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

EIGHTEENTH CONGRESS  
First Regular Session  

HOUSE BILL NO. 2982  

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, 4th District of Isabela
Republic of the Philippines

HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2982

Introduced by Representative ALYSSA SHEENA TAN

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

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

SECTION 1. Short Title. This Act shall be known as the “Department of OFW Act of
2019.”

SECTION 2. Declaration of Policies. The State shall afford full protection to the rights
of Overseas Filipino Workers (OFWs) and promote their welfare and well-being at
all times. It shall continuously monitor international conventions and adopt or be a
signatory to, and ratify those that guarantee protection to OFWs. Bilateral
agreements with countries hosting OFWs shall be endeavored by the State for their
protection.

Full employment, and equal work opportunities regardless of sex, gender,
race, creed, or religion shall be insured by the State, applying context-sensitive
criteria in the formulation and implementation of policies and programs affecting
migrant workers and the composition of bodies tasked for the welfare of migrant
workers.

The State shall also regulate relations between OFWs and their employers. It
shall secure for overseas workers the best possible terms and conditions of
employment. The right of workers to security of tenure, and just and humane
conditions of work shall be protected by the State

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

(a) Irregular/Undocumented Filipino Migrant Workers 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.

(b) Overseas employment refers to employment of a worker outside the Philippines;
(c) Overseas Filipinos refers to migrant workers, other Filipino nationals, and their dependents abroad, including Filipinos who are permanent residents abroad;
(d) Overseas Filipino Worker or 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;
(e) 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;
(f) Private Recruitment/Employment 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 who renewed their employment contracts with the same principal;
(g) Regular/Documented Overseas Filipino 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; and
(h) 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.

SECTION 4. The Department of Overseas Filipino Workers. The Department of Overseas Filipino Workers, hereinafter referred to as "the Department," is hereby created to serve as the primary agency under the Executive Branch 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/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.

The Department shall be composed of specialized Bureaus, each headed by an
Undersecretary and assisted by other officers and staff, and regional offices.

SECTION 5. Qualification of the Secretary and Undersecretaries. The Secretary of
Overseas Filipino Workers shall be a member of the Philippine Bar and must have
been engaged in the practice of law in the Philippines for at least fifteen (15) years,
with at least five (5) years experience or exposure in the field of labor-management
relations. The Undersecretaries of the Department shall likewise be members of the
Philippine Bar and must have been engaged in the practice of law in the Philippines
for at least ten (10) years, with at least five (5) years experience or exposure in the
field of labor-management relations.

The Secretary and Undersecretaries of the Department shall hold office
during good behavior until they reach the age of sixty-five (65) years, unless sooner
removed for cause as provided by law or become incapacitated to discharge the
duties of their office: Provided, that the President of the Republic of the Philippines
may extend the services of the Secretary and Undersecretaries up to the maximum
age of seventy (70) years.

The Secretary of the Department shall be appointed by the President. The
Undersecretaries shall also be appointed by the President, upon the recommendation
of the Secretary, and shall be subject to the Civil Service Law, rules and regulations.
The Secretary of the Department shall appoint the staff and employees of the
Department and its regional branches as the needs of the service may require,
subject to the Civil Service Law, rules and regulations, and upgrade their current
salaries, benefits and other emoluments in accordance with law.

SECTION 6. Powers of the Secretary of Overseas Filipino Workers. 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
Filipino 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 Book IV of the Administrative Code of 1987;
(c) Delegate authority for the performance of any function to officers and
employees of the Department;
(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
carry out 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) Evaluate the policy, plans, programs and project accomplishments of
the Department;
(j) Prepare annual reports of its activities and achievements to 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;
(l) Exercise disciplinary powers over the Department staff; and
(m) Exercise such other powers and functions as may be provided by law
or assigned by the President.

SECTION 7. Department Composition. The following Bureaus within the Department
are hereby created, and shall perform the respective functions:

(a) The Policy Planning, Research, and Legal Affairs Bureau which shall:
   1.) Formulate, recommend, and implement national policies, plans,
   programs, and guidelines that will ensure the protection of
   Overseas Filipinos and Migrant Workers, and address the
   problems that they face abroad in consultation with all relevant
   stakeholders;
   2.) Conduct in-depth studies on all policy areas and options that will
   ensure protection of OFW and address perennial issues OFWs
   face abroad, in consultation with the relevant stakeholders;
   3.) Assess, review, harmonize, and coordinate all OFW-related local
   policies and procedures and international agreements to ensure
   overall consistency and implementation of the national policies;
   4.) Formulate general guidelines concerning wage and income policy
   subject to the limitations imposed by the laws of the foreign
   countries;
   5.) Assess, review, harmonize, and coordinate applicable policies and
   procedures, as well as multilateral or bilateral treaties and
   agreements with OFW countries of destination and other migrant
   countries of origin, 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);

6.) Undertake research necessary in preparation and evaluation of policy reports, treaties, and multilateral and bilateral agreements;

7.) Assist and draft policies in line with the functions of the Office of the Secretary and the Department;

8.) Ensure that development policies are in line with the national development;

9.) Analyze data in order to make informed decisions and to guide policy intervention with regard to migration and foreign employment;

10.) Ensure collection of accurate and quality statistics to conduct analysis of the changes in the labor and foreign market;

11.) Advise and assist the Secretary and the Undersecretaries in the formulation of the Department's overall long-range and short-term plans and programs on overseas employment, with special focus on the government's compliance with international labor agreements; and

12.) Review and evaluate the progress/status of projects and accomplishments in relation to set standards, objectives, and schedules.

(b) The Foreign Employment Bureau which shall:

1.) Protect and promote the interest of every citizen desiring to work overseas by securing for him/her the most equitable terms and conditions of employment, and by providing social and welfare services;

2.) Build a strong and harmonious partnership with foreign countries and the private sectors to formulate strategies and implement the same;

3.) 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;

4.) Monitor the observance and implementation of the Philippines' obligations and commitments to international organizations and treaties;

5.) Supervise and monitor the activities of the Philippine Overseas Labor Offices; and

6.) Coordinate with the Department of Foreign Affairs regarding treaties, agreements, compacts, and other instruments that are related to labor migration.

(c) The Overseas Filipino Workers Administrative Bureau which shall:
1.) 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;

2.) Regulate and guide the business activities relative to the deployment of Filipino workers and other related activities; and

3.) 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.

(d) The Human Resource Development Bureau which shall:

1.) Provide the Department with a 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;

2.) Develop and administer personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare;

3.) Provide social and welfare services to OFWs, including insurance, social work assistance, cultural services, and remittance services;

4.) Provide job matching services to the public, in cooperation with the Department of Education, the Commission on Higher Education, the Technical Education and Skills Development Authority, and other government agencies, civil society and non-governmental organizations, with the view of promoting the global competitiveness of the Filipino;

5.) 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;

6.) Coordinate with concerned government agencies in the training and support of Filipinos who have worked abroad and are returning to the country; and

7.) 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.

(e) The Financial Management Bureau which shall:

1.) Provide the Department with efficient, effective, and economical services relating to budgetary, financial, management
improvement, and internal control matters;

2.) Coordinate and support the generation and build-up of resources or funds for the use of Overseas Filipinos and Migrant Workers;

3.) Assist the Secretary in the management and use of the Overseas Filipinos Assistance Fund; and

4.) 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.

(f) The Information and Publication Bureau which shall:

1.) Promote rapport and understanding between the Department and the public through the development of public relations programs;

2.) Disseminate 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;

3.) Provide answers to queries from the public regarding the Department's policies, rules, regulations, programs, activities, and services;

4.) Promote knowledge, information and resource sharing, and develop a database system complete with information on the status and location of Overseas Filipinos and Migrant Workers anywhere in the world;

5.) 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; and

6.) Provide a periodic study and assessment of job opportunities returning Filipino overseas migrant worker.

(g) The Assistance to Overseas Filipinos in Distress Bureau which shall:

1.) Provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families;

2.) Recommend to the Secretary the grant of the use of Overseas Filipinos Assistance Fund;

3.) Undertake all repatriation activities, in coordination with the Office of the Undersecretary for Foreign Employment, Office of the Undersecretary for Reintegration and Social Services, and other government agencies, in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or agency;

4.) Draft the guidelines, procedures and criteria for the provisions of
Overseas Filipinos Assistance Fund to Overseas Filipino and Migrant Workers;

5.) 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 Filipino and Migrant Workers;

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

7.) Assist and provide timely assistance to overseas Filipinos and 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.

SECTION 8. Regional Offices. The Department is hereby authorized to establish, operate, and maintain such Department-wide Regional Offices in each of the administrative regions of the country, insofar 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) Function as a one-stop shop to provide economical, efficient and effective service to the OFWs and their families such as acquisition of government permits, validation of overseas job offers, grievance and complaints desks and reintegration services;

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

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

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

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

SECTION 10. Establishment of OFW Centers. The Migrant Workers and other Overseas Filipinos Resource Center shall be transformed into the OFW Center
established initially in countries where there are large concentration of OFWs, as
determined by the Secretary. The OFW Center shall act as a one-stop shop for
Overseas Filipinos in the countries of destination. It shall be established within the
premises of the Philippine Embassy or the Consulate and be under the
administrative jurisdiction of the Philippine Embassy. Within five (5) years from the
effectivity of this Act, OFW Centers shall be established in all Philippine Embassies
or Consulates abroad.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Overseas Workers Welfare Administration (OWWA);

(b) Philippine Overseas Employment Administration (POEA);

(c) Commission on Filipino Overseas (CFO);

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

(e) National Reintegration Center for OFWs (NRCO)

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

In the case of OWWA, all its membership records, funds appropriated under
the GAA, and all its trust funds are transferred to this Department. The Department
shall issue guidelines on the transfer of records and funds: Provided, that existing
members shall not be required to re-apply for a new membership: Provided, further,
that in no case shall individual membership contributions be increased: Provided,
finally. That benefits and services to OFW members shall not be diminished. 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.

SECTION 16. New Structure and Pattern. Upon the approval of this Act, the relevant
officers and employees of the transferred entities under Section 15 of this Act, shall
in a hold over capacity, continue to perform their respective duties and
responsible 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 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 17. 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 16 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 or phase out 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 18. Rationalization and Other Transitory Provisions. In the transfer of entity
functions as prescribed in the Act, the following rules shall be provided:

(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 Section 17 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 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 Section 17 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 Section 17 hereof.

SECTION 19. Jurisdiction. Upon establishment of the Department, it shall have original and exclusive jurisdiction over all cases involving employer-employee relations, documented/regular or undocumented/irregular workers, arising out of or by virtue of any law or contract involving Filipino workers for overseas employment.
SECTION 20. Overseas Filipinos Assistance Fund. The Legal Assistance Funds 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 Emergency Repatriation Fund created in Republic Act No. 8042, as amended, shall form part of the Overseas Filipinos Assistance Fund. 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.

SECTION 21. Appropriations. The amount of One Billion Pesos (P1,000,000,000.00) 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.

SECTION 22. 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 23. 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 24. 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 25. 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 26. Effectivity. This Act shall take effect fifteen (15) days after its
publication in the Official Gazette or in a newspaper of general circulation.

Approved,