

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. **4408**

Introduced by Reps. Anthony Rolando T. Golez, Jr. and Ma. Rachel J. Arenas

EXPLANATORY NOTE

It has been said that one can find a Filipino in practically any part of the world. The Commission on Filipinos Overseas reports that as of December 2009, there were 8,579,378 Filipinos overseas, more than half of which or about 4,522,438 were temporary workers. While the United States remains the top destination for permanent residency, the same data reports that one Filipino is a permanent resident in the Falkland Islands, and also one in Montenegro in Europe. And while Saudi Arabia remains to be the traditional destination for temporary workers, there were 15 Filipinos working in Kyrgyzstan, and 41 Filipinos in the Isle of Man, a little known self-governing dependency of the United Kingdom, which can be found in the Irish Sea somewhere between Great Britain and Ireland. Even at a time when the government bans the deployment of workers to certain countries like Iraq and Afghanistan, the record shows that still, Filipinos went there to work. North Korea, infamous for threatening the world with its nuclear power, was the employment destination of 15 Filipinos in 2009.

Such is the Filipino diaspora that, especially in the last 30 years, remittances from overseas Filipinos had steadily grown and consistently bolstered the economy especially in times of economic crises. Preliminary data from the Bangko Sentral ng Pilipinas show that from January to December 2010, total remittances stood at US\$18.763 billion or PhP846.398 billion, which is 8.68 percent of our gross national product for the same year. These remittances are pumped into the economy through the increased spending of the families of the migrant workers. The absence of this spending would lead to the contraction of the economy. Collorarity, if the overseas remittances

were to go to the national coffers, this amount would have funded more than half of the national budget which in 2010, was at PhP1.54 trillion.

The remittances for 2010 is 18.16 percent higher than the PhP17.348 billion remittance in 2009. It has been steadily increasing over the years and is expected to increase even more. This is not surprising considering that, according to the Philippine Overseas Employment Administration (POEA), about 3,000 Filipinos leave daily for employment abroad.

Despite the significant contributions of our overseas Filipino workers over the years, there is no single agency in the government which attends to their needs. Recent events like the floods in Australia and the earthquake in New Zealand, the uprisings in Egypt and in Libya, and the most recent, the massive earthquake followed by the destructive tsunami in Japan, have highlighted once again the need to enhance our capability in servicing migrant Filipino workers. It is during emergencies, that our people are very vulnerable due to the lack of manpower and resources to address their immediate concerns.

In the case of Libya, while we commend the new Secretary of Foreign Affairs for immediately responding to the needs of our OFWs as soon as he was sworn into office, it cannot be denied that there was already a lag time between the start of the crisis up to the time that we were able to repatriate many of our OFWs in Libya. Before then, our OFWs were reported to have complained that they hardly felt any government assistance in their run for safety. In the tsunami-damaged Japan, we could only heave a sigh of relief that there is no Filipino casualty. But had the results been different, it would have mounted even more pressure on our government.

It is about time therefore for government to realign its resources so that we can be responsive to the needs of our OFWs. Let us create an agency which can take full charge in their deployment or repatriation, when the need arises. There should be one which will be made accountable to the OFWs and their families.

If there is even just one Filipino who wants to leave any country because he does not feel safe there anymore, then it is the moral duty of the government to bring him to safety. It is not enough that we call them our "Bagong Bayani"; it is about time that we convert this label into action. Let us create the Department of Overseas Workers, NOW!



MA. RACHEL J. ARENAS



ANTHONY ROLANDO T. GOLEZ, JR.

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

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

CHAPTER I

GENERAL PROVISIONS

1
2
3
4 Section 1. *Short Title.* – This Act shall be known as the "*Department of*
5 *Overseas Workers Act*".

6
7 Sec. 2. *Declaration of Policies.* –

8 (a) In the pursuit of an independent foreign policy and while
9 considering national sovereignty, territorial integrity, national interest
10 and the right to self-determination paramount in its relations with other
11 states, the State shall, at all times, uphold the dignity of its citizens

1 whether in the country or overseas, in general, and Filipino migrant
2 workers, in particular, continuously monitor international conventions,
3 adopt/be signatory to and ratify those that guarantee protection to our
4 migrant workers, and endeavor to enter into bilateral agreements with
5 countries hosting overseas Filipino workers.

6 (b) The State shall afford full protection to labor, local and
7 overseas, organized and unorganized, and promote full employment
8 and equality of employment opportunities for all. Towards this end, the
9 State shall provide adequate and timely social, economic and legal
10 services to Filipino migrant workers.

11 (c) While recognizing the significant contribution of Filipino
12 migrant workers to the national economy through their foreign
13 exchange remittances, the State does not promote overseas
14 employment as a means to sustain economic growth and achieve
15 national development. The existence of the overseas employment
16 program rests solely on the assurance that the dignity and fundamental
17 human rights and freedoms of the Filipino citizens shall not, at any
18 time, be compromised or violated. The State, therefore, shall
19 continuously create local employment opportunities and promote the
20 equitable distribution of wealth and the benefits of development.

21 (d) The State affirms the fundamental equality before the law of
22 women and men and the significant role of women in nation building.
23 Recognizing the contribution of overseas migrant women workers and
24 their particular vulnerabilities, the State shall apply gender sensitive
25 criteria in the formulation and implementation of policies and programs
26 affecting migrant workers and the composition of bodies tasked for the
27 welfare of migrant workers.

1 (e) Free access to the courts and quasi-judicial bodies and
2 adequate legal assistance shall not be denied to any person by reason
3 of poverty. In this regard, it is imperative that an effective mechanism
4 be instituted to ensure that the rights and interest of distressed
5 overseas Filipinos, in general, and Filipino migrant workers in particular,
6 whether or not with the required documentation, are adequately
7 protected and safeguarded.

8 (f) The right of Filipino migrant workers and of all overseas
9 Filipinos to participate in the democratic decision-making processes of
10 the State and to be represented in institutions relevant to overseas
11 employment is recognized and guaranteed.

12 (g) The State recognizes that the most effective tool for
13 empowerment is the possession of skills by migrant workers. The
14 government shall expand skills development and enhancement
15 programs of the concerned agencies and shall facilitate access of
16 overseas Filipino workers to these programs through scholarships
17 and/or training subsidies/grants. Pursuant to this and as soon as
18 practicable, the government shall deploy and/or allow the deployment
19 only of skilled Filipino workers.

20 (h) The State recognizes that non-governmental organizations,
21 trade unions, workers associations, and other similar duly accredited
22 entities, are partners of the State in the protection of Filipino migrant
23 workers and in the promotion of their welfare. The State shall
24 cooperate with them in a spirit of trust and mutual respect. The
25 significant contribution of recruitment and manning agencies shall form
26 part of this partnership.

1 Sec. 3. *Definition of Terms.* – The following terms, as used in
2 this Act, shall mean:

3 a) "*Act*" refers to the "Department of Overseas Workers Act";

4 b) "*Authority*" refers to a document issued by the Secretary
5 authorizing the officers, personnel, agents, or representatives of a
6 licensed recruitment/manning agency to conduct recruitment and
7 placement activities as a private recruitment entity;

8 c) "*Bona fide Non-Government Organizations (NGOs)*" refers to
9 non-government or civil society or faith-based organizations duly
10 recognized by the Philippine Embassy as active partners of the
11 Philippine Government in the protection of Filipino migrant workers and
12 the promotion of their welfare;

13 d) "*Contracted Workers*" refers to Filipino workers with
14 employment contracts already approved by the Department for
15 overseas deployment;

16 e) "*Direct Hires*" refers to workers directly hired by employers for
17 overseas employment as authorized by the Secretary of Labor and
18 Employment and processed by the Department, including:

19 1. Those hired by international organizations;

20 2. Those hired members of the diplomatic corps; and

21 3. Name hires or workers who are able to secure overseas
22 employment opportunity with an employer without the
23 assistance or participation of any agency;

24 f) "*Employment Contract*" refers to the following:

1 1. For land-based workers hired by private
2 recruitment/employment agencies - a written agreement
3 between the foreign principal/employer and the worker
4 based on the master employment contract approved by the
5 Department; and

6 2. For seafarers - a written standard Department-approved
7 employment contract stipulating a specific period of
8 employment and formulated through tripartite consultation,
9 individually adopted and agreed upon by the
10 principal/employer and the seafarer;

11 g) "*Service Contractor*" refers to any person, partnership or
12 corporation, as defined under the Corporation Code, duly licensed
13 as a private recruitment agency by the Secretary to recruit
14 workers for its accredited projects or contracts overseas;

15 h) "*Gender Sensitivity*" is the recognition of the inequalities and
16 inequities prevalent in society between women and men and a
17 commitment to address these concerns;

18 i) "*Head*" or "*Manage*" refers to any of the following acts:

19 1. Control and supervise the operations of a
20 recruitment/manning agency or branch thereof of which
21 they are employed; or

22 2. Exercise the authority to hire or fire employees and lay
23 down and execute management policies of a
24 recruitment/manning agency or branch thereof;

1 j) "*Joint and Several Liability*" refers to the liability of the foreign
2 principal/employer and the recruitment/manning agency, for any
3 and all claims arising out of the implementation of the
4 employment contract involving Filipino workers for overseas
5 deployment. If the recruitment/manning agency is a juridical
6 entity, the corporate officers and directors and partners, as the
7 case may be, shall themselves be jointly and severally liable with
8 the corporation or partnership for the aforesaid claims and
9 damages;

10 k) "*Irregular/Undocumented Filipino Migrant Workers*" refers to
11 the following:

12 (1) Those who acquired their passports through fraud or
13 misrepresentation;

14 (2) Those who possess expired visas or permits to stay;

15 (3) Those who have no travel document whatsoever;

16 (4) Those who have valid but inappropriate visas; or

17 (5) Those whose employment contracts were not
18 processed by the Department or subsequently verified and
19 registered on-site by the Philippine Overseas Labor Offices
20 (POLOs), if required by law or regulation;

21 m) "*License*" refers to the document issued by the Secretary
22 authorizing a person, partnership or corporation to operate a
23 private recruitment/manning agency;

24 n) "*Manning Agency*" refers to any person, partnership or
25 corporation duly licensed by the Secretary to engage in the

1 recruitment and placement of seafarers for ships plying
2 international waters and for related maritime activities;

3 o) "*Non-licensee*" refers to any person, partnership or corporation
4 engaged in the recruitment and placement of overseas Filipino
5 workers without a license, or whose license has been revoked,
6 cancelled, terminated, has expired or otherwise delisted from the
7 roll of licensed recruitment/manning agencies registered with the
8 Department;

9 p) "*Overseas Filipinos*" refers to migrant workers, other Filipino
10 nationals and their dependents abroad;

11 q) "*Overseas Filipino in Distress*" refers to an Overseas Filipino
12 who has a medical, psycho-social or legal assistance problem
13 requiring treatment, hospitalization, counseling, legal
14 representation, or any other kind of intervention with the
15 authorities in the country where he or she is found;

16 r) "*Overseas Filipino Worker*" or "*Migrant Worker*" refers to a
17 person who is to be engaged, is engaged, or has been engaged
18 in a remunerated activity in a state of which he or she is not a
19 citizen, or on board a vessel navigating the foreign seas other
20 than a government ship used for military or non-commercial
21 purposes, or on an installation located offshore or on the high
22 seas. A "person to be engaged in a remunerated activity" refers
23 to an applicant worker who has been promised or assured
24 employment overseas;

1 s) "*Placement Fees*" refers to any and all amounts charged by a
2 private recruitment/manning agency from a worker for its
3 recruitment and placement services as prescribed by the
4 Secretary;

5 t) "*Principal*" refers to a foreign employer or placement agency
6 hiring or engaging Filipino workers for overseas employment
7 through a licensed private recruitment/manning agency;

8 u) "*Private Recruitment/Employment Agency*" refers to any
9 person, partnership or corporation duly licensed by the Secretary
10 to engage in the recruitment and placement of workers for
11 overseas employment for a fee which is charged, directly or
12 indirectly, from the workers who renewed their employment
13 contracts with the same principal;

14 v) "*Rehires*" refers to land-based workers who renewed their
15 employment contracts with the same principal;

16 w) "*Regular/Documented Filipino Overseas Migrant Workers*"
17 refers to the following:

18 (1) Those who possess valid passports and appropriate
19 visas or permits to stay and work in the receiving country;
20 and

21 (2) Those whose contracts of employment have been
22 processed by the Department, or subsequently verified and
23 registered on-site by the POLO, if required by law or
24 regulation;

1 x) "*Seafarer*" refers to any person who is employed or engaged in
2 overseas employment in any capacity on board a ship other than
3 a government ship used for military or non-commercial purposes.
4 The definition shall include fisherfolk, cruise ship personnel, and
5 those serving on mobile offshore and drilling units in the high
6 seas;

7 y) "*Secretary*" refers to the Secretary of the Department of
8 Overseas Workers;

9 z) "*Skilled Filipino Workers*" refers to those who have obtained an
10 academic degree, qualification, or experience, or those who are
11 in possession of an appropriate level of competence, training and
12 certification, for the job they are applying, as certified to by the
13 appropriate government agency; and

14 aa) "*Underaged Migrant Workers*" refers to those who are below
15 18 years or below the minimum age requirement for overseas
16 employment as determined by the Secretary.

17 *Sec. 4. Department of Overseas Workers.* – To implement the above
18 declared policies, there is hereby created the Department of Overseas
19 Workers, hereinafter referred to as the Department, which shall prepare,
20 integrate, coordinate, supervise, and control all plans, programs, projects, and
21 activities of the Government relative to overseas employment.

22
23 *Sec. 5. Powers and Functions.* – The Department shall be the lead
24 government agency responsible for the formulation and implementation of
25 policies and programs for the overseas employment of Filipino workers. In
26 coordination with appropriate entities, it shall formulate and undertake a
27 systematic program for promoting and monitoring the overseas employment

1 of Filipino workers, including seafarers, taking into consideration domestic
2 manpower requirements and the need to protect their rights to fair and
3 equitable employment practices. It shall have original and exclusive
4 jurisdiction over all cases involving employer-employee relations, documented
5 or undocumented/irregular workers, arising out of or by virtue of any law or
6 contract involving Filipino workers for overseas employment.

7

8

9 CHAPTER II

10 THE DEPARTMENT PROPER

11

12 *Sec. 6. Composition.* – The Department Proper shall be composed of
13 the Office of the Secretary and the Offices of the Undersecretaries and
14 Assistant Secretaries, and divisions of the Department. The Secretary,
15 Undersecretaries, and Assistant Secretaries shall be appointed by the
16 President.

17

18 *Sec. 7. Office of the Secretary.* – The Office of the Secretary shall
19 consist of the Secretary and his immediate staff.

20

21 The Secretary shall have the following powers and functions:

22 (1) Establish the policies and standards for the operation of the
23 Department pursuant to the approved programs of government;

24 (2) Promulgate rules and regulations necessary to carry out department
25 objectives, policies, functions, plans, programs and projects;

26 (3) Promulgate administrative issuances necessary for the efficient
27 administration of the offices under the Secretary and for proper
28 execution of the laws relative thereto. These issuances shall not

1 prescribe penalties for their violation, except when expressly authorized
2 by law;

3 (4) Exercise disciplinary powers over officers and employees in
4 accordance with law, including the conduct of investigations or
5 designation of a committee or officer to conduct such investigation;

6 (5) Appoint all officers and employees of the Department except those
7 whose appointments are vested in the President or in some other
8 appointing authority; *Provided however, That* where the Department is
9 regionalized on a department-wide basis, the Secretary shall appoint
10 employees to positions in the second level in the regional offices as
11 defined in the Administrative Code of 1987;

12 (6) Exercise jurisdiction over all bureaus, offices, agencies and
13 corporations under the Department as are provided by law, and in
14 accordance with the applicable relationships as specified in Chapters 7,
15 8, and 9 of the Administrative Code of 1987;

16 (7) Delegate authority to officers and employees under the Secretary's
17 direction in accordance with this Act; and

18 (8) Perform such other functions as may be provided by law.

19 *Sec. 8. The Undersecretaries.* - The Secretary shall be assisted by four
20 (4) Undersecretaries, one each for the International Labor Affairs Office, the
21 Funds and Investment Management Office, the Licensing and Regulation
22 Office, and for the Employment and Welfare Office.

23
24 A. The general functions of the Undersecretaries are as follows:

- 1) Advise and assist the Secretary in the formulation and implementation of department objectives and policies;
- 2) Oversee all the operational activities of the department for which he shall be responsible to the Secretary;
- 3) Coordinate the programs and projects of the department and be responsible for its economical, efficient and effective administration;
- 4) Serve as deputy to the Secretary in all matters relating to the operations of the department;
- 5) Temporarily discharge the duties of the Secretary in the latter's absence or inability to discharge his duties for any cause, or in case of vacancy of the said office, unless otherwise provided by law. Where there are more than one undersecretary, the Secretary shall allocate the foregoing powers and duties among them. The President shall likewise make the temporary designation of Acting Secretary from among them; and
- 6) Perform such other functions and duties as may be provided by law.

B. Specific Functions

1. *Undersecretary for International Labor Affairs Office* shall advise the Secretary on the various international labor agreements to which the government is a party and monitor our compliance therewith. He/she shall exercise technical supervision over the POLOs, ensuring that programs and projects of the labor offices in the different parts of the globe are consistent with international labor and department policies. Moreover, where there are a number of OFW- and labor-

1 related concerns, Filipino Workers Resource Centers (FWRCs) shall be
2 established and the operations of which shall be supervised by POLOs.

3 The International Labor Affairs Office shall have the following
4 divisions: Asian Affairs Division, American and Pacific Affairs Division,
5 European Affairs Division, and the Middle Eastern and African Affairs
6 Division.

7 2. *Undersecretary for Funds and Investment Management Office*
8 shall provide the services for the efficient and effective management of
9 the Overseas Workers Trust Fund created in Section 12, including the
10 maintenance of computer-based financial data management system
11 pertaining to collection, fund transfer, investment and assets
12 management. It shall consolidate all Department collections and
13 contributions, and ensure an efficient collection and reporting system.
14 The Undersecretary shall head the Board which is created in Section 13
15 and shall also be tasked to formulate a medium and annual term
16 investment plan for the Trust Fund, for approval of the Board.

17
18 3. *Undersecretary for Licensing and Regulation* shall have the
19 following powers and function:

- 20
21 a. Process applications for license or authority to operate
22 recruitment or manning entities, and recommend to the
23 Secretary appropriate action thereon;
24
25 b. Recommend to the Secretary appropriate actions for violations
26 of the conditions of license or authority including the
27 suspension or cancellation or revocation thereof;
28

- 1 c. Monitor the status of cash and surety bonds and require the
2 replenishment or renewal thereof;
- 3
- 4 d. Maintain an updated list of licensed or authorized employment
5 agencies for the guidance of the public;
- 6
- 7 e. Prepare and implement an inspection program for the
8 effective supervision and evaluation of the activities of private
9 employment or manning agencies;
- 10
- 11 f. Prepare and implement an inspection program for the
12 eradication of illegal recruitment activities and provide support
13 services to the inter-agency council on illegal recruitment in its
14 campaign against illegal recruitment;
- 15
- 16 g. Prepare and implement programs for the evaluation of
17 employment agencies and manning companies in pursuance of
18 the regulatory functions of the office and in aid of policy
19 formulation;
- 20
- 21 h. Formulate and implement programs for standardization of
22 allowable fees to be charged by private employment entities,
23 medical clinics and testing centers;
- 24
- 25 i. Review and evaluate requirements for issuance of license and
26 authorities;
- 27

1 j. Review and evaluate service or employment and shipping
2 agencies, specifying therein the minimum terms and
3 conditions of employment of overseas Filipino workers;
4

5 k. Formulate and implement programs for the effective
6 monitoring of foreign exchange remittances of overseas
7 contract workers.
8

9 4. *Undersecretary for Employment and Welfare* shall implement
10 and deliver programs and services through regional and on-site
11 operations. It shall supervise the operations of the following:
12

13 a. Regional Operations Coordination Service – Supervises and
14 provides technical and administrative support to Regional
15 Welfare Offices (RWOs).
16

17 1. Regional Welfare Offices (RWOs)
18

19 a. Administrative and Finance Unit – provides
20 administrative support services to the RWO and
21 maintains a sound and adequate regional branch
22 accounting system.
23

24 b. Program Services Division – administers and
25 implements efficient delivery of programs and services
26 in the regions.
27

28 2. Overseas Operations Coordination Services – Supervises
29 and provides administrative and technical support to Overseas

1 Welfare Offices (OWO). It shall provide technical assistance to
2 the Overseas Office Operations.

- 3
4 a. Overseas Welfare Office – Implements programs and
5 services to member-OFWs.
6

7 *Sec. 9. Assistant Secretaries.* – The Secretary shall also be assisted by
8 three (3) Assistant Secretaries, one (1) for Management Services, one (1) for
9 Policy and International Affairs, one (1) for Regional Operations and
10 Licensing.

11
12 A. The general functions of the Assistant Secretaries are as follows:

- 13
14 1. Advise and assist the Secretary and/or Undersecretaries in the
15 formulation, determination and implementation of laws, policies,
16 plans, programs and projects on overseas labor and employment;
17
18 2. Oversee the day-to-day administration of the constituent units of
19 the Department;
20
21 3. Perform the duties of the Undersecretaries during their absence
22 or in case of vacancy of such position in the Department upon
23 designation by the Secretary; and
24
25 4. Perform such other functions as may be provided by law or
26 assigned by the Secretary and/or Undersecretaries from time to
27 time.
28

29 B. Specific Functions

1
2 1. Assistant Secretary for Management Services shall have the
3 following functions:
4

5 a. Advises and assists the Secretary and the
6 Undersecretaries in the formulation and implementation
7 of the Department's policies, plans, progress and
8 projects as they relate to general management,
9 information and publication, personnel, finance and
10 other support services under the Department Proper.
11

12 b. Supervises the operational activities of the following
13 offices:
14

- 15 1. Administrative Service
- 16 2. Financial and Management Service
- 17 3. Human Resource Development Service
- 18 4. Information and publication Service
19

20 c. Performs such other functions as may be provided by
21 law or assigned by the Secretary and/or
22 Undersecretaries from time to time.
23

24 2. Assistant Secretary for Policy and International Affairs shall
25 have the following functions:
26

27 a. Advises and assists the Secretary and the
28 Undersecretaries in the formulation of the Department's
29 over-all long-range and short-term plans and programs

1 on overseas employment, with special focus on the
2 government's compliance with international labor
3 agreements;

4
5 b. Reviews and evaluates the progress/status of projects
6 and accomplishments in relation to set standards,
7 objectives and schedules;

8
9 c. Supervises the operational activities of the International
10 Labor Affairs Service and Planning Service; and

11
12 d. Perform such other functions as may be provided by law
13 or assigned by the Secretary and/or Undersecretaries
14 from time to time.

15
16 3. Assistant Secretary for Regional Operations shall have the
17 following functions;

18
19 a. Advises and assists the Secretary and the
20 Undersecretaries in the formulation and implementation
21 of the Department's objectives and policies at the
22 regional level;

23
24 b. Supervises the administration and operations of the
25 regional offices;

26
27 c. Promotes coordination of efforts between and among
28 the regional offices and the regional branches of
29 attached agencies to insure efficient, effective and

1 economical implementation of the Department's policies,
2 plans, programs and projects at the regional level;
3

4 d. Monitors and assesses developments in the regions with
5 a view to providing the divisions and other offices in the
6 Department, necessary information for policy and
7 program formulation and implementation;
8

9 e. Advises and assists the Secretary and the
10 Undersecretaries in the resolution of appealed labor
11 standards cases; and
12

13 f. Performs such other functions as may be provided by
14 law or assigned by the Secretary and/or
15 Undersecretaries from time to time.
16

17 *Sec. 10. Office of the Legal Adviser.* – The Office of the Legal Adviser
18 shall be headed by a Legal Adviser, who shall be a career officer and shall be
19 reporting directly to the Secretary. However, the Legal Adviser may be
20 appointed by the President upon the recommendation of the Secretary, from
21 outside the career service. His term shall be co-terminus with the tenure of
22 the Secretary, unless sooner terminated. The Legal Adviser shall provide legal
23 advise and services to the Department.
24

25 It shall provide legal service for the Department's internal and external
26 requirements, including but not limited to, the drafting of legislative proposal
27 and provision of opinion on bills, and rules and regulations affecting the
28 Departments and its operations.
29

1 The Office of the Legal Adviser shall have a staff complement of
2 personnel with the necessary competency and skills requirement.

3
4 Sec. 11. *Offices and Divisions.* – Subject to the power of the Secretary
5 with the approval of the President, to reorganize, restructure, and redefine
6 the functions of the offices and divisions for the effective discharge of the
7 powers and functions of the Department under this Act, the Department shall
8 have the following offices and divisions:

9
10 The divisions and offices shall have the following powers and function:

11
12 A. Internal Audit Division – Reviews and evaluates the soundness,
13 adequacy and application of accounting, financial and other
14 management procedures and promotes an effective control system at
15 reasonable costs.

16
17 B. Membership Processing Center – Provides and implements
18 policy guidelines on membership and contribution of OFWs.

19
20 C. Procurement and Property Management – Manages the
21 procurement, storage and issuance of supplies, materials and
22 equipments as well as the disposal of obsolete and excess materials and
23 supplies.

24
25 D. Human Resources Management and Development Division –
26 Manages and administers a comprehensive personnel program
27 pertaining to recruitment, placement, career and employee
28 development, and other personnel services and actions.

1 E. Engineering and General Services Division - Formulates and
2 implements a building and equipment maintenance program.

3
4 F. Records Management Division - Develops and maintains a
5 system of retrieval, maintenance, safekeeping, authentication and
6 disposal of documents and records.

7
8 G. Budget Division – Manages the budgetary system and
9 monitors fund utilization and provides annual budget guidelines.

10
11 H. Accounting Division – Implements systems and procedures for
12 appropriate accounting and financial transactions including the
13 management of sub-systems in the regional and overseas operating
14 units. It shall ensure compliance with New Government Accounting
15 System (NGAS).

16
17 I. Cash Division – Implements systems and procedures on
18 collection and disbursement.

19
20 J. Repatriation and Assistance Division – Facilitates family
21 inquiries regarding cases and circumstances of their OFW-relatives,
22 documented or irregular/undocumented Filipino overseas workers. It
23 shall maintain a case management and documentation system, and
24 manage the repatriation program to include airport assistance and
25 provision of counseling services, medical and rehabilitation assistance to
26 OFWs.

27
28 K. Program Services Divisions – Administers and implements
29 efficient delivery of programs and services for the OFWs in the region.

1
2 L. Advocacy and Social Marketing Division - Establishes and
3 maintains public information counters, website and hotlines. It shall
4 cause the mounting of membership campaigns and development of
5 information materials, press releases and mass media packages
6 designed to manage public perception of the Department.
7

8 M. Grievance and Adjudication Division shall have the following
9 powers and function:
10

- 11 1. Provides legal assistance to OFWs;
- 12 2. Provides mandatory conciliation of complaints;
- 13 3. Performs legal research and docketing of cases;
- 14 4. Hears and arbitrates complaints and cases filed against
15 recruitment and manning agencies, foreign principals and
16 employers through their agents, and OFWs for reported
17 violation of Department Rules and Regulation; and
- 18 5. Enforce all writs.
19

20 N. National Reintegration Center for OFWs Division – The NRCO
21 shall undertake the following:
22

- 23 1. Develop support programs and projects for livelihood,
24 entrepreneurship, savings, investment and financial literacy
25 for returning Filipino overseas migrant workers and their
26 families, in coordination with relevant stakeholders, service
27 providers and international organizations;
28

- 1 2. Coordinate with appropriate stakeholders, service providers
2 and relevant international organizations for the promotion,
3 development and the full utilization of the skills and
4 potentials of returning overseas Filipino workers;
5
- 6 3. Institute, in cooperation with other government agencies
7 concerned, a computer-based information system on
8 returning Filipino overseas migrant workers which shall be
9 accessible to all local recruitment agencies and employers,
10 both public and private;
11
- 12 4. Provide a periodic study and assessment of job
13 opportunities for returning Filipino overseas migrant
14 worker;
15
- 16 5. Develop and implement other appropriate programs to
17 promote the welfare of returning Filipino overseas migrant
18 workers;
19
- 20 6. Maintain an internet-based communication system for on-
21 line registration of returning OFWs and interaction with
22 clients, and maintain and upgrade computer-based service
23 capabilities of the NRCO;
24
- 25 7. Develop capacity-building programs for returning overseas
26 Filipino workers and their families, implementers, service
27 providers and stakeholders;
28

1 8. Conduct research for policy recommendations and program
2 development; and

3
4 9. Undertake other programs and activities as may be
5 determined by the Department.

6
7 O. Pre-Departure Division shall have the following powers and
8 function:

- 9
10 1. Maintains a manpower registry of applicants for overseas
11 and seafaring employment.
12 2. Accredits foreign employers and principals.
13 3. Processes and documents employment contracts.
14 4. Assists and validates documents at exit points.
15 5. Undertakes global mapping and profiling of OFWs.
16 6. Client servicing for government employers hiring through
17 government to government arrangements.
18 7. Issues Seafarers Identification Document.

19
20 P. International Relations Division – shall have the following
21 powers and functions:

- 22
23 1. Develops and monitors new markets and conducts market
24 research; and
25 2. Enters into a Memoranda of Understanding on the hiring of
26 Filipino workers with labor-receiving countries.

27
28 Q. Crisis Management Center – shall provide an under the Office
29 of the Secretary, shall operate on a 24-hour basis including Saturdays,

1 Sundays, and holidays. A counterpart 24-hour Information and
2 Assistance Center to ensure a continuous network and coordinative
3 mechanism shall be established at the DFA and the DOLE/Department.

5 T. Administrative and Financial Management Office – Supervises
6 administrative and support services. It shall manage all financial
7 transactions and concerns of the Secretariat; formulate, review and
8 implement administrative and financial systems and procedures.

10 1. General Administrative Service – Manages the
11 administrative systems and procedures relating to human
12 resource, property, procurement and maintenance, records
13 management and general services.

15 2. Financial Management Service – Formulates, reviews and
16 implements systems and procedures on budget, accounting
17 and cashiering.

20 CHAPTER III

21 THE OVERSEAS WORKERS TRUST FUND

23 *Sec. 12. Overseas Workers Trust Fund.* – There is hereby created an
24 Overseas Workers Trust Fund, hereinafter referred to as the Trust Fund which
25 shall be lodged in the Department. All fees and charges paid by an overseas
26 worker pursuant to an approved overseas employment contract shall accrue
27 to the Trust Fund.

1 The existing overseas fund lodged in the OWWA shall be transferred to
2 the Trust Fund herein created.

3
4 **Sec. 13. Overseas Workers Trust Fund Board.** – In order to manage and
5 administer the Trust Fund, an Overseas Workers Trust Fund Board is hereby
6 created. The Board shall be composed of the Undersecretary for Funds and
7 Investment Management who shall be designated as the Chairperson, and six
8 members to be appointed by the President of the Philippines upon the
9 recommendation of the Secretary. Four members shall have distinguished
10 themselves in the field of finance, economics, law, or related disciplines either
11 in public or private capacity for at least 10 years; *Provided, That*, at least two
12 of the four shall be certified public accountants. The fifth and sixth members
13 shall come from the overseas workers sector and shall be nominated by duly
14 accredited OFW organizations; *Provided, That*, the nominees shall have been
15 an overseas worker for at least three years. At least two members of the
16 Board shall be female.

