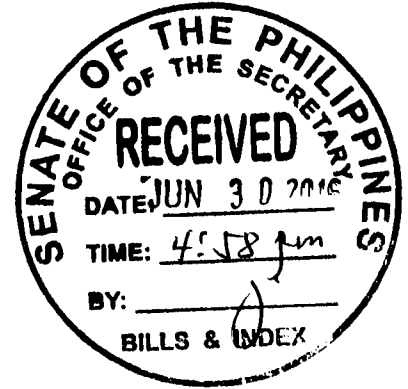


SEVENTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
FIRST REGULAR SESSION )

SENATE

S.B. No. 146



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Introduced by **SENATOR CYNTHIA A. VILLAR**

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

**EXPLANATORY NOTE**

The presence of Filipinos in other countries is certainly not miniscule. As of December 2013, the Commission on Filipino Overseas estimated that there are around 10.2 million<sup>1</sup> Filipinos overseas, mostly as migrant workers; and their numbers are constantly growing. Every year, more than one million Filipinos leave the country to work abroad, carrying their auspicious hopes and dreams for their families. Rather than remain in the country eking out a living and earning a measly income, many will choose to live away from their loved ones and endure tough working conditions for higher wages and salaries.

The contribution of the Filipinos working overseas to the Philippine economy is likewise not miniscule. The Filipino migrant workers have been consistent dollar earners for the country. Their remittances are considered a significant contributor to the country's gross domestic product, and their role in keeping the economy buoyant acknowledged as undisputable. Based on the *Bangko Sentral ng Pilipinas* (BSP) figures, the cash remittances in 2015 sent via the formal banking networks by overseas Filipino workers (OFWs) amounted to \$25.76 billion, while their personal remittances or those fund transfers that were not captured by the banking sector for the same year amounted to \$28.5 billion.<sup>2</sup>

In keeping with the constitutional guarantee of giving full protection to labor, local and overseas alike<sup>3</sup>, the government has established the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) in order to protect and enforce the welfare and rights of our Filipino migrant workers.

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<sup>1</sup> <http://www.cfo.gov.ph/images/stories/pdf/StockEstimate2013.pdf>

<sup>2</sup> <http://www.mb.com.ph/ofw-remittances-reach-25-8b-in-2015/>

<sup>3</sup> Section 3, Article XIII, 1987 Philippine Constitution

However, despite the presence of the POEA and OWWA, even taking into account the assistance provided by the Department of Foreign Affairs, many of our Filipino overseas see that they are being neglected by government. There are reports of numerous complaints and resentment towards government harbored by overseas Filipino workers apparently brought about by the government's delayed and inadequate support and assistance while they are facing difficult predicaments abroad

Considering the foregoing, I submit that it is timely and appropriate to create a government agency in the executive Department, aptly called the Department of Migration and Development, which shall have the exclusive function that essentially protects and enforces the welfare and rights of our Filipinos overseas. Hence, this measure will transfer POEA and OWWA as attached agencies, and other related agencies that deals with OFW affairs, to the newly created Department thereby empowering this Department to adequately support and give assistance to our Filipinos overseas.

Henceforth, I recommend the immediate approval of this bill.

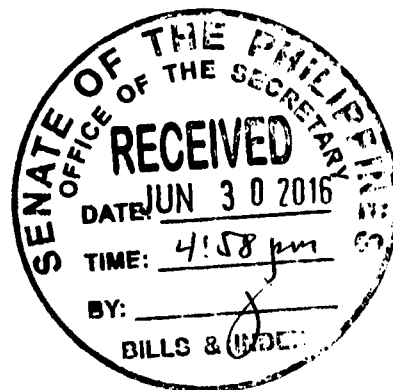


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**AN ACT**  
**CREATING THE DEPARTMENT OF MIGRATION AND DEVELOPMENT,**  
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**THEREFORE, AND FOR OTHER PURPOSES**

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

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

3           SEC. 2. *Declaration of Policy.* - The State shall, as a primordial economic  
4 policy, promote full local employment and decent work for all Filipinos within the  
5 national borders. However, for Filipinos living and working overseas, every effort  
6 must be undertaken to ensure their safety, secure their rights, and promote their  
7 general welfare and development. In the same light, it is also the duty of the State to  
8 look after, secure and broaden socio-economic opportunities for families left behind.

