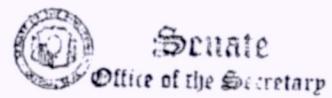


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

S.B. No. 997

'19 SEP -2 P3:57

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

RECEIVED BY: SF

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

EXPLANATORY NOTE

Overseas Filipino Workers (OFWS) comprise at least 10% of the Philippine population. Their yearly remittance contributes to 10% of the GDP, amounting to 9.4 billion dollars. Behind these contributions are the sacrifices of our modern day heroes of working hard and adjusting to the cultures of a foreign land while being deprived of the solace of their families.

Over the years, a number of laws were passed to cater the welfare of our OFWs, different offices and entities created to address their needs and queries, and funds allocated to facilitate all pertinent programs. However, the increased number of laws and the overlapping programs and functions of offices have become a challenge in harmonious enforcement and coordination of them all. Attached with these challenges are specialized demands and concerns of our OFWs which extensively vary because of the nature of their work and the circumstances of where they work in. Consequently, the urgent needs of our OFWs are not promptly responded to.

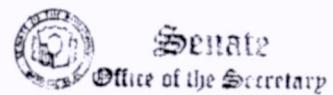
This bill seeks to create the Department of Overseas Employment which shall serve as the lead government agency in formulating and implementing the policies and programs designed to protect the welfare of our OFWs and to provide organized and systematic assistance to them.

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

A stylized, handwritten signature of Emmanuel D. Pacquiao.

EMMANUEL D. PACQUIAO

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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 Overseas
2 Employment Act of 2019”.

3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State:

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

11 (b) The State shall afford full protection to labor, local and overseas, organized and
12 unorganized, and promote full employment and equality of employment opportunities for
13 all. Towards this end, the State shall provide adequate and timely social, economic and
14 legal services to Filipino migrant workers;

15 (c) While recognizing the significant contribution of Filipino migrant workers to the
16 national economy through their foreign exchange remittances, the State does not promote
17 overseas employment as a means to sustain economic growth and achieve national

development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizen shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development;

(d) 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 women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers;

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

(f) The State recognizes that the most effective tool for empowerment is the possession of skills by migrant workers. The government shall provide them free and accessible skills development and enhancement programs. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only of skilled Filipino workers;

(g) The State recognizes the significant contribution of legitimate non-governmental organizations, trade unions, workers associations, and other stakeholders as partners in the protection and promotion of the welfare of Filipino migrant workers. The State, likewise, acknowledges the significant contribution of land-based and sea-based recruitment agencies. The State shall cooperate with them with mutual respect and trust in the spirit of a tripartite partnership;

(h) '*Once an OFW, always an OFW*'. - The state shall ensure the rights, general welfare, and protection of all Filipinos working as OFWs whether they are about to be deployed, currently deployed, returning home or abroad, or retired;

(i) Provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.

SEC. 3. *Definition of Terms.* – As used in this Act the following terms are defined as follows:

(a) "Overseas Filipino worker" "OFW" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government

1 ship used for military or noncommercial purposes or on an installation located offshore
2 or on the high seas; to be used interchangeably with migrant worker."

3 (b) "OFW in Distress" or "Distressed OFW" Overseas Filipino who has medical or
4 psycho-social problems requiring treatment, hospitalization, counseling; or problems like
5 labor, immigration and other issues requiring legal representation or any other kind of
6 intervention with the authorities in the country where he or she is found.

7 (c) "Parens Patriae" One who stands in the place of a child's parent, but who is not that
8 parent by exercising the 'due diligence of a good father' providing protection and
9 promoting the welfare of OFWs and exercising conventional and cultural diplomacy in
10 the host countries

11 **SEC. 4. Creation of the Department of Overseas Employment (DOvE).** – There is hereby
12 created the Department of Overseas Employment, hereinafter referred to as the Department.

13 **SEC. 5. Mandate.** – The Department shall be the primary policy, planning, coordinating,
14 implementing, and administrative entity of the Executive Branch of the government for
15 overseas employment.

16 **SEC. 6. Powers and Functions.** – The Department shall exercise the following powers and
17 functions:

18 I. Policy and Planning

19 (a) Formulate, recommend and implement national policies, plans, programs and
20 guidelines that will protect and provide welfare for overseas workers and their families;

21 (b) Harmonize and strengthen all existing government regulations for overseas
22 employment;

23 II. Protection

24 (d) Build a strong and harmonious partnership with national and local government
25 agencies, host countries and international bodies on matters pertaining to overseas
26 employment;

27 (e) Provide an integrated framework that would effectively respond to overseas workers
28 in 'distress' and illegal recruitment;

29 (f) Create and administer a Special Assistance Fund to provide legal and financial
30 assistance for overseas workers in 'distress';

31 III. Welfare

32 (g) Establish a Social Welfare and Insurance Fund, specific to the needs of overseas
33 workers-members and beneficiaries that would provide social protection from risk of

1 disability, sickness, retirement, death and other contingencies resulting in loss of income
2 and financial burden;

3 IV. Reintegration

4 (h) Provide mechanisms and resources to encourage overseas workers to return and
5 successfully re-integrate themselves locally;

6 (i) Prioritize and capacitate returning overseas workers for local employment and
7 ensuring equal opportunities as provided by Presidential Decree 442 as amended
8 ‘*Philippine Labor Code*’.

9 **SEC. 7. Composition.** – The Department shall be headed by a Secretary. The Department
10 proper shall be composed of the Office of the Secretary, the Offices of the Undersecretaries
11 and the assistant secretaries.

12 **SEC. 8. Secretary of Overseas Employment.** – The Secretary shall be appointed by the
13 President, subject to confirmation by the Commission on Appointments. The Secretary shall
14 have the following functions:

15 (a) Provide executive direction and supervision over the entire operations of the
16 Department and its attached agencies,

17 (b) Establish policies and standards for the effective, efficient and economical operation
18 of the Department, in accordance with the programs of government;

19 (c) Review and approve requests for financial and manpower resources of all operating
20 offices of the Department:

21 (d) Designate and appoint officers and employees of the Department, excluding the
22 undersecretaries, assistant secretaries, and regional and assistant regional directors, in
23 accordance with the civil service laws, rules and regulations;

24 (e) Exercise disciplinary powers over officers and employees of the Department in
25 accordance with law, including their investigation and the designation of a committee or
26 officer to conduct such investigation;

27 (f) Conduct and conclude bilateral, multilateral discussions, agreements, and treaties with
28 the host country, and other international stakeholders on overseas employment;

29 (g) Coordinate and collaborate with other agencies and public and private interest groups,
30 including nongovernment organizations (NGOs) and people’s organizations (POs) on
31 Department policies and initiatives;

32 (h) Prepare and submit to the President through the Department of Budget and
33 Management (DBM) an estimate of the necessary expenditures of the Department during
34 the next fiscal year, on the basis of the reports and estimates submitted by bureaus and
35 offices under him/her;

1 (i) Act as the ‘Parens Patriae’ of all overseas workers outside and inside the country and
2 their families;

3 (ii) Advise the President on the promulgation of executive and administrative orders and
4 formulation of regulatory and legislative proposals on matters pertaining to overseas
5 employment;

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

8 (k) Perform such other tasks as may be provided by law or assigned by the President.

9 **SEC. 9. Undersecretaries.** – The Secretary shall be assisted by three (3) undersecretaries, who
10 shall be appointed by the President upon the recommendation of the Secretary: Provided, That
11 majority of the undersecretaries shall be career officers.

12 **SEC.10. Assistant Secretaries.** – The Secretary shall be assisted by four (4) assistant secretaries
13 who shall be appointed by the President upon the recommendation of the Secretary: Provided,
14 That two (2) of the assistant secretaries shall be career officers:

15 **SEC.11. Qualifications.** – No person shall be appointed Secretary, Undersecretary, or Assistant
16 Secretary of the Department unless he or she is a citizen and resident of the Philippines, of
17 good moral character, of proven integrity and with at least ten (10) years of competence and
18 expertise in overseas employment, and possesses the qualification prescribed by law.

