



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4576

Introduced by Representative Sol Aragon

EXPLANATORY NOTE

The Overseas Filipino Workers (OFWs) has been referred to as modern-day heroes. They have contributed much to improve the living conditions not only their families but also contributed greatly to the nation's economy. Their remittances make up nearly ten percent of the Philippine gross domestic product. That is the very reason why they are considered one of the pillars of the new Philippine economy.

In 2018, the Commission on Filipinos Overseas (CFO) estimated that approximately 10 million Filipinos worked or resided abroad. Of this figure, the Philippine Statistics Authority (PSA) estimates that roughly 2.3 million are overseas workers.

The contribution of the Filipinos working overseas to the Philippine economy is considerable. Their remittances significantly contribute to the country's gross domestic product, and their role in keeping the economy buoyant is indisputable. Based on the figures provided by the World Bank, the cash remittances in 2018 sent by Overseas Filipino workers (OFWs) amounted to \$33.8 billion

This bill seeks to create a department in our government that is dedicated to the task of addressing issues of our Overseas Filipino Workers and coordinate the delivery of services of all these agencies dealing with OFWs, study all the problems of our workers abroad and find solutions to their problems. A separate department for OFWs is necessary because OFWs have their own unique concerns that pertain only to their sector.

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

Sol Aragon
SOL ARAGONES
3RD District, Laguna

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1 **AN ACT CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS,**
2 **DEFINING ITS POWERS AND FUNCTIONS APPROPRIATING FUNDS THEREFOR,**
3 **AND FOR OTHER PURPOSES**

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

6 **SECTION 1. Short Title.** - This Act shall be known as the “Department of Overseas
7 Filipino Workers Act of 2016.”

8 **SECTION 2. Declaration of Policy.** - The following are hereby declared as State policies:

- 9 a) The State shall, at all times, uphold the dignity of its citizens whether in the country or
10 overseas, in general, and Filipino migrant workers, in particular;
- 11 b) The State shall continuously monitor international conventions, adopt and ratify those
12 that guarantee protection to our migrant workers, and endeavor to enter into bilateral
13 agreements with countries receiving overseas Filipino workers;
- 14 c) The State shall afford full protection to labor, local and overseas, organized and
15 unorganized, and promote full employment and equality of employment opportunities
16 for all. Towards this end, the State shall provide adequate and timely social, economic
17 and legal services to Filipino migrant workers;

- 1 d) The State recognizes the indispensable role of the private sector, encourages private
2 enterprise, and provides incentives to needed investments. Pursuant to this, the State
3 shall promote the participation of the private sector in the recruitment and placement
4 of workers in order to harness and maximize the use of private sector resources in the
5 development and implementation of a comprehensive employment program.
- 6 e) The State recognizes non-governmental organizations, trade unions, workers
7 associations, stakeholders and similar legitimate entities as partners of the State in the
8 protection of Filipino migrant workers and in the promotion of their welfare. The State
9 shall cooperate with them in a spirit of trust and mutual respect. The significant
10 contribution of recruitment and manning agencies shall form part this partnership.
- 11 f) While recognizing the positive contribution of international migration in raising living
12 standards of vast numbers of our people and the significant contribution of Filipino
13 migrant workers to the national economy through their foreign exchange remittances,
14 the existence of the overseas employment program rests solely on the assurance that
15 the dignity and fundamental human rights and freedoms of the Filipino citizens shall
16 not, at any time, be compromised or violated. The State, therefore, shall continuously
17 create local employment opportunities and promote the equitable distribution of wealth
18 and the benefits of development;
- 19 g) The State affirms the fundamental equality before the law of women and men and the
20 significant role of women in nation building. Recognizing the contribution of overseas
21 migrant women workers and their particular vulnerabilities, the State shall apply
22 gender sensitive criteria in the formulation and implementation of policies and
23 programs affecting migrant workers and the composition of bodies tasked for the
24 welfare of migrant workers;
- 25 h) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall
26 not be denied to any person by reason of poverty. In this regard, it is imperative that
27 an effective mechanism be instituted to ensure that the rights and interest of distressed
28 overseas Filipinos, in general, and Filipino migrant workers, in particular, whether

1 regular/documented or irregular/undocumented, are adequately protected and
2 safeguarded;

3 i) The right of Filipino migrant workers and all overseas Filipinos to participate in the
4 democratic decision-making processes of the State and to be represented in institutions
5 relevant to overseas employment is recognized and guaranteed; and

6 j) The State recognizes that the ultimate protection to all migrant workers is through
7 responsible migration and the possession of marketable skills. Pursuant to, and taking
8 into consideration the fundamental right to work, the government shall allow the
9 deployment only of qualified Filipino workers and provide adequate, timely and
10 affordable opportunities for skills training and certification for all and promote migrant
11 workers empowerment through effective pre-employment and pre-departure education
12 and orientation on their rights and responsibilities.

13 **SECTION 3. *Creation and Mandates.*** - A Department of Overseas Filipino Workers,
14 hereinafter referred to as the Department, is hereby created to serve as the primary agency under
15 the Executive Branch tasked to formulate, plan, coordinate, promote, administer and implement
16 policies, including, but not limited to, the national development agenda for Overseas Filipino
17 Workers (OFWs). It shall render an annual report of its activities and achievements to the President
18 and to Congress.

19 **SECTION 5. *Powers and Functions.*** - To carry out its mandates the Department shall
20 exercise the following powers and functions:

21 a) Formulate, recommend and implement national policies, plans, programs and
22 guidelines that will ensure the protection of OFWs and address the problems that
23 they face abroad in consultation with all relevant stakeholders;

24 b) Formulate national and international policy initiatives, in coordination with the
25 Department of Labor and Employment (DOLE) and the Department of Foreign
26 Affairs (DFA), to assess, review and harmonize applicable policies and procedures
27 as well as multilateral or bilateral treaties and agreements with OFW receiving

1 countries and other migrant sending countries, the United Nations and its affiliate
2 organizations, and other international and regional organizations, fora, and
3 processes;

4 c) Enter into bilateral agreements with receiving countries and fellow sending
5 countries for the purpose of facilitating, promoting, and protecting the rights and
6 welfare of OFWS;

7 d) Improve cooperation and coordination with OFW host countries and monitor labor
8 developments in these jurisdictions to ensure that the terms and conditions of work
9 are afforded to OFWs in accordance with applicable and appropriate local, on-site
10 and international standards;

11 e) Employ a proactive approach in providing assistance to OFWs in times of war, civil
12 unrest, or other analogous circumstances, *whether actual or potential*;

13 f) Encourage and enhance information and resource-sharing, and develop an
14 electronic database to improve services for OFWs;

15 g) Harmonize and coordinate all plans and initiatives for OFWs to ensure information
16 and resource-sharing, database-building and linkages among government agencies,
17 consistent with national and OFW-focused objectives;

18 h) Taking into account the primacy of upholding the welfare and protection of OFWs,
19 and with due consideration to relevant market conditions, regulate the operation of
20 private recruitment agencies and other relevant business entities involved in the
21 deployment of overseas Filipino workers;

22 i) Promote the principle of responsible and accountable migration through the
23 development of a code of ethical conduct for OFWS that equally treats their rights
24 and responsibilities as their ultimate protection and, to this end, develop educational
25 programs on migration for work at the grassroots as a tool of empowerment.

- 1 j) Assist in the professionalization, training and capacity building of private
2 recruitment agencies and recognize their freedom of association for the purpose of
3 self-regulation, raising accountability and effective representation, and the adoption
4 of a code of ethical conduct among its members, and provide a system of incentives
5 therefor;
- 6 k) Assist and provide timely assistance to OFWs in distress and, for this purpose, tap
7 the services of local and foreign-based personnel, lawyers, labor experts, security
8 providers, experts and other professionals;
- 9 l) Formulate, plan, implement and monitor programs for OFWs and, in coordination
10 with other relevant government agencies, conduct periodic assessment and review
11 of the same;
- 12 m) Represent Philippine interests and negotiates on matters pertaining to migrant
13 workers in international bodies, in coordination with the Department of Foreign
14 Affairs (DFA) and the Department of Labor and Employment (DOLE);
- 15 n) Conduct research and studies, and submit policy recommendations on migration
16 and development;
- 17 o) Promulgate rules and regulations for the implementation of pertinent laws and
18 related policies;
- 19 p) Administer, accept, hold, and utilize property, both personal and real, subject to
20 limitations set by existing laws, in pursuit of the mandates of the Department stated
21 herein;
- 22 q) All other functions, authority and responsibilities assigned to the DOLE relating to
23 OFWs provided for under RA 8042 otherwise known as the Migrant Workers Act
24 of 1995 and its amendments, RA 10801 otherwise known as the Overseas Workers
25 Welfare Administration Law, and other related laws are hereby transferred to the
26 Department; and

- 1 r) Perform such other functions as may be necessary to achieve its objectives as may
2 be provided by this Act.

3 **SECTION 6. *Composition.*** - The Department shall be headed by a Secretary. The
4 Department proper shall be composed of the Office of the Secretary, the Offices of the
5 Undersecretaries and the Assistant Secretaries.

6 **SECTION 7. *Undersecretaries.*** - The Secretary shall be assisted by three (3)
7 undersecretaries, who shall be appointed by the President upon the recommendation of the
8 Secretary: Provided, that two (2) of the undersecretaries shall be career officers.

9 **SECTION 8. *Assistant Secretaries.*** - The Secretary shall be assisted by four (4) assistant
10 secretaries who shall be appointed by the President upon the recommendation of the Secretary:
11 Provided, that two (2) of the assistant secretaries shall be career officers: Provided, further, that at
12 least one (1) of the assistant secretaries shall be a lawyer.

13 **SECTION 9. *Qualifications.*** - No person shall be appointed Secretary, Undersecretary, or
14 Assistant Secretary of the Department unless he or she is a citizen and resident of the Philippines,
15 of good moral character, of proven integrity and with at least six (6) years of competence and
16 expertise in labor law or migrant workers affairs.

17 **SECTION 10. *Regional Offices.*** - The Department shall establish, operate, and maintain
18 a regional office in all the administrative regions of the country, and such lower level offices as
19 may be deemed necessary. Each regional office shall be headed by a Regional Director, who may
20 be assisted by one (1) Assistant Regional Director. The Regional Director and Assistant Regional
21 Director shall be appointed by the President. The regional offices shall have, within their respective
22 administrative jurisdictions, the following functions:

- 23 a) Implement laws, policies, plans, programs and projects, and enforce compliance
24 with rules and regulations of the Department:
- 25 b) Provide timely, affordable, efficient and effective services to the people in line with
26 Department policies and programs:

- c) Coordinate with regional offices of other departments, offices, and agencies;
- d) Coordinate with the local government units (LGUs); and
- e) Perform such other functions as may be provided by law or assigned by the Secretary.

SECTION 13. *Transfer of Agencies and Personnel.* - The following agencies and their functions, among others, are hereby specifically transferred from their respective departments to the Department of Overseas Filipino Workers:

- a) Office of the Legal Assistant for Migrant Workers Affairs of the DFA as provided for under Section 24 of RA 8042, as amended;
- b) All Philippine Overseas Labor Offices under DOLE;
- c) The National Reintegration Center for OFWS under the DOLE; and
- d) The International Labor Affairs Bureau under DOLE.

SECTION 14. *Attached Agencies.* - The following agencies are hereby attached to the Department for policy and program coordination, and shall continue to operate and function in accordance with their charters, laws or orders creating them, consistent with the purposes of this Act:

- a) The Philippine Overseas Employment Administration (POEA);
- b) Overseas Workers Welfare Administration (OWWA); and
- c) Commission on Filipinos Overseas (CFO) under the Office of the President.

The POEA Governing Board shall be chaired by the Secretary of the Department and shall continue to perform its powers and functions under its existing mandate to regulate private sector participation in the recruitment and placement of workers overseas.

1 The exclusive appellate jurisdiction over the decisions and orders of the POEA in all cases
2 filed before it under its regulatory functions shall be assumed by the Secretary of the Department.

3 The OWWA Board of Trustees shall be chaired by the Secretary of the Department and
4 shall continue to perform its mandate under RA 10801 and other existing laws.

5 The CFO shall likewise continue to perform its powers and functions in accordance with
6 its current mandate and shall be chaired by the Secretary of the Department and co-chaired by the
7 Secretary of Foreign Affairs.

8 **SECTION 15.** *Special Assistance to Nationals Fund.* - Special Assistance to Nationals
9 Fund (SATNAF) for OFWs in distress, in the amount of FIVE BILLION PESOS (P5,
10 000,000,000.00) is hereby created, administered and maintained. In addition to those provided for
11 under Section 26 of R.A. 8042 as amended, and in accordance with guidelines to be formulated by
12 the Department, the SATNAF shall be used for repatriation, medical and hospitalization expenses,
13 legal retainers and lawyers fees, other legal fees and costs, payment of blood money, and other
14 needs of OFWs facing legal cases and/or detention and other forms of emergencies where such
15 cost and fees are currently not covered by OWWA and other existing funds and sources. The fund
16 shall be replenished annually under the General Appropriations Act.

17 For this purpose, the Legal Assistance Funds provided for under Section 25 of RA 8042 as
18 amended is subsumed under the SATNAF and is hereby abolished.

19 **SECTION 16.** *Institute for Advance and Strategic Studies on Migration and Development.*
20 - There is hereby established an Institute for Advance and Strategic Studies on Migration and
21 Development (IASSMD) headed by an Executive Director with the rank of Assistant Secretary. It
22 shall carry out the following functions:

23 a) Conduct advanced, strategic and up-to-date studies and research on global
24 migration and development trends and publishes papers based on the highest
25 standards of international of scholarship;

26 b) Edit and publish a Journal of Advance and Strategic Studies on Migration and
27 Development of the highest standards of scholarship and reputation;

- c) Prepare and submit annual strategic estimates and recommendations to the Secretary of the Department, Congress and the President to advance national development goals;
- d) Conduct regular lectures, seminars, trainings, workshops, and public briefings both local and international, and public briefings;
- e) Enter into collaborative partnerships and consortiums with academic and research institutions, both local and internationally;
- f) Receive grants and endowments; and
- g) Host visiting scholars, fund relevant research, provide scholarships, locally and abroad based on open and competitive selection criteria.

For this purpose, an initial fund in the amount of fifty million pesos (PHP50, 000,000) is hereby set aside to be taken from the General Appropriations, and replenished annually.

SECTION 17. *Separation and Retirement from Service.* - Employees who are separated from service within six (6) months from the effectivity of this Act as a result of the organization and rationalization processes as provided for by this Act shall receive separation benefits to which they may be entitled under Executive Order No. 366, s. 2004: Provided, That those who are qualified to retire under existing retirement laws shall be allowed to retire and receive retirement benefits to which they may be entitled under applicable laws and issuances.

SECTION 18. *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 civil service laws, rules, and regulations.

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

1 **SECTION 19. *Transition Period.*** - The transfer of functions, assets, funds, equipment,
2 properties, transactions, and personnel of the affected agencies, and the formulation of the internal
3 organic structure, staffing pattern, operating system, and revised budget of the Department, shall
4 be completed within six (6) months from the effectivity of this Act: Provided, That within which
5 period, the existing personnel shall continue to assume their posts in holdover capacities until new
6 appointments shall have been issued: Provided further, That after the organization and
7 rationalization process, the Department, in coordination with the DBM, shall determine and create
8 new positions, the funding requirements of which shall not exceed the equivalent cost of positions
9 abolished.

10 **SECTION 20. *Appropriation.*** - The amount needed for the operation and maintenance of
11 the Department shall be included in the General Appropriations Act, including the annual
12 replenishment and maintenance of the Special Assistance to Nationals in Distress Fund.

13 **SECTION 21. *Implementing Rules and Regulations.*** - The Secretary shall issue within
14 sixty (60) days from the effectivity of this Act the necessary rules and regulations for its effective
15 implementation.

16 **SECTION 22. *Separability Clause.*** - If any provision, or part hereof is deemed invalid or
17 unconstitutional, the provisions not otherwise affected shall remain valid and subsisting.

18 **SECTION 23. *Repealing Clause.*** - Any law, presidential decree or issuance, executive
19 order, letter of instruction, administrative order, rule, ordinance, or regulation contrary to or
20 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

21 **SECTION 24. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
22 publication in at least two (2) newspapers of general circulation.

23 *Approved.*