employee of the Department in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation;
 - (f) Coordinate with other agencies and public and private interest groups, including non-government organizations and people's organizations, on Department policies and initiatives;
 - (g) Prepare and submit to the President through the Department of Budget and Management (DBM) an estimate of the necessary expenditures of the Department during the next fiscal year, on the basis of the reports and estimates submitted by bureaus and offices under the Department;
 - (h) Advise the President on the promulgation of executive and 10 administrative orders and formulation of necessary regulatory and 11 legislative proposals on matters pertaining to OFWs;
 - (i) Formulate such rules and regulations and exercise such Other powers as may be required to implement the objectives of this Act; and
 - (j) Perform such other tasks as may be provided by law or 16 assigned by the President.

Sec. 7. Undersecretaries. - The Secretary shall be assisted by three (3) undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary: Provided, that two (2) of the undersecretaries shall be career officers.

Sec. 8. Assistant Secretaries. - The Secretary shall be assisted by four (4) assistant secretaries who shall be appointed by the President upon the recommendation of the Secretary: Provided, that two (2) of the assistant secretaries shall be career officers: Provided, further, that at least one (1) of the assistant secretaries shall be a lawyer.

Sec. 9. Qualifications. - No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless he or she is a citizen and resident of the Philippines, of good moral character, of proven integrity, and with at least six (6) years of competence and expertise in labor law or migrant workers affairs.

Sec. 10. Regional Offices. - The Department shall establish, operate, and maintain a regional office in all the administrative regions of the country, and such

1 lower level offices as may be deemed necessary. Each regional office shall be
2 headed by a Regional Director, who may be assisted by one (1) Assistant Regional
3 Director. The Regional Director and Assistant Regional Director shall be appointed
4 by the President. The regional offices shall have, within their respective
5 administrative jurisdictions, the following functions:

- 6
- 7 (a) Implement laws, policies, plans, programs, and projects, and enforce
compliance with rules and regulations of the Department;
 - 8 (b) Provide timely, affordable, efficient, and effective services to the people in
line with Department policies and programs;
 - 9 (c) Coordinate with regional offices of other departments, offices, and
agencies;
 - 10 (d) Coordinate with the local government units (LGUs); and
 - 11 (e) Perform such other necessary functions as may be provided by law or
assigned by the Secretary.

12

13 Sec. 11. *Transfer of Agencies and Personnel.* - The following agencies and
14 their functions are hereby specifically transferred to the Department:

- 15
- 16 (a) Office of the Legal Assistant for Migrant Workers Affairs of the DFA as
provided for under Section 24 of R.A. No. 8042, as amended;
 - 17 (b) All Philippine Overseas Labor Offices under DOLE;
 - 18 (c) The National Reintegration Center for OFWS under DOLE;
 - 19 (d) The International Labor Affairs Bureau under DOLE;
 - 20 (e) The Philippine Overseas Employment Administration (POEA); and
 - 21 (f) Overseas Workers Welfare Administration (OWWA).

22

23 SEC. 12. *Special Assistance to Nationals Fund.* - The Legal Assistance Funds
24 provided for under Section 25 of RA. No. 8042, as amended, is abolished. In its
25 stead, a Special Assistance to Nationals Fund (SATNAF) for OFWs in distress, in the
26 amount of Five Billion Pesos (P5,000,000,000.00), is hereby created, to be
27 administered and maintained by the Department. In addition to those provided for
28 under Section 26 of R.A. No. 8042, as amended, and in accordance with guidelines
29 to be formulated by the Department, the SATNAF shall be used for repatriation,
30 medical and hospitalization expenses, legal retainers and lawyers fees, other legal
31 fees and costs, payment of blood money, and other needs of OFWs facing legal
32 cases and/or detention and other forms of emergencies where such cost and fees
33 are currently not covered by OWWA and other existing funds and sources.

34

35 Sec. 13. *Institute for Advanced and Strategic Studies on Migration and
36 Development.* - There is hereby established an Institute for Advanced and Strategic
37 Studies on Migration and Development (IASSMD) headed by an Executive Director
38 with the rank of Assistant Secretary. It shall carry out the following functions:

- 39
- 40 (a) Conduct advanced, strategic, and up-to-date studies and research on global
migration and development trends, and publish papers based on the highest
41 standards of international scholarly work;

- (b) Edit and publish a Journal of Advance and Strategic Studies on Migration and Development of the highest standards of scholarship and reputation;
 - (c) Prepare and submit annual strategic estimates and recommendations to the Secretary of the Department, Congress, and the President to advance national development goals;
 - (d) Conduct regular lectures, seminars, trainings, workshops, and public briefings both local and international;
 - (e) Enter into collaborative partnerships and consortiums with academic and research institutions, both local and internationally;
 - (f) Receive grants and endowments; and
 - (g) Host visiting scholars, fund relevant research, provide scholarships, locally and abroad, based on open and competitive selection criteria. For this purpose, an initial fund in the amount of Fifty Million Pesos (P50,000,000.00) shall be included in the annual budget of the Department to be enacted as part of the annual General Appropriations Act.

Sec. 14. Separation and Retirement from Service. - Employees who are separated from service within six (6) months from the effectivity of this Act as a result of the organization and rationalization processes as provided for by this Act shall receive separation benefits to which they may be entitled under Executive Order No. 366, s. 2004: Provided, That those who are qualified to retire under existing retirement laws shall be allowed to retire and receive retirement benefits to which they may be entitled under 15 applicable laws and issuances.

Sec. 15. Structure and Staffing Pattern. - Subject to the approval of the DBM, the Department shall determine its organizational structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with civil service laws, rules and regulations rules. The laws and rules on government reorganization as provided for by R.A. No. 6656, otherwise known as the Reorganization Law, shall govern the organization and rationalization processes of the Department.

Sec. 16. Transition Period. - The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of the affected agencies, and the formulation of the internal organic structure, staffing pattern, operating system, and revised budget of the Department, shall be completed within six (6) months from the effectivity of this Act: Provided, That within this period, the existing personnel shall continue to assume their posts in holdover capacities until new appointments shall have been issued: Provided further. That after the organization and rationalization process, the Department, in coordination with the DBM, shall determine and create new positions, the funding requirements of which shall not exceed the equivalent cost of positions abolished.

Sec. 17. Appropriation. - The amount needed for the operation and maintenance of the Department shall be included in the General Appropriations Act.

1 Sec. 18. *Implementing Rules and Regulations.* —The DFA, DOLE, DBM, and
2 the Civil Service Commission shall, within sixty (60) days after the effectivity of
3 this Act, promulgate such rules and regulations necessary to implement this Act.
4

5 Sec. 19. *Separability Clause.* - Should any provision of this Act or part
6 hereof be declared unconstitutional, the other provisions or parts not affected
7 thereby shall remain valid and effective.
8

9 Sec. 20. *Repealing Clause.* - All other laws, decrees, orders, rules and
10 regulations or parts thereof inconsistent with this Act are hereby repealed or
11 modified accordingly.
12

13 Sec. 21. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
14 its complete publication in at least two (2) newspapers of general circulation.
15
16

17 Approved,