19 **SEC. 12. Regional Offices** – The Department shall establish, operate, and maintain a regional
20 office in the different administrative regions of the country. Each regional office shall be
21 headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director.
22 The Regional Director and Assistant Regional Director shall be appointed by the President.
23 The regional offices shall have, within their respective administrative regions, the following
24 functions:

25 (a) Implement laws, policies, plans, programs, projects, rules and regulations of the
26 Department:

27 (b) Provide efficient and effective service to the people:

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

29 (d) Coordinate with the Local Government Units; and

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

31 **SEC. 13. Overseas Employment Council (OEC).** – The Department shall facilitate the creation
32 of the Overseas Employment Council, which shall consist of representatives from stakeholders,

1 with the Secretary serving as the Chairman, to assist the Department in the implementation of
2 government in overseas employment.

3 **SEC. 14. Sectoral and Industry Task Forces.** – The Department may create sectoral and
4 industry task forces, technical working groups, advisory bodies or committees for the
5 furtherance of its objectives. Additional private sector representatives, such as from the
6 academe, CSOs, and federation of private industries directly involved in overseas employment,
7 as well as representatives of other NGAs. LGUs and GOCCs may be appointed to these
8 working groups.

9 **SEC. 15. Transfer of Agencies and Personnel.** –

10 (a) The following agencies shall be under the direct supervision and control of the Department:

- 11 (1) Philippine Overseas Employment Administration (POEA);
- 12 (2) Overseas Workers Welfare Administration (OWWA);
- 13 (3) International Labor Affairs Bureau;
- 14 (4) National Reintegration Center;
- 15 (5) Office of the Legal Assistant for Migrant Workers Affairs of the DFA as provided
16 for under Section 24 of R.A. No. 8042, as amended

17 (b) The Commission on Filipino Overseas is hereby attached, to the Department for policy and
18 program coordination, and shall continue to operate and function in accordance with the
19 charters, laws or orders creating them, insofar as they are not inconsistent with this Act:

20 (c) The laws and rules on government reorganization as provided for in Republic Act No.
21 6656, otherwise known as the Reorganization Law, shall govern the reorganization process of
22 the Department.

23 **SEC. 16. Separation and Retirement from Service.** – Employees who are separated from
24 service within six (6) months from the effectivity of this Act as a result of the consolidation
25 and/or reorganization under the provisions of this Act shall receive separation benefits to which
26 they may be entitled under Executive Order No. 366, s. 2004: Provided, That those who are
27 qualified to retire under existing retirement laws shall be allowed to retire and receive
28 retirement benefits to which they may be entitled under applicable laws and issuances.

29 **SEC. 17. Structure and Staffing Pattern.** – Subject to the approval of the DBM, the Department
30 shall determine its organizational structure and create new divisions or units as it may deem necessary,
31 and shall appoint officers and employees of the Department in accordance with the civil service law,
32 rules, and regulations.

1 **SEC. 18. Transition Period.** – The transfer of functions, assets, funds, equipment, properties,
2 transactions, and personnel of the affected agencies, and the formulation of the internal organic
3 structure, staffing pattern, operating system, and revised budget of the Department, shall be
4 completed within six (6) months from the effectivity of this Act, during which time, the existing
5 personnel shall continue to assume their posts in holdover capacities until new appointments
6 are issued: Provided, That after the abolition of the agencies as specified in Section 15(a) of
7 this Act, the Department, in coordination with the DBM, shall determine and create new
8 positions, the funding requirements of which shall not exceed the equivalent cost of positions
9 abolished.

