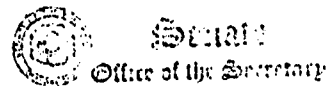


**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
Second Regular Session



20 SEP 23 P2:25

SENATE

S. B. NO. 1848

RECEIVED BY

A handwritten signature in black ink, appearing to be "J. Villanueva", written over a horizontal line.

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
CREATING THE DEPARTMENT OF OVERSEAS FILIPINOS,
DEFINING ITS POWERS AND FUNCTIONS, RATIONALIZING THE
ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES
RELATED TO OVERSEAS EMPLOYMENT AND MIGRATION,
APPROPRIATING FUNDS THEREFOR, AND OTHER PURPOSES**

EXPLANATORY NOTE

Mrs. X and Mrs. Y¹ are proud mothers of seafaring cadets who were hired to work in a multi-national cargo shipping company. Unfortunately, on March 6, 2018, they received news that the vessel where their sons are working caught fire. Consequently, both cadets were deemed lost at sea. Upon hearing this news, both mothers went to Manila to seek assistance and news on the status of their children. Instead of getting immediate redress, they were shuttled from one office to another, until finally, after 21 days, they were told that one son has been identified, while the other remains missing.

Mrs. X and Mrs. Y are just two out of the hundreds of relatives of migrant workers who have experienced and are experiencing problems in coordinating with government agencies that are tasked to address the needs of overseas Filipinos and migrant workers. Sadly, this situation is also present in our Embassies abroad, where overseas Filipinos and migrant workers in distress are made to wait before they are given proper assistance by government officials at the Post.

This inefficiency in providing immediate assistance to overseas Filipinos and migrant workers here and abroad is largely credited to the numerous agencies in charge of addressing their concerns. Currently, the policies, programs and services for the welfare and protection of overseas Filipino workers and migrant workers are implemented by the Department of Labor and Employment (DOLE), Department of

¹ Their names are deliberately omitted due to privacy concerns.

Foreign Affairs (DFA), Department of Social Welfare and Development (DSWD) and Commission on Filipinos Overseas (CFO), among others.

This bill seeks to address this inefficiency by mandating the establishment of a Department of Overseas Filipinos which will cater exclusively to all the needs of overseas Filipinos and migrant workers. This bill, dubbed as the "Administration Bill," was endorsed to our office by Cabinet Secretary Karlo B. Nograles in a letter dated September 15, 2020. Accordingly, this version consolidates the positions of DOLE, DFA, DSWD and Department of Budget and Management (DBM).²

Indeed, while the World Bank and the Asian Development Bank have recognized the Philippines for having a highly developed support system for migrant workers, and a model country for labor out-migration, there is an urgent need to improve the delivery of services and assistance to the more or less 10 million overseas Filipinos and migrant workers around the world.

Thus, the passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

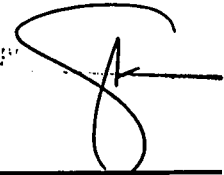
² We note, however, that the positions of the Department of Finance (DOF), National Economic Development Authority (NEDA), Commission on Filipino Overseas (CFO) and other related agencies were not included in this bill.

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AN ACT
CREATING THE DEPARTMENT OF OVERSEAS FILIPINOS,
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RELATED TO OVERSEAS EMPLOYMENT AND MIGRATION,
APPROPRIATING FUNDS THEREFOR, AND 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 Overseas Filipinos
2 Act of 2020.”
3

4 **SEC. 2. Declaration of policies.** –
5

6 a. It is the primordial duty of the State to protect the rights and promote the welfare and
7 interest of Overseas Filipinos;
8

9 b. It is the duty of the State to uphold the dignity of labor and enhance its bargaining
10 position in both domestic and international conditions. The State shall protect the welfare
11 of all Filipinos, particularly those working and/or residing abroad, provide social
12 protection and minimize the social costs of migration to their families at home, execute
13 programs to sustain them when they return from abroad, and harness the robust
14 contribution of Filipino communities outside of the country towards nation-building,
15 utilizing a whole-of-government and whole-of-society approach;
16

17 c. While recognizing the significant contribution of Overseas Filipinos, including Overseas
18 Filipino Workers (OFWs), to the national economy through their foreign exchange
19 remittances and investments, the State does not promote overseas employment as a
20 means to sustain economic growth and achieve national development. The State’s
21 overseas employment program rests solely on the assurance that the dignity and human
22 rights of OFWs shall neither be compromised nor violated. Towards this end, the State
23 shall continually aim to make overseas employment a choice of last resort and not a
24 necessity for every Filipino citizen;

