

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session
2207

HOUSE BILL NO. _____



Introduced by: **REP. PROSPERO A. PICHAY, JR.**

EXPLANATORY NOTE

For many years now, our Overseas Filipino Workers (OFWs) which now numbered to about 10.3 million, have been contributing greatly to sustain the Philippine economy through the remittances of billions of precious foreign exchange, accounting to the significant increase in our gross domestic product. Records from the Bangko Sentral ng Pilipinas (BSP) showed that remittances from our OFWs amounted on the average of about US\$27 billion per year, in the last three(3) years. Our OFWs has helped tremendously to make our economy stable, hence they are hailed as modern day heroes or "Mga Bagong Bayani" by the past and present administrations.

Our OFWs are called heroes not only for getting our economy afloat but also because of their sacrifices. Working in another country as an overseas worker definitely involves some risks, danger and of course the feeling of sadness to be away from family. But because of the necessity to make a living for himself and his loved ones, many of them have suffered various forms of abuse and rude treatment not only from their employers but also from government representatives or embassy officials of the receiving country. They have been suffering from exploitation of any sort by an employer or a recruiter such as non-payment or underpayment of the contracted wages, unfair charging of unnecessary fees, illegal and untimely termination of work contract, human trafficking, and other various forms of harassment. Recently, some of them suffered serious trouble such as death and to some women, rape and molestation from their employers and even from the police of the host countries. The lamentable predicament or occurrences have caused grave concern for the overseas employees, their families and from our own government such that at one time, President Rodrigo Roa Duterte was prompted to declare a deployment ban of OFWs to Kuwait.

At present, several government agencies are involved in looking after the welfare and interest of OFWs, among them; the Department of Foreign Affairs (DFA) through its Office of the Undersecretary for Migrant Workers Affairs (OUMWA) and its various embassies, and the Department of Labor and Employment (DOLE) through its attached agencies such as the Philippine Overseas Employment Administration

(POEA), the Overseas Workers Welfare Administration (OWWA), the National Reintegration Center for OFWs(NRCO) and the International labor Affairs bureau(ILAB).There are also offices under the Office of the President such as the Commission on Filipinos Overseas(CFO) and the Presidential Adviser on OFW and Muslim Concerns. All these agencies have one way or the other gotten involved to address the various concerns of OFWs, such as their recruitment and deployment and their welfare abroad which include their shelter and repatriation.Concerns about illegal recruitment, excessive collection of placement fees, and legal assistance are supposed to be addressed but often times, delays in addressing such problems happen because of intertwined functions of these agencies. Unfortunately, the presence of these various government agencies results to a very complicated migration management structure. While coordination of these agencies are essential, they often lead to overlapping or duplication of functions and responsibilities and wastage of public funds. Presently, the government can only offer them token loans or in some, miniscule capital as one shot financial assistance.

Just a couple of weeks ago, we have heard of a Filipina worker being raped by a Kuwaiti policeman, and two weeks before that, another Filipina worker was killed by her employer. There are still a lot of workers housed in Philippine government shelters in several middle east countries waiting to be repatriated. Several bilateral agreements has yet to be negotiated and signed such as those in the middle eastern countries, in particular, UAE. As long as these bilateral agreements and the absence of existing laws in the receiving countries that protects and safeguards the rights of our OFWs, their difficult plight in those countries will persist. We have continued to hear reports of abuse of our countrymen abroad by employers who refuse paying their salaries, refuse to give them rest in between work, and asking them to work in excess of the hours agreed in the contract and many more. There is also the problem caused by civil strife in the receiving country that results to displacement of many OFWs and repatriating them becomes a big problem thereby causing various complaints from so much delay in the repatriation. And those who return to the country has complained of their struggle to integrate themselves due to the slow process of government reintegration programs and lack of funds to support them to establish a new life. Lastly, the failure to provide immediate and efficient legal assistance to those OFWs who are victims of false charges by employers whereby the latter are favored by the host government functionaries.