9           SEC. 3. *Creation of a Department of Migration and Development.* - There is  
10 hereby created a Department of Migration and Development, hereinafter referred to  
11 as the Department, which shall, among others, recommend and implement the  
12 government's policies, plans and programs for the promotion of protection, safety,  
13 development, support, of and for Filipinos overseas and their families left behind.

14           SEC. 4. *Mandate.* - The Department shall be the primary policy, planning,  
15 coordinating, implementing, and administrative entity of the executive branch of the  
16 government that will plan, develop, and manage the national migration and  
17 development agenda that is supportive and complimentary to national efforts to  
18 create, sustain, and strengthen local employment and decent work within the  
19 country's borders.

1           SEC. 5. *Powers and Functions.* – The Department shall have the following  
2 powers and responsibilities which shall be exercised by its offices:

3           1)     Formulate and recommend national policies and guidelines and  
4 conduct in-depth studies on all policy areas and options that will ensure protection of  
5 Filipino migrants and address perennial issues they face abroad, in consultation with  
6 the relevant stake holders;

7           2)     Assess, review, harmonize and coordinate all overseas Filipino  
8 worker-related local policies and procedures and international agreements to ensure  
9 overall consistency and implementation of the national policies;

10          3)     Promote, advance and implement general and specific government  
11 objectives regarding migrant Filipinos or OFW activities, programs, welfare and  
12 interests;

13          4)     Build a strong and harmonious partnership with foreign countries and  
14 the private sectors to formulate strategies and implement the same;

15          5)     Represent and negotiate for Philippine interest on matters pertaining to  
16 overseas Filipino affairs in international bodies;

17          6)     Develop, implement and improve coordination with other countries with  
18 the presence of overseas Filipinos and monitor foreign developments to ensure the  
19 most reasonable working conditions for the OFWs and create a proactive approach  
20 in providing assistance to them especially in times of war and civil unrest, whether  
21 potential or apparent;

22          7)     Promote knowledge, information and resource sharing, and develop a  
23 database to assist overseas Filipinos anywhere in the world;

24          8)     Coordinate and support the generation and build up of resources or  
25 funds for use of overseas Filipinos;

26          9)     Conduct symposia, consultations and seminars on effective programs  
27 relating to overseas Filipinos; and

28          10)    Assist and provide technical expertise in the troubleshooting of  
29 overseas Filipinos in distress and tap the services of personnel, foreign and local,  
30 with expertise to help in the repatriation of overseas Filipinos, if needed;

31          11)    Promote, develop and monitor the continuing education, training and  
32 qualification, availability and deployment of OFWs and coordinate with concerned  
33 agencies in the training of overseas Filipinos to improve their competitiveness  
34 globally;

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

1           13) Ensure that there are existing and effective reintegration programs for  
2 returning OFWs;

3           14) Regulate and guide the business activities relative to the deployment of  
4 Filipino workers and other related activities;

5           15) Promulgate rules and regulations for the implementation of its  
6 guidelines and policies and related laws;

7           16) Administer, accept, hold and utilize property, both personal and real,  
8 subject to constraints by existing laws, for the purpose of assisting of expediting the  
9 work of the Department; and

10          17) To perform such other functions, as may be needed to achieve the  
11 objectives provided under this Act.

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

15           SEC. 7. *Secretary of Migration and Development.* The Secretary shall be  
16 appointed by the President, subject to confirmation by the Commission on  
17 Appointments.

18           The Secretary shall have the following functions:

19           a) Provide executive direction and supervision over the entire operations  
20 of the Department and its attached agencies;

21           b) Establish policies and standards for the effective, efficient and  
22 streamlined operations of the Department, in accordance with the  
23 programs, services and priority agenda of the national government;

24           c) Review and approve request for financial and manpower resources of  
25 all operating offices of the Department;

26           d) Designate and appoint officers and employees of the Department,  
27 excluding the Undersecretaries, Assistant Secretaries and Directors, in  
28 accordance with the Civil Service laws, rules and regulations;

29           e) Collaborate with other government agencies and public and private  
30 interest groups, including all industry associations and civil society  
31 groups, and migrants workers' desks all over the country as well as  
32 Filipino community groups abroad on Department policies, programs  
33 and initiatives;

- 1 f) Undertake regular consultations and joint planning sessions with the  
2 heads of pertinent government agencies on matters relevant to the  
3 welfare and development of migrants and their families;
- 4 g) Extend advice to the President on the promulgation of executive and  
5 administrative orders and regulatory and legislative proposals on  
6 matters pertaining to Filipino migrants;
- 7 h) Coordinate and oversee all policies and programs relevant to  
8 migration and development ;
- 9 i) Formulate such rules and regulations and exercise such other powers  
10 as may be required to implement the objectives of this Act; and,
- 11 j) Perform such other tasks as may be provided by law or assigned by  
12 the President from time to time.

