

Republic of the Philippines
House of Representatives
Batasang Pambansa Complex
Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6637



Introduced by the HON. MARK A. VILLAR

Explanatory Note

The Philippines is one of the nations whose investment in the global market is labor force. In fact, we can claim that there isn't a single country without a Filipino. Our Overseas Filipino Workers (OFWs), the Philippines' migrant labor force have been a consistent dollar earner for the country. In 2009 alone they have brought in at least \$17.3 Billion in the local economy as reported by POEA-OES. This is equivalent to some 11-12% of the country's gross domestic product. The remittances made by the Overseas Filipino Workers have helped in stabilizing the economic situation of the country despite global recessions and economic downturn.

The rise of global employment and the acceptance of large-scale manpower among the various industries worldwide have opened an opportunity to our competitive skilled and non-skilled workers to reach their dream of having a successful career by seeking greener pastures abroad. The continuous increase of overseas workers have triggered the enactment of Executive Order 797, the act creating the Philippine Overseas Employment Administration (OWWA), to develop employment opportunities, the protection of workers, and the promotion of industrial peace. In order to ensure the welfare of our *Kababayans* abroad, RA 8042, otherwise known as the Migrant Workers and Overseas Filipino Act of 1995, has been enacted to be able to uphold the dignity of our citizens and to protect their rights even outside the country.

However, it cannot be denied, that various confusions have been experienced as to who among the agencies of the government should act on some queries of our *Kababayans*. Instead of giving them ease and comfort, problems have arisen in terms of their employment, insurance, benefits, and so on because of red tape and the ensuing confusion as to which agency has jurisdiction. To address this problem, and to make it better for our *Kabayans* working abroad, this Bill is being introduced to unify the diversified agencies in order for them to serve the greater good for the Filipinos overseas. This is consistent with the fundamental precept found under Section 3, Article XIII of the 1987 Constitution: "to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all." These two agencies, POEA and OWWA, together with other allied Bureaus and Offices could become more effective channels of public service if

they work under a single umbrella organization ensuring that there are no overlapping measures, functions and services.

This bill features the establishment of a permanent fund, the OFW assistance fund, intended to guarantee support to all Filipinos working abroad in times of contingencies, including the payment of blood money if need be and the creation of programs to support the reintegration and well being of our returning migrant heroes.

As a sign of our gratitude, we have called this Overseas Filipino Workers (OFWs) as our "Modern Heroes." They deserve to be called as such. The government must not only play lip service with regard to our OFWs considering the significant value they bring in to the economy and the specialized problems they face abroad. It is only appropriate that a separate Department — the Department of Overseas Filipino Workers — be created to cater to the special needs of the OFWs. This umbrella organization will not only unify but also streamline the services for OFWs by having POEA and OWWA as attached agencies, together with Bureaus and allied Offices in order to adequately support and give assistance to the OFWs wherever they may be.

In view of the foregoing and bearing in mind the needs of our OFWs the enactment of this bill is earnestly sought.



MARK A. VILAR

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HOUSE OF REPRESENTATIVES
H.B. No. 6637

INTRODUCED BY HONRABLE MARK A. VILLAR

**AN ACT ESTABLISHING THE DEPARTMENT FOR OVERSEAS FILIPINO WORKERS (DOFW),
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFORE AND FOR
OTHER PURPOSES**

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

SECTION 1. SHORT TITLE. This Act shall be known as the "Department of Overseas Filipino Workers Act."

SECTION 2. DECLARATION OF POLICIES. –

- A. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end the State shall ensure the respect for the dignity and fundamental human rights and freedoms of the Filipino workers overseas wherever they may be.
- B. Pursuant to the stated principle, the State shall strive to enhance the human capital development of OFWs to enable them to better compete in other countries and extend to them deployment and repatriation assistance and support.
- C. Recognizing the immense contribution of OFWs to the national economy, the State shall likewise invest in programs for the reintegration of returning OFWs, ensure their welfare and provide assistance to their families.

SECTION 3. CREATION OF A DEPARTMENT OF OVERSEAS FILIPINO WORKERS. Pursuant to the above-mentioned national policy, there is hereby created a Department of Overseas Filipino Workers (DOFW), hereinafter referred to as the Department, which shall, among others, recommend and implement the Government's policies, plans, and programs for the promotion of protection, safety, development, support, deployment and repatriation of overseas Filipino workers, and dealing with other hazards while working abroad.

The Department shall be the primary agency tasked with the enforcement of the rights of OFWs as provided under Republic Act No. 8042 otherwise known as the Migrant Workers Act of 1995 as amended.

SECTION 4. POWERS AND RESPONSIBILITIES OF THE DEPARTMENT.

The Department shall have the following powers and responsibilities which shall be exercised by its offices:

- A. Formulate and recommend national policies and guidelines and conduct in-depth studies on all policy areas and options that will ensure protection of OFW in consultation with the relevant stake holders;
- B. Assess, review, harmonize and coordinate all OFW-related local policies and procedures and international agreements to ensure overall consistency and implementation of the national policies;
- C. Promote, advance and implement general and specific government objectives regarding OFW activities, programs, welfare and interests;
- D. Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;
- E. Represent and negotiate for Philippine interest on matters pertaining to OFW affairs in international bodies;
- F. Develop, implement and improve coordination with other countries with OFW presence and monitor foreign developments to ensure the most reasonable working conditions for the OFWs and create a proactive approach in providing assistance to them especially in times of war and civil unrest, whether potential or apparent;
- G. Promote knowledge, information and resource sharing, and develop a database to assist OFW anywhere in the world;
- H. Assist and provide technical expertise in the troubleshooting of OFWs in distress and tap the services of personnel, foreign and local, with expertise on the formulation of strategies and plans concerning OFW activities if needed;
- I. Promote, develop and monitor the continuing education, training and qualification, availability and deployment of OFWs and coordinate with concerned agencies in the training of OFWs to improve their global competitiveness;
- J. Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country;
- K. Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
- L. Promulgate rules and regulations for the implementation of its guidelines and policies and related laws;
- M. Administer, accept, hold and utilize property, both personal and real, subject to constraints by existing laws, for the purpose of assisting and expediting the work of the Department; and
- N. To perform such other functions as maybe needed to achieve its goals and objectives to the fullest and as may be provided by this Act.

SECTION 5. COMPOSITION. -The Department shall be headed by a Secretary who shall be appointed by the President of the Republic of the Philippines with confirmation of the Commission on Appointments.

The Secretary shall be assisted by three (3) Undersecretaries who shall be appointed by the President upon recommendation of the Secretary: Provided, That one (1) of the undersecretaries shall be a career officer coming from ranks of existing government labor agencies. The undersecretaries shall aid the Secretary in the performance of his/her operational duties, and shall perform such other functions as may be directed by the Secretary.

The Secretary shall be assisted by three (3) assistant secretaries who shall be career officers appointed by the President upon the recommendation of the Secretary.

SECTION 5. POWERS OF THE SECRETARY. - 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 the government;
- C. Review and approve request 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 and Assistant Secretaries, in accordance with the Civil Service laws, rules and regulations;
- E. Coordinate with other government agencies and public and private interest groups, including non-government organizations (NGOs) and people's organizations on Department policies and initiatives;
- F. Undertake consultations with other members of the Cabinet and officers of the government relating to OFW concerns;
- G. Advise the President on the promulgation of executive and administrative orders and regulatory and legislative proposals on matters pertaining to OFW development;
- H. Advise the President of the activities, programs, plans and all information necessary or relevant to OFWs;
- I. Coordinate all policies and programs relating to OFW affairs;
- J. Formulate such rules and regulations and exercise such other powers as may be required to implement the objectives of this Act; and
- K. Perform such other tasks as may be provided by law or assigned by the president from time to time.

SECTION 6. QUALIFICATION. -No person shall be appointed Secretary, Undersecretary or Assistant Secretary of the Department unless he is a citizen and resident of the Philippines of good moral character and of proven competence and integrity.

SECTION 7. SATELLITE OFFICES. The Department is hereby authorized, when circumstances so warrant, to establish, operate, and maintain in each of the administrative regions of the country satellite offices to facilitate the effective functioning of the Department.

These offices shall, within their respective regional jurisdictions, exercise the following functions:

- A. Implement laws, policies, plans, programs, projects, rules and regulations of the Department;
- B. Provide technical expertise and know-how and information to provide OFW-centered and efficient services;
- C. Coordinate with regional offices of other departments, offices, and agencies and Local government units for the consolidation and integration of OFW programs; and
- D. Perform such other functions as may be provided by law or assigned by the Secretary.

SECTION 8. TRANSFER OF BUREAUS, OFFICES AND AGENCIES. The following bureaus, offices and agencies will be transferred from their respective departments (as shown in parenthesis) to the Department of Overseas Filipino Workers:

- A. Office for the Migrant Workers Affairs (Department of Foreign Affairs)
- B. Commission on Filipino Overseas (Office of the President)
- C. All Philippine Overseas Labor Offices (Department of Labor and Employment)

SECTION 9. ATTACHED AGENCIES. -The following agencies are hereby attached to the Department for policy and program coordination, and shall continue and function in accordance with the charters, laws or orders creating them, in so far as they are not inconsistent with this Act:

- A. The Philippine Overseas Employment Administration (POEA); and
- B. Overseas Workers Welfare Administration (OWWA).

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

SECTION 10. POEA AND OWWA BOARD; CHAIRMANSHIP. -Notwithstanding any provision of law to the contrary, the Secretary of the Department of Overseas Filipino Workers shall replace the Secretary of Labor and Employment as Ex-Officio Chairperson of the respective Boards of the Philippine Overseas Employment Administration and the Overseas Workers Welfare Administration. The latter however shall remain as a member of the respective boards.

SECTION 11. ORGANIZATIONAL STRUCTURE AND STAFFING PATTERN. - The Department shall determine its organization structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Department in accordance with the Civil Service law, rules, and regulations.

SECTION 12. SEPARATION FOR SERVICE. - Employees separated from the service as a result of this reorganization shall, within ninety (90) days thereafter, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

SECTION 13. OFW ASSISTANCE FUND. AN OFW Assistance Fund for OFWs in distress, both documented and undocumented, in the amount of One Billion Pesos (P 1,000,000,000.00) is hereby created. The fund shall be utilized for the following purposes:

- A. Repatriation;
- B. Legal assistance including litigation expenses, legal fees, payment of translation fees, attendance in court hearings;
- C. Payment of blood money, when necessary; and
- D. Basic necessities of OFWs caught in emergencies or are detained.

Provided, That thirty percent (30%) of the total fund shall be allotted to support a livelihood training program or re-training of returning OFWs in new skills and literacy.

SECTION 14. APPROPRIATION. -

Provided, That the amount needed for the initial implementation of the this Act shall be taken from the current fiscal year's appropriation of the transferred agencies to the Department. Thereafter, the amount needed for the operation and maintenance of the Department shall be included in the General Appropriations Act: Provided, That for the next fiscal year, following the approval of this Act, the appropriation for the Department shall not be lower than five billion pesos. Provided further, That 1 billion pesos (1,000,000,000.00) of the same appropriation shall be allotted for the OFW Assistance Fund as stated in Section 13 hereof.

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

SECTION 16. REPEALING CLAUSE. - All laws, orders, rules or regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

SECTION 17. EFFECTIVITY. -This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved.