

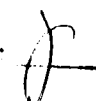
**SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



16 AUG -1 P5:52

SENATE

S. B. No. 968

By: 

Introduced by SENATOR JOEL VILLANUEVA

**AN ACT ESTABLISHING SOCIAL WELFARE ATTACHES AND
FOR OTHER PURPOSES**

EXPLANATORY NOTE

Filipinos who worked abroad at anytime during the period April 1 to September 30, 2015 was estimated at 2.4 million based on the 2015 Survey on Overseas Filipinos. Everyday, 6,092 workers leave the country for overseas work according to the Department of Labor and Employment (DOLE).

While many Filipinos continue to take their talents to overseas jobs, others are being forcibly repatriated because of economic instabilities, civil unrests, and natural calamities in migrant-receiving countries. Undocumented Filipino workers were also deported particularly from Japan, United States, Canada, and Europe.

Unfortunately, there are many OFWs who continue to fall victims to human trafficking, illegal recruitment, and abusive employers. In 2013 alone, there were 1,135 victims of human trafficking according to government data. On the other hand, the Philippine Overseas Employment Administration (POEA) handled an average of 1,600 illegal recruitment cases from 2007 to 2011, while the Overseas Workers Welfare Administration (OWWA) handled more than 50,000 cases on-site annually from 2009 to 2013.

Various statutes have been legislated enumerating specific services that must be provided to overseas Filipino workers and victims of human trafficking. Among these laws are:

1. Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", has mandated government agencies, specifically the Department of Social Welfare and Development (DSWD) to establish and implement rehabilitative and protective programs for trafficked persons;
2. Republic Act No. 10364, otherwise known as the "Expanded Anti-Trafficking in Persons Act of 2003", has expanded the list of criminal acts that promote human trafficking and recognized the important role of the Commission on Filipino Overseas to assist in the conduct of information campaigns against trafficking in coordination with local government units, the Philippine Information Agency, and NGOs;
3. Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act" requires the establishment of Migrant Workers and Overseas Filipinos Resource Centers in countries where there are large concentrations of Filipino migrant workers to provide counseling, legal and welfare assistance and other services to OFWs; and
4. Article 21 of the Labor Code of the Philippines requires the Labor Attaches and consular officials to provide protection to Filipino workers on all matters arising out of employment; to ensure that they are not exploited or discriminated against; and to verify and certify that the terms and conditions of employment contracts are in accordance with the Labor Code and the rules and regulations of Overseas Workers Welfare Administration (OWWA).

In 2004, Executive Order No. 287 provided for the posting of Social Welfare Attaches in areas where there are large concentration of overseas Filipino workers to prepare official social welfare situationers on the OFWs in the area of assignment, establish a network with overseas-based social welfare agencies which may be mobilized to assist in the provision of appropriate social services, respond to and monitor the resolution of problems and complaints/queries of OFWs and their families, provide primary counseling and advising services to OFWs and their families and trafficking victims; among others.

Indeed, Social Welfare Attaches play a significant role in assisting OFWs requiring psychological and social welfare assistance. Hence, there is a need to institutionalize Social Welfare Attaches as a permanent component of Philippine foreign posts in countries or jurisdictions with the highest concentration of OFWs or cases of Filipinos being trafficked as determined in coordination with DFA, DOLE, and POEA.

This bill institutionalizes the position of Social Welfare Attaches and provides the qualifications and attributes that they must possess. It also provides the specific responsibilities of the different departments and agencies in ensuring the effective and efficient functioning of Social Welfare Attaches.

The immediate passage of this bill is of great importance.


SENATOR JOEL VILLANUEVA

SEVENTEENTH CONGRESS

Office of the Secretary
Senate of the Philippines

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**AN ACT ESTABLISHING SOCIAL WELFARE ATTACHES AND
FOR OTHER PURPOSES**

1 **SECTION 1. *Short Title.*** This Act shall be known as the *Social Welfare*
2 *Attaché Act of 2016.*

3 **SECTION 2. *Declaration of Policies.***

4 a) It is the policy of the State to ensure the dignity and welfare of all
5 its citizens and afford full protection to Filipino labor, wherever they
6 may be located.

7 b) The State recognizes the invaluable contribution of overseas
8 Filipino workers to the Philippine economy and their critical role in
9 the pursuit of national development.

10 c) Overseas Filipino workers, by the nature of their work and
11 remoteness from the Philippines and their families and support

1 systems, are vulnerable not only to abuse and exploitation but to
2 extreme physical, emotional and psychological stress as well thus
3 requiring the State to ensure that adequate measures are taken to
4 address these vulnerabilities.

5 d) It is the obligation of the state to ensure that it is capable of
6 delivering the social welfare services mandated by existing laws and
7 statutes to be provided to overseas Filipino workers, other overseas
8 Filipinos and victims of human trafficking.

9 **SECTION 3. *Definition of Terms.***

10 a) Social Welfare Attaches (SWA) – personnel of the Department of
11 Social Welfare and Development posted in Philippine consular
12 offices, or similar offices, and selected in accordance with this Act
13 and its implementing rules and regulations to provide and coordinate
14 social welfare services to overseas Filipino workers, their families
15 and victims of human trafficking.

16 b) Country or jurisdiction of posting – the area covered by the
17 jurisdiction of the consular office, or similar office, to which a social
18 welfare attaché is posted.

19 c) Operational knowledge – such competence, skill and
20 understanding that ensures effective and efficient performance of
21 mandated tasks.

22 **SECTION 4. *Selection of Diplomatic Posts for Social Welfare***
23 ***Attaches' Deployment.*** Social Welfare Attaches shall be deployed in
24 consular offices whose areas of jurisdiction have the highest
25 concentration of Overseas Filipino Workers (OFWs) and/or the highest
26 and most recurring incidence of human trafficking involving Filipinos as
27 may be determined by the Department of Foreign Affairs, Department
28 of Labor and Employment, Philippine Overseas Employment Agency,

1 Inter-Agency Council Against Trafficking and the Department of Social
2 Welfare and Development.

3 **SECTION 5. *Functions and Duties of the Social Welfare Attache.***

4 The Social Welfare Attaché so deployed shall perform the following
5 functions and duties at post:

- 6 a) Undertake surveys and prepare official social welfare
7 situationers on OFWs and trafficking victims in the country or
8 jurisdiction of posting;
9
- 10 b) Establish a network with overseas-based social welfare
11 agencies and/or individuals and groups which may be mobilized
12 to assist in the provision of appropriate social services, which
13 shall include but not limited to counseling and advising;
14
- 15 c) Respond to and monitor the resolution of problems and
16 complaints/queries of OFWs and their families and trafficking
17 victims;
- 18 d) Provide primary counseling and advising services to OFWs
19 and their families and trafficking victims;
- 20 e) Establish and maintain a system of data banking and
21 documentation of OFWs and their families and trafficking victims
22 in the area of assignment so that appropriate social welfare
23 services can be more effectively provided;
- 24 f) Submit regular reports to the DSWD, DFA and IACAT on plans
25 and activities undertaken, recommendations, and updates on
26 the situation of OFWs, particularly those encountering difficulties
27 in the host country, and Filipinos who are victims of trafficking

1 within their area of responsibility. Said report shall form part of the
2 Semi-Annual report to Congress as provided under Section 33 of
3 R.A. No. 8042 and Section 27 of R.A. No. 9208;

4 g) Provide information about DSWD and its attached agencies and
5 services; and

6 h) Perform other related function in the delivery of social services,
as may be directed by the Head of the Diplomatic Post in the
area of assignment.

7 **SECTION 6. *Minimum Qualifications and Attributes of Social***
8 ***Welfare Attaches.*** Social welfare attaches are required to possess the
9 following qualifications and attributes, in addition to whatever
10 requirements the DSWD might impose in the implementing rules and
11 regulations of this Act:

12 a) At least three (3) years of actual experience in counseling and
13 advising;

14 b) Basic training on handling psychological and emotional
15 trauma and stress;

16 c) Basic knowledge and literacy of the major language used in
17 the country or jurisdiction of posting as certified by the
18 Department of Foreign Affairs;

19 d) Operational knowledge on the cultural and social systems of
20 the country or jurisdiction of posting as certified by the
21 Department of Foreign Affairs;

22
23 e) Operational knowledge on overseas employment laws, rules,
24 regulations and welfare systems as certified by the Department of

1 Labor and Employment through the Philippine Overseas
2 Employment Agency;

3 f) Operational knowledge on anti-trafficking programs, laws, rules,
4 regulations and systems as certified by the Inter-Agency Council
5 Against Trafficking; and

6 g) Substantial proof of manifested patience, understanding and
7 capacity to empathize with emotionally troubled or distressed
8 persons.

9 **SECTION 7. *Institutional Arrangements.*** The DSWD, DFA, DOLE,
10 POEA and IACAT are mandated to perform the following
11 tasks/functions in the implementation of this Act:

12 7.1 Department of Social Welfare and Development (DSWD)

13 a) Serve as the agency with the primary responsibility of
14 ensuring the implementation of this Act;

15 b) Formulate and issue the implementing rules and
16 regulations for this Act, in consultation with the DFA,
17 DOLE, POEA and IACAT.

18 c) Designate and assign from among its ranks, the most
19 qualified personnel to be deployed as Social Welfare
20 Attaches;

21 d) Provide for the salary and other benefits of Social
22 Welfare Attaches including overseas allowances and other
23 emoluments attached to the position;

24 e) Provide training and other related activities to promote
25 efficiency and effectiveness in the discharge of functions
26 and duties prior to deployment;

27 f) Exercise technical supervision over its deployed
28 personnel in coordination with the DFA, DOLE, IACAT and
29 other relevant agencies and organizations; and

1 g) Tap and allocate funds for the supervision of basic
2 welfare services needed by the OFWs.

3 7.2 Department of Foreign Affairs (DFA)

4 a) Facilitate accreditation of deployed DSWD personnel;

5 b) Formulate and administer tests to determine and
6 certify the SWAs' basic knowledge and literacy of the
7 major language used in their respective countries or
8 jurisdictions of posting and operational knowledge and
9 familiarity of the cultural and social systems of such
10 country or jurisdiction;

11 c) Assist the DSWD in the conduct of the pre-deployment
12 orientation and other relevant training program to SWAs;

13 d) Assist the DSWD in facilitating administrative and
14 consular requisites for deployment;

15 e) Provide logistical and operational support to Social
16 Welfare Attaches, including but not limited to appropriate
17 office space and supplemental operational funds; and

18 f) Undertake administrative and operational supervision to
19 the deployed personnel in coordination with DSWD and
20 other relevant agencies and organizations.

21 7.3 Department of Labor and Employment (DOLE)

22 a) Work with DSWD in the provision of relevant skills
23 training to SWAs to facilitate complementation of services;

1 b) Assist the DSWD in the conduct of orientation training
2 and immersion program for Social Welfare Attaches prior
3 to deployment; and

4 c) Provide assistance, support and information requested
5 or needed by Social Welfare Attaches in relation to the
6 performance of their functions.

7 7.4 Philippine Overseas Employment Agency (DOLE)

8 a) Work with DSWD in the provision of relevant skills
9 training to SWAs to facilitate complementation of services;

10 b) Formulate and administer tests to determine and certify
11 operational knowledge on overseas employment laws, rules,
12 regulations and welfare systems of Social Welfare
13 Attaches;

14 c) Assist the DSWD in the conduct of orientation training
15 and immersion programs for Social Welfare Attaches prior
16 to deployment;

17 d) Provide assistance, support and information requested
18 or needed by Social Welfare Attaches in relation to the
19 performance of their functions.

20 7.5 Inter-Agency Council Against Trafficking (IACAT)

21 a) Work with DSWD in the provision of relevant skills training
22 and other welfare services to the OFWs to facilitate
23 complementation of services;

24 b) Formulate and administer tests to determine and certify

1 operational knowledge on anti-trafficking programs, laws,
2 rules, regulations and systems of Social Welfare Attaches; and *

3 c) Provide assistance, support and information to SWAs in
4 cases involving human trafficking.

5
6 **SECTION 8. *Funding.*** The heads of the departments and agencies
7 concerned shall utilize all resources used in the implementation of
8 Executive Order No. 287 of 2004 for the initial implementation of this
9 program. They shall immediately include their responsibilities under
10 this Act in their respective work programs and issue such internal
11 guidelines as appropriate to implement the same. Funding for all
12 programs and activities mandated under this Act shall be included in
13 the concerned agencies' annual General Appropriations Act.

14 **SECTION 9. *Implementing Rules.*** The DSWD, in consultation with
15 Department of Foreign Affairs, Department of Labor and Employment,
16 Philippine Overseas Employment Agency, and the Inter-Agency
17 Council Against Trafficking, shall formulate and issue the implementing
18 rules and regulations for this Act not later than thirty (30) days after the
19 effectivity of this Act.

20 **SECTION 10. *Interpretation in favor of the welfare of overseas***
21 ***Filipino workers, their families and trafficking victims.*** In the
22 interpretation of any provision of this Act or any rules or regulations
23 issued as a result thereof, the interpretation, which is most favorable to
24 ensure the welfare of overseas Filipino workers, their families and
25 trafficking victims shall be controlling. Furthermore, nothing in this Act
26 shall be interpreted to diminish any right or privilege currently being
27 enjoyed by or provided to OFWs, their families and victims of
28 trafficking.

1 **SECTION 11. *Repealing Clause.*** All laws, decrees, executive orders,
2 rules, regulations or parts thereof inconsistent with the provisions of this
3 Act are hereby repealed or modified accordingly.

4 **SECTION 12. *Separability Clause.*** If, for any reason, any section or
5 provision of this bill is declared unconstitutional or invalid, other
6 sections or provisions hereof shall remain in force.

7 **SECTION 13. *Effectivity.*** This Act shall take effect fifteen days after
8 publication in a newspaper of general circulation