



SENATE

20 FEB -4 P7:12

Senate Bill No. 1323

RECEIVED BY: _____

Introduced by Senator Juan Miguel F. Zubiri

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

EXPLANATORY NOTE

The story usually goes like this: a mother from the province goes out to search for a well-paying job to be able to support her children. She tries her luck in the city, where she is able to earn around 5,000 pesos per month. But then, she learns from a friend, who has this friend who is working as a domestic helper abroad and is earning as much as 20,000 pesos a month. She thinks to herself, "That is almost four times the amount that I am making now." She then looks for a recruitment agency and her journey as an Overseas Filipino Worker (OFW) begins.

Based on the 2018 Survey on Overseas Filipinos of the Philippine Statistics Authority, during the period of April to September of the same year, the number of OFWs was estimated at 2.3 million. Saudi Arabia remained to be the top destination of OFWs, and among the occupation groups, elementary occupations was the biggest at 37.1 percent. This occupation group involves those employed as construction site workers, cleaners and domestic helpers. Furthermore, in the same period, the total remittance sent by OFWs was estimated at 235.9 billion pesos.

Some sources, however, report numbers that reach as high as 10 million OFWs or almost 10 percent of the country's population. Remittances also reach a total of 31 billion dollars a year, which is about 10 percent of the country's gross domestic product.¹

Despite their substantial contribution to the country's economy, and their sacrifices to be able to provide a better life for their families, our OFWs remain to be one of the most underserved sectors in the country. They try to get over homesickness everyday, they long for the families that they have left in their homes, and, if they get so unlucky, they face physical and psychological abuse in the hands of their employers.

¹ Almendral, A. (2018, December). Why 10 million Filipinos endure hardship abroad as overseas workers. Retrieved from <https://www.nationalgeographic.com/magazine/2018/12/filipino-workers-return-from-overseas-philippines-celebrates/>

Just in the last month, we received yet another sad news about one of our OFWs coming home in a casket. Jeanelyn Villavende, an OFW from Kuwait, had complained of underpayment and maltreatment months before she was beaten to death, allegedly by her employer, in December 2019. In the year 2018, two other workers were also allegedly killed by their employers, namely, Joanna Demafelis who was found dead inside a freezer in February, and Ma. Constanca Dayag who was reportedly found covered in bruises and with a cucumber inside her private part in May. They join the long list of OFWs who had faced maltreatment and abuse by their employers over the years.

This bill proposes to create a Department of Overseas Filipino Workers, which shall serve as the primary policy-making, planning, coordinating, implementing and administrative entity in the field of overseas labor and employment. With the creation of this Department, we are finally giving our OFWs the importance that they so deserve by providing them with an agency whose main task is to protect the rights and promote the safety and welfare of our "new heroes." This bill further aims to provide a more effective and efficient delivery of service to our OFWs by streamlining all functions currently being served out by various government agencies such as the Overseas Workers Welfare Administration and the Philippine Overseas Employment Administration, among others.

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



JUAN MIGUEL F. ZUBIRI



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AN ACT
CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS,
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THEREFOR, 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 (OFW) Act of 2020.*"

3
4 **Sec. 2.** Declaration of Policy. - It shall be the policy of the State to enhance
5 its institutional capacity to deliver public goods and services in a more efficient,
6 effective and accountable manner. It shall also be the policy of the State to
7 ensure the protection of the rights of our overseas Filipino workers and
8 promotion of their welfare and safety. In view of this, the State shall effect the
9 necessary and proper changes in the organizational structure of agencies and
10 instrumentalities promoting, managing, and protecting the Filipino international
11 migrant workers in order to rationalize and promote efficiency and effectiveness
12 in the delivery of services to our OFWs.

13
14 **Sec. 3.** Creation of the Department of Overseas Filipino Workers. – There
15 shall be created a Department of Overseas Filipino Workers, hereinafter referred
16 to as the Department, which shall be organized structurally and functionally, in
17 accordance with the provisions of this Act.

18
19 **Sec. 4.** Mandate. - The Department shall be the primary policy-making,
20 planning, coordinating, implementing, and administrative entity of the Executive
21 Branch of the government in the field of overseas labor and employment. It shall
22 formulate and undertake a systematic program for promoting the welfare of

1 OFWs and monitoring their overseas employment, taking into consideration
2 domestic manpower requirements and the need to protect their rights to fair and
3 equitable employment practices.

4

5 **Sec. 5.** Powers and Functions of the Department - The Department shall
6 have the following powers and functions:

7

8 (a) Formulate and recommend national policies and guidelines and conduct in-
9 depth studies on all policy areas and options that will ensure protection of OFWs
10 in consultation with relevant stakeholders;

11 (b) Assess, review, harmonize and coordinate all OFW-related local policies and
12 procedures, and international agreements to ensure overall consistency and
13 implementation of national policies;

14 (c) Promote, advance and implement general and specific government objectives
15 regarding OFW activities, programs, welfare and interests;

16 (d) Build a strong and harmonious partnership with foreign countries and the
17 private sectors to formulate strategies and implement the same;

18 (e) Represent and negotiate for Philippine interest on matters pertaining to OFW
19 affairs in international bodies;

20 (f) Develop, implement and improve coordination with other countries with OFW
21 presence and monitor foreign developments to ensure the most reasonable
22 working conditions for the OFWs and create a proactive approach in providing
23 assistance to them especially in times of war and civil unrest, whether potential or
24 apparent;

25 (g) Promote knowledge, information and resource sharing, and develop a
26 database to assist OFWs anywhere in the world;

27 (h) Assist and provide technical expertise in the troubleshooting of the OFWs in
28 distress and tap the services of personnel, foreign and local, with expertise on
29 the formulation of strategies and plans concerning OFW activities, if needed;

30 (i) Promote, develop and monitor the continuing education, training and
31 qualification, availability and deployment of OFWs and coordinate with agencies
32 concerned in the training of OFWs to improve their global competitiveness;

33 (j) Coordinate with government agencies concerned in the training of and
34 support to Filipinos who have worked abroad and are returning to the country;

35 (k) Regulate and guide the business activities relative to the deployment of
36 Filipino workers and other related activities;

- 1 (I) Promulgate rules and regulations for the implementation of its guidelines,
2 policies and related laws;
- 3 (m) Administer, accept, hold and utilize property, both personal and real, subject
4 to constraints by existing laws, for the purpose of assisting and expediting the
5 work of the Department;
- 6 (n) Provide legal assistance to overseas Filipino workers in distress; and
- 7 (o) To perform such other functions as maybe needed to achieve its goals and
8 objectives to the fullest and as may be provided in this Act.

9

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

13

14 **Sec. 7.** The Secretary. - The Secretary shall be appointed by the
15 President, subject to confirmation by the Commission on Appointments. The
16 Secretary shall have the following functions:

- 17 (a) Provide executive direction and supervision over the entire operations of the
18 Department and its attached agencies,
- 19 (b) Establish policies and standards for the effective, efficient and economical
20 operation of the Department, in accordance with the programs of government;
- 21 (c) Review and approve requests for financial and manpower resources of all
22 operating offices of the Department;
- 23 (d) Designate and appoint officers and employees of the Department, excluding
24 the undersecretaries, assistant secretaries, and regional directors and assistant
25 regional directors, in accordance with the civil service laws, rules and
26 regulations;
- 27 (e) Exercise disciplinary powers over officers and employees of the Department
28 in accordance with law, including their investigation and the designation of a
29 committee or officer to conduct such investigation;
- 30 (f) Coordinate with local government units (LGUs), other agencies and public and
31 private interest groups, including nongovernment organizations (NGOs) and
32 people's organizations (POs) on Department policies and initiatives;
- 33 (g) Prepare and submit to the President through the Department of Budget and
34 Management (DBM) an estimate of the necessary expenditures of the
35 Department during the next fiscal year, on the basis of the reports and estimates
36 submitted by bureaus and offices under him/her;

