



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Eighteenth Congress

First Regular Session

2850

House Bill No. _____

Introduced by

**HON. ANNA MARIE VILLARAZA-SUAREZ and
HON. DAVID C. SUAREZ**

EXPLANATORY NOTE

In almost every part of the world Filipinos can be found, mostly working abroad for a limited and definite period. Referred to as Overseas Filipino Workers (OFWs) or Filipino migrant workers, they leave the country in search of better paying jobs abroad to sustain the basic needs of their families left behind. Whether by choice or by compulsion, the result is the same – the suffering of physical separation from their loved ones and inability to oversee the development and welfare of their children and families left in the country. This is truly the sacrificial aspect of their so-called 'heroism'.

Hailed as 'modern-day heroes', OFWs' remittances have significantly contributed to a positive impact on the country's earnings of foreign exchange and have enhanced the strengthening of the nation's balance of payments position. They also account for a notable portion of the country's Gross Domestic Product (GDP). Moreover, remittances received by their families translate into income flows to support the consumption, investment or savings of these households resulting to rising living standards across the country.

But beyond these contributions, however, lies the undeniable truth that Filipinos face a lot of challenges as they seek a better opportunity abroad. Many

have been exposed to violence and became victims of their abusive employers, subjected to exploitation or incarceration which sometimes leads to death sentences, and worst, death itself. As the country continues to laud its citizens who seek greener pastures abroad, overseas Filipino workers should be prioritized by the government through policies and programs that can adequately protect them.

Presently, several government agencies are mandated to protect the interest and promote the welfare of OFWs, among which are : the Department of Labor and Employment (DOLE), the Philippine Overseas Employment Agency (POEA), the Overseas Workers Welfare Administration (OWWA) and the Department of Foreign Affairs (DFA). Unfortunately, despite the best efforts of these government agencies, numerous problems continue to confront OFWs and their families such as illegal recruitment, inadequate safety nets for displaced OFWs, insufficient extension and support services, and lack of real representation in the decision-making processes of concerned government agencies. Worse, there is hardly any effective coordination between and among these agencies coupled by redundancy of their services which lead to confusion and burgeoning bureaucratic red tape.

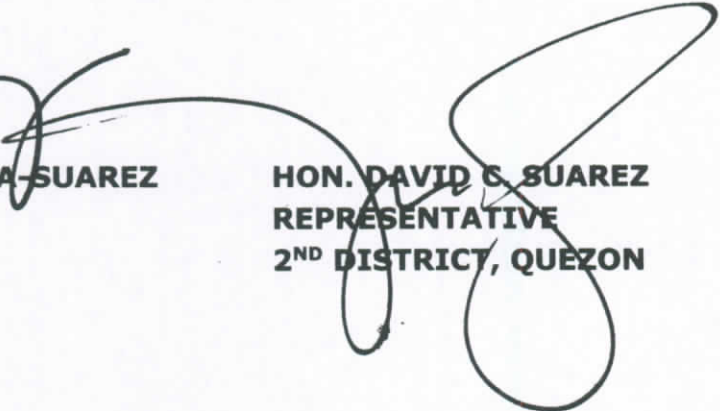
The question is begging the answer. There is a need for a single agency that would focus on the needs and concerns of OFWs and address them effectively through the formulation and implementation of relevant programs and policies that are long overdue.

This bill seeks to establish a Department of Overseas Filipinos as the umbrella agency tasked to promote the welfare of overseas Filipinos, protect their rights to fair and equitable employment practices, and undertake a systematic national development program for managing and monitoring the overseas or foreign employment of Filipino workers. It also aims to create an Overseas Filipinos Assistance Fund to provide financial support to Filipino migrant workers in distress, and for training and livelihood programs for OFWs returning to the Philippines in retirement.

For the foregoing reasons, the immediate consideration and approval of this bill is earnestly sought.



HON. ANNA MARIE VILLARAZA-SUAREZ
REPRESENTATIVE
ALONA PARTYLIST



HON. DAVID S. SUAREZ
REPRESENTATIVE
2ND DISTRICT, QUEZON



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Introduced by

**HON. ANNA MARIE VILLARAZA-SUAREZ and
HON. DAVID C. SUAREZ**

**AN ACT
CREATING THE DEPARTMENT OF OVERSEAS FILIPINOS AND MIGRANT
WORKERS, DEFINING ITS POWERS AND FUNCTIONS, RATIONALIZING THE
ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES RELATED TO
MIGRATION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES**

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the 'Department of Overseas Filipinos and Migrant Workers Act'.

SECTION 2. Declaration of Policies -

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

general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt or be signatory to and ratify those that guarantee protection to our migrant workers, and endeavor to enter into bilateral agreements with countries hosting Overseas Filipino Workers (OFWs), migrant Filipino workers and overseas Filipinos;

- (b) The State shall afford full protection to (OFWs) and Filipino migrant workers, promote full employment, ensure equal work opportunities regardless of sex, gender, race, creed or religion, regulate the relations between OFWs and their employers, and promote their welfare and well-being at all times. The State shall protect the rights of the workers to security of tenure, and just and humane conditions of work. Towards this end, the State shall provide adequate and timely social, economic, and legal services to OFWs Filipino migrant workers;
- (c) While recognizing the significant contribution of OFWs, Filipino migrant workers and overseas Filipinos to the national economy through their foreign exchange remittances and investments, 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 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. Toward this end, the State shall continually aim to make migration a choice and not a necessity for every Filipino worker;
- (d) The State affirms the fundamental equality before the law of women and men and the significant role of women in nation building. Recognizing the contribution of women OFWs and migrant workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting overseas workers and the composition of bodies tasked for the welfare of overseas workers;
- (e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interests of distressed overseas Filipinos, in general, and OFWs and Filipino migrant workers in particular, whether regular or documented, or irregular or undocumented, are adequately protected and safeguarded;
- (f) The right of OFWs, Filipino migrant workers and of all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed;

- (g) The State recognizes non-governmental organizations, trade unions, workers' associations, business organizations and other stakeholders duly recognized as legitimate, as partners of the State in the protection of OFWs, Filipino migrant workers and overseas Filipinos 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 form part of this partnership;
- (h) The State shall protect every citizen desiring to work locally or overseas by securing for him or her the best possible terms and conditions of employment. The State shall endeavor to facilitate a free choice of available employment by persons seeking work and regulate the movement of workers in conformity with the national interest;
- (i) The State further affirms that the Filipino family, as a basic autonomous social institution, is the foundation of the nation. Accordingly, the solidarity of the families of OFWs, Filipino migrant workers and overseas Filipinos shall be strengthened and their total development shall be actively promoted;
- (j) The State shall endeavor to comply with its commitment in the fulfillment of the objectives of the Global Compact for Safe, Orderly and Regular Migration (GCM).

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

- a) *Act* refers to the 'Department of Overseas Filipinos and Migrant Workers Act';
- b) *Authority* refers to a document issued by the Secretary authorizing the officers, personnel, agents, or representatives of licensed recruitment or manning agency to conduct recruitment and placement activities as a private recruitment entity;
- c) *Department* refers to the Department of Overseas Filipinos and Migrant Workers created under this Act
- d) *Irregular or Undocumented Filipino Migrant Worker* 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
- e) *License* refers to the document issued by the Secretary authorizing a person, partnership or corporation to operate a private recruitment or manning agency;

- f) *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;
- g) *Non-Licensee* 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 licensed recruitment or manning agencies registered with the Department;
- h) *Overseas employment* refers to employment of a worker outside the Philippines;
- i) *Overseas Filipino* refers to migrant workers, other Filipino nationals, and their dependents abroad, including Filipinos who are permanent residents abroad;
- j) *Overseas Filipino Worker or Filipino 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;
- k) *Overseas Filipino Worker in Distress* refers to an Overseas Filipino Worker who has a medical, psycho-social or legal assistance problem requiring treatment, hospitalization, counselling, legal representation, or any kind of intervention with the authorities in the country where he or she is found;
- l) *Private Recruitment 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;
- m) *Regular or Documented Overseas 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.
- n) *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;
- o) *Secretary* refers to the Secretary of the Department of Overseas Filipinos and Migrant Workers;

CHAPTER II

THE DEPARTMENT PROPER

SECTION 4. *Creation* - The Department of Overseas Filipinos and Migrant Workers, hereinafter referred to as the Department, is hereby created in accordance with the provisions of this Act.