10 **SEC 19. Special Assistance to Nationals Fund.** - The Legal Assistance Funds provided for
11 under Section 25 of R.A. No. 8042, as amended, is abolished. In its stead, a Special Assistance
12 to Nationals Fund (SATNAF) for OFWs in distress, in the amount of Five Billion Pesos
13 (P5,000,000,000.00), is hereby created, to be administered and maintained by the Department.
14 In addition to those provided for under Section 26 of R.A. No. 8042, as amended, and in
15 accordance with guidelines to be formulated by the Department, the SATNAF shall be used
16 for repatriation, medical and hospitalization expenses, legal retainers and lawyers fees, other
17 legal fees and costs, payment of blood money, and other needs of OFWs facing legal cases
18 and/or detention and other forms of emergencies where such cost and fees are currently not
19 covered by OWWA and other existing funds and sources.

20 **SEC 20. Institute for Advanced and Strategic Studies on Migration and Development.** - There
21 is hereby established an Institute for Advanced and Strategic Studies on Migration and
22 Development (IASSMD) headed by an Executive Director with the rank of Assistant Secretary.
23 It shall carry out the following functions:

- 24 (a) Conduct advanced, strategic, and up-to-date studies and research on global migration
25 and development trends, and publish papers based on the highest standards of
26 international scholarly work;
- 27 (b) Edit and publish a Journal of Advance and Strategic Studies on Migration and
28 Development of the highest standards of scholarship and reputation;
- 29 (c) Prepare and submit annual strategic estimates and recommendations to the Secretary
30 of the Department, Congress, and the President to advance national development goals;
- 31 (d) Conduct regular lectures, seminars, trainings, workshops, and public briefings both
32 local and international;
- 33 (e) Enter into collaborative partnerships and consortiums with academic and research
34 institutions, both local and internationally;
- 35 (f) Receive grants and endowments; and
- 36 (g) Host visiting scholars, fund relevant research, provide scholarships, locally and
37 abroad, based on open and competitive selection criteria. For this purpose, an initial fund

1 in the amount of Fifty Million Pesos (P50,000,000.00) shall be included in the annual
2 budget of the Department to be enacted as part of the annual General Appropriations Act.
3

4 **SEC 21.** *Reporting Requirements.* – Before the end of each year, the Department shall submit
5 to the President of the Philippines and Congressional Oversight Committee created under RA
6 10022, an annual consolidated report, which shall provide a definitive and comprehensive
7 assessment of the implementation of its programs and those of other government agencies in
8 relation to the implementation of this Act and recommend priorities for executive and
9 legislative actions. The report shall be printed and distributed to all national agencies, NGOs
10 and private sector organizations involved in overseas employment.

11 **SEC 22.** *Appropriation.* –

12 (a) The amount needed for the initial implementation of this Act shall be taken from the
13 current fiscal year's appropriation of all agencies herein absorbed, by or attached to the
14 Department. Thereafter, the amount needed for the operation and maintenance of the
15 Department shall be included in the General Appropriations Act;

16 (b) The Special Assistance Fund shall be taken from the President's contingency fund;

17 (c) The Social Welfare and Insurance Fund shall be taken from OWWA membership
18 fees and the President's social fund. Thereafter the fund shall be taken from the
19 mandatory membership contribution of all members.

21 **SEC 23.** *Implementing Rules and Regulations.* – The departments and agencies charged with
22 carrying out the provisions of this Act, except as otherwise provided herein, in consultation
23 with the Senate Committee on Labor and Employment and the House of Representatives
24 Committee on Overseas Workers Affairs, shall, within sixty (60) days after the effectiveness of
25 this Act, formulate the necessary rules and regulations for its effective implementation.

26 **SEC. 24.** *Separability Clause.* – If any provision of this Act shall be declared unconstitutional
27 or invalid, the other provisions not otherwise affected shall remain in full force and effect.

28 **SEC. 25.** *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and
29 other issuances or parts thereof which are inconsistent with this Act are hereby repealed,
30 amended or modified accordingly.

31 **SEC. 26.** *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least
32 two (2) newspapers of general circulation.

33

34 *Approved,*