13 SEC. 8. *Undersecretaries.* - The Secretary shall be assisted by three (3)  
14 undersecretaries, who shall be appointed by the President upon the  
15 recommendation of the Secretary. Provided, that one (1) of the undersecretaries  
16 shall be a career officer with at least ten years experience from the ranks of  
17 government labor-oriented agencies. The undersecretaries shall aid the Secretary in  
18 the performance of his/her operational duties, and shall perform such other functions  
19 as may be directed by the Secretary.

20 SEC. 9. *Assistant Secretaries.* - The Secretary shall be assisted by three (3)  
21 assistant secretaries who shall be appointed by the President upon the  
22 recommendation of the Secretary. Provided, that priority shall be given to career  
23 officers.

24 SEC. 10. *Qualifications.* - No person shall be appointed Secretary,  
25 Undersecretary, or Assistant Secretary of the Department unless he or she is a  
26 citizen and resident of the Philippines, of good moral character, of proven integrity  
27 and with at least ten (10) years of competence and expertise in the field of migration  
28 and development.

29 SEC. 11. *Regional Offices.* - The Department may establish, operate, and  
30 maintain a regional office in the different administrative regions of the country as the  
31 need arises. Each regional office shall be headed by a Regional Director, who may

1 be assisted by one (1) Assistant Regional Director. The Regional Director and  
2 Assistant Regional Director shall be appointed by the President. The regional offices  
3 shall have, within their respective administrative regions, the following functions:

- 4 a) Implement laws, policies, plans, programs, projects, rules and  
5 regulations of the Department;
- 6 b) Provide efficient and effective service to program beneficiaries and all  
7 stakeholders;
- 8 c) Coordinate with regional offices of other departments, offices, and  
9 agencies;
- 10 d) Coordinate with the LGUs; and,
- 11 e) Perform such other functions as may be provided by law or assigned by  
12 the Secretary.

13 SEC. 12. *Attached Agencies.* - The following agencies shall be attached to the  
14 Department for policy and program coordination, and shall continue to function in  
15 accordance with the charters, laws or orders creating them, unless inconsistent with  
16 the substance and spirit of this Act:

- 17 1) Philippine Overseas Employment Administration (POEA); and,
- 18 2) Overseas Workers' Welfare Administration (OWWA)

19 SEC. 13. *Transfer Of Bureaus, Offices And Agencies.* - The following  
20 bureaus, offices and agencies are hereby transferred from their respective  
21 departments (as shown in parenthesis) to the Department.

- 22 a) International Labor Affairs Bureau (ILAB), including all Philippine  
23 Overseas Labor Offices, with direct supervision over Labor Attaches and  
24 Welfare Officers and the Filipino Workers Resource Centers
- 25 b) Overseas Absentee Voting Secretariat (Department of Foreign Affairs)
- 26 c) Commission on Filipinos Overseas (Office of the President)
- 27 d) National Reintegration Center for OFWs (OWWA)
- 28 e) Repatriation Unit (POEA)/ Repatriation Assistance Division (OWWA)
- 29 f) Conciliation Unit (POEA)

- 1 g) Anti-Illegal Recruitment Branch (POEA)
- 2 h) Workers Education Division (POEA)
- 3 i) PDOS unit (OWWA)
- 4 j) Government Placement Branch (POEA)
- 5 k) Adjudication Office (POEA)
- 6 l) Overseas Operations Coordination Service – 24/7 hotline (OWWA)
- 7 m) Social Service Office (Department of Social Welfare and Development)
- 8 n) Pertinent offices of MARINA in relation to the training, certification, and
- 9 setting and monitoring of standards concerning international seafarers
- 10 (Department of Transportation and Communications)

11 The laws and rules on government reorganization as provided for in Republic  
12 Act No. 6656, otherwise known as the Reorganization Law, shall govern the  
13 reorganization process of the Department.

14 The Department may create sectoral, industry, and/or geographic task forces,  
15 technical working groups, advisory bodies or committees in furtherance of its  
16 mandate and objectives. Private sector representatives may be designated members  
17 of such working groups in addition to representatives drawn from local and national  
18 government agencies, as the need arises.

19  
20 An inter-agency coordinating Council on Migration and Development, shall be  
21 composed of the secretaries of the following departments:

- 22 1) Department of Migration and Development
- 23 2) Department of Foreign Affairs
- 24 3) Department of Labor and Employment
- 25 4) Department of Justice
- 26 5) Department of Social Welfare and Development and
- 27 6) Department of Interior and Local Governments

28 Death row cases involving blood money, terrorism, drug-trafficking, human  
29 trafficking as well as large-scale illegal recruitment cases involving Filipino workers,  
30 and urgent cases involving overseas or their families left behind that require  
31 humanitarian assistance shall fall under the purview of this Inter-Agency  
32 Coordinating Council with appropriate recommendations for the consideration of the  
33 Office of the President.



1           SEC. 14. *Establishment of One-Stop Migrant Assistance Centers.* - The  
2 Department, in partnership with other government agencies, shall establish One-  
3 Stop Migrant Assistance Centers in all major capital towns and cities nationwide to  
4 ensure prompt, efficient, vital and relevant services to migrant Filipinos and their  
5 families to include passport and authentication services, acquisition of government  
6 clearances and permits, validation of overseas job offers, reintegration services and  
7 all pertinent seminars and workshops for all stakeholders.

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

12           SEC. 16. *Structure And Staffing Pattern.* - The Department shall determine its  
13 organizational structure and create new divisions or units as it may deem necessary,  
14 and shall appoint officers and employees of the Department in accordance with the  
15 Civil Service law, rules, and regulations.

16           SEC. 17. *Special Assistance Revolving Fund.* - A Special Assistance  
17 Revolving Fund for Filipino Migrants, including both documented and undocumented,  
18 in the amount of One Billion Pesos (PHP 1,000,000,000.00) is hereby created.  
19 Hereinafter referred to as the Special Assistance Fund for Filipino Migrants, the fund  
20 shall be utilized for the following purposes:

- 21           a) Emergency repatriation
- 22           b) Medical expenses, hospitalization, and purchase of medicines for  
23           repatriated migrants with dreaded diseases;
- 24           c) Immigration penalties for overstaying, indigent and ailing overseas  
25           Filipino workers as well as victims of human trafficking and illegal  
26           recruitment;
- 27           d) Legal assistance for labor cases involving ten or more Filipino workers;
- 28           e) Payment of blood money, when recommended by the Department in  
29           consultation with the Department of Justice and of Foreign Affairs;
- 30           f) Humanitarian assistance to families left behind particularly in times of  
31           calamity;
- 32           g) Basic necessities of OFWs in embassy shelters or for those under  
33           detention;

- 1 h) Scholarships for children of Filipinos overseas who are victims of  
2 injustice involving modern slavery, human rights violations, and political  
3 as well as economic upheavals.
- 4 i) Maintenance and Operational expenses including capital outlay for the  
5 establishment of One-Stop Migrant Processing and Assistance Centers  
6 in all regions including the central office of the Department.

7 SEC. 18. *Appropriations.* - The appropriations of bureaus, agencies, and  
8 offices identified in Section 14 of this Act shall be transferred to the Department.

9 Provided, that the amount needed for the initial implementation of this Act  
10 shall be taken from the current fiscal year's appropriation of the transferred agencies.  
11 Thereafter, the amount needed for the operation and maintenance of the Department  
12 including the Special Assistance Revolving Fund shall be included in the General  
13 Appropriations Act.

14 The proceeds from the Documentary Stamp Tax (DST) accruing from dollar  
15 remittances of overseas Filipinos, as determined by Congress, shall be used to  
16 ensure the efficient and effective operations of OFW One-Stop Assistance Centers  
17 throughout the country.

18 SEC. 19. *Separability Clause.* - If any part or provision of this Act is held  
19 unconstitutional or invalid, the other parts or provision hereof which are not affected  
20 thereby shall continue to be in full force and effect.

21 SEC. 20. *Repealing Clause.* - All laws, orders, rules or regulations, which are  
22 inconsistent or contrary to the provisions of this Act are hereby amended or repealed  
23 accordingly.

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

26 Approved.