The Department is hereby established to serve as the primary government agency tasked to promote the welfare of overseas Filipinos; formulate, plan, coordinate, promote, administer, implement policies, and undertake a systematic national development program for managing and monitoring the overseas or foreign employment of Filipino workers, including seafarers, domestic helpers, skilled and unskilled workers taking into consideration domestic manpower requirements and the need to protect their rights to fair and equitable employment practices.

It shall have original and exclusive jurisdiction over all cases involving employer-employee relations, documented or regular, or undocumented or irregular workers, arising out of or by virtue of any law or contract involving Filipino workers for overseas employment.

The Department shall render an annual report of its activities and achievements to the President and to Congress.

SECTION 5. *Powers and Functions.* - In pursuit of its mandate, the Department shall have the following powers and functions:

- (a) Formulate, recommend, and implement national policies, plans, programs, and guidelines that will ensure the protection of OFWs and Filipino and migrant workers, and address the problems that they face abroad in consultation with all relevant stakeholders;
- (b) Conduct in-depth studies on all policy areas that will ensure protection of OFWs and Filipino migrant workers and address perennial issues they are confronted with abroad, in consultation with the relevant stakeholders;
- (c) Assess, review, harmonize, and coordinate all OFVW-related local policies and procedures and international agreements to ensure overall consistency and implementation of the national policies;
- (d) Protect and promote the interest of every citizen desiring to work overseas by securing for him or her the most equitable terms and conditions of employment, and by providing social and welfare services;
- (e) Protect and promote the welfare, well-being, and interests of the families of OFWs and Filipino migrant workers;

- (q) Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country;
- (r) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities;
- (s) Regulate the operation of private recruitment agencies and other relevant business entities involved in the deployment of OFWs taking into account the primacy of upholding the welfare and protection of OFWs, and with due consideration to relevant market conditions;
- (t) Assist in the professionalization, training and capacity-building of private recruitment agencies, and recognize their freedom of association for the purpose of self-regulation, raising accountability and effective representation, and the adoption of a code of ethical conduct among its members, and provide a system of incentives therefor; and
- (u) Promulgate rules and regulations for the implementation of its guidelines and policies and related laws.

SECTION 6. *Composition.* - The Department shall consist of the Department proper comprising 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 the recommendation of the Secretary.

SECTION 7. *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 and Migrant Workers, 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) Establish the policies and standards for the operation of the Department pursuant to the approved programs of government;
- (b) Exercise jurisdiction over all bureaus, offices, agencies and corporations under the Department as provided by law, and in accordance with the applicable relationships as specified in Chapters 7, 8, and 9 of the Administrative Code of 1987;
- (c) Delegate authority for the performance of any function to officers and employees of the Department;

- (f) Formulate general guidelines concerning wage and income policy subject to the limitations imposed by the laws of the foreign countries;
- (g) Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;
- (h) Assess, review, harmonize, and coordinate applicable policies and procedures, as well as multilateral or bilateral treaties and agreements with host countries of OFVVs, the United Nations and its affiliate organizations, and other international and regional organizations, fora, and processes, in coordination with the Department of Labor and Employment (DOLE) and the Department of Foreign Affairs (DFA);
- (i) Represent Philippine interests and negotiate on matters pertaining to overseas Filipinos and migrant workers in international bodies, in coordination with the Department of Foreign Affairs and the Department of Labor and Employment;
- (j) Be the primary agency in charge on matters of concern of OFWs and Filipino migrant workers in their countries of destination under the control and supervision of the head of Post in the person of the Ambassador or Consul General following the One Country Team Approach (OCTA);
- (k) Employ a proactive approach in providing assistance to the OFWs and migrant workers in times of war, civil unrest, or other analogous circumstances, in their host countries, whether potential or actual;
- (l) Assist and provide timely assistance to OFWs and Filipino migrant workers in distress and, for this purpose, tap the services of local and foreign-based personnel, lawyers, labor experts, security providers and other professionals;
- (m) Provide social and welfare services to OFWs and Filipino migrant workers, including insurance, social work assistance, legal assistance, cultural services, and remittance services;
- (n) Provide job matching services to the public, in cooperation with the Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), and other government agencies, civil society and non-governmental organizations, with the view of promoting the global competitiveness of OFWs;
- (o) Promote knowledge, information and resource sharing, and develop a database to assist OFWs and Filipino migrant workers anywhere in the world;
- (p) Coordinate and support the generation and build-up of resources or funds for the use of OFWs and Filipino migrant workers;

