

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

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SENATE

Senate Bill No. 31

RECEIVED

BY:

Introduced by Senator Cynthia A. Villar

EXPLANATORY NOTE

The Filipino presence in the labor force of almost all nations around the globe is not minute. In fact, the 2009 Philippine Overseas Employment Administration (POEA) Overseas Employment Statistics (OES) report reveals that the Philippines is a main exporter of labor to other countries with the Philippines sending at least 3,000 Overseas Filipino Workers (OFW) daily. These OFWs have been a consistent dollar earner for the country as it has brought in at least \$17.3 Billion in the local economy as reported by POEA-OES in the year 2009 alone. This is equivalent to some 11-12% of the country's gross domestic product.

To address the growing emigration of Filipinos to work abroad, it is embodied in the 1987 Constitution, Article XIII Section 3 that "[t]he State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."

In keeping with this declaration, the State has created the Philippine Overseas Employment Administration (POEA) and Overseas Workers Welfare Administration (OWWA) to support our "modern day" heroes.

Despite the presence of the above mentioned two main government institutions that caters to the OFWs and with the assistance of the Department of Foreign Affairs and the Department of Labor and Employment, according to real life battles of these OFWs abroad, these OFWs still feel neglected and unsupported by the government. There are reports of numerous complaints and resentment from Filipinos against the government for the latter's apparent inadequate support (or lack thereof given) to them while they were facing tough times abroad — particularly, OFWs who were in Libya, incarcerated OFWs in the middle east and even families of those OFWs sentenced to die in China, Singapore etc

In fact recently, there were reports of OFWs who were allegedly sexually abused, or willingly engaged in prostitution, or sex-for-hire activities, some were allegedly even abused or pimped by the Philippine consular officers.

Considering the significant value they bring in to the economy and the specialized problems they face abroad, it is but appropriate that a separate Department — the Department of Overseas Filipino Workers — be created to cater to the special needs of the OFWs. Hence, this measure will transfer POEA and OWWA as an attached agency, 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 the OFWs.

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

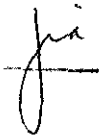
CYNTHIA A. VILLAR

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AN ACT ESTABLISHING DEPARTMENT OF OVERSEAS FILIPINO WORKERS (DOFW), DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS 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 Overseas Filipino Workers Act."

3
4 **SECTION 2. Declaration Of Policies. –**

- 5
6 A. To ensure the protection of the rights of Overseas Filipino Workers (OFWs),
7 promotion of their welfare, safety, and support;
8 B. To ensure a policy of the government of orderly flow of OFW movements under
9 favorable condition;
10 C. To ensure that the government reaches out and cooperates with other states
11 where there are OFWs;
12 D. To ensure the provision of information and communication services to countries
13 without such adequate services or provision of the same in times of calamities or
14 emergencies;
15 E. To develop a database for OFWs to ensure assistance in times of distress;
16 F. To establish a strong and effective regulatory system that will ensure only fit
17 Filipinos are allowed to work outside of the country;
18 G. To promote the human capital development of OFWs to enable them to better
19 compete in other countries;
20 H. To extend deployment and repatriation assistance and support to OFWs; and
21 I. To promote the reintegration of returning OFWs.

22
23 **SECTION 3. Creation Of A Department Of Overseas Filipino Workers.** There
24 is hereby created a Department of Overseas Filipino Workers (DOFW), hereinafter
25 referred to as the Department, which shall, among others, recommend and implement
26 the government's policies, plans, and programs for the promotion of protection, safety,
27 development, support, deployment and repatriation of OFWs.

28
29 **SECTION 4. Mandate.** The Department shall be the primary policy, planning,
30 coordinating, implementing, regulating and administrative entity of the executive branch
31 of the Government that protects and provides assistance to OFWs who are holders of
32 Philippine passports.
33

1 **SECTION 5. Powers And Functions Of The Department.** The Department
2 shall have the following powers and responsibilities which shall be exercised by its
3 offices:

- 4 A. Formulate and recommend national policies and guidelines and conduct in-depth
5 studies on all policy areas and options that will ensure protection of OFW and
6 address perennial issues OFWs face abroad, in consultation with the relevant
7 stake holders;
- 8 B. Assess, review, harmonize and coordinate all OFW-related local policies and
9 procedures and international agreements to ensure overall consistency and
10 implementation of the national policies;
- 11 C. Promote, advance and implement general and specific government objectives
12 regarding OFW activities, programs, welfare and interests;
- 13 D. Build a strong and harmonious partnership with foreign countries and the private
14 sectors to formulate strategies and implement the same;
- 15 E. Represent and negotiate for Philippine interest on matters pertaining to OFW
16 affairs in international bodies;
- 17 F. Develop, implement and improve coordination with other countries with OFW
18 presence and monitor foreign developments to ensure the most reasonable
19 working conditions for the OFWs and create a proactive approach in providing
20 assistance to them especially in times of war and civil unrest, whether potential
21 or apparent;
- 22 G. Promote knowledge, information and resource sharing, and develop a database
23 to assist OFW anywhere in the world;
- 24 H. Coordinate and support the generation and build up of resources or funds for use
25 of OFWs;
- 26 I. Conduct symposia, consultations and seminars on effective OFW related
27 programs and plans;
- 28 J. Assist and provide technical expertise in the troubleshooting of OFWs in distress
29 and tap the services of personnel, foreign and local, with expertise on the
30 formulation of strategies and plans concerning OFW activities if needed;
- 31 K. Promote, develop and monitor the continuing education, training and
32 qualification, availability and deployment of OFWs and coordinate with
33 concerned agencies in the training of OFWs to improve their competitiveness
34 globally;
- 35 L. Coordinate with concerned government agencies in the training and support of
36 Filipinos who have worked abroad and are returning to the country;
- 37 M. Regulate and guide the business activities relative to the deployment of Filipino
38 workers and other related activities;
- 39 N. Promulgate rules and regulations for the implementation of its guidelines and
40 policies and related laws;
- 41 O. Administer, accept, hold and utilize property, both personal and real, subject to
42 constraints by existing laws, for the purpose of assisting of expediting the work of
43 the Department, and
- 44 P. To perform such other functions as maybe needed to achieve its goals and
45 objectives to the fullest and as may be provided by this Act.

46
47 **SECTION 6. Composition.** The Department shall be headed by a Secretary.
48 The Department proper shall be composed of the Office of the Secretary, the Offices of
49 Undersecretaries, and Assistant Secretaries and Regional and Assistant Regional
50 Directors.

51
52 **Section 7. Secretary of Overseas Filipino Workers.** The Secretary shall be
53 appointed by the President of the Republic of the Philippines with confirmation of the
54 Commission on Appointments.

55
56 The Secretary shall have the following functions:

- 1 A. Provide executive direction and supervision over the entire operations of the
- 2 Department and its attached agencies;
- 3 B. Establish policies and standards for the effective, efficient and economical
- 4 operation of the Department, in accordance with the programs of the
- 5 government;
- 6 C. Review and approve request for financial and manpower resources of all
- 7 operating offices of the Department;
- 8 D. Designate and appoint officers and employees of the Department, excluding the
- 9 Undersecretaries and Assistant Secretaries, in accordance with the Civil Service
- 10 laws, rules and regulations;
- 11 E. Coordinate with other government agencies and public and private interest
- 12 groups, including non-government organizations (NGOs) and people's
- 13 organizations on Department policies and initiatives;
- 14 F. Undertake consultations with other members of the Cabinet and officers of the
- 15 government relating to OFW concerns;
- 16 G. Advise the President on the promulgation of executive and administrative orders
- 17 and regulatory and legislative proposals on matters pertaining to OFW
- 18 development;
- 19 H. Advise the President of the activities, programs, plans and all information
- 20 necessary or relevant to OFWs;
- 21 I. Coordinate all policies and programs relating to OFW affairs;
- 22 J. Formulate such rules and regulations and exercise such other powers as may be
- 23 required to implement the objectives of this Act; and
- 24 K. Perform such other tasks as may be provided by law or assigned by the
- 25 president from time to time.

26
27 **Section 8. Undersecretaries.** The Secretary shall be assisted by three (3)

28 Undersecretaries who shall be appointed by the President upon recommendation of

29 the Secretary: Provided, That one (1) of the undersecretaries shall be a career officer

30 coming from ranks of existing government labor agencies. The undersecretaries shall

31 aid the Secretary in the performance of his/her operational duties, and shall perform

32 such other functions as may be directed by the Secretary.

33
34 **Section 9. Assistant Secretaries.** The Secretary shall be assisted by three (3)

35 assistant secretaries who shall be career officers appointed by the President upon the

36 recommendation of the Secretary.

37
38 **Section 10. Qualifications.** No person shall be appointed Secretary,

39 Undersecretary or Assistant Secretary of the Department unless he is a citizen and

40 resident of the Philippines of good moral character and of proven integrity.

41
42 **Section 11. Regional Offices.** The Department shall be authorized to establish,

43 operate, and maintain Regional Office in each of the administrative regions of the

44 country as the need arises. The regional office shall be headed by a Regional Director,

45 who may be assisted by one (1) Assistant Regional Director. The regional offices shall

46 have, within their respective administrative regions, the following functions:

- 47 A. Implement laws, policies, plans, programs, projects, rules and regulations of the
 - 48 Department;
 - 49 B. Provide technical expertise and know-how and information to provide OFW-
 - 50 centered and efficient services;
 - 51 C. Coordinate with regional offices of other departments, offices, and agencies and
 - 52 Local government units for the consolidation and integration of OFW programs;
 - 53 and
 - 54 D. Perform such other functions as may be provided by law or assigned by the
 - 55 Secretary.
- 56

1 **SECTION 12. Transfer Of Bureaus, Offices And Agencies.** The following
2 bureaus, offices and agencies are hereby transferred from their respective departments
3 (as shown in parenthesis) to the Department of Overseas Filipino Workers:
4

- 5 A. Office for the Overseas Filipino workers Affairs (Department of Foreign Affairs);
- 6 B. Office of the Legal Assistant for Migrant Worker's Affairs (Department of Foreign
7 Affairs);
- 8 C. Commission on Filipino Overseas (Office of the President); and
- 9 D. All Philippine Overseas Labor Offices (Department of Labor and Employment).

10
11 **SECTION 13. Attached Agencies.** The following agencies are hereby attached
12 to the Department for policy and program coordination, and shall continue and function
13 in accordance with the charters, laws or orders creating them, in so far as they are not
14 inconsistent with this Act:
15

- 16 A. The Philippine Overseas Employment Administration (POEA); and
- 17 B. Overseas Workers Welfare Administration (OWWA).

18
19 The laws and rules on government reorganization as provided for in Republic Act
20 No. 6656, otherwise known as the Reorganization Law, shall govern the reorganization
21 process of the Department.
22

23 **Section 14. Sectoral and Industry Task Forces.** - The Department may create
24 sectoral and industry task forces, technical working groups, advisory bodies or
25 committees for the furtherance of its objectives. Additional private sector
26 representatives, such as from the OFWs, academe and private industries directly
27 involved in deployment of OFWs, as well as other National Government Agencies
28 (NGAs), LGUs, and GOCCs, that may be appointed to these working groups.
29

30 **Section 15. Structure and Staffing Pattern.** - The Department shall determine
31 its organization structure and create new divisions or units as it may deem necessary,
32 and shall appoint officers and employees of the Department in accordance with the Civil
33 Service law, rules, and regulations.
34

35 **Section 16. Separation from Service.** - Employees separated from the service
36 as a result of this reorganization shall, within ninety (90) days therefrom, receive the
37 retirement benefits to which they may be entitled under existing laws, rules, and
38 regulations.
39

40 **Section 17. Special Assistance Revolving Fund.** A Special Assistance
41 Revolving Fund for OFWs in distress, both documented and undocumented, in the
42 amount of One Billion Pesos (P 1,000,000,000.00) is hereby created. The fund shall be
43 utilized for the following purposes:
44

- 45 A. Repatriation;
- 46 B. Medical expenses, hospitalization and purchase of medicine in the form of
47 vouchers for six (6) months from arrival;
- 48 C. Migration fees for overstaying Filipinos;
- 49 D. Legal assistance including litigation expenses, legal fees, payment of translation
50 fees, attendance in court hearings;
- 51 E. Payment of blood money, when necessary; and
- 52 F. Basic necessities of OFWs caught in emergencies or are detained.

53 Provided, That thirty percent (30%) of the total fund shall be allotted to support a
54 livelihood training program or re-training of returning OFWs in new skills and literacy.
55

56 **Section 18. Appropriation.** The appropriation allotted for the Office for the
57 Overseas Filipino workers Affairs, Office of the Legal Assistant for Migrant Worker's

1 Affairs, Commission on Filipino Overseas, and all Philippine Overseas Labor Offices
2 Shall be transferred to the Department of Overseas Filipino Workers.
3

4 Provided, That the amount needed for the initial implementation of the this Act
5 shall be taken from the current fiscal year's appropriation of the transferred agencies to
6 the Department of Overseas Filipino Workers. Thereafter, the amount needed for the
7 operation and maintenance of the Department shall be included in the General
8 Appropriations Act: Provided, That for the next fiscal year, following the approval of this
9 Act, the appropriation for the Department shall not be lower than five billion pesos.
10 Provided further, That 1 billion pesos (1,000,000,000.00) of the same appropriation shall
11 be allotted for the Special Assistance Revolving Fund as stated in Section 17 hereof.
12

13 **SECTION 19. Separability Clause.** - If any part or provision of this Act is held
14 unconstitutional or invalid, the other parts or provisions hereof which are not affected
15 thereby shall continue to be in full force and effect.
16

17 **SECTION 20. Repealing Clause.** - All laws, orders, rules or regulations which
18 are inconsistent with or contrary to the provisions of this Act are hereby amended or
19 repealed accordingly.
20

21 **SECTION 21. Effectivity.** -This Act shall take effect fifteen (15) days after its
22 publication in at least two (2) national newspapers of general circulation.
23

24 Approved,