As stated earlier, so many agencies were created and tasked by our government to handle these OFW concerns and are expected to answer for the needs of potential OFWs thinking of leaving the country and for those who are returning after many years of working abroad. Yet these various government efforts fail to guarantee the protection and welfare of our OFWs, thus, are still found wanting. Still many OFWs feel that they are neglected by government. Reports that many OFWs are lamenting on the delayed and inadequate support and assistance while they are facing difficult situations abroad are often received.

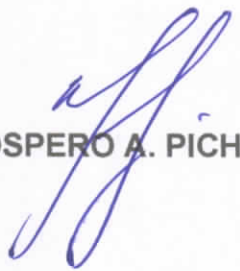
There is a continued inadequacies of our government in terms of responding to the needs of our OFWs. One of the most important factors that contribute to our government's inadequacy is the lack of efficient and effective coordination among

our agencies that handle OFW concerns. They are inadequate as these agencies are independent of each other as well as attached to other agencies in which the highly specialized concerns of our OFWs are only secondary. This lack of coordination results not only to redundancy of work but also to specific concerns being potentially overlooked especially among multiple agencies having the same jurisdiction.

Thus, this Bill seeks to create the Department of Overseas Filipino Workers to address the needs of our OFWs all under one government body. This will consolidate and house into one the powers and functions of all these agencies namely, POEA, OWWA, NRCO, ILAB and CFO. The powers and functions of OUMWA at DFA and the Presidential Adviser on OFWS are likewise absorbed by this new department. This will also integrate the work of the DSWD performed abroad which somehow duplicates the function of OWWA and the POLO offices thereby causing the wasteful expenditure of precious funds. The creation of this department will harmonize all national policies and guidelines to ensure the protection of OFWs, among other functions. It is envisioned to serve our OFWs better as their concerns would be given primary attention. It will also result in better management of our resources as processes will be streamlined and duplication of functions and wasteful expenditure of precious funds will be reduced albeit prevented thereby promoting efficient and effective service that will adequately serve the needs of our OFWs.

The creation of this new department is also the realization of President Rodrigo Duterte's promise to create a department which will address all the concerns and issues of all overseas Filipino workers and Migrant workers alike. This will also give a true meaning to call our OFWs "Mga Bagong Bayanis" as they will be afforded the hero treatment they so rightly deserve after their many sacrifices they have made for our country.

All premises considered, the approval of this bill is earnestly sought.



PROSPERO A. PICHAY, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2207

Introduced by: **REP. PROSPERO A. PICHAY, JR.**

AN ACT
CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS, DEFINING
ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, 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 (OFW) Act of 2019.

SEC. 2. Declaration of Policy - The Philippine Constitution in unequivocal term provides that the State affirms labor as the country's primary social economic force. Thus, the State shall protect the right of workers and promote their welfare. By protecting the right of workers and promote their welfare, it shall also be the policy of the State to ensure the protection of the rights of our overseas Filipino workers and promotion of their welfare and safety as well. In view of this, the State shall effect the necessary and proper changes in the agencies and instrumentalities promoting, managing, and protecting the Overseas Filipino Workers or Migrant Workers as they are interchangeably called in order to rationalize and promote efficiency and effectiveness in the delivery of services to our OFWs. It is hereby declared as policies of the State the following:

- (a) The State shall at all times uphold the dignity and respect of all its Overseas Filipino Workers (OFWs) and shall continuously pursue the conclusion of bilateral agreements with receiving Countries that will protect and promote the rights and welfare of the OFWs, monitor international conventions and adopt, sign and ratify those that guarantee the protection to our OFWs, and negotiate for Philippine interest on matters pertaining to OFWs' affairs;
- (b) The State shall guarantee the OFWs free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to them by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in

particular, whether regular/documented or irregular/undocumented, are adequately protected and safeguarded;

- (c) The State recognizes that the most effective tool for empowerment is the possession of skills by migrant workers or overseas workers. The government shall provide them free and accessible skills development and enhancement programs. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only of skilled Filipino workers, provided that, in order for Household or Domestic Workers be considered skilled, they shall undertake massive training to acquire mastery in their field of endeavor;
- (d) The State recognizes non-governmental organizations, trade unions, workers associations, stakeholders and their similar entities duly recognized as legitimate, are partners of the State in the protection of Overseas Filipino Workers (OFWs) and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. The significant contribution of recruitment and manning agencies shall from part of this partnership.
- (e) The State, while recognizing the significant contribution of OFWs 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 the of Filipino citizens 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.
- (f) The state affirm the fundamental equality before the law of women and men and the significant role of women in the nation building. Recognizing the contribution of women OFWs, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting OFWs;
- (g) The State shall recognize the right of OFWs to participate in the democratic decision-making processes of the State and to recognize and guarantee their representation in institutions relevant to overseas employment;
- (h) The State shall make available social and welfare programs and services to OFWs, including social assistance, education and training, cultural services, financial management, reintegration, and entrepreneurial development services;
- (i) The State shall provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families;

- (j) The State shall ensure a mechanism whereby the efficiency of collections and the viability and sustainability of social funds whether provided by the State or collected as membership fees for the welfare and protection of OFWs through the formulation of sound, judicious, and transparent investment and management policies;
- (k) The state shall undertake studies and researches for the enhancement of the social, economic, and cultural well-being of OFWs and their families;

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

- a) *Act* refers to the "Department of Overseas Filipinos Act";
- b) *Authority* refers to a document issued by the Secretary authorizing the officers, personnel, agents, or representatives of licensed recruitment/manning agency to conduct recruitment and placement activities as a private recruitment entity;
- c) *Irregular/Undocumented Filipino Migrant Workers* refers to the following:
 - (1) Those who acquired their passports through fraud or misrepresentation;
 - (2) Those who possess expired visas or permits to stay;
 - (3) Those who have no travel documents whatsoever;
 - (4) Those who have valid but inappropriate visas; or
 - (5) Those whose employment contracts were not approved by the Department.
- (d) *License* refers to the document issued by the Secretary authorizing a person, partnership or corporation to operate a private recruitment/manning agency;
- (e) *Manning Agency* refers to any person, partnership or corporation duly licensed by the Secretary to engage in the recruitment and placement of seafarers for ships plying international waters and for related maritime activities;
- (f) *Non-License* refers to any person, partnership or corporation engaged in the recruitment and placement of overseas Filipino workers without a license, or whose license has been revoked, cancelled, terminated, has expired or otherwise delisted from the roll of licenses recruitment/manning agencies registered with the Department;
- (g) *Overseas employment* refers to employment of a workers outside the Philippines;
- (h) *Overseas Filipinos* refers to migrant workers, other Filipino nationals, and their dependents abroad, including Filipinos who are permanent residents abroad;
- (i) *Overseas Filipino Worker or Migrant Worker* refers to a Filipino who is to be engaged, is engaged, or has been engaged in remunerated activity in a state of which he or she is not a citizen, or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas. A "person to be engaged in a remunerated activity" refers to an

applicant worker who has been promised or assured employment overseas;

- (j) *Overseas Filipino Worker in Distress* refers to an Overseas Filipino Worker who has a medical, psycho-social or legal assistance problem requiring treatment, hospitalization, counseling, legal representation, or any kind of intervention with the authorities in the country where he or she is found;
- (k) *Private Recruitment/Employment Agency* refers to any person, partnership or corporation duly licensed by the Secretary to engage in the recruitment and placement of workers for overseas employment for a fee which is charged, directly or indirectly, from the workers who renewed their employment contracts with the same principal;
- (l) *Regular/Documented Overseas Filipino Workers* refers to the following:
 - (1) Those who possess valid passports and appropriate visas or permits to stay and work in the receiving country; and
 - (2) Those whose contracts of employment have been approved by the Department.
- (m) *Seafarer* refers to any person who is employed or engaged in overseas employment in any capacity on board a ship other than a government ship used for military or non-commercial purposes. The definition shall include fisher folk, cruise ship personnel, and those serving on mobile offshore and drilling units in the high seas;
- (n) *Secretary* refers to the Secretary of the Department of Overseas Filipinos and Migrant Workers;

SEC. 4. *Creation of the Department of Overseas Filipino Workers.* –

There shall be created a Department of Overseas Filipino Workers, hereinafter referred to as the Department, which shall be the primary agency of government that is organized structurally and functionally, in accordance with the provisions of this Act.