- (d) Advise the President on the promulgation of executive and administrative orders, other regulative issuances, and legislative proposals on matters pertaining to foreign labor and employment;
- (e) Formulate policies, guidelines, rules and regulations and other issuances essential and necessary to carry out Department policies, plans, programs and projects;
- (f) Issue orders, directives, rules and regulations, and other issuances to carryout foreign labor and employment policies, plans, programs and projects;
- (g) Coordinate with other government offices, labor, organizations, employers' associations, and any other group to carry out the mandate of the Department;
- (h) Negotiate with foreign governments in coordination with the Department of Foreign Affairs treaties, agreements, compacts, and other instruments that are related to labor migration;
- (i) Evaluate the policy, plans, programs and project accomplishments of the Department;
- (j) Prepare reports for the President and for the public;
- (k) Administer and manage the Overseas Filipinos Assistance Fund, and issue guidelines for the proper utilization of the Fund; and
- (l) Exercise such other powers and functions as may be provided by law or assigned by the President.

SECTION 8. Department Units. - The following units are hereby created each to be headed by an Assistant Secretary and assisted by other officers and staff:

a) *The Policy Planning, Research, and Legal Affairs Unit* 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 guidance on 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-term 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 or 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.
- b) *Administrative Unit* which shall provide the Department with efficient, effective and, economical services relating to records, management, supplies, collections, disbursements, building administration and maintenance, security, and custodial work;
 - c) *Human Resource Development Unit* which shall provide the Department with 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. It shall absorb the powers and functions of the Administrative Service in relation to the development and administration of personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare;
 - d) *Financial Management Unit* which shall be responsible for providing the Department with efficient, effective, and economical services relating to budgetary, financial, management improvement, and internal control matters;
 - e) *Information and Publication Unit* which shall be responsible for promoting 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 foreign labor and employment, by means of publication, radio, television, and social media coverage of special events and related matters on the Department's policies, plans, programs, and projects. The Service shall likewise be responsible for providing answers to queries from the public regarding the Department's policies, rules, regulations, programs, activities, and services; and,
 - f) *The Overseas Filipinos Assistance Fund Unit* which shall be responsible for assisting the Secretary in the management and use of the Overseas Filipinos Assistance Fund.

SECTION 9. Undersecretaries. - The Secretary shall be assisted by not more than six (6) Undersecretaries who shall be appointed by the President upon the recommendation of the Secretary. The following offices are hereby created to be headed each 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 Resource Development Unit and the Financial Management Unit;

b) *Office of the Undersecretary for Foreign Employment* which shall absorb 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-term 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 or 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.

c) *Office of the Undersecretary for Reintegration and Social Services* 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 international organizations;
- 2) Coordinate with appropriate stakeholders, service providers and relevant international organizations for the promotion, development and the full utilization of the skills and potentials of returning overseas Filipino workers;
- 3) 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;
- 4) Provide a periodic study and assessment of job opportunities for returning Filipino overseas migrant workers;

- 5) Develop and implement other appropriate programs to promote the welfare of returning Filipino overseas migrant workers;
 - 6) 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;
 - 7) Develop capacity-building programs for returning overseas Filipino workers and their families, implementers, service providers and stakeholders;
 - 8) Conduct research for policy recommendations and program development; and,
 - 9) Undertake other programs and activities as may be determined by the Department.
- d) *Office of the Undersecretary for Overseas Filipinos* which shall have the following functions:
- 1) Formulate, in coordination with agencies concerned, an integrated program for the promotion of the welfare of Filipinos overseas for implementation by concerned agencies;
 - 2) Coordinate and monitor the implementation of such an integrated program;
 - 3) Initiate and 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;
 - 4) Serve as a forum for preserving and enhancing the social, economic and cultural ties of Filipinos overseas with their motherland;
 - 5) Provide liaison services to Filipinos overseas with appropriate government and private agencies in the transaction of business and similar ventures in the Philippines; and,
 - 6) Perform such other functions as may be provided by law or assigned by the Secretary from time to time.
- e) *Office of the Undersecretary for Assistance to Overseas Filipinos in Distress* which shall have the following functions:
- 1) Provide prompt and appropriate response to global emergencies or crisis situations affecting OFVVs and their families;

