

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 941



Introduced by REP. JUDY J. SYJUCO

EXPLANATORY NOTE

The increasing rate of globalization in the twenty-first century brought about by revolutionary technological advances has witnessed the transformation of relationships among countries and peoples. Physical distance between nations has been significantly reduced, and people have acquired greater access to goods, services, capital, and information. These conditions have allowed an increasing number of people to live and work in countries other than their own. According to a United Nations (UN) report in 1998, 120 million or about 2.3% of the world's population live in countries other than that of their birth.

Based on a UN study in 1998, the Philippines ranked fifth (5th) among countries with the highest rates of emigration. As of December 2000, the Philippine government estimated that there were about 7.38 million Filipinos working and living abroad, or about 10% in relation to the total Philippine population. Of this number, 2.99 million are overseas Filipino workers, 2.55 million are permanent residents, and 1.84 million are irregular migrants.

The creation of a Department of Overseas Filipino Workers (DOFW) is hereby proposed to promote and advance the complete development of our Overseas Filipino Workers' (OFWs) interests and well being. As the State affirms the OFWs' needs for suitable consciousness and awareness, it shall provide proper and immediate action to address these needs.

It has become apparent that the movement not only of goods and basic services to our people should be safeguarded by the State, but more so of its people. As the patterns of migrant labor continue to become more complex and amalgamated, globalization and borderless economies will further blur geographical boundaries and facilitate the movement of labor between countries.

As hundreds of thousands of Filipino men and women work with sweat and blood in foreign lands to assure a better life for their families back home, the creation of a DOFW will be a gift to our modern-day heroes. It will finally give them the security and confidence that their welfare and interests are being safeguarded.

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

A handwritten signature in black ink, appearing to read "Judy Syjuko".

JUDY J. SYJUCO

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AN ACT

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

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

SECTION 1. Declaration of Policy. – It is hereby declared a policy of the State to promote and advance the complete development of the Overseas Filipino Workers' (OFWs) interests and well being. The State affirms the OFWs' needs for suitable consciousness and awareness, and shall provide proper and immediate action to address these needs.

SECTION 2. Statement of Objectives. – This Act seeks to establish at the seat of government a department whose task will be to properly address the needs of the Overseas Filipino Workers (OFWs) for a suitable, adequate and efficient service.

SECTION 3. Creation of the Department of Overseas Filipino Workers (DOFW). – There is hereby created a department to be known as the Department of Overseas Filipino Workers (DOFW) (hereinafter referred to as the Department), at the head of which shall be a Secretary of DOFW (hereinafter referred to as the Secretary).

SECTION 4. Powers and Responsibilities of the Department. – The Department shall have the following powers and responsibilities which shall be exercised by its offices:

1. Enforce legislations on OFW to protect their rights and welfare;
2. Promote specific government objectives regarding OFW activities and programs, welfare and interests, and programs for the attainment of the same;
3. Formulate and issue national guidelines and policies on OFW activities and programs, welfare and interests;
4. Promulgate rules and regulations for the implementation of its guidelines and policies and related laws.

5. Advance and implement OFW programs and plans from other government and non-government agencies that provides readily available OFW-related services;
6. Build a strong and harmonious partnership with the private sectors in the formulation of strategies and implementation of projects concerning OFWs;
7. Conduct for a, symposia, consultations and seminars on effective OFW-related programs and plans to achieve its objectives to the fullest;
8. To tap the services of personnel, foreign and local, with expertise on the formulation of strategies and plans concerning OFW activities if needed;
9. Recommend legislation needed to advance the government's OFW-related objectives;
10. Administer, accept, hold and utilize property, both personal and real, subject to constraints by existing laws, for the purpose of assisting of expediting the work of the Department;
11. To perform such other functions as maybe needed to achieve its goals and objectives to the fullest and as maybe provided by law.

SECTION 5. *Department Hierarchy.* – The Department shall be administered under the control and supervision of the Secretary, who shall be appointed by the President of the Republic of the Philippines with confirmation from the Commission on Appointments.

There shall also be in the Department two (2) Assistant Secretaries to be recommended by the Secretary to the President for appointment. The Undersecretaries shall aid the Secretary in the performance of his operational duties, and shall perform such other functions as maybe directed by the Secretary.

There shall also be in the Department two (2) Assistant Secretaries to be recommended by the Secretary to the President for appointment. One Assistant Secretary shall be tasked to overlook the Policy, Planning and Monitoring activities of the Department, while the other Assistant Secretary shall be responsible for Support Staff Services. Both Assistant Secretaries shall perform such other functions and duties as maybe directed by the Secretary from time to time.

All the other officers and employees of the Department shall be appointed by the Secretary in accordance with existing laws governing such.

SECTION 6. *Structure of the Department.* -- The organizational structure and staffing pattern of the Department shall be determined by the Secretary; Provided that there shall be established Department of Overseas Filipino Workers (DOFW) offices in every region and all cities with a population of not less than two hundred fifty thousand (250,000); and Provided further, that the regional offices shall be established in accordance with the regional pattern as provided by existing laws governing such.

The Secretary shall, within ninety (90) days from the effectivity of this Act and in accordance with the guidelines set forth herein prescribe and approve the organizational structure and staffing pattern of the Department.

SECTION 7. *City and Regional Offices.* -- The city and regional offices established pursuant to the immediately preceding section shall, within their respective administrative jurisdictions, exercise the following duties and functions:

1. Implement the Department's plans and programs, and enforce its rules and regulations;
2. Provide technical expertise and know-how and information to provide OFW efficient services;
3. Coordinate closely with local government units in consolidating and integrating OFW programs;
4. Coordinate with the regional offices of government agencies as maybe needed in the effective implementation of its Department's objectives;
5. Perform such other duties and responsibilities as the Secretary may assign from time to time.

SECTION 8. *Reduction of Paperwork Volume.* -- The Department shall, in accordance with laws governing the conduct of Overseas Filipino Workers' (OFW) activities, use in their respective programs consolidated and simplified forms, particularly those that adjure identical or nearly identical information from one person in the conduct of two or more OFW programs.

The Department shall formulate rules and regulations to allow systematic flow of paperwork to eliminate the processing of forms that solicit or near identical information from the same person.

SECTION 9. *Abolition of the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA).* -- The Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) is hereby abolished and its duties, powers, functions, records, property, remaining appropriations and such personnel as maybe necessary and determined by the Secretary, transferred to the Department.

The Department shall succeed to all rights and assume all obligations and responsibilities of the POEA and OWWA.

SECTION 10. *Department Personnel.* -- In filling department positions, the Secretary shall give preference to former personnel of POEA and OWWA; Provided, that such individuals are by demonstrating ability, eligibility, background, training and experience, especially fit to help in fulfilling the objectives of the Department.

SECTION 11. *Appointments and Promotions.* -- Appointments to positions in the Department shall be made only according to merit and fitness. Promotions, on the other hand, shall be made with due regard to the efficiency and potential for positions. No partisan political test or qualification shall be required for appointment of promotion.

SECTION 12. *Personnel Compensation.* -- The Secretary shall prescribe the compensation and position qualifications of Department employees, in consultation with the Civil Service Commission and in accordance with compensation standardization laws.

SECTION 13. *Appropriation.* -- The appropriations allotted for the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare

Administration shall be used for the initial implementation of this Act. Thereafter, such sums as maybe necessary for the operation of maintenance of the Department shall be included in the Annual General Appropriations Act.

SECTION 14. *Repealing Clause.* -- All laws, orders, decrees, rules and regulations, issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 15. *Separability Clause.* -- If any part of this Act is held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 16. *Effectivity.* -- This Act shall take effect fifteen (15) days after completion of its publication in at least two (2) national newspapers of general circulation.

Approved,