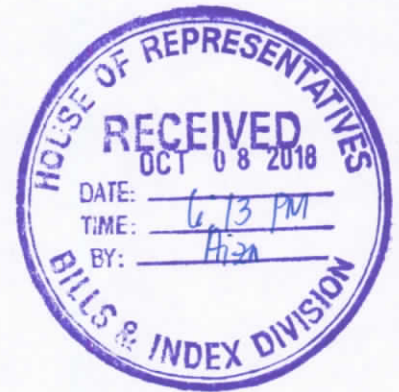


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8399



Introduced by Representative **John Marvin "Yul Servo" C. Nieto**

Explanatory Note

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this bill, which has constantly been receiving support from the past and present Congress.

Article XIII Section 3 of the Philippine Constitution states that:

"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."

Pursuant to this declaration, the State has created the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) assisted by the Department of Affairs and the Department of Labor and Employment. However, recent incidents (e.g. the case of Mary Jane Veloso and Jakatia Pawa, to name a few) have shown the relevance of revisiting the government's foreign policies in relation to overseas employment. This representation strongly believes that there is a strong need to institute changes in its mechanism of support for OFWs in order to provide them more efficient and more meaningful services and to better protect their rights.

As such, the proposed measure seeks to establish a Department of Overseas Filipino Workers (DOFW) to be the single government agency that would provide a unified and coordinated service OFWs from deployment and repatriation.

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


JOHN MARVIN "YUL SERVO" NIETO

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House Bill No. _____

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AN ACT

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

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the "Department of Overseas Filipino Workers Act."

SEC. 2. Declaration of Policy. - It is the policy of the State to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equal employment opportunities for all. Pursuant thereto, the State shall provide adequate and timely social, economic, and legal services to Filipino migrant workers to ensure that their welfare is promoted.

While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote 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 all Filipino migrant workers 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.

SEC. 3. Definition of Terms. - The following terms, as used in this Act, shall mean:

- a) "Act" refers to the "Department of Overseas Filipino Workers (DOFW) Act";

b) "Bonafide Non-Government Organizations (NGOs)" refers to non government or civil society or faith-based organizations duly recognized by the Philippine Embassy as active partners of the Philippine Government in the protection of Filipino migrant workers and the promotion of their welfare;

c) "Contracted Workers" refers to Filipino workers with employment contracts already approved by the Department for overseas deployment;

d) "Left-Behind Households" means families left behind by OFWs to work abroad; and

e) "Migrant worker" 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 legal resident, to be used interchangeably with overseas Filipino worker (OFW).

SEC. 4. Interpretation. - In interpreting the provisions of this Act, including its implementing rules and regulations, the courts shall have due regard to the policy of the law in favor of labor.

SEC. 5. Creation of a Department of Overseas Filipino Workers. - There is hereby created the Department of Overseas Filipino Workers, hereinafter referred to as the Department, which shall prepare, integrate, coordinate, supervise, and control all plans, programs, projects, and activities of the Government relative to overseas employment

SEC. 6. Mandate. - The Department shall be the primary policy-making, programming, coordinating and administrative entity of the Executive Branch of the government in the field of overseas labor and employment. It shall formulate and undertake a systematic program for promoting the welfare of OFWs and monitoring their overseas employment, taking into consideration domestic manpower requirements and the need to protect their rights to fair and equitable employment practices

SEC. 7. Powers and Functions. - The Department shall assume the powers and functions of the Philippine Overseas Employment Administration (POEA), the Overseas Workers Welfare Administration (OWWA), and other government offices dealing with overseas employment, such as the Office of the Undersecretary for Migrant Workers Affairs in the Department of Foreign Affairs, the Commission on Filipinos Overseas under the Office of the President; and the Philippine Overseas Labor Office under the Department of Labor and Employment.

SEC. 8. Organizational Structure. - The Department shall consist of the Office of the Secretary, and Undersecretaries and Assistant Secretaries, the Services, and the Regional Offices. The Secretary, Undersecretaries, and Assistant Secretaries shall be appointed by the President.

CHAPTER II
DEPARTMENT PROPER

SEC. 9. Office of the Secretary. - The Office of the Secretary shall consist of the Secretary and his immediate staff.

SEC. 10. Undersecretary. - The Secretary shall be assisted by at least four (4) but not more than six (6) Undersecretaries who shall be appointed by the President. The Secretary is hereby authorized to delineate and assign the respective functional areas of responsibility of the Undersecretaries.

SEC. 11. Assistant Secretaries. -The Secretary shall likewise be assisted by not more than four (4) Assistant Secretaries who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate and assign the respective areas of functional responsibility of the Assistant Secretaries. Within his functional area of responsibility, the Assistant Secretary shall assist the Secretary and Undersecretaries in the formulation, determination and implementation of laws, policies, plans, programs and projects on Overseas Filipino Workers and shall oversee the day-to-day administration and supervision of the constituent units of the Department.

SEC. 12. Department Services. - The Department shall have the following services:

a) Planning Service.—The Planning Service shall provide the Department with efficient, effective and economical services relating to planning, programming, project development and evaluation, and the development and implementation of a management information system.

b) Administrative Service.—The Administrative Service shall provide the Department with efficient, effective and economical services relating to records, management, supplies, equipment, collections, disbursements, building administration and maintenance, security and custodial work.

c) Human Resource Development Service. The Human Resource Development Service shall provide the Department with a program and corresponding projects that shall make available training, education and development opportunities needed to upgrade the levels of competence and productivity of Department managers and personnel.

d) Financial Management Service. The Financial and Management Service shall be responsible for providing the Department with efficient, effective and economical services relating to budgetary, financial, management improvement and internal control matters.

e) Legal Service.—The Legal Service shall provide legal advice and service to Department officers and employees; prepare informative or clarificatory opinions on laws, rules and regulations related to overseas labor for uniform

interpretation thereof; answer legal queries from the public; assist the Office of the Solicitor General in suits involving the Department or its officers or employees or act as their principal counsel in all actions taken in their official capacity or other causes before judicial or administrative bodies.

f) International Labor Affairs Service. - The International Labor Affairs Service shall be responsible for monitoring the observance and implementation of all obligations, courtesies, and facilities required by international labor affairs, and related international labor standards and agreements reached in various international labor forums, treaties, and other multilateral, bilateral or multilateral agreements in the area of labor and employment; provide staff support and policy guidelines to the Secretary in the supervision, monitoring and reporting of the activities of the Philippine overseas labor officers assigned in different countries, serve as the instrumentality of the Department for technical cooperation, programs and activities with other countries and international institutions.

g) Information and Publication Service.—The Information and Publication Service shall be responsible for rapport and understanding between the Department and the public through the development of public relations programs and the dissemination of accurate and updated information on overseas labor and employment, by means of publications and media coverage of special events and related matters on the Department's policies, plans, programs, and projects, likewise, it shall be responsible for providing answers to queries from the public regarding the Department's policies, rules, regulations, programs, activities and services.

SEC. 13. Regional Offices. - The Department is hereby authorized to establish, operate, and maintain Regional Offices in each of the administrative regions of the country, insofar as necessary to promote economy and efficiency in the delivery of its services. Its Regional Office shall be headed by a Regional Director who shall have supervision and control thereof. The Regional Director, whenever necessary, shall be assisted by an Assistant Regional Director. A Regional Office shall have, within its regional areas, the following functions:

- a) Implement laws, policies, plans, programs, projects, rules and regulations of the Department;
- b) Provide economical, efficient and effective service to the people;
- c) Coordinate with regional offices of other departments and agencies;
- d) Coordinate with local government units; and
- e) Perform such other functions as may be provided by law or assigned by the Secretary.

CHAPTER III
SPECIAL ASSISTANCE FOR OVERSEAS FILIPINO WORKERS AND THEIR
FAMILIES

SEC. 14. OFW Assistance Fund. - A Special Assistance Fund for OFWs in distress, both documented and undocumented, in the amount of One Billion Pesos (Php1,000,000,000.00) is hereby created. The fund shall be utilized for the following purposes:

- a) Repatriation;
- b) Medical expenses, hospitalization and purchase of medicines;
- c) Legal assistance, including litigation expenses, legal fees, payment of translation fees, attendance in court hearings;
- d) Payment of blood money, when necessary, and
- e) Basic necessities of detained OFWs or those who are in emergency situations.

Provided, That at least thirty percent (30%) of the total fund shall be allotted to provide monetary support, in the form of lump sum payment not exceeding Fifty Thousand Pesos (Php50,000.00) for each recipient, to be given to OFWs who have been victims of abuse by their employers, or those who have been repatriated from host countries due to natural or man-made calamities; Provided, further that in the utilization of the Fund, the principles of accountability and transparency shall be fully observed.

SEC. 15. Social Assistance Program for OFW Families. - A Social Assistance Center for OFW families is hereby established, to provide the following services:

- a) Welfare and counseling services for families of OFWs;
- b) To serve as coordinating office to bona fide non-governmental organizations catering to the plight of OFWs; and
- c) To serve as a link of left behind households to various services of the government relating to overseas employment.

SEC. 16. Congressional Oversight Committee. - A Congressional Oversight Committee is hereby constituted in accordance with the provisions of this Act. The Committee shall be composed of the Chairman of the Senate Committee on Labor, Employment and Human Resources Development and the Chairman of the House Committee on Overseas Workers Affairs and four (4) additional members from each House to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The Committee shall monitor and ensure the proper implementation of this Act and review the use of the Special Assistance Fund.

The Congressional Oversight Committee shall be in existence for a period of five (5) years, and thereafter, its oversight functions shall be exercised by the Senate Committee on Labor, Employment and Human Resources Development and the House Committee on Overseas Workers Affairs acting separately.

CHAPTER IV **TRANSITORY PROVISIONS**

SEC. 17. Transfer of Rights, Assets, and Liabilities. - The Department shall, by virtue of this Act, be subrogated to all rights and assume all the liabilities of OWWA and POEA and all other agencies or government units whose functions and powers have been transferred to the Department. All funds, including unexpended appropriations and/or allocations, records, property, assets, and such personnel as necessary, shall likewise be transferred to the Department. All contracts and liabilities of said offices, agencies, and government units are hereby transferred to and assumed by the Department and shall be acted upon in accordance with the Auditing Code and other pertinent laws, rules, and regulations.

SEC. 18. Absorption of Employees of the Consolidated Agencies. - As far as practicable, the officers and employees of the OWWA, POEA, and all other agencies or government units shall be absorbed by the Department, in accordance with its organizational structure and staffing pattern to be determined by the Secretary as provided in the immediately succeeding section.

SEC. 19. Organizational Structure and Staffing Pattern. - The organizational structure and staffing pattern of the Department shall be determined by the Secretary, in consultation with the Department of Budget and Management (DBM), within sixty (60) days after the approval of this Act. In filling the authorized positions created therein, preference shall be given to the personnel of the affected agencies.

SEC. 20. Separation From Service. - Employees separated from the service as a result of this reorganization shall, within six (6) months from their separation from the service, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

CHAPTER V **APPROPRIATION**

SEC. 21. Appropriations. - The amount necessary for the initial implementation of this Act shall be taken from the current fiscal year appropriations of the OWWA, POEA, and pertinent offices of the DOLE and the DFA. Thereafter, the amount needed for the operation and maintenance of the Department shall be included in the annual General Appropriations Act.

CHAPTER VI
FINAL PROVISIONS

SEC. 22. Implementing Rules and Regulations. - Within ninety (90) days from the promulgation of this Act, the Department of Labor and Employment shall formulate rules and regulations as may be necessary for the proper implementation of this Act.

SEC. 23. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the provision not otherwise affected shall remain valid and subsisting.

SEC. 24. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 25. Effectivity. - This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,