

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3924

Introduced by Rep. Romero Federico "Miro" S. Quimbo

EXPLANATORY NOTE

Official figures from the Philippine Overseas Employment Agency (POEA) show that there are at least 1.5 million Filipinos currently employed overseas. The Department of Labor and Employment (DOLE) reports that almost 3,000 Filipinos leave the country for overseas employment everyday. These numbers are based on officially documented departures only. If the number of undocumented Filipinos leaving the country for overseas employment is included, the number would significantly increase.

Government and non-government organizations, on the other hand, estimate that more than 400,000 Filipinos are victims of human trafficking, many of whom are illegally transported abroad.

Given their situations and physical remoteness from the Philippines, their families and natural support systems, Filipinos overseas are highly vulnerable to abuses, exploitation and a multitude of intense stressors. These pose a challenge to the State which is constitutionally mandated to serve, protect and ensure the welfare of its citizens, wherever they may be.

Furthermore, various statutes have also been legislated enumerating specific services that must be provided to overseas Filipino workers and victims of human trafficking. Among these statutes are: (1) Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act" requires the establishment of Migrant Workers and Overseas Filipinos Resource Centers in countries where there are large concentrations of Filipino migrant workers to provide counseling, legal and welfare assistance and other services to OFW's; (2) The Labor Code of the Philippines requires Labor Attachés and consular officials to provide protection to Filipino workers on all matters arising out of employment; to ensure that they are not exploited or discriminated against; and to verify and certify that the terms and conditions of employment contracts are in accordance with the Labor Code and the rules and regulations of Overseas Workers Welfare Administration (OWWA); and (3) Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", has mandated government agencies, specifically the Department of Social

Welfare and Development (DSWD) to establish and implement rehabilitative and protective programs for victims of such trafficking.

In 2004, the Office of the President issued Executive Order No. 287 establishing and providing the guidelines for the posting of Social Welfare Attachés in areas where there are large concentration of overseas Filipino workers.

Given the significant role that Social Welfare Attachés currently play in assisting overseas Filipinos and the growing number of Filipinos overseas requiring psychological and social welfare assistance, there is a need to institutionalize by statute Social Welfare Attachés as permanent components of Philippine foreign posts in countries or jurisdictions where large number of Filipinos are employed or there are high number of cases of Filipinos being trafficked.

This bill institutionalizes the position of Social Welfare Attachés and provides the qualifications and attributes that they must possess. This bill also provides the specific responsibilities of the different departments and agencies in ensuring the effective and efficient functioning of Social Welfare Attachés.

This bill is but a *small measure* to ensure that the State fulfills its sacred mandate to serve, protect and ensure the welfare of its citizens, wherever they may be.

The immediate passage of this bill is of great importance.



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**AN ACT ESTABLISHING SOCIAL WELFARE ATTACHÉS
AND FOR OTHER PURPOSES**

SECTION 1. Short Title. This Act shall be known as the *Social Welfare Attaché Act of 2010*.

SECTION 2. Declaration of Policies.

- a) It is the policy of the State to ensure the dignity and welfare of all its citizens and afford full protection to Filipino labor, wherever they may be located.
- b) The State recognizes the invaluable contribution of overseas Filipino workers to the Philippine economy and their critical role in the pursuit of national development.
- c) Overseas Filipino workers, by the nature of their work and remoteness from the Philippines and their families and support systems, are vulnerable not only to abuse and exploitation but to extreme physical, emotional and psychological stress as well, thus requiring the State to ensure that adequate measures are taken to address these vulnerabilities.
- d) It is the obligation of the State to ensure that it is capable of delivering the social welfare services mandated by existing laws and statutes to be provided to overseas Filipino workers, other overseas Filipinos and victims of human trafficking.

SECTION 3. Definition of Terms.

- a) Social Welfare Attachés (SWA) – personnel of the Department of Social Welfare and Development posted in Philippine consular offices, or similar offices, and selected in accordance with this Act and its implementing rules and regulations to provide and coordinate social welfare services to overseas Filipino workers, their families and victims of human trafficking.

- b) Country or jurisdiction of posting – the area covered by the jurisdiction of the consular office, or similar office, to which a social welfare attaché is posted.
- c) Operational knowledge – such competence, skill and understanding that ensures effective and efficient performance of mandated tasks.

SECTION 4. *Selection of Diplomatic Posts for Social Welfare Attachés'*
Deployment. Social Welfare Attaches shall be deployed in consular offices whose areas of jurisdiction have the highest concentration of Overseas Filipino Workers (OFWs) and/or the highest and most recurring incidence of human trafficking involving Filipinos as may be determined by the Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas Employment Agency, Inter-Agency Council Against Trafficking and the Department of Social Welfare and Development.

SECTION 5. *Functions and Duties of the Social Welfare Attaché.* The Social Welfare Attaché so deployed shall perform the following functions and duties at post:

- 5.1 Undertake surveys and prepare official social welfare situationers on OFWs and trafficking victims in the country or jurisdiction of posting;
- 5.2 Establish a network with overseas-based social welfare agencies and/or individuals and groups which may be mobilized to assist in the provision of appropriate social services, which shall include but not limited to counseling and advising;
- 5.3 Respond to and monitor the resolution of problems and complaints/queries of OFWs and their families and trafficking victims;
- 5.4 Provide primary counseling and advising services to OFWs and their families and trafficking victims;
- 5.5 Establish and maintain a system of data banking and documentation of OFWs and their families and trafficking victims in the area of assignment so that appropriate social welfare services can be more effectively provided;
- 5.6 Submit regular reports to the DSWD, DFA and IACAT on plans and activities undertaken, recommendations, and updates on the situation of OFWs, particularly those encountering difficulties in the host country, and Filipinos who are victims of trafficking within their area of responsibility. Said report shall form part of the Semi-Annual report to Congress as provided under Section 33 of R.A. No. 8042 and Section 27 of R.A. No. 9208;
- 5.7 Provide information about DSWD and its attached agencies and services; and

5.8 Perform other related functions in the delivery of social services, as may be directed by the Head of the Diplomatic Post in the area of assignment.

SECTION 6. Minimum Qualifications and Attributes of Social Welfare Attaches. Social welfare attaches are required to possess the following qualifications and attributes, in addition to whatever requirements the DSWD might impose in the implementing rules and regulations of this Act:

- a. At least three (3) years of actual experience in counseling and advising;
- b. Basic training on handling psychological and emotional trauma and stress;
- c. Basic knowledge and literacy of the major language used in the country or jurisdiction of posting as certified by the Department of Foreign Affairs;
- d. Operational knowledge on the cultural and social systems of the country or jurisdiction of posting as certified by the Department of Foreign Affairs;
- e. Operational knowledge on overseas employment laws, rules, regulations and welfare systems as certified by the Department of Labor and Employment through the Philippine Overseas Employment Agency;
- f. Operational knowledge on anti-trafficking programs, laws, rules, regulations and systems as certified by the Inter-Agency Council Against Trafficking; and
- g. Substantial proof of manifested patience, understanding and capacity to empathize with emotionally troubled or distressed persons.

SECTION 7. Institutional Arrangements. The DSWD, DFA, DOLE, POEA and IACAT are mandated to perform the following tasks/functions in the implementation of this Act:

7.1 Department of Social Welfare and Development (DSWD)

- 7.1.1 Serve as the agency with the primary responsibility of ensuring the implementation of this Act;
- 7.1.2 Formulate and issue the implementing rules and regulations for this Act, in consultation with the DFA, DOLE, POEA and IACAT.
- 7.1.3 Designate and assign from among its ranks, the most qualified personnel to be deployed as Social Welfare Attachés;
- 7.1.4 Provide for the salary and other benefits of Social Welfare Attachés including overseas allowances and other emoluments attached to the position;

7.1.5 Provide training and other related activities to promote efficiency and effectiveness in the discharge of functions and duties prior to deployment;

7.1.6 Exercise technical supervision over its deployed personnel in coordination with the DFA, DOLE, IACAT and other relevant agencies and organizations; and

7.1.7 Tap and allocate funds for the supervision of basic welfare services needed by the OFWs.

7.2 Department of Foreign Affairs (DFA)

7.2.1 Facilitate accreditation of deployed DSWD personnel;

7.2.2 Formulate and administer tests to determine and certify the SWAs' basic knowledge and literacy of the major language used in their respective countries or jurisdictions of posting and operational knowledge and familiarity of the cultural and social systems of such country or jurisdiction;

7.2.3 Assist the DSWD in the conduct of the pre-deployment orientation and other relevant training program to SWAs;

7.2.4 Assist the DSWD in facilitating administrative and consular requisites for deployment;

7.2.5 Provide logistical and operational support to Social Welfare Attaches, including but not limited to appropriate office space and supplemental operational funds; and

7.2.6 Undertake administrative and operational supervision to the deployed personnel in coordination with DSWD and other relevant agencies and organizations.

7.3 Department of Labor and Employment (DOLE)

7.3.1 Work with the DSWD in the provision of relevant skills training to SWAs to facilitate complementation of services;

7.3.2 Assist the DSWD in the conduct of orientation training and immersion program for Social Welfare Attaches prior to deployment; and

7.3.3 Provide assistance, support and information requested or needed by Social Welfare Attaches in relation to the performance of their functions.

7.4 Philippine Overseas Employment Agency (POEA)

7.4.1 Work with the DSWD in the provision of relevant skills training to SWAs to facilitate complementation of services;

7.4.2 Formulate and administer tests to determine and certify operational knowledge on overseas employment laws, rules, regulations and welfare systems of Social Welfare Attaches; and

7.4.3 Assist the DSWD in the conduct of orientation training and immersion programs for Social Welfare Attaches prior to deployment; and

7.4.4 Provide assistance, support and information requested or needed by Social Welfare Attaches in relation to the performance of their functions.

7.5 Inter-Agency Council Against Trafficking (IACAT)

7.5.1 Work with the DSWD in the provision of relevant skills training and other welfare services to the OFWs to facilitate complementation of services;

7.5.2 Formulate and administer tests to determine and certify operational knowledge on anti-trafficking programs, laws, rules, regulations and systems of Social Welfare Attaches; and

7.5.3 Provide assistance, support and information to SWAs in cases involving human trafficking.

SECTION 8. Funding. The heads of the departments and agencies concerned shall utilize all resources used in the implementation of Executive Order No. 287 of 2004 for the initial implementation of this program. They shall immediately include their responsibilities under this Act in their respective work programs and issue such internal guidelines as appropriate to implement the same. Funding for all programs and activities mandated under this Act shall be included in the concerned agencies' annual General Appropriations Act.

SECTION 9. Implementing Rules. The DSWD, in consultation with Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas Employment Agency, and the Inter-Agency Council Against Trafficking, shall formulate and issue the implementing rules and regulations for this Act not later than thirty (30) days after the effectivity of this Act.

SECTION 10. Interpretation in favor of the welfare of overseas Filipino workers, their families and trafficking victims. In the interpretation of any provision of this Act or any rules or regulations issued as a result thereof, the interpretation which is most favorable to ensure the welfare of overseas Filipino workers, their families and trafficking victims shall be controlling. Furthermore, nothing in this Act shall be interpreted to diminish any right or privilege currently being enjoyed by or provided to OFWs, their families and victims of trafficking

SECTION 11. Repealing Clause. All laws, decrees, executive orders, rules, regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 12. Separability Clause. If, for any reason, any section or provision of this bill is declared unconstitutional or invalid, other sections or provisions hereof shall remain in force.

SECTION 13. Effectivity. This Act shall take effect fifteen days after publication in a newspaper of general circulation or in the Official Gazette.