17
18
19 CHAPTER IV
20 TRANSITORY PROVISIONS

21
22 **Sec. 14. Transfer of Powers and Functions.** - The powers and functions
23 of the OWWA and POEA and pertinent offices under the Department of Labor
24 and Employment (DOLE) and Department of Foreign Affairs (DFA) are hereby
25 transferred to the Department. The foregoing transfer of powers and
26 functions shall include all applicable funds, personnel, records, property and
27 equipment, as may be necessary. The same shall apply to agencies which
28 have been attached to the Department by virtue of this Act.

1 *Sec. 15. Transfer of Rights, Assets, and Liabilities.* - The Department
2 shall, by virtue of this Act, be subrogated to all rights and assume all the
3 liabilities of OWWA and POEA and all other agencies or government units
4 whose functions and powers have been transferred to the Department. All
5 funds, including unexpended appropriations and/or allocations, records,
6 property, assets, and such personnel as necessary, shall likewise be
7 transferred to the Department. All contracts and liabilities of said offices,
8 agencies, and government units are hereby transferred to and assumed by
9 the Department and shall be acted upon in accordance with the Auditing Code
10 and other pertinent laws, rules, and regulations; Provided, That the officers
11 and employees of said offices, agencies, and government units shall continue
12 in a holdover capacity until such time as the new offices and employees of the
13 Department shall have been duly appointed pursuant to the provisions of this
14 Act.

15
16 *Sec. 16. Structure and Staffing Pattern.* - The organizational framework
17 and staffing pattern of the Department shall be prescribed and approved by
18 the Secretary within sixty (60) days after the approval of this Act and
19 authorized positions created therein shall be filled by regular appointments by
20 the President or the Secretary, as the case may be: Provided, that, in the
21 filling of positions created, preference shall be given to the personnel of the
22 affected agencies.

23
24 *Sec. 17. Separation From Service.* - Employees separated from the
25 service as a result of this reorganization shall, within six (6) months from their
26 separation from the service, receive the retirement benefits to which they may
27 be entitled under existing laws, rules, and regulations.

1 CHAPTER V
2 APPROPRIATION
3

4 Sec. 18. *Appropriations.* - Such sums as may be necessary for the
5 implementation of this Act shall be taken from the current fiscal year
6 appropriations of the OWWA and POEA and pertinent offices of the DOLE and
7 DFA. Thereafter the amount needed for the operation and maintenance of the
8 Department shall be included in the annual General Appropriations Act.
9

10 CHAPTER VI
11 MISCELLANEOUS PROVISIONS
12

13 Sec. 19. *Disclosure and Divestment of Financial Interest.* - Before
14 assumption of office, the Secretary, the Undersecretaries, and the Assistant
15 Secretaries shall submit to the Civil Service Commission a list of all companies,
16 partnership, or business enterprises, including nonprofit organizations, in
17 which he/she, or any immediate member of their families within the second
18 degree of consanguinity or affinity have any form of financial interests or
19 employment relationship, including consultancy: *Provided, however, That* all
20 other forms of employment relationship held by the heads of the offices of the
21 Department shall be immediately terminated upon assumption of office.
22

23 Within thirty (30) days thereafter, complete divestments of financial
24 interests in any institution, firm, or company which fall under the supervisory
25 or regulatory jurisdiction of the Department shall be made: *Provided,*
26 *however, That* in cases where confirmation of appointment by the
27 Commission on Appointments is required, the divestment mandated herein
28 shall be complied with within thirty (30) days after such confirmation.
29

1 The divestment prescribed in the preceding paragraph shall likewise
2 apply to the member of the immediate family within the second degree of
3 consanguinity having interest in any institution or activity which falls under
4 the regulatory jurisdiction or supervision of the Department and its attached
5 agencies.

6
7 *Sec. 20. Suppletory Clause.* – The Labor Code of the Philippines, as
8 amended, shall have suppletory applicability.

9
10 *Sec. 21. Repealing Clause.* - All laws, presidential decrees, executive
11 orders, and rules and regulations, or parts thereof, inconsistent with the
12 provisions of this Act are hereby repealed or modified accordingly.

13
14 *Sec. 22. Separability Clause.* – If, for any reason, any section or
15 provision of this Act is held unconstitutional or invalid, the other sections or
16 provisions hereof shall not be affected thereby.

17
18 *Sec. 23. Effectivity Clause.* - This Act shall take effect after its complete
19 publication in at least two (2) national newspapers of general circulation.

20
21 *Approved,*