

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

House Bill No. **192**

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**Introduced by ACTS-OFW Representative Aniceto R. Bertiz III**

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**EXPLANATORY NOTE**

Roughly ten percent of the Philippine population reside and work abroad, remitting through formal channels an annual average of Twenty Five Billion US Dollars (\$ 25,000,000,000.00). Ironically, despite the Diaspora's growing size, and the unparalleled, reliable, steadfast contributions to the Philippine economy of Filipinos overseas, our migrants find themselves without a real, dedicated "home" in the government bureaucracy.

The responsibility for their well-being cuts across several agencies and departments, leading to finger-pointing in times of crisis, and worse, inaction when the life of an overseas worker hangs in the balance unless prodded by the media and/or other branches of government.

For example, repatriation assistance is offered to our overseas Filipino workers by at least three different offices: the Philippine Overseas Employment Administration that has jurisdiction over local recruitment agencies, the Overseas Workers' Welfare Administration, a Trust Fund set up only for members of Overseas Filipino Workers but not for non-members, and the Department of Foreign Affairs that has its own Assistance-to-Nationals fund. This leads to confusion on the parts of distressed workers seeking government assistance.

From the day of application an OFW (Overseas Filipino Workers) needs to go through at least seven (7) agencies: 1) Department of Foreign Affairs, DFA, for Passport; 2) Philippine Statistics Authority, PSA, for Birth Certificate 3) National Bureau of Investigation, NBI, for clearance (part of the application process); 4) enrolment in Pag-IBIG, PhilHealth and OWWA as mandatory members; 5) Technical Education and Skills Development Authority, TESDA, for skills assessment/training; 6) Philippine Overseas Employment Administration, POEA for the Overseas

Employment Certificate (OEC); 7) Bureau of Immigration to ensure that all papers are in order and the worker need not be subjected to departure formalities.

Meanwhile, those leaving abroad as spouses of foreigners or as foreign students or as permanent residents or emigrants, would have to deal with a different agency as well, the Commission on Filipinos Overseas (CFO) that has no regional presence to serve a nationwide constituency.

President Rodrigo Duterte promised to create a department for our overseas workers, in recognition of their valiant efforts to rise above poverty and sustain the needs of their families and the nation as a whole. This bill seeks to build on that promise, and fulfill it guided solely by the need to establish accountability and transparency, promote speedy, effective and more convenient services, and boost development through more cohesive reintegration programs and family-oriented services.

Some stakeholders are opposed to the idea of creating a department separate from the DOLE. They maintained that the Philippine overseas employment program is recognized as a migration model and that the systems were in place and working well. They added that instead of putting up another agency, there should be concerted effort among the government agencies concerned with OFWs to improve and strengthen inter-agency cooperation. One group opined that the putting up of a department for OFWs would “legitimize the labor export policy of the government.”

The answer to such fears lies in the name of the Department itself. The proposed Department of Migration and Development (DMD) will help ensure that global migration leads not to the breaking up of the Filipino family due to socio-economic pressures, but to the inclusion, growth, and development of a vibrant migrants’ sector as change agents for a brighter, collective future. From deciding whether to leave at all to the process of re-entering the mainstream domestic workforce as a former Filipino migrant—the DMD as envisioned, would be there to serve, protect, and secure the rights and well-being of every Filipino overseas and his or her family at home.

It is for this reason that every effort must be made to ensure this bill’s timely passage.



**ANICETO R. BERTIZ III**

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**Introduced by Rep. Aniceto R. Bertiz III**

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**AN ACT**  
**CREATING THE DEPARTMENT OF MIGRATION AND DEVELOPMENT,**  
**DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS**  
**THEREFOR, AND FOR OTHER PURPOSES**

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

**Section 1. Short Title.** - *This Act shall be known as the "Department of Migration and Development Act of 2016."*

**Section 2. Declaration of Policy.** - The State shall, as a primordial economic policy, promote full local employment and decent work for all Filipinos within the national borders. However, for Filipinos living and working overseas, every effort must be undertaken to ensure their safety, secure their rights, and promote their general welfare and development. In the same light, it is also the duty of the State to look after, secure and broaden socio-economic opportunities of Filipino Migrants who want to reintegrate to the mainstream of Philippine society and for the families left behind.

The State shall guarantee the right of every Filipino migrant to access all relevant services in an efficient, effective and convenient manner.

**Section 3. Creation of a Department of Migration and Development.** - There is hereby created a Department of Migration and Development, hereinafter referred to as the Department, which shall, among others, recommend and implement the government's policies, plans and programs for the promotion of protection, safety, development, support of and for Filipinos migrants and their families.

**Section 4. *Mandate.*** - The Department shall be the primary policy, planning, coordinating, implementing, and administrative entity of the executive branch of the government that will plan, develop, and manage the national migration and development agenda that is supportive and complementary to national efforts to harness the full potential of Filipino migrants who are coming home with skills and expertise acquired overseas which can be utilized in nation building. Create, sustain, and strengthen local employment and decent work within the country's borders.

**Section 5. *Powers and Functions.*** - The Department shall:

1. Formulate long-range, medium-range and annual plans consistent with the national migration and development agenda, in coordination with concerned government agencies and stakeholders;
2. Formulate and implement policies, plans and programs for manpower development and training to equip our labor sector with the necessary skills for the global market;
3. Protect and promote the interest of Filipino migrants and their families at all times by securing for them the most equitable terms and conditions in the global market;
4. Protect and promote the interest of Filipino migrants and their families by providing a comprehensive and responsive social services protection program, including the strengthening of the on-site welfare and legal services in the Philippine missions;
5. Strengthen the repatriation and reintegration services for migrant Filipinos to facilitate their re-entry into their communities;
6. Provide and ensure the fair and expeditious settlement and disposition of cases involving Overseas Filipino Workers, through conciliation and adjudication, giving priority to mediation, voluntary arbitration, and other modes that may be voluntarily agreed upon by the parties, and as may be provided by law;
7. Strengthen workers' education for Filipino migrants and their families, including subjects on financial management, entrepreneurship, among others;
8. Enhance labor policy research and development to keep the Department abreast of global trends in migration ;
9. Intensify the campaign against forced labor trafficking and illegal recruitment;
10. The Department may create sectoral, industry, and/or geographic task forces, technical working groups, advisory bodies, or committees in furtherance of its mandate and objectives. Private sector representatives may be designated members of such working groups in addition to representatives drawn from local and national government agencies, as the need arises; and,
11. Perform such other functions as may be provided by law.

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

**Section 7. Secretary of Migration and Development.** - The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments.

**Section 8. Powers and Functions of the Secretary.** - 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. Set standards for effective, efficient and streamlined operations of the Department;
- c. Review and approve requests of all the operating offices of the department for financial and manpower resources;
- d. Appoint and designate officers and employees of the Department, excluding all presidential appointees accordance with the Civil Service laws, rules and regulations;
- e. Collaborate with other government agencies and various stakeholders, including industry associations, civil society groups and Filipino communities overseas;
- f. Coordinate and oversee all policies and programs relevant to migration and development;
- g. Promulgate rules and regulations and exercise such other powers as may be required to implement the objectives of this Act; and,
- h. Perform such other tasks as may be provided by law or assigned by the President.

**Section 9. Undersecretaries.** - The Secretary shall be assisted by three (3) Undersecretaries, who shall be appointed by the President upon the recommendation of the Secretary. Provided; that one (1) of the Undersecretaries shall be a career officer with at least ten (10) years experience in migration and development.

**Section 10. Assistant Secretaries.** - The Secretary thru the Undersecretary shall be assisted by three (3) assistant secretaries who shall be appointed by the President upon the recommendation of the Secretary. *Provided*, that priority shall be given to career officers.

**Section 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 at least ten (10) years of competence and expertise in the field of migration and development.

**Section 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 efficient and effective service to program beneficiaries and all stakeholders;
- c. Coordinate with regional offices of other departments, offices, and agencies;
- d. Coordinate with the Local Government Unit (LGU); and,
- e. Perform such other functions as may be provided by law or assigned by the Secretary.

**Section 13. *Attached Agencies.*** - The following agencies shall be attached to the Department for policy and program coordination, and shall continue to function in accordance with their respective charter or law creating them, unless inconsistent with the substance and spirit of this Act:

1. Philippine Overseas Employment Administration (POEA); and,
2. Overseas Workers Welfare Administration (OWWA)

**Section 14. *Transfer of Bureaus, Offices and Agencies.*** - The following bureaus, offices and agencies are hereby transferred to the Department.

- a. International Labor Affairs Bureau, including all Philippine Overseas Labor Offices, with direct supervision over labor attaches and welfare officers and the Filipino Workers Resource Centers;
- b. Overseas Absentee Voting Secretariat of the Department of Foreign Affairs;
- c. Commission on Filipinos Overseas;
- d. National Reintegration Center for OFWs;
- e. Repatriation Divisions and Units of the POEA andOWWA;
- f. Conciliation Units of the POEA and OWWA;
- g. Anti-Illegal Recruitment Branch of the POEA;
- h. Workers Education Division/ Units of the POEA and OWWA;
- i. Government Placement Branch of the POEA;
- j. Adjudication Office of the POEA;
- k. 24/7 operation center hotline of OWWA;
- l. National Maritime Polytechnic
- m. Pertinent offices of MARINA in relation to international seafaring. (Department of Transportation)

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 the Department.

**Section 15. *Separation and Retirement from Service.*** - Employees separated from the service as a result of this reorganization shall, within ninety (90) days therefrom, receive the retirement benefits to which they may be entitled under existing laws, rules, and regulations.

**Section 16. *Inter-Agency Coordinating Council on Migration and Development is hereby created and composed of the secretaries of the the following Departments:***

- a. Department of Migration and Development, as Chairperson;
- b. Department of Foreign Affairs, as Vice-Chair;
- c. Department of Labor and Employment;
- d. Department of Justice;
- e. Department of Social Welfare and Development;
- f. Department of Interior and Local Governments; and
- g. Department of Health.

The Inter-Agency Coordinating Council, shall review and coordinate action on deathrow cases involving blood money, human trafficking, as well as large-scale illegal recruitment cases, terrorism, drug trafficking, pandemic and urgent cases involving Filipino migrants.

**Section 17. *Establishment of One-Stop Migrant Assistance Centers.*** - The Department, in partnership with other government agencies, shall establish One-Stop Migrant Assistance Centers in all major capital towns and cities nationwide to ensure prompt, efficient, vital, and relevant services to migrant Filipinos and their families, to include passport and authentication services, acquisition of government clearances and permits, validation of overseas job offers, reintegration services, and all pertinent seminars and workshops for all stakeholders.

**Section 18. *Adjudications of Claims.*** - Notwithstanding any law to the contrary, and subject only to the condition below, the Department arbiters shall have original and exclusive jurisdiction to hear and decide the following claims or cases within one hundred and twenty (120) days from the date the arbiter acquired jurisdiction over the parties;

- a. Money claims arising out of an employer-employee relation, or by virtue of any law or by virtue of any contract involving overseas Filipino workers, including claims for actual, moral, exemplary and other forms of damages, thereby removing this jurisdiction from the labor arbiters of the National Labor Relations Commission (NLRC);
- b. Cases which are administrative in character, involving or arising out of:

1. Violation of recruitment rules and regulations including violations of the conditions or issuance of license to recruit workers;
2. Disciplinary action-cases against migrant workers, foreign employer or principal.

Provided, However, That the Voluntary Arbitrators or Panel of Voluntary Arbitrators shall have original and exclusive jurisdiction to hear and decide within the same period all unresolved grievances arising from the interpretation or implementation of the Collective Bargaining Agreements (CBA).

Upon agreement of the parties as provided in their CBA, other employee or contractual disputes may also be heard and decided by the Voluntary Arbitrators or Panel of Arbitrators.

The decision of the Department Arbiters and the Voluntary Arbitrators or Panel of Arbitrators may be appealed to the Secretary of the Department, within fifteen (15) days from receipt of the decision.

**Section 19. *Structure and Staffing Pattern.*** - 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.

**Section 20. *Special Assistance Revolving Fund.*** - A Special Assistance Revolving Fund for Filipino Migrants, including both documented and undocumented workers, in the amount of One Billion Pesos (PHP 1,000,000,000.00) is hereby created, hereinafter referred to as the Special Assistance Fund for overseas Filipino workers. The Fund shall be utilized for the following purposes:

- a. Emergency repatriation of Filipino migrants in the following cases and circumstances:
  - a.1. When the foreign principal/employer who is primarily responsible for the immediate repatriation of distressed migrants, or who should advance the repatriation costs and attendant costs, fails to do so, for whatever reason;
  - a.2. Filipino migrants, who are victims of physical/sexual abuse or human trafficking;
  - a.3. Ailing and indigent migrants needing immediate medical evacuation;
- b. Financial assistance of a maximum of P200,000.00 to cover medical and hospitalization expenses, for each repatriated migrant with dreaded disease/s;
- c. Immigration fines and penalties for migrants whose violation of host country's immigration laws are due to foreign principal/employer's failure to secure appropriate visa, or any other reason without migrant's fault;



- d. Legal assistance for labor cases filed in the host country; and,
- e. Payment of blood money, when recommended by the Department as the chair of the Inter-Agency Coordinating Council;

**Section 21. Appropriations.** - The appropriations of bureaus, agencies, and offices identified in Section 14 of this Act shall be transferred to the Department. Provided, that the amount needed for the initial implementation of this Act shall be taken from the current fiscal year's appropriation of the transferred agencies. Thereafter, the amount needed for

- a. The operation and maintenance of the Department shall be included in the General Appropriations Act.
- b. The proceeds from the Documentary Stamp Tax (DST) accruing from the un-availed exemption on dollar remittances of overseas Filipinos, as determined by Congress, shall be used to ensure the efficient and effective operations of One-Stop Migrant Assistance Centers throughout the country.

**Section 22. Implementing Rules and Regulations.** - The Department, in coordination with the concerned government agencies and in consultation with the other stakeholders shall, within ninety (90) days from the effectivity of this Act, issue the necessary rules and regulations for the effective implementation of this Act.

**Section 23. Separability Clause.** - If any part or provision of this Act is held unconstitutional or invalid, the other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

**Section 24. Repealing Clause.** - All laws, orders, rules or regulations, which are inconsistent or contrary to the provisions of this Act are hereby amended or repealed accordingly.

**Section 25. Effectivity.** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved.