

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

EIGHTEENTH CONGRESS  
First Regular Session  
2982  
HOUSE BILL NO. \_\_\_\_\_




Introduced by Representative ALYSSA SHEENA TAN

#### EXPLANATORY NOTE

The Overseas Filipino Workers are considered as our modern day heroes. Their hard work and sacrifices benefit not only their families but the entire nation as well. The total number of OFWs is estimated at 2.3 million based on latest information revealed by the Philippine Statistics Authority. Remittances and investments made by the OFWs significantly contribute to the national economy. According to Bangko Central ng Pilipinas, personal remittances of OFWs rose to \$2.9 billion in May 2019 which is 5.5% higher than the \$2.7 billion in the same month last year. The presence of OFWs abroad establishes the competence of Filipinos and raises awareness about Filipino talent and skills in different countries. More than half of the female OFWs are in elementary occupations while the largest group among male OFWs involve plant and machine operators and assembler workers. In addition, their active role in promoting our culture all over the world cannot be denied. Top destinations include United Arab Emirates, Hong Kong, Kuwait, Taiwan and Qatar. Hence, there is a great need to establish the Department of OFWs in order to streamline the well-deserved services that can be catered to our Filipino workers worldwide.

In line with the President's recent State of the Nation Address, the furtherance of the government's care and service program shall be prioritized especially to Filipinos who seek for employment opportunities in foreign lands. The bill seeks to unify government agencies that attend to the dealings of the OFWs and upgrade the services currently available to further enhance the well-being and protection of their rights. The Philippine government's effort to safeguard the interests of OFWs is constant but apparently not enough. The existing statutes concerning Filipinos employed overseas require to be strengthened as numerous OFWs still continue to suffer through illegal recruitment, unjust working conditions and delayed repatriation. It is high time to create a department dedicated solely to our OFWs as the government's initiative to express appreciation to the countless "bagong bayani" of our nation.

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

  
Atty. Alyssa Sheena Tan  
Representative, 4<sup>th</sup> District of Isabela

















321 Overseas Filipinos Assistance Fund to Overseas Filipino and  
322 Migrant Workers;

323 5.) Ensure effective coordination and cooperation with other agencies  
324 and the Foreign Service Posts in the provision of assistance from  
325 the Overseas Filipinos Assistance Fund to Overseas Filipino and  
326 Migrant Workers;

327 6.) Tap the assistance of the Integrated Bar of the Philippines (IBP),  
328 other bar associations, legal experts on labor, migration and  
329 human rights laws, reputable law firms, and other civil society  
330 organizations, to complement government services and resources  
331 to provide legal assistance to migrant workers in distress; and

332 7.) Assist and provide timely assistance to overseas Filipinos and  
333 migrant workers in distress and, for this purpose, tap the services  
334 of local and foreign-based personnel, lawyers, labor experts,  
335 security providers and other professionals.  
336

337 **SECTION 8. Regional Offices.** The Department is hereby authorized to establish,  
338 operate, and maintain such Department-wide Regional Offices in each of the  
339 administrative regions of the country, insofar as necessary, which shall be headed by  
340 a Regional Director who shall have supervision and control thereof. The Regional  
341 Director, whenever necessary, shall be assisted by an Assistant Regional Director. A  
342 Regional Office shall have, within its regional area, the following functions:

343  
344 (a) Implement laws, policies, plans, programs projects, rules and  
345 regulations of the Department;

346 (b) Function as a one-stop shop to provide economical, efficient and  
347 effective service to the OFWs and their families such as acquisition of  
348 government permits, validation of overseas job offers, grievance and  
349 complaints desks and reintegration services;

350 (c) Coordinate with local government units, regional offices of other  
351 departments and agencies;

352 (d) Disseminate information for the awareness on the conditions of  
353 overseas employment; and

354 (e) Perform such other functions as may be provided by law or assigned  
355 by the Department.  
356

357 **SECTION 9. Sectoral and Industry Task Forces.** The Department may create sectoral  
358 and industry task forces, technical working groups, advisory bodies or committees  
359 for the furtherance of its objectives. Additional private sector representatives, such  
360 as from the OFWs, academe and private industries directly involved in deployment  
361 of OFWs, as well as other national government agencies, local government units,  
362 and government-owned and controlled corporations, may be appointed to these  
363 working groups.  
364

365 **SECTION 10. Establishment of OFW Centers.** The Migrant Workers and other  
366 Overseas Filipinos Resource Center shall be transformed into the OFW Center

367 established initially in countries where there are large concentration of OFWs, as  
368 determined by the Secretary. The OFW Center shall act as a one-stop shop for  
369 Overseas Filipinos in the countries of destination. It shall be established within the  
370 premises of the Philippine Embassy or the Consulate and be under the  
371 administrative jurisdiction of the Philippine Embassy. Within five (5) years from the  
372 effectivity of this Act, OFW Centers shall be established in all Philippine Embassies  
373 or Consulates abroad.