- 2) Recommend to the Secretary the grant of the use of Overseas Filipinos Assistance Fund;
 - 3) Draft the guidelines, procedures and criteria for the provisions of Overseas Filipinos Assistance Fund to Overseas Filipinos and OFW migrant workers;
 - 4) 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 Filipinos and Filipino migrant workers; and,
 - 5) Supervise the operational activities of the Overseas Filipinos Assistance Fund Unit.
- f) *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.

SECTION 10. *Regional Offices* - The Department is hereby authorized to establish, operate, and maintain Regional Offices in each of the administrative regions of the country, in so far as necessary, which 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 area, the following functions:

- (a) Implement laws, policies, plans, programs projects, rules and regulations of the Department;
- (b) Provide economical, efficient and effective services to the people;
- (c) Coordinate with regional offices of other departments and agencies;
- (d) Coordinate with local government units; and,

- 2) Recommend to the Secretary the grant of the use of Overseas Filipinos Assistance Fund;
 - 3) Draft the guidelines, procedures and criteria for the provisions of Overseas Filipinos Assistance Fund to Overseas Filipinos and OFW migrant workers;
 - 4) 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 Filipinos and Filipino migrant workers; and,
 - 5) Supervise the operational activities of the Overseas Filipinos Assistance Fund Unit.
- f) *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.

SECTION 10. Regional Offices - The Department is hereby authorized to establish, operate, and maintain Regional Offices in each of the administrative regions of the country, in so far as necessary, which 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 area, the following functions:

- (a) Implement laws, policies, plans, programs projects, rules and regulations of the Department;
- (b) Provide economical, efficient and effective services to the people;
- (c) Coordinate with regional offices of other departments and agencies;
- (d) Coordinate with local government units; and,

In the case of OWWA, all its funds whether appropriated under the GAA and all its trust funds are transferred to this Department.

The laws and rules on government reorganization as provided for by Republic Act 6656, otherwise known as the Reorganization Law, and other relevant civil service laws and regulations shall govern the reorganization process of the Department.

CHAPTER IV

TRANSITORY PROVISIONS

SECTION 15. *New Structure and Pattern.* - Upon the approval of this Act, the relevant officers and employees of the transferred entities under Section 14 of this Act, shall in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits, unless in the meantime they are separated from government service as may be provided by law.

Subject to the approval of the Department of Budget and Management, the Department shall, within six (6) months from the effectivity of this Act, determine its organizational structure, staffing pattern, operating system, 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 16. *Absorption or Separation from Service of Employees of the Consolidated Agencies.* - The existing employees of the agencies transferred under the Department shall enjoy security of tenure and shall be absorbed by the Department, in accordance with the new staffing pattern and organizational structure as provided for in Section 15 of this Act, and the selection process as prescribed under Republic Act No. 6656, otherwise known as the 'Government Reorganization Law'.

Employees opting to be separated from the service as a consequence of the consolidation and reconstitution under the provisions of this Act shall within one (1) month from their separation from the service, receive separation benefits in accordance with existing laws. In addition, those who are qualified to retire shall be allowed to retire and be entitled to all benefits provided, under any of the existing retirement laws.

SECTION 17. *Rationalization and Other Transitory Provisions* - In the transfer of functions of the affected government agencies as prescribed in the Act, the following rules shall be observed :

- (a) Any transfer of entities shall include the functions, appropriations, funds, records, equipment, facilities, other properties, assets, and liabilities of the transferred entity as well as the personnel thereof as may be necessary, who shall, in a hold over capacity, continue to perform their respective duties and

responsibilities and receive the corresponding salaries and benefits, unless in the meantime they are separated from government service pursuant to existing laws. Those personnel from the transferred entity whose positions are not included in the new position structure and staffing pattern approved by the Secretary, or who are not reappointed shall be entitled to the benefits provided in the second paragraph of Section 16 hereof;

- (b) Any transfer of functions which results in the abolition of the entity that has exercised such transferred functions shall include, as may be necessary to the proper discharge of the transferred functions, the appropriations, funds, records, equipment, facilities, other assets, and personnel of the entity from which such functions have been transferred. The remaining appropriations and funds shall revert to the General Fund and the remaining records, equipment, facilities, and other assets shall be allocated to such appropriate units as the Secretary shall determine or otherwise shall be disposed of, in accordance with the pertinent laws, rules and regulations. The liabilities, if any, of the abolished entity shall be treated likewise in accordance with pertinent laws, rules and regulations. Incumbents of the abolished entity shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits, unless in the meantime they are separated from government service pursuant to existing laws. Any such personnel whose position is not included in the new position structure and staffing pattern approved by the Secretary, or who is not reappointed shall be entitled to the benefits provided in the second paragraph of Section 16 hereof; and,
- (c) Any transfer of functions which does not result in the abolition of the entity that has exercised such transferred functions shall include the appropriations, funds, records, equipment, facilities, other assets as well as the personnel of the entity from which such functions have been transferred that are necessary to the proper discharge of such transferred functions. The liabilities, if any, which have been incurred in connection with the discharge of the transferred functions, shall be allocated in accordance with pertinent laws, rules and regulations. Such personnel shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits, unless in the meantime they are separated from government service pursuant to existing laws. Any such personnel whose position is not included in the new position structure and staffing pattern approved by the Secretary or who is not reappointed shall be entitled to the benefits provided in the second paragraph of Section 16 hereof.

CHAPTER V

THE OVERSEAS FILIPINO WORKERS DISTRESS AND ASSISTANCE FUND

SECTION 18. *Overseas Filipino Assistance Fund.* - The Legal Assistance Fund provided for under Section 25 of Republic Act No. 8042, as amended, is abolished. In its stead, an Overseas Filipinos Assistance Fund to address the needs of regular

and irregular OFWs in distress, and those OFWs returning to the Philippines for good, in the amount of Five Billion Pesos (P5,000,000,000) is hereby created. The fund shall be allocated for the following purposes:

- (a) Repatriation;
- (b) Legal assistance, including litigation expenses, legal fees, payment of translation fees, attendance in court hearings;
- (c) Defraying necessary expenses and making payments for the life-saving rescue, medical and hospitalization expenses, retrieval, and rehabilitation of OFWs in distress, as needed;
- (d) Basic necessities of OFWs in emergency situations or in detention; and,
- (e) Livelihood training and loans for OFWs who have decided to return to the Philippines for good.

The Secretary shall issue guidelines, rules and regulations on the proper management, utilization and disbursement of the Fund. The Department shall submit a quarterly fund utilization report to the Office of the President, copies of which shall be made available to Congress.

CHAPTER VI

APPROPRIATIONS

SECTION 19. Appropriations. - The amount of One Billion Pesos (P 1,000,000,000.00) for the initial operation of the Department shall be sourced from the Contingent Fund of the President as well as from the existing funds of the attached offices, bureaus, and agencies. Subsequent funding requirements shall be included in the annual General Appropriations Act. The Department shall include in its proposed budget the necessary amount to enable it to achieve its mandate.

CHAPTER VII

MISCELLANEOUS

SECTION 20. Implementing Rules and Regulations. - The DFA, DOLE, DBM, POEA, OWWA, CFO, NCRO and the Civil Service Commission shall, within sixty (60) days after the effectivity of this Act, promulgate such rules and regulations necessary to implement this Act.

SECTION 21. Implementing Authority of the Secretary. - The Secretary shall issue such rules, regulations, and other issuances as may be necessary to ensure the effective implementation of the provisions of this Act.

SECTION 22. *Separability Clause.* - Any portion or provision of this Act that is declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions can still subsist and be given effect in their entirety.

SECTION 23. *Repealing Clause.* - All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly. This Act does not repeal any benefits already provided and accorded to Overseas Filipinos and Migrant Workers in other laws, ordinances, rules, regulations and other issuances.

SECTION 24. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved.