

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 3105



Introduced by Representative **MARIA RACHEL J. ARENAS**

**AN ACT PROVIDING FOR A NATIONAL REVERSE LABOR MIGRATION POLICY
TOWARDS LABOR MIGRATION BY CHOICE, CREATING THE NATIONAL
REVERSE MIGRATION COMMISSION, AND APPROPRIATING FUNDS
THEREFORE**

EXPLANATORY NOTE

According to the UN Department of Economic and Social Affairs, thirty three percent (33%) of countries around the world were concerned the percentage of citizens living outside their national territories was too high. This number has been steadily increasing since 1976. This can be attributed to brain drain.

Brain drain is the departure of highly educated and skilled people from the country, and is viewed as harmful to the economy. The loss of human capital in the fields of medicine, science, engineering, management, and education can be roadblock to economic and social development. There are even studies which state "remittances cannot compensate for a country's loss of a significant portion of its best and brightest". When countries send out highly skilled migrants, they lose the unforeseen economic impact that these individuals provide in terms of increased productivity, the provision of public services such as health and education, tax revenues, and improved quality of public discourse.

In the Philippines, the number of Filipino migrant employees with university degrees grew by almost seventy four percent (74%) from 2001 to 2011. We must nip this problem in the bud, and stem the tide of brain drain, by progressively moving towards labor migration by choice.

The adoption of a national reverse labor migration policy would ensure our OFWs, especially those who are highly skilled or professionals, would eventually come back to the Philippines, reintegrate and consequently contribute more than just remittances to nation-building. OFWs have developed globally-competitive skills, knowledge, resources, and connections over time which should be used for the greater good of the country. Let us harness their expertise, as well as human and financial capital, to create a better future for the Philippines.

The early passage of this Bill is earnestly sought.



MARIA RACHEL J. ARENAS

Representative
3rd District of the Province of Pangasinan

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

Chapter 1
General Provisions

Sec. 1. Short title. – This Act shall be known as the “Reverse Labor Migration Act”.

Sec 2. Declaration of Policy. – The following are hereby declared to be the policies of the State:

- (a) The State shall promote a just and dynamic order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all;
- (b) The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and quality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers;
- (c) While recognizing the significant contributions of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedom 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;

- (d) The State shall have five priorities to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development;
- (e) The State shall develop a self-reliant and independent national economy effectively controlled by Filipinos;
- (f) The State recognizes the indispensable role of the private sector, encourages private enterprises, and provides incentives to needed investments; and
- (g) The State shall promote comprehensive rural development and agrarian reform.

Sec. 3. *Definition of Terms.* – Unless otherwise provided, the following terms shall have the meanings hereinafter set forth:

- (a) Commission shall refer to the National Reverse Labor Migration Commission;
- (b) DBP shall refer to the Development Bank of the Philippines;
- (c) DFA shall refer to the Department of Foreign Affairs;
- (d) DOLE shall refer to the Department of Labor and Employment;
- (e) LBP shall refer to the Landbank of the Philippines;
- (f) NEDA shall refer to the National Economic Development Authority;
- (g) OFW shall refer to Overseas Workers Welfare Administration; and
- (h) POEA shall refer to the Philippine Overseas Employment Administration.
- (i) DMW shall refer to the Department of Migrant Workers
- (j) TESDA shall refer to the Technical Education and Skills Development Authority

Sec. 4. *National Reverse Labor Migration Policy.* – The Commission must set a national labor reverse migration policy which would take into consideration, among others:

1. Key employment generators and development sectors in the Philippines such as education, agricultural, information technology, engineering, and research and development;
2. Major development areas in the Philippines based on poverty levels and available resources;

3. Major OFW classifications based on profession, income, education background, geography, or any other category germane to the development sectors and areas;
4. Primary needs of OFWs for a smooth reintegration; and
5. Necessary assistance and incentives including reduced processing time for registration, license, clearance, or improved financing terms through low-interest rates and collateral free loans.

Sec. 5. *Composition of the Commission.* – The Secretary of Department of Migrant Workers shall be the *ex officio* Chairperson of the Commission. The *ex officio* members of the Commission shall be the following officers, or their duly appointed representatives:

1. Secretary of DFA;
2. Secretary of DOLE;
3. NEDA Director-General;
4. OWWA Administrator;
5. TESDA Director General
6. DBP President;
7. Landbank President; and
8. OFW Bank President.

There will be two additional members of the Commission from the private sector to be appointed by the President of the Philippines representing the sea-based and land-based labor sector, one of which should be woman.

The Commission shall also have an Executive Director who shall act as the Commission's Secretary, and handle all administrative matters.

Sec. 6. *Budget for Incentives and Project Costs.* – The annual budget for incentives and project costs shall be sourced from the OWWA Fund, the funds of DBP, Landbank of the OFW Bank, as well as OFW Sovereign Fund.

Sec. 7. *Appropriation from the National Government.* – The initial budget Commission shall be sourced from the existing budget of the Department of Labor and Employment, Department of Migrant Workers and the Overseas Workers Welfare Administration.

Sec. 8. *Implementing Rules and Regulations.* – The Commission shall issue the implementing rules and regulations within six (6) months from the effectivity of this Act.

Sec. 9. *Separability Clause.* – If, for any reason, any section, subsection, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Sec. 10. *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,