374

375 If the OFW Center is established outside the premises of the Embassy or  
376 Consulate, the Department of Foreign Affairs shall exert its best effort to secure  
377 appropriate recognition from the receiving government in accordance with  
378 applicable laws and practices.

379

380 **SECTION 11. *Functions of OFW Centers.*** The OFW Center shall provide the following  
381 services:

- 382 (a) Counseling and legal services;
- 383 (b) Welfare assistance including the procurement of medical and  
384 hospitalization services;
- 385 (c) Information, advisory programs to promote social integration such as  
386 post-arrival orientation, settlement and community networking  
387 services and activities for social interaction;
- 388 (d) Registration of irregular/undocumented workers to bring them within  
389 the purview of Republic Act 8042, as amended;
- 390 (e) Implementation of Department Programs;
- 391 (f) Gender-sensitive programs and activities to assist particular needs of  
392 migrant workers;
- 393 (g) Orientation program for returning workers and other migrants;
- 394 (h) Monitoring of the daily situation, circumstances and activities affecting  
395 migrant workers and other overseas Filipinos;
- 396 (i) Ensuring that labor and social welfare laws in the receiving country are  
397 fairly applied to migrant workers and other overseas Filipinos; and
- 398 (j) Conciliation of disputes arising from employer-employee relationship,  
399 in accordance with this Rule.

400

401 **SECTION 12. *OFW Center Personnel.*** Each OFW Center shall be staffed by the  
402 following:

- 403 (a) Foreign Service personnel;
- 404 (b) A Labor Attache who shall undertake its current functions under  
405 Republic Act 8042, as amended and shall be the representative of the  
406 Department on-site;
- 407 (c) A Police Attache who shall establish and maintain liaison with  
408 principal law enforcement and security services in destination  
409 countries, and shall be appointed by the Chief of the Philippine  
410 National Police;
- 411 (d) A Justice Attache who shall render assistance to address legal needs of  
412 Overseas Filipinos and assist the Labor Attache in matters relating to

413 Overseas Filipinos in distress, and shall be appointed by the Secretary  
414 of the Department of Justice; and

415 (e) Other service attaches or officers who represent Philippine government  
416 agencies abroad. The following personnel shall assist the attaches and  
417 be assigned to the Center:

418 1.) Psychologists, Social Workers, and a Shari'a or Human Rights  
419 Lawyers;

420 2.) Individual volunteers and representatives from bona fide non-  
421 government organizations from the receiving countries, if  
422 available and necessary as determined by the Labor Attache in  
423 consultation with the Chief of Mission;

424 3.) Public Relations Officer or Case Officer conversant, orally and in  
425 writing, with the local language, laws, customs and practices; and

426 4.) Legal Officers and such other professionals deemed necessary by  
427 the Secretary.

428

429 **SECTION 13. *Round-the-Clock Operations.*** The OFW Center shall operate on a 24-  
430 hour basis including Saturdays, Sundays and holidays. A counterpart 24-hour  
431 Information and Assistance Center to ensure a continuous network and coordinative  
432 mechanism shall be established at the Department.

433

434 **SECTION 14. *OFW Center Budget.*** The establishment, yearly maintenance and  
435 operating costs of the OFW Centers, including the costs of services and programs not  
436 specially funded under the Act, shall be sourced from the General Appropriations  
437 Act (GAA) and shall be included in the annual budget of the Department. The  
438 salaries and allowances of overseas personnel shall be sourced from the respective  
439 agencies' budgets.

440

441 **SECTION 15. *Transfer of Bureaus, Offices, and Agencies.*** The following agencies are  
442 hereby abolished, and their powers and functions under Republic Act 8042, as  
443 amended by Republic Act 10022, and other applicable laws, and the funds and  
444 appropriations, records, equipment, property, and personnel are likewise  
445 transferred to this Department:

446 (a) Overseas Workers Welfare Administration (OWWA);

447 (b) Philippine Overseas Employment Administration (POEA);

448 (c) Commission on Filipino Overseas (CFO);

449 (d) International Labor Affairs Bureau of the Department of Labor and  
450 Employment (DOLE); and

451 (e) National Reintegration Center for OFWs (NRCO)

452

453 The powers and functions of the Office of the Undersecretary for Migrant  
454 Workers Affairs under the Department of Foreign Affairs and all Philippine  
455 Overseas Labor Offices and their officials under the DOLE are hereby transferred to  
456 this Department.

457

458 In the case of OWWA, all its membership records, funds appropriated under

459 the GAA, and all its trust funds are transferred to this Department. The Department  
460 shall issue guidelines on the transfer of records and funds: *Provided*, that existing  
461 members shall not be required to re-apply for a new membership: *Provided*, further,  
462 that in no case shall individual membership contributions be increased: *Provided*,  
463 finally. That benefits and services to OFW members shall not be diminished. The  
464 laws and rules on government reorganization as provided for by Republic Act 6656,  
465 otherwise known as the Reorganization Law, and other relevant civil service laws  
466 and regulations shall govern the reorganization process of the Department.

467

468 **SECTION 16. *New Structure and Pattern.*** Upon the approval of this Act, the relevant  
469 officers and employees of the transferred entities under Section 15 of this Act, shall  
470 in a hold over capacity, continue to perform their respective duties and  
471 responsibilities and receive the corresponding salaries and benefits unless in the  
472 meantime they are separated from government service as may be provided by law.

473

474 Subject to the approval of the Department of Budget and Management, the  
475 Department shall, within six (6) months from the effectivity of this Act, determine its  
476 organizational structure, staffing pattern, operating system, and create units as it  
477 may deem necessary, and shall appoint officers and employees of the Department in  
478 accordance with the civil service law, rules, and regulations.

479

480 **SECTION 17. *Absorption or Separation from Service of Employees of the Consolidated***  
481 ***Agencies.*** The existing employees of the agencies transferred under the Department  
482 shall enjoy security of tenure and shall be absorbed by the Department, in  
483 accordance with the new staffing pattern and organizational structure as provided  
484 for in Section 16 of this Act, and the selection process as prescribed under Republic  
485 Act No. 6656, otherwise known as the "Government Reorganization Law".  
486 Employees opting to be separated from the service as a consequence of the  
487 consolidation and reconstitution under the provisions of this Act shall within one (1)  
488 month from their separation or phase out from the service, receive separation  
489 benefits in accordance with existing laws. In addition, those who are qualified to  
490 retire shall be allowed to retire and be entitled to all benefits provided, under any of  
491 the existing retirement laws.

492

493 **SECTION 18. *Rationalization and Other Transitory Provisions.*** In the transfer of entity  
494 functions as prescribed in the Act, the following rules shall be provided:

495

496 (a) Any transfer of entities shall include the functions, appropriations,  
497 funds, records, equipment, facilities, other properties, assets, and  
498 liabilities of the transferred entity as well as the personnel thereof as  
499 may be necessary, who shall, in a hold over capacity, continue to  
500 perform their respective duties and responsibilities and receive the  
501 corresponding salaries and benefits, unless in the meantime they are  
502 separated from government service pursuant to existing laws. Those  
503 personnel from the transferred entity whose positions are not included  
504 in the new position structure and staffing pattern approved by the

505 Secretary or who are not reappointed shall be entitled to the benefits  
506 provided in Section 17 hereof;

507  
508 (b) Any transfer of functions which results in the abolition of the entity  
509 that has exercised such transferred functions shall include, as may be  
510 necessary to the proper discharge of the transferred functions, the  
511 appropriations, funds, records, equipment, facilities, other assets, and  
512 personnel of the entity from which such functions have been  
513 transferred. The remaining appropriations and funds shall revert to  
514 the General Fund and the remaining records, equipment, facilities, and  
515 other assets shall be allocated to such appropriate units as the  
516 Secretary shall determine or otherwise shall be disposed of, in  
517 accordance with the pertinent laws, rules and regulations. The  
518 liabilities, if any, of the abolished entity shall be treated likewise in  
519 accordance with pertinent laws, rules and regulations. Incumbents of  
520 the abolished entity shall, in a hold over capacity, continue to perform  
521 their respective duties and responsibilities and receive the  
522 corresponding salaries and benefits unless in the meantime they are  
523 separated from government service pursuant existing laws. Any such  
524 personnel whose position is not included in the new position structure  
525 and staffing pattern approved by the Secretary or who is not  
526 reappointed shall be entitled to the benefits provided in Section 17  
527 hereof; and

528  
529 (c) Any transfer of functions which does not result in the abolition of the  
530 entity that has exercised such transferred functions shall include the  
531 appropriations, funds, records, equipment, facilities, other assets as  
532 well as the personnel of the entity from which such functions have  
533 been transferred that are necessary to the proper discharge of such  
534 transferred functions. The liabilities, if any, which have been incurred  
535 in connection with the discharge of the transferred functions, shall be  
536 allocated in accordance with pertinent laws, rules and regulations.  
537 Such personnel shall, in a hold over capacity, continue to perform their  
538 respective duties and responsibilities and receive the corresponding  
539 salaries and benefits unless in the meantime they are separated from  
540 government service pursuant to existing laws. Any such personnel  
541 whose position is not included in the new position structure and  
542 staffing pattern approved by the Secretary or who is not reappointed  
543 shall be entitled to the benefits provided in Section 17 hereof.

544  
545 **SECTION 19. Jurisdiction.** Upon establishment of the Department, it shall have  
546 original and exclusive jurisdiction over all cases involving employer-employee  
547 relations, documented/regular or undocumented/irregular workers, arising out of  
548 or by virtue of any law or contract involving Filipino workers for overseas  
549 employment.

550

551 **SECTION 20.** *Overseas Filipinos Assistance Fund.* The Legal Assistance Funds  
552 provided for under Section 25 of Republic Act No. 8042, as amended, is abolished. In  
553 its stead, an Overseas Filipinos Assistance Fund to address the needs of regular and  
554 irregular OFWs in distress, and those OFWs returning to the Philippines for good, in  
555 the amount of Five Billion Pesos (P5,000,000,000) is hereby created. The fund shall be  
556 allocated for the following purposes:

557

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

567

568 The Emergency Repatriation Fund created in Republic Act No. 8042, as  
569 amended, shall form part of the Overseas Filipinos Assistance Fund. The Secretary  
570 shall issue guidelines, rules and regulations on the proper management, utilization  
571 and disbursement of the Fund. The Department shall submit a quarterly fund  
572 utilization report to the Office of the President, copies of which shall be made  
573 available to Congress.

574

575 **SECTION 21.** *Appropriations.* The amount of One Billion Pesos (P1,000,000,000.00) for  
576 the initial operation of the Department shall be sourced from the Contingent Fund of  
577 the President as well as from the existing funds of the attached offices, bureaus, and  
578 agencies. Subsequent funding requirements shall be included in the annual General  
579 Appropriations Act. The Department shall include in its proposed budget the  
580 necessary amount to enable it to achieve its mandate.

581

582 **SECTION 22.** *Implementing Rules and Regulations.* The DFA, DOLE, DBM, POEA,  
583 OWWA, CFO, NCRO and the Civil Service Commission shall, within sixty (60) days  
584 after the effectivity of this Act, promulgate such rules and regulations necessary to  
585 implement this Act.

586

587 **SECTION 23.** *Implementing Authority of the Secretary.* The Secretary shall issue such  
588 rules, regulations, and other issuances as may be necessary to ensure the effective  
589 implementation of the provisions of this Act.

590

591 **SECTION 24.** *Separability Clause.* Any portion or provision of this Act that is  
592 declared unconstitutional shall not have the effect of nullifying other portions or  
593 provisions hereof as long as such remaining portions can still subsist and be given  
594 effect in their entirety.

595

596 **SECTION 25.** *Repealing Clause.* All laws, ordinances, rules, regulations, other

597 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed  
598 or modified accordingly. This Act does not repeal any benefits already provided and  
599 accorded to Overseas Filipinos and Migrant Workers in other laws, ordinances,  
600 rules, regulations and other issuances.

601

602 **SECTION 26.** *Effectivity.* This Act shall take effect fifteen (15) days after its  
603 publication in the Official Gazette or in a newspaper of general circulation.

604

605 *Approved,*