- 1
2 d. In the pursuit of an independent foreign policy and while considering national
3 sovereignty, territorial integrity, national interest, and the right to self-determination
4 paramount in its relations with other states, the State shall, at all times, uphold the dignity
5 of its citizens, whether in-country or overseas, continuously monitor bilateral agreements
6 with countries of destination and international conventions in order to adopt or be a
7 signatory to and ratify those agreements that guarantee protection to Overseas Filipinos;
8
9 e. The State shall afford full protection to Overseas Filipinos, including OFWs, promote full
10 employment, ensure equal work opportunities regardless of sex, gender, race, creed or
11 religion, monitor the relations between OFWs and their employers, and promote their
12 welfare and well-being at all times. The State shall protect the rights of the workers to
13 security of tenure, and just and humane conditions of work. Towards this end, the State
14 shall provide adequate and timely social, economic, and legal services to OFWs;
15
16 f. The State affirms the fundamental equality before the law of men and women and the
17 latter's significant role in nation-building. In recognizing the particular vulnerabilities of
18 women, especially those who are working abroad, the State shall apply gender sensitive
19 criteria in the formulation and implementation of its policies and programs;
20
21 g. Free access to the courts, quasi-judicial bodies, and adequate legal assistance shall not
22 be denied to any person by reason of poverty. In this regard, it is imperative that an
23 effective mechanism be instituted by the State to ensure that the rights and interests of
24 Overseas Filipinos, including OFWs, in distress, whether regular or irregular, are
25 adequately protected and safeguarded;
26
27 h. The State shall recognize and guarantee the right of all Overseas Filipinos, including
28 OFWs, to participate in the democratic decision-making processes of the State and to
29 be represented in institutions relevant to them;
30
31 i. The State recognizes non-governmental organizations, trade unions, workers
32 associations, business organizations and other stakeholders duly recognized as
33 legitimate as partners of the State in the protection of Overseas Filipinos and the
34 promotion of their welfare. The State shall nurture and uphold mutual trust and respect
35 in areas of cooperation;
36
37 j. The State shall protect every citizen desiring to work locally or overseas by securing the
38 citizen the best possible terms and conditions of employment. The State shall endeavor
39 to facilitate a free choice of available employment by persons seeking work and regulate
40 the movement of workers in conformity with the national interest;
41
42 k. The State affirms that the Filipino family, as a basic autonomous social institution, is the
43 foundation of the nation. Accordingly, the solidarity of the families of OFWs shall be
44 strengthened and their total development shall be actively promoted;
45
46 l. The State recognizes that the most effective tool for empowerment and protection of
47 rights of OFWs is their possession of appropriate skills. The government shall embark
48 on a robust expansion of skills development and enhancement programs of the
49 concerned agencies and shall facilitate access of OFWs to these programs. The State
50 shall also pursue bilateral, regional and multilateral agreements on skills qualification,
51 certification and matching;
52
53 m. The State commits to fulfill the twenty-three (23) objectives of the Global Compact for
54 Safe, Orderly and Regular Migration (GCM);
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1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies;
2. Minimize the adverse drivers and structural factors that compel people to leave the country;
3. Provide accurate and timely information at all stages of migration;
4. Ensure that all migrants have proof of legal identity and adequate documentation;
5. Enhance availability and flexibility of pathways for regular migration;
6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work;
7. Address and reduce vulnerabilities in migration;
8. Save lives and establish coordinated international efforts on missing migrants;
9. Strengthen the transnational response to smuggling of migrants;
10. Prevent, combat and eradicate trafficking in persons in the context of international migration;
11. Manage borders in an integrated, secure and coordinated manner;
12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral;
13. Use migration detention only as a measure of last resort and work towards alternatives;
14. Enhance consular protection, assistance and cooperation throughout the migration cycle;
15. Provide access to basic services for migrants;
16. Empower migrants and societies to realize full inclusion and social cohesion;
17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration;
18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competencies;
19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries;
20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants;
21. Cooperate in facilitating the safe and dignified return and readmission of migrants as well as their sustainable reintegration into their home countries;
22. Establish mechanisms for the portability of social security entitlements and earned benefits; and

1
2 23. Strengthen international cooperation and global partnerships for safe, orderly and
3 regular migration.
4

5 **SEC. 3. Definition of terms.** – As used in this Act, the following terms and phrases are defined
6 as follows:
7

- 8 a. Assistance to Nationals (ATN) – refers to services provided by the Philippine
9 Government to any Overseas Filipino in distress which may be in the form of repatriation,
10 medical assistance, shipment of remains, legal assistance and representation, rescue,
11 evacuation, financial assistance or any other analogous help or intervention to ensure
12 that the Filipino national's human rights and welfare are protected, respected, and
13 fulfilled;
14
- 15 b. Country of destination – refers to any country other than the Philippines where a Filipino
16 citizen is temporarily or permanently residing;
17
- 18 c. Ethical recruitment – refers to the practice of recruiting and deploying overseas workers
19 through government accredited recruitment or manning agencies, that allow overseas
20 workers to change employers and modify the conditions or length of their stay with
21 minimal administrative burden, while promoting greater opportunities for decent work
22 and respect for international human rights and labor law, prohibit the confiscation or
23 nonconsequential retention of work contracts, and travel or identity documents from
24 migrants and guarantees that the employer pay principle is upheld;
25
- 26 d. Overseas Filipino (OF) – refers to a Filipino national outside the Philippines, whether
27 permanent or temporary, regardless of such national's legal status, including Overseas
28 Filipino Workers (OFW), tourists, pilgrims, students, trainees, and religious missionaries.
29
- 30 e. Overseas Filipino in distress – refers to an OF who has a medical, psychosocial, or legal
31 problem, or is experiencing abuse or exploitation, or whose human rights are being
32 violated, and requires treatment, hospitalization, counseling, legal representation,
33 rescue, repatriation, or any other kind of analogous intervention, including those who
34 have died thereat and whose remains have to be repatriated to the Philippines;
35
- 36 f. License – refers to the document issued by the Secretary of the Department authorizing
37 a natural or juridical person or his duly authorized official or representative to operate a
38 private recruitment or manning agency;
39
- 40 g. Manning agency – refers to a natural or juridical person duly licensed by the Secretary
41 of the Department to engage in the recruitment and placement of seafarers or sea-based
42 migrant workers;
43
- 44 h. Overseas employment – refers to employment outside the Philippines;
45
- 46 i. Overseas Filipino worker (OFW) – refers to a Filipino who is to be engaged, is engaged,
47 or has been engaged in remunerated activity in a state or country which is not the
48 Philippines and which he or she is not a permanent resident, whether land-based or sea-
49 based. For purposes of this provision, a person engaged in remunerated activity refers
50 to a person who has been contracted for overseas employment but has yet to leave the
51 Philippines;
52
- 53 j. Recruitment agency – refers to a natural or juridical person duly licensed by the
54 Secretary of the Department to engage in the recruitment or placement of land-based
55 migrant workers;

- 1
2 k. Regular overseas Filipino worker – refers to an OFW who has a passport, valid visa,
3 permit to stay, travel paper, or any other document necessary to work or continue
4 working in the country in which he is working. It includes an OFW who has a contract of
5 employment approved by the Department;
6
7 l. Reintegration program – refers to a measure or a set of measures intended for
8 mainstreaming returning OFWs into the Philippine society, including but not limited to
9 livelihood projects, wellness programs, financial literacy programs and other similar
10 projects;
11
12 m. Seafarer – refers to an OFW who is engaged in employment in any capacity on board a
13 merchant marine vessel plying international waters or other sea-based craft of similar
14 category. For purposes of this Act, it shall include fisherfolk, cruise ship personnel, yacht
15 crew, those serving on mobile offshore and drilling units in the high seas, and other
16 persons similarly situated.
17

18 **SEC. 4. Creation and mandate.** – The Department of Overseas Filipinos, hereinafter referred
19 to as “the Department”, is hereby organized structurally and functionally in accordance with
20 the provisions of this Act.
21

22 The Department shall be the primary agency under the Executive Branch of the government
23 tasked to protect the rights and promote the welfare of overseas Filipinos; formulate, plan,
24 coordinate, promote, administer, and implement policies, and undertake systematic national
25 development programs for managing and monitoring the overseas or foreign employment of
26 Filipino workers, while taking into consideration domestic manpower and human resource
27 requirements and the need to protect the right to decent work and fair and ethical recruitment
28 practices.
29

30 **SEC. 5. Powers and functions.** – To carry out its mandate, the Department shall:
31

- 32 a. Formulate, recommend, and implement national policies, plans, programs, and
33 guidelines that will ensure the protection of overseas Filipinos, including OFWs, the
34 promotion of their interests, and the timely and effective resolution of their problems;
35
36 b. Ensure that policies and programs are in place to adequately protect current and
37 prospective overseas Filipinos, including OFWs;
38
39 c. Regulate, through the Philippine Overseas Employment Administration, the deployment
40 of overseas Filipino workers;
41
42 d. Initiate, pursue, and help prosecute, in coordination with the Department of Justice,
43 illegal recruitment and human trafficking cases as defined under Republic Act No. 10022
44 or the Migrant Workers and Overseas Filipinos Act;
45
46 e. Conduct, in coordination with relevant stakeholders, studies on policy areas and options
47 that will ensure protection of overseas Filipinos and address perennial issues that they
48 encounter;
49
50 f. Protect and promote the welfare, well-being, and interests of the families of overseas
51 Filipinos;
52
53 g. Build, in coordination with the Department of Foreign Affairs, strong and harmonious
54 partnerships with counterpart and relevant agencies in foreign countries in order to

- 1 facilitate the implementation of strategies and programs designed for the protection and
2 promotion of the rights and well-being of overseas Filipinos and their families;
3
- 4 h. Assess, review, harmonize, and coordinate, in coordination with the Department of
5 Foreign Affairs, applicable policies and procedures pursuant to multilateral, regional, or
6 bilateral treaties and agreements with foreign countries, the United Nations and its
7 affiliate organizations, and other international and regional organizations;
8
- 9 i. Cooperate and coordinate with foreign countries of destination, and monitor labor
10 developments in foreign countries to ensure that the terms and conditions of work of
11 overseas Filipino workers are in accordance with applicable and appropriate Philippine,
12 on-site, and international standards;
13
- 14 j. Employ proactive, effective, and efficient approaches in providing timely ATN services
15 to overseas Filipinos, especially in times of actual or potential war, civil unrest, pandemic
16 or other analogous circumstances and situations;
17
- 18 k. Provide, in coordination with the Department of Foreign Affairs, ATN services to
19 overseas Filipinos, especially those in distress. In times of national emergencies, such
20 as the imminence of war or pandemic, the Department shall strengthen linkages with
21 appropriate authorities in the host country for the timely mobilization and assistance to
22 Overseas Filipinos;
23
- 24 l. Provide social and welfare services, including insurance, social work assistance, legal
25 assistance, cultural services, to overseas Filipinos;
26
- 27 m. Provide, in cooperation with the Department of Education, the Commission on Higher
28 Education, the Technical Education and Skills Development Authority, and other
29 government agencies, civil societies, and non-governmental organizations aimed at
30 promoting the global competitiveness of overseas Filipino workers, job matching
31 services to prospective overseas Filipino workers;
32
- 33 n. Administer the generation, accumulation, and utilization of funds for the benefit of
34 overseas Filipinos;
35
- 36 o. Administer reintegration and social service programs for overseas Filipinos who are
37 returning or have returned to the Philippines;
38
- 39 p. Encourage and enhance information and resource sharing, develop an electronic
40 database to improve services for overseas Filipinos, and strengthen linkages and
41 cooperation among government agencies, consistent with national and overseas
42 Filipino-focused objectives;
43
- 44 q. Regulate, through the Philippine Overseas Employment Administration, the operations
45 of private recruitment and manning agencies and other related business entities involved
46 in the employment of overseas Filipino workers to protect the interests and well-being
47 of these workers, with due consideration to relevant market conditions;
48
- 49 r. Foster the professionalization and ensure compliance with legal and ethical standards,
50 training, and capacity-building of private recruitment and manning agencies;
51
- 52 s. Represent Philippine interests pertaining to overseas Filipinos in regional, sub-regional,
53 bilateral, and multilateral fora and international bodies, and negotiate on matters
54 concerning overseas Filipinos, in coordination and cooperation with the Department of
55 Foreign Affairs;

- 1
2 t. Promulgate rules and regulations for the implementation of pertinent laws and policies
3 relating to overseas Filipinos;
4
5 u. Accept, hold, administer, and utilize properties, subject to limitations set by existing laws,
6 in pursuit of the mandate of the Department;
7
8 v. Perform all the powers, functions, and responsibilities assigned to all agencies, offices,
9 or units to be transferred to the Department pursuant to the consolidation mandated by
10 this Act;
11
12 w. Prosecute cases arising out of violations of the provisions of this Act, including those
13 involving trafficking in persons and illegal recruitment, in coordination with quasi-judicial
14 bodies such as the National Labor Relations Commission, the Department of Labor and
15 Employment, the National Bureau of Investigation, and the Inter-Agency Council Against
16 Trafficking;
17
18 x. Assume all powers, functions, and responsibilities assigned to the Department of Labor
19 and Employment relating to overseas Filipinos provided for under Republic Act No. 8042
20 or the Migrant Workers and Overseas Filipinos Act, Republic Act No. 10801 or the
21 Overseas Workers Welfare Administration Act, and other related laws; and
22
23 y. Perform such other functions as may be necessary to achieve the objectives of this Act.

24
25 The exercise of the powers and functions of the Department shall in no way limit, restrict or
26 affect the pursuit of an independent foreign policy in the conduct of foreign affairs.
27

28 **SEC. 6. Composition.** – The Department shall consist of the Department Proper comprising
29 of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries,
30 the Service Units, the Staff Bureaus, Regional offices, and ATN Units of Philippine Foreign
31 Service Posts.
32

33 The Secretary shall be appointed by the President, subject to confirmation by the Commission
34 on Appointments in accordance with the Constitution. The Undersecretaries and Assistant
35 Secretaries shall likewise be appointed by the President upon the recommendation of the
36 Secretary.
37

38 **SEC. 7. The Secretary.** – The authority and responsibility for the exercise of the mandate,
39 powers, and functions of the Department shall be vested in the Secretary of the Department,
40 who shall exercise supervision and control over the Department.
41

42 For such purposes, the Secretary shall have the following powers and functions:
43

- 44 a. Provide executive direction, supervision, and control over the entire operations of the
45 Department and its attached agencies, unless otherwise provided for elsewhere in this
46 Act;
47
48 b. Establish policies and standards for the effective, efficient, and economical operation of
49 the Department, consistent with the programs of the government;
50
51 c. Exercise jurisdiction over all bureaus, offices, agencies, and corporations under the
52 Department as provided by law and in accordance with the applicable relationships as
53 specified in the Administrative Code;
54

- 1 d. Delegate, with reasonable standards under the circumstances, authority for the
2 performance of any function to offices and employees of the Department;
3
4 e. Issue orders, directives, rules, and regulations, and other issuances to carry out foreign
5 labor and employment policies, plans, programs, or projects;
6
7 f. Negotiate with foreign countries' governments, in coordination with the Department of
8 Foreign Affairs, treaties, agreements, pacts, and other similar instruments that are
9 related to labor migration and overseas employment;
10
11 g. Evaluate policy, plan, program, and project accomplishments of the Department;
12
13 h. Advise the President on the promulgation of executive and administrative orders and on
14 the formulation of necessary regulatory and legislative proposals on matters pertaining
15 to overseas Filipinos;
16
17 i. Administer and manage the Assistance to Nationals Fund and issue guidelines for the
18 proper and efficient utilization thereof;
19
20 j. Formulate such rules and regulations and exercise such other powers as may be
21 required to implement and realize the objectives of this Act;
22
23 k. Supervise and manage the prosecution of cases involving the utilization of the ATN
24 Fund;
25
26 l. Act as Chairperson of the Overseas Workers Welfare Administration Board;
27
28 m. Sit as a member of the Inter-Agency Council Against Trafficking created by Republic Act
29 No. 9208, as amended;
30
31 n. Create additional offices and positions, in coordination with the Department of Budget
32 and Management and the Civil Service Commission, as may be necessary to fulfill the
33 mandate of the Department;
34
35 o. Promulgate and implement the implementing rules and regulations of this Act; and
36
37 p. Perform such other tasks as provided for under existing laws or assigned by the
38 President.
39

40 **SEC. 8. Structure of the Department.** – The Secretary shall be assisted by four (4)
41 Undersecretaries and by an appropriate number of Assistant Secretaries as determined by
42 this law.
43

44 The following offices are hereby created, each to be headed by an Undersecretary and
45 assisted by other officers and staff:
46

- 47 a. Office of the Undersecretary for Administration and Finance. The Office of the
48 Undersecretary for Administration and Finance shall have the following functions:
49 1. Provide the Department with efficient, effective, and economical services relating
50 to records management, supplies, equipment, collections, disbursements, building
51 administration and maintenance, security, and custodial work;
52
53 2. Administer personnel programs including selection and placement, development,
54 performance evaluation, employee relations, and welfare;
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3. Supervise and control the operational activities of the Assistant Secretary heading each of the following units:

- I. Financial Management and Internal Audit;
- II. Human Resources, Regional Operations, Assets Management, and Records and Archives; and
- III. Legal Department and Bids and Awards Committee.

4. Manage internal budgetary and financial matters, including an internal accounting and auditing system, and data banking; and

5. Perform such other functions as may be provided by law or assigned by the Secretary.

b. Office of the Undersecretary for Foreign Employment. The Office of the Undersecretary for Foreign Employment shall have the following functions:

1. Advise and assist the Secretary in the formulation of the Department's overall long-term and short-term plans and programs on overseas employment;

2. Review and evaluate the progress or status of projects and accomplishments in relation to set standards, objectives, and schedules;

3. Undertake program and policy coordination, monitoring and evaluation of the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA);

4. Supervise and control operational activities of one (1) Assistant Secretary; and

5. Perform such other functions as may be provided by law or assigned by the Secretary.

c. Office of the Undersecretary for Assistance to Overseas Filipinos in Distress. The Office of the Undersecretary for Assistance to Overseas Filipinos in Distress shall subsume all the functions of the Office of the Undersecretary for Migrant Workers' Affairs of the DFA and the Social Welfare Attaches Office (SWATO) under the Department of Social Welfare and Development (DSWD), now operating as the International Social Services Office (ISSO). It shall exercise the following functions:

1. Provide prompt and appropriate response to global emergencies or crisis situations affecting OFs, particularly OFWs, and members of their families left behind;

2. Undertake all repatriation activities, in coordination with the DFA, Philippine Foreign Service Posts, and other government agencies, in cases of war, epidemic, disasters or calamities, whether natural or man-made, amnesties, emergencies, abuse, and other similar events without prejudice to reimbursement by the responsible principal employer or recruitment or manning agency;

3. Enforce the Assistance to Nationals (ATN) Fund and Legal Assistance Fund guidelines, procedures, and criteria for the utilization of the said fund as provided for under this Act;

- 1 4. Administer the ATN Fund and the Legal Assistance Fund, and to authorize
2 disbursements therefrom in accordance with the purpose for which the fund was
3 set up;
- 4
- 5 5. Ensure effective coordination and cooperation with other government agencies
6 and Philippine Foreign Service Posts in the provision of legal assistance and ATN
7 services utilizing the Fund;
- 8
- 9 6. Tap the assistance of the Integrated Bar of the Philippines, other bar associations,
10 legal experts on labor, migration, and human rights laws, reputable law firms, and
11 civil society organizations, to complement government services and resources to
12 provide legal and other forms of assistance to OFs in distress and OFWs;
- 13
- 14 7. Establish a 24/7 Emergency Response and Action Center Unit and media and
15 social media monitoring center to respond to the emergency needs of OFs and
16 their families;
- 17
- 18 8. Exercise control and supervision over the Assistant Secretary heading the
19 following units: (i) Operations; and (ii) Public Assistance Center; and
- 20
- 21 9. Perform such other functions as may be provided by law or assigned by the
22 Secretary.
- 23
- 24 d. Office of the Undersecretary for Policy, Treaties, International Agreements and Special
25 Concerns. The Office of the Undersecretary for Policy, Treaties, International
26 Agreements and Special Concerns shall subsume all the substantive functions of the
27 International Labor Affairs Bureau (ILAB) under the Department of Labor and
28 Employment and all the related functions and mandate of the Commission on Filipinos
29 Overseas (CFO). It shall exercise the following functions:
- 30
- 31 1. Monitor the observance and implementation of the Philippines' obligations and
32 commitments to migration related international organizations and treaties;
- 33
- 34 2. Coordinate with the DFA regarding the negotiations of treaties, agreements,
35 compacts, and other instruments that are related to labor migration;
- 36
- 37 3. Manage and supervise the ATN Career Corps as created by Section 15 of this Act
38 in coordination with the DFA;
- 39
- 40 4. Exercise control and supervision over one (1) Assistant Secretary heading the
41 ATN Career Corps Unit;
- 42
- 43 5. Formulate and implement an integrated program for the promotion of the welfare
44 of OFs, and the provision of pre-departure orientation seminars and counseling
45 services to emigrants, marriage migrants, au pairs, and exchange visitor program
46 participants;
- 47
- 48 6. Implement programs and services to adequately prepare Filipinos migrating to
49 other countries to meet the practical and psychological problems attendant to
50 international migration;
- 51
- 52 7. Act as the Department's advocacy arm and shall execute programs and services
53 to raise public awareness on the dangers and indicators of illegal recruitment,
54 human trafficking, mail-order-spouse schemes, and access to the different
55 government policies and programs in place that aim to address these concerns;

- 1
2 8. Serve as a forum for preserving and enhancing the social, economic, and cultural
3 ties of OFs with their motherland;
4
5 9. Provide liaison services to OFs with appropriate government and private agencies
6 in the transaction of business and similar ventures in the Philippines; and
7
8 10. Perform such other functions as may be provided by law or assigned by the
9 Secretary.

10
11 **SEC. 9. Qualifications.** – No person shall be appointed as Secretary, Undersecretary, or
12 Assistant Secretary of the Department unless he is a natural born citizen and resident of the
13 Philippines, of good moral character, of proven integrity and competence in public
14 administration, and has recognized expertise in governance involving overseas Filipinos.
15

16 The Undersecretaries shall be members of the Philippine Bar who have been engaged in the
17 practice of law for at least five (5) years.
18

19 No person involved in the business of recruitment and deployment of overseas Filipinos and
20 overseas Filipino workers shall be appointed as Secretary, Undersecretary, or Assistant
21 Secretary of the Department. This prohibition shall likewise apply to relatives of such person
22 involved in the business of recruitment and deployment of overseas Filipinos and overseas
23 Filipino workers up to the fourth degree of consanguinity or affinity.
24

25 It shall be unlawful for any official or employee of the Department or other government
26 agencies involved in the implementation of this Act, or their relatives within the fourth degree
27 of consanguinity or affinity, to engage, directly or indirectly, in the business of recruitment and
28 deployment of overseas Filipino workers. Upon conviction, the penalties under Republic Act
29 No. 8042, as amended, shall be imposed upon them.
30

31 **SEC. 10. Regional offices.** – The Department shall establish, operate, and maintain a
32 regional office and such other lower level offices as may be deemed necessary by the
33 Secretary in strategic locations in the country in consideration of existing regional offices of
34 the POEA and OWWA.
35

36 **SEC. 11. Structure and staffing pattern.** – The Department shall determine its organizational
37 structure and create new divisions or units as it may deem necessary at the national, regional,
38 provincial, and in such other lower levels, and shall appoint officers and employees of the
39 Department in accordance with Civil Service laws, rules and regulations. Republic Act No.
40 6656, or the Government Reorganization Law shall govern the organization of the Department,
41 and the reorganization of affected agencies.
42

43 Sixty (60) days from the approval of this Act, the Department shall present its staffing pattern
44 to the Department of Budget and Management for approval. This staffing pattern shall be
45 implemented effective immediately upon approval but not later than the holdover period of all
46 the subsumed agencies of the Department.
47

48 **SEC. 12. Sectoral and industry task forces.** – The Department may create sectoral and
49 industry task forces, technical working groups, advisory bodies, or committees for the
50 furtherance of its objectives. Additional private sector representatives, such as from the OFWs,
51 the academe, and private industries directly involved in deployment of OFWs, as well as other
52 national government agencies, local government units, and government-owned and -
53 controlled corporations, may be appointed to these Sectoral and Industry Task Forces.
54

1 **SEC. 13. Establishment of Overseas Filipinos Malasakit Centers.** – The Department, in
2 partnership with other government agencies and local government units, shall establish the
3 Overseas Filipinos Malasakit Centers in strategic locations of the country to ensure prompt,
4 efficient, vital and relevant services to migrant Filipinos and their families to include acquisition
5 of government clearances and permits, validation of overseas job offers, reintegration services
6 and all pertinent seminars and workshops for all stakeholders.
7

8 **SEC. 14. Assistance to Nationals Fund.** – The Legal Assistance Fund under Section 25 of
9 Republic Act No. 8042, as amended, as well as the ATN Fund now administered by the
10 Department of Foreign Affairs shall be transferred to and administered by the Department. In
11 addition to those guidelines provided for under existing laws, and in accordance with
12 guidelines to be formulated by the Department, the ATN Fund shall be used for the provision
13 of ATN services as provided for under this Act.
14

15 The ATN Fund guidelines shall be issued by the Secretary in consultation with relevant
16 stakeholders.
17

18 **SEC. 15. ATN Office.** – The Assistance-to-Nationals (ATN) Office of the Philippine Foreign
19 Service Post shall be the operating arm overseas foreign office of the Department. The ATN
20 Office shall absorb all the powers, existing functions and personnel of the Philippine Overseas
21 Labor Offices (POLO), existing ATN units of the DFA and social welfare services in all
22 Philippine embassies and consulates, and shall perform the following functions:
23

- 24 a. Ensure the promotion and protection of the welfare and interests of Filipino Overseas
25 and assist them in all problems arising out of employer- employee relationships including
26 violation of work contracts, conditions of employment such as non-payment of wages
27 and other benefits, illegal dismissal, and other similar cases;
28
- 29 b. Verify employment contracts and other employment-related documents;
30
- 31 c. Monitor and report to the Secretary on situations and policy developments in the
32 receiving country that may affect Filipinos Overseas in particular and Philippine labor
33 policies, in general;
34
- 35 d. Pursue, in coordination with and supervision by the Philippine Embassy/Consulate,
36 discussion on bilateral and multilateral labor issues and concerns with the host
37 government, foreign embassies concerned, and international organizations;
38
- 39 e. Supervise and coordinate the operations of the Migrant Workers and Other Overseas
40 Filipinos Resource Center;
41
- 42 f. Provide social and welfare programs and services to Filipino nationals, including social
43 assistance, education and training, cultural services, financial management,
44 reintegration, and entrepreneurial development services;
45
- 46 g. Provide prompt and appropriate response to global emergencies or crisis situations
47 affecting Filipino nationals;
48
- 49 h. Manage case of OFWs and other overseas Filipinos in distress needing psychosocial
50 services, such as victims of trafficking or illegal recruitment, rape or sexual abuse,
51 maltreatment and other forms of physical or mental abuse and cases of abandoned or
52 neglected children;
53

- 1 i. Establish and maintain a data bank and documentation of OFWs and their families so
2 that appropriate welfare services can be more effectively provided;
3
4 j. Repatriation of distressed Filipino nationals including shipment of remains and personal
5 belongings;
6
7 k. Verification of whereabouts and condition;
8
9 l. Provide assistance in criminal and immigration cases;
10
11 m. Provide assistance to victims of illegal Recruitment and Trafficking in Persons;
12
13 n. Provide assistance to kidnapping and hostage victims;
14
15 o. Conduct prison and hospital visitation, and attend court hearings;
16
17 p. Provide assistance to detained and/or convicted Filipino nationals, as may be
18 appropriate; and
19
20 q. Perform other functions and responsibilities as may be assigned by the Secretary.
21

22 The Department shall establish the Assistance-to-Nationals Career Officer Corps. The
23 qualifications, hiring and selection, continuous training and education, merit promotion system,
24 and rotation system for deployment and recall of ATN Officers shall also be established by the
25 Department, in accordance with existing civil service rules and regulations.
26

27 ATN Officers in foreign posts shall be designated as service attaches and shall have the
28 following duties and responsibilities:
29

- 30 a. Repatriation of distressed and undocumented Filipinos;
31
32 b. Assistance to victims of natural and man-made disasters;
33
34 c. Monitoring of court cases of Filipinos;
35
36 d. Attending to police cases involving Filipinos such as but not limited to sexual assault,
37 theft/robbery, drug use/drug trafficking, fraud/falsification/forgery, murder/homicide,
38 trafficking in persons, etc.;
39
40 e. Prison visitation including counselling and provision of consular services;
41
42 f. Coordination with next-of-kin or relatives on police and immigration cases; and
43
44 g. Attending to death of Filipinos including repatriation of remains or personal belongings
45 and issuance of mortuary certificate.
46

47 ATN Officers in the Central Office shall have the following duties and responsibilities:
48

- 49 a. Receive requests for assistance from the next-of-kin of overseas Filipinos in distress or
50 the overseas Filipinos themselves;
51
52 b. Refer requests to the concerned Foreign Service Post;
53

- 1 c. Endorse the disbursement from the ATN Fund and the Legal Assistance Fund, subject
2 to rules and regulations for such disbursement;
3
4 d. In cases of emergency situations, monitor the situation abroad through reports from the
5 Philippine Embassies and Consulates; and
6
7 e. Provide information and updates to interested parties and government agencies.
8

9 The deployment and performance of the ATN Career Officer Corps members to Philippine
10 Foreign Service Post shall be governed by the Philippine Foreign Service Act of 1991, Vienna
11 Convention on Consular Relations and the Vienna Convention on Diplomatic Relations and
12 shall also be subject to the rules and regulations imposed by the receiving State.
13

14 There shall be an ATN Head with an assimilated diplomatic rank to be appointed by the
15 Secretary of the Department.
16

17 All regional offices of the OWWA shall be located, as much as practicable, beside the regional
18 office of the Department for foreign posts. The OWWA shall be under the ATN Office to
19 consolidate the migration team of the Foreign Service and will be under supervision of the
20 ATN Head.
21

22 **SEC. 16. Migrant Workers and Other Overseas Filipinos Resource Center (MWOFRFC). –**
23 The Migrant Workers and other Overseas Filipinos Resource Center (MWOFRFC) shall be
24 under the Department and shall provide the following services:
25

- 26 a. Temporary shelter to distressed OFWs;
27
28 b. Counselling and legal services;
29
30 c. Welfare assistance including the procurement of medical and hospitalization services;
31
32 d. Information, advisory programs to promote social integration such as post-arrival
33 orientation, settlement and community networking services and activities for social
34 interaction;
35
36 e. Registration of irregular and undocumented workers;
37
38 f. Human resource development, such as training and skills upgrading;
39
40 g. Gender-sensitive programs and activities to assist particular needs of migrant workers;
41
42 h. Orientation program for returning workers and other migrants;
43
44 i. Monitoring of the daily situation, circumstances and activities affecting migrant workers
45 and other overseas Filipinos;
46
47 j. Ensuring that labor and social welfare laws in the receiving country are fairly applied to
48 migrant workers and other overseas Filipinos; and
49
50 k. Conciliation of disputes arising from employer-employee relationship.
51

52 The following personnel may be assigned to the Center:
53
54

- 1 a. Psychologists, Social Workers, and a Shari'a or Human Rights Lawyer, in highly
2 problematic countries as categorized by the DFA and the Department and where there
3 is a concentration of Filipino migrant workers;
4
5 b. Individual volunteers and representatives from bona fide non-government organizations
6 from the receiving countries, if available and necessary as determined by the ATN Head,
7 in consultation with the Chief of Mission;
8
9 c. Public Relations Officer or Case Officer conversant, orally and in writing, with the local
10 language, laws, customs and practices; and
11
12
13 d. Legal Officers and such other professionals deemed necessary by the Secretary.
14 The ATN Head shall supervise and coordinate the day-to-day operations and activities
15 of the Center and shall keep the Chief of Mission informed and updated on all matters
16 affecting it at least quarterly through a written report addressed to the Chief of Mission.
17

18 **SEC. 17. One country-team approach.** – Under the one country-team approach, all officers,
19 representatives, and personnel of the Philippine government posted abroad regardless of their
20 mother agencies shall, on a per country basis, act as one country-team with a mission under
21 the leadership of the Ambassador or the Consul General. In this regard, the Ambassador or
22 the Consul General acting as Head of Post, may recommend to the Secretary, in coordination
23 with the Secretary of the Department of Foreign Affairs, the recall of officers, representatives,
24 and personnel of the Philippine government posted abroad for acts inimical to the national
25 interest such as the failure to provide the necessary services to protect the rights of overseas
26 Filipinos.
27

28 **SEC. 18. Management information system.** – The Department shall establish, in
29 cooperation with other government agencies concerned, a computer-based management
30 information system on overseas Filipinos to support its operations and as well as to have a
31 source of relevant data for programs and policy formulation. Each office of the Department
32 may likewise create and maintain its own relevant database, as it deems necessary, *provided*,
33 that these are integrated into the Department's main management information system.
34

35 **SEC. 19. Transfer of agencies and functions.** – The following agencies are hereby merged
36 and transferred to the Department, and their powers and functions subsumed to the
37 Department which shall assume and perform all their powers and functions:
38

- 39 a. The Office of the Undersecretary for Migrant Workers' Affairs (OUMWA) of the
40 Department of Foreign Affairs as provided for under Republic Act No. 8042, as
41 amended, to include all present and previous units in the Department of Foreign Affairs
42 performing functions mandated by the said law;
43
44 b. The Commission on Filipinos Overseas (CFO);
45
46 c. All Philippine Overseas Labor Offices (POLO) under the Department of Labor and
47 Employment;
48
49 d. The International Labor Affairs Bureau (ILAB) under the Department of Labor and
50 Employment; and
51
52 e. The Social Welfare Attaches Office (SWATO) under the Department of Social Welfare
53 and Development, now operating as the International Social Services Office (ISSO).
54

1 **SEC. 20. Attached agencies.** - The Philippine Overseas Employment Administration (POEA)
2 and the Overseas Workers Welfare Administration shall be attached to the Department.
3

4 The Department shall exercise administrative supervision over the POEA created under
5 Executive Order 247 Series of 1987 and Republic Act No. 8042, as amended. The POEA shall
6 continue to function in accordance with its charter.
7

8 The Department shall exercise administrative supervision over the OWWA created under
9 Republic Act No. 10801 as an attached agency for purposes of policy and program
10 coordination, monitoring and evaluation. The OWWA shall continue to function in accordance
11 with its charter. The Secretary shall be added to the OWWA Board of Trustees and shall act
12 as Chairperson of the Board. The DOLE Secretary shall remain as member of the Board.
13

14 Five (5) years after the effectivity of this Act, the Department shall conduct a thorough review
15 of the administration, operations, and functions of the POEA and OWWA as attached agencies
16 of the Department. From its evaluation, the Department may propose and recommend the
17 necessary changes, legislative or administrative, to fulfill its mandate and the objectives of this
18 Act.
19

20 **SEC. 21. Reorganization and other transitory provisions.** - In the transfer of functions of
21 affected agencies under this Act, the following rules shall apply:
22

- 23 a. Any transfer of entities shall include the functions, appropriations, funds, records,
24 equipment, facilities, other properties, assets, and liabilities of the transferred entity as
25 well as the personnel thereof as may be necessary, who shall, in a holdover capacity,
26 continue to perform their respective duties and responsibilities and receive the
27 corresponding salaries and benefits, unless in the meantime they are separated from
28 government service pursuant to existing laws. Those personnel from the transferred
29 entity whose positions are not included in the new position structure and staffing pattern
30 approved by the Secretary or who are not reappointed shall be entitled to the benefits
31 provided in the second paragraph of Section 22 hereof;
32
- 33 b. Any transfer of functions which results in the subsuming of the entity that has exercised
34 such transferred functions shall include, as may be necessary to the proper discharge
35 of the transferred functions, the appropriations, funds, records, equipment, facilities,
36 other assets, and personnel of the entity from which such functions have been
37 transferred. The remaining appropriations and funds shall revert to the General Fund
38 and the remaining records, equipment, facilities, and other assets shall be allocated to
39 such appropriate units as the Secretary shall determine, or otherwise shall be disposed
40 of, in accordance with pertinent laws, rules and regulations. The liabilities, if any, of the
41 subsumed entity shall be treated likewise in accordance with pertinent laws, rules and
42 regulations. Incumbents of the subsumed entity shall, in a holdover capacity, continue
43 to perform their respective duties and responsibilities and receive the corresponding
44 salaries and benefits unless in the meantime they are separated from government
45 service, pursuant to existing laws. Any such personnel whose position is not included in
46 the new position structure and staffing pattern approved by the Secretary or who is not
47 reappointed shall be entitled to the benefits provided in Section 22 hereof; and
48
- 49 c. Any transfer of functions which does not result in the subsuming of the entity that has
50 exercised such transferred functions shall include the appropriations, funds, records,
51 equipment, facilities, other assets as well as the personnel of the entity from which such
52 functions have been transferred that are necessary to the proper discharge of such
53 transferred functions. The liabilities, if any, which have been incurred in connection with
54 the discharge of the transferred functions, shall be allocated in accordance with pertinent
55 laws, rules and regulations. Such personnel shall, in a holdover capacity, continue to

1 perform their respective duties and responsibilities and receive the corresponding
2 salaries and benefits unless in the meantime they are separated from government
3 service pursuant to existing laws. Any such personnel whose position is not included in
4 the new position structure and staffing pattern approved by the Secretary or who is not
5 reappointed shall be entitled to the benefits under applicable laws, rules and regulations.
6

7 **SEC. 22. Absorption, separation, and retirement from service.** – The existing employees
8 of the transferred and subsumed agencies under this Act shall enjoy security of tenure and
9 shall be absorbed by the Department, in accordance with their staffing patterns and the
10 selection process as prescribed under Republic Act. No. 6656 or the Government
11 Reorganization Law.
12

13 Employees who are affected by the creation of the Department and are separated from service
14 within six (6) months from the effectivity of this Act as a result of the organization and
15 reorganization under this Act shall receive separation benefits under Republic Act No. 6656,
16 or the Government Reorganization Law, and other applicable laws, rules and regulations:
17 *Provided*, That those who are qualified to retire and receive retirement benefits under existing
18 retirement laws shall be allowed to retire. Detailed, transferred, or seconded career personnel
19 to the Department from transferred or subsumed entities or any government entity shall neither
20 lose seniority in rank or status, nor suffer any diminution of their salaries, allowances, or other
21 privileges and entitlements.
22

23 Employees who are separated from service within six (6) months from the effectivity of this
24 Act as a result of the organization and reorganization under this Act shall also receive
25 additional separation incentives, as follows:
26

- 27 a) Fifty percent (50%) of the actual monthly basic salary for every year of service, for those
28 who have rendered less than 11 years of service;
- 29 b) Seventy five percent (75%) of the actual monthly basic salary for every year of service
30 computed starting from the 1st year, for those who have rendered 11 to less than 21
31 years of service;
- 32 c) The actual monthly basic salary for every year of service, computed starting from the
33 1st year, for those who have rendered 21 to less than 31 years of service; and
- 34 d) One hundred twenty five percent (125%) of the actual monthly basic salary for every
35 year of service, computed starting from the 1st year, for those who have rendered 31
36 years of service and above.
37
38
39
40

41 *Provided*, That personnel who will be separated from the service as a result of the
42 rationalization of the existing offices and will avail themselves of the incentives shall not be
43 reemployed in any agency of the Executive Branch for a period of five (5) years, except as a
44 teaching or medical staff in educational institutions and hospitals, respectively: *Provided*,
45 further, That retired or separated personnel who are reemployed within the prohibited period
46 shall refund the separation incentives received on a pro-rated basis: *Provided*, finally, That
47 retired or separated personnel who will undertake consultancy services for the government
48 shall be governed by RA No. 6713 (Code of Conduct and Ethical Standards for Public Officials
49 and Employees).
50

51 For purposes of the additional separation incentives, the actual monthly basic salary shall refer
52 to the salary of the affected personnel as of the date of approval of the Department's
53 organizational structure and staffing pattern by the DBM.
54

1 **SEC. 23. Transition period.** – The transfer of functions, assets, funds, equipment, properties,
2 transactions, and personnel of the affected agencies, and the formulation of the internal
3 organic structure, staffing pattern, operating system, and revised budget of the Department,
4 shall be completed within six (6) months from the effectivity of this Act: *Provided*, That within
5 this period, the existing personnel of all subsumed entities shall continue to assume their posts
6 on holdover capacities until new appointments or a new staffing pattern shall have been
7 issued: *Provided*, further, That after the organization and rationalization process, the
8 Department, in coordination with the DBM, shall determine and create new positions, the
9 funding requirements of which shall not exceed the equivalent cost of the positions subsumed.

10
11 **SEC. 24. Congressional Oversight Committee.** – There shall be created a Congressional
12 Oversight Committee on Overseas Filipinos to monitor and oversee the implementation of the
13 provisions of this Act.

14
15 The Committee shall be composed of six (6) members from the Senate and six (6) members
16 from the House of Representatives with the Chairpersons of the Committees on Government
17 Reorganization and Overseas Workers Affairs of the House of Representatives and
18 Committee on Labor, Employment and Human Resources Development of the Senate as Co-
19 chairpersons of this Committee. The other members from each Chamber are to be designated
20 by the Senate President and the Speaker of the House of Representatives, respectively. The
21 minority shall be entitled to *pro rata* representation but shall have at least two (2)
22 representatives from each Chamber.

23
24 **SEC. 25. Appropriations.** – The amount needed for the initial implementation of this Act shall
25 be taken from the current year's appropriations of the agencies, entities, divisions, sections or
26 bodies subsumed or transferred to the Department by virtue of this Act. Thereafter, such sums,
27 as may be necessary for its continued implementation, shall be included in the annual General
28 Appropriations Act.

29
30 **SEC. 26. Mandatory review.** – Ten (10) years after the effectivity of this Act, or as the need
31 arises, the Congressional Oversight Committee shall conduct a systematic evaluation of the
32 accomplishments and impact of this Act, as well as the performance and organizational
33 structure of its implementing agencies, for purposes of determining remedial legislation.

34
35 Ten (10) years from the creation of this Department, the Congressional Oversight Committee
36 may recommend to abolish the Department should circumstances prove that there is no more
37 need for its existence. The relevance and practicality of maintaining the Department shall be
38 reviewed every five (5) years after the ten (10) year mandatory review period.

39
40 **SEC. 27. Implementing rules and regulations.** – The Department of Overseas Filipinos, in
41 coordination with the Department of Finance, the Department of Foreign Affairs, the
42 Department of Budget Management, the Department of Labor and Employment, the Civil
43 Service Commission, the National Economic and Development Authority, the Philippine
44 Statistics Authority, and the Office of the Presidential Adviser on OFWs (OPA-OFW), shall,
45 within sixty (60) days after the effectivity of this Act, promulgate such rules and regulations
46 necessary to implement this Act.

47
48 **SEC. 28. Separability clause.** – Should any provision of this Act or part thereof be declared
49 unconstitutional, the other provisions or parts not affected thereby shall remain valid and
50 effective.

51
52 **SEC. 29. Repealing clause.** – All other laws, decrees, orders, rules and regulations or parts
53 thereof inconsistent with this Act are hereby repealed or modified accordingly.
54

1 **SEC. 30. Effectivity.** – This Act shall take effect fifteen (15) days after its complete
2 publication in the Official Gazette and in at least two (2) newspapers of general
3 circulation.

4

5 **Approved,**