SEC. 5. *Mandate.* – The Department shall be the main policymaking, planning, coordinating, implementing, and administrative entity of the Executive Branch of the government in the field of overseas labor and employment. It shall formulate, plan coordinate, administer and implement systematic programs 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. 6. *Powers and Functions of the Department.* – The Department shall have the following powers and functions:

(a) Allow the deployment of overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The Department recognizes any of the following as a guarantee on the part of the receiving country for the protection of the rights of overseas Filipino workers:

"(a) It has existing labor and social laws protecting the rights of workers, including migrant workers;

"(b) It is a signatory to and/or a ratifier of multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers; and

"(c) It has concluded a bilateral agreement or arrangement with the government on the protection of the rights of overseas Filipino Workers:

Provided, That the receiving country is taking positive, concrete measures to protect the rights of migrant workers in furtherance of any of the guarantees under subparagraphs (a), (b) and (c) hereof.

"In the absence of a clear showing that any of the aforementioned guarantees exists in the country of destination of the OFWs, no permit for deployment shall be issued by the the Department or its subordinate offices

- (b) Formulate and recommend national policies and guidelines and conduct in-depth studies on all policy areas and options that will ensure protection of OFWs in consultation with relevant stakeholders;
- (c) Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies in furtherance of OFWs safety and welfare and implement the same;
- (d) Assess, review, harmonize and coordinate all OFW-related local policies and procedures and international agreements to ensure overall consistency and implementation of national policies;
- (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 time of war and civil unrest, whether potential or apparent;
- (g) Promote knowledge, information and resource sharing, and develop a database to assist OFWs anywhere in the world;
- (h) Assist and provide technical expertise in the troubleshooting of the 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 agencies concerned in the training of OFWs to improve their global competitiveness;
- (j) Coordinate with government agencies concerned 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, 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 needed to achieve its goals and objectives to the fullest and as may be provided by this Act.
- (o) Promote, advance and implement general and specific government objectives regarding OFW activities, programs, welfare and interests;
- (p) Develop and implement welfare programs and services that respond to the needs of member-OFWs and their families. It shall administer the trust fund to be called the OWWA Fund as it absorbed the powers and functions of OWWA.

SEC. 7. Composition. – The Department shall consist of the Department proper comprising of the Office of the Secretary, the Office of the Undersecretaries and Assistant Secretaries, the Service Units and the Staff Bureaus, and its Regional Offices.

The Secretary shall be appointed by the President and confirmed by the Commission on Appointments. The Undersecretaries and Assistant Secretaries shall likewise be appointed by the President upon his own choice or upon the recommendation of the Secretary.

SEC. 8. Secretary of the Department of Overseas Filipinos.– The authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary of Overseas Filipinos, hereinafter referred to as the Secretary, who shall have supervision and control over the Department. For such purposes, the Secretary shall have the following powers and 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 government;
- (c) Review and approve requests 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, assistant secretaries, and regional directors and assistant regional directors, in accordance with the civil service laws, rules and regulations;
- (e) Exercise disciplinary powers over officers and employees of the Department in accordance with law, including their investigation and the designation of a committee or officer to conduct such investigation;
- (f) Coordinate with local government units (LGUs), other agencies and public and private interest groups, including nongovernment organizations (NGOs) and people's organizations (Pos) on Department policies and initiatives;
- (g) Prepare and submit to the President through the Department of Budget and Management (DBM) an estimate of the necessary expenditures of the Department during the next fiscal year, on the basis of the reports and estimates submitted by bureaus and offices under him/her;
- (h) Advise the President on the promulgation of executive and administrative orders and formulation of regulatory and legislative proposals on matters pertaining to the OFWs.
- (i) Formulate such rules and regulations and exercise such other powers as may be required to implement the objectives of this Act; and
- (j) Perform such other tasks as may be provided by law or assigned by the President.

Section 9. The Undersecretaries. – The Secretary shall be assisted by not more than five (5) Undersecretaries who shall be appointed by the President.

The following offices are hereby created to be each headed by an Undersecretary and assisted by other officers and staff:

- (a) Office of the Undersecretary for Administration and Finance which 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; administer personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare; manage internal budgetary and financial matters. The Office shall supervise the operational activities of the Administrative Unit, Human Resourced Development Unit and the Financial Management Unit;
- (b) Office of the Undersecretary for Overseas Employment and for Overseas Filipinos which shall exercise the mandates and functions of the Philippine Overseas Employment Administration under Executive Order 247 s. 1987 and Republic Act No. 8042, as amended, and shall have the following additional functions:
 - 1. Advise and assist the Secretary in the formulation of the Department's over-all long-range and short-term plans and programs on overseas employment,

with special focus on the government's compliance with international labor agreements;

2. Review and evaluate the progress/status of projects and accomplishments in relation to set standards, objectives and schedules;
3. Supervise the operational activities of the Policy Planning, Research and Legal Affairs Unit, and the Information and Publication Unit; and
4. Perform such other functions as may be provided by law or assigned by the Secretary from time to time.
5. Formulate, in coordination with agencies concerned, an integrated program for the promotion of the welfare of Filipinos overseas for implementation by suitable existing agencies;
6. Coordinate and monitor the implementation of such an integrated program;
7. Initiate and directly undertake the implementation of special projects and programs, whenever necessary, to promote the welfare of Filipinos overseas with respect to their interests and activities in the Philippines;
8. Serve as a forum for preserving and enhancing the social, economic and cultural ties of Filipinos overseas with their motherland;
9. Provide liaison services to Filipinos overseas with appropriate government and private agencies in the transaction of business and similar ventures in the Philippines, and
10. Perform such other functions as may be provided by law or assigned by the Secretary from time to time.

(c) Office of the Undersecretary for Reintegration and Social Services and for Assistance to Overseas Filipinos in Distress which shall absorb the mandates and functions of the Overseas Workers Welfare Administration under Republic Act No. 10801, implement and deliver programs and services through regional and on-site operations and shall have the following additional functions:

1. Develop support programs and projects for livelihood, entrepreneurship, savings, investment and financial literacy for returning Filipino overseas migrant workers and their families, in coordination with relevant stakeholders, service providers and the skills and potentials of returning overseas Filipino workers;
2. Institute, in cooperation with other government agencies concerned, a computer-based information system on returning Filipino overseas migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private;
3. Provide a periodic study and assessment of job opportunities for returning Filipino overseas migrant worker;
4. Develop and implement other appropriate programs to promote the welfare of returning Filipino overseas migrant workers;
5. Maintain an interest-based communication system for on-line registration of returning OFWs and interaction with clients, and maintain and upgrade computer-based service capabilities of the Department;
6. Develop capacity-building programs for returning overseas Filipino workers and their families, implementers, service providers and stakeholders;
7. Conduct research for policy recommendation and program development; and
8. Undertake other programs and activities as may be determined by the Department.
9. Provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families;
10. Recommend to the Secretary the grant of the use of Overseas Filipinos Assistance Fund;

11. Draft the guidelines, procedures and criteria for the provisions of Overseas Filipinos Assistance Fund to Overseas Filipino and Migrant Workers;
12. Ensure effective coordination and cooperation with other agencies and the Foreign Service Posts in the provision of assistance from the Overseas Filipinos Assistance Fund to Overseas Filipino and Migrant Workers; and
13. Supervise the operational activities of the Overseas Filipinos Assistance Fund Unit.

(d) Office of the Undersecretary for International Labor Affairs which shall have the following functions:

1. Monitor the observance and implementation of the Philippines' obligations and commitments to international organizations and treaties;
2. Supervise and monitor the activities of the Philippine Overseas Labor Offices;
3. Coordinate with the Department of Foreign Affairs regarding treaties, agreements, compacts, and other instruments that are related to labor migration; and
4. Perform such other functions as may be provided by law or assigned by the Secretary.

(e) Office of the Undersecretary for Policy Planning, Research, and Legal Affairs which shall:

1. Undertake research necessary in preparation and evaluation of policy reports, treaties, and multilateral and bilateral agreements;
2. Assist and draft policies in line with the functions of the Office of the Secretary and the Department;
3. Ensure that development policies are in line with national development;
4. Analyze data in order to make informed decisions and to guide policy intervention with regard to migration and foreign employment;
5. Ensure collection of accurate and quality statistics to conduct analysis of the changes in the labor and foreign market;
6. Advise and assist the Secretary and the Undersecretaries in the formulation of the Department's over-all long-range and short-term plans and programs on overseas employment, with special focus on the government's compliance with international labor agreements;
7. Reviews and evaluates the progress/status of projects and accomplishments in relation to set standards, objectives and schedules; and
8. Perform such other functions as may be provided by law or assigned by the Secretary and/or Undersecretaries from time to time.

SEC. 10. Assistant Secretaries. – The Secretary and the Undersecretaries shall be assisted by seven (7) assistant secretaries who shall be appointed by the President and shall assist the Secretary and the Undersecretaries as the case maybe to wit:

(a) Assistant Secretary for Administration and Finance

(b) Assistant Secretary for Overseas Employment and Overseas Filipinos

(c) Assistant Secretary for Reintegration and Social Services and for Assistance to Overseas Filipinos in Distress

- (d) Assistant Secretary for International Labor Affairs Undersecretary
- (e) Assistant Secretary for Policy Planning, Research
- (f) Assistant Secretary for Legal Affairs who shall be lawyer
- (g) Assistant Secretary for Legislative Liason with the Senate and the House of Representatives.

The assistant secretaries may be career officers or non-career officers depending upon the discretion of the President of the Philippines.

SEC. 11. *Qualifications.* – No person shall be appointed Secretary, Undersecretary, or Assistant Secretary of the Department unless he or she is a citizen and resident of the Philippines, of good moral character, of proven integrity and with competence and expertise in the plans, programs, projects and activities of the government relative to overseas employment.

SEC. 12. *Regional Offices.* – The Department may establish, operate, and maintain a regional office in the different administrative regions of the country as the need arises. Each regional office shall be headed by a Regional Director, who may be assisted by one (1) Assistant Regional Director. The Regional Director and Assistant Regional Director shall be appointed by the President. The regional offices shall have, within their respective administrative regions, the following functions:

- (a) Implement laws, policies, plans, programs, projects, rules and regulations of the Department;
- (b) Provide timely, affordable, efficient and effective service to the people in line with the Department goals and objectives with emphasis on the protection and welfare of OFWs;
- (c) Coordinate with regional offices of other departments, offices, and agencies;
- (d) Coordinate with the LGUs; and
- (e) Perform such other functions as may be provided by law or assigned by the Secretary.

SEC. 13. *Sectoral and Industry Task Forces.* – The Department may create task forces, technical working groups, advisory bodies or committees for the furtherance of its objectives. Additional private sector representatives, such as from the academe, NGOs, POs and federation of private industries directly engaged in the deployment of OFWs, as well as representatives of other National Government

Agencies (NGAs), LGUs and government owned or controlled corporations (GOCCs) may be appointed to these working groups.

SEC. 14. *Transfer of Agencies and Personnel.* –

(a) The following agencies are hereby abolished, and their powers and functions, under Republic Act 8042 as amended by RA 10022 and other applicable laws and the funds and appropriations, records, equipment, property, and personnel are likewise transferred to this Department:

- (1) Overseas Workers Welfare Administration(OWWA);
- (2) Philippine Overseas Employment Administration(POEA) ;
- (3) Commission on Filipino Overseas (CFO);;
- (4) National Reintegration Center for OFWs (NRCO);
- (5) International LABor Affairs Bureau of DOLE

The powers and functions of the DFA's Office of the Undersecretary for Migrant Affairs and also all Philippine Overseas Labor Offices and their officials under the DOLE are hereby transferred to this Department.

In the case of OWWA, all its funds whether appropriated under the GAA and all its trust funds are transferred to this Department. Likewise, the newly created and established OWWA Bank should now be under this Department. Further, the establishment of the OFW Hospitals should also be under this Department

(b) 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 this Department.

SEC. 15. *Transitory Provisions.* – The Department shall carry out the reorganization of the aforesaid agencies in such a manner that personnel of the agencies absorbed by the Department shall continue to perform their respective duties and responsibilities in a holdover capacity so as not to unduly delay the services provided to the OFWs.

SEC. 16. *Structure and Staffing Pattern.* – Subject to the approval of the DBM, the Department shall determine its organizational 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.

SEC. 17. *Early Retirement, Separation Pay and Other Benefits.* – Personnel of the merged agencies who will not be absorbed into the new staffing pattern due to redundancy or failure to comply with the standards of competence and

proficiency, or who will be offered positions under the new staffing pattern but who decline such appointment by reason of diminution in rank, benefits and work conditions, or who are offered positions under the new staffing pattern without any diminution in rank, benefits and work conditions but who decline such appointment, if qualified, shall be given the option to avail themselves of any of the following, whichever is beneficial to them:

(a) Retirement gratuity provided under Republic Act No. 1616 (An Act Further Amending Section Twelve Of Commonwealth Act Numbered One Hundred Eighty-Six, As Amended, by Prescribing Two Other Modes Of Retirement And For Other Purposes), as amended, payable by the last employer of the affected personnel, plus the refund of retirement premiums payable by the Government Service Insurance System (GSIS), without the incentive herein provided.

(b) Retirement benefit under Republic Act No. 660 (An Act To Amend Commonwealth Act Numbered One Hundred And Eighty-Six, Entitled "An Act to Create And Establish A Government Service Insurance System, To Provide For Its Administration, And To Appropriate The Necessary Funds Therefor," And To Provide Retirement Insurance And For Other Purposes) or applicable retirement, separation or unemployment benefit provided under Republic Act No. 8291 (An Act Amending Presidential Decree No. 1146, As Amended, Expanding And Increasing The Coverage And Benefits Of The Government Service Insurance System, Instituting Reforms Therein and For Other Purposes) if qualified, plus the following applicable incentives:

(b.1) 1/2 month of the present basic salary for every year of government service and a fraction thereof, for those who have rendered twenty (20) years of service and below:

(b.2) 3/4 month of the present basic salary for every year of government service and a fraction thereof, computed starting from the 1st year, for those who have rendered twenty-one (21) to less than thirty-one (31) years of service; and

(b.3) 1 month of the present basic salary for every year of government service and a fraction thereof, computed starting from the 1st year, for those who have rendered thirty-one (31) years of service and above.

In addition, the affected personnel shall be entitled to the refund of Pag-IBIG contributions, and the commutation of unused vacation and sick leave credits.

SEC. 18. Appropriation. – The amount necessary for the effective implementation of the provisions of this Act shall be taken from funds available to the agencies enumerated in Section 13 hereof and also from the Department of Labor and Employment. Additional requirements shall be charged to the appropriations under the current General Appropriations Act. Thereafter, such sum as may be needed for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 19. *Implementing Rules and Regulations.* – An Interagency Body composed of the Department of Labor and Employment, Department of Foreign Affairs, Department of Budget and Management, Overseas Workers Welfare Administration, Philippine Overseas Employment Administration and Commission on Filipino Overseas shall formulate the implementing rules and regulations of this Act within ninety (90) days after its approval. Such rules and regulations shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Philippines.

SEC. 20. *Separability Clause.* – If any part, section or provision of this Act is declared invalid or unconstitutional, no other parts, sections or provisions hereof shall be affected thereby.

SEC. 21. *Repealing Clause.* – All laws, decrees, ordinances, rules, regulations, other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 22. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation or the *Official Gazette*.

Approved.