1 (h) Advise the President on the promulgation of executive and administrative
2 orders and formulation of regulatory and legislative proposals on matters
3 pertaining to the OFWs;

4 (i) Formulate such rules and regulations and exercise such other powers as may
5 be required to implement the objectives of this Act; and

6 (k) Perform such other tasks as may be provided by law or assigned by the
7 President.

8

9 **Sec. 8.** The Undersecretaries. - The Secretary shall be assisted by three
10 (3) undersecretaries, who shall be appointed by the President upon the
11 recommendation of the Secretary: *Provided*, That two (2) of the undersecretaries
12 shall be career officers.

13

14 **Sec. 9.** Assistant Secretaries. - The Secretary shall be assisted by four (4)
15 assistant secretaries who shall be appointed by the President upon the
16 recommendation of the Secretary: *Provided*, That two (2) of the assistant
17 secretaries shall be career officers.

18

19 **Sec. 10.** Qualifications. - No person shall be appointed Secretary,
20 Undersecretary, or Assistant Secretary of the Department unless he or she is a
21 citizen and resident of the Philippines, of good moral character, of proven
22 integrity and with competence and expertise in the plans, programs, projects and
23 activities of the government relative to overseas employment.

24

25 **Sec. 11.** Regional Offices. - The Department may establish, operate,
26 and maintain a regional office in the different administrative regions of the
27 country as the need arises. Each regional office shall be headed by a Regional
28 Director, who may be assisted by one (1) Assistant Regional Director. The
29 Regional Director and Assistant Regional Director shall be appointed by the
30 President. The regional offices shall have, within their respective administrative
31 regions, the following functions:

32

33 (a) Implement laws, policies, plans, programs, projects, rules and regulations of
34 the Department;

35 (b) Provide efficient and effective service to the people;

36 (c) Coordinate with regional offices of other departments, offices, and agencies;

- 1 (d) Coordinate with the LGUs; and
2 (e) Perform such other functions as may be provided by law or assigned by
3 the Secretary.

4

5 **Sec. 12.** Sectoral and Industry Task Forces. - The Department may
6 create sectoral and industry task forces, technical working groups, advisory
7 bodies or committees for the furtherance of its objectives. Additional private
8 sector representatives, such as from the academe, NGOs, POs and federation of
9 private industries directly engaged in the deployment of OFWs, as well as
10 representatives of other National Government Agencies (NGAs), LGUs and
11 government owned or controlled corporations (GOCCs) may be appointed to
12 these working groups.

13

14 **Sec. 13.** Transfer of Agencies and Personnel. -

15 (a) The following agencies and their functions are hereby specifically transferred
16 to the Department:

17 (1) Office of the Legal Assistant for Migrant Workers Affairs of the Department of
18 Foreign Affairs as provided for under Section 24 of R.A. No. 8042, as amended;

19 (2) All Philippine Overseas Labor Offices under the Department of Labor and
20 Employment (DOLE);

21 (3) National Reintegration Center for OFWs under DOLE;

22 (4) International Labor Affairs Bureau under DOLE;

23 (5) Philippine Overseas Employment Administration; and

24 (6) Overseas Workers Welfare Administration;

25

26 (b) The laws and rules on government reorganization as provided for in Republic
27 Act No. 6656, otherwise known as the Reorganization Law, shall govern the
28 reorganization process of the Department.

29

30 **Sec. 14.** Transitory Provisions. - The Department shall carry out the
31 reorganization of the aforesaid agencies in such a manner that personnel of the
32 agencies absorbed by the Department shall continue to perform their respective
33 duties and responsibilities in a holdover capacity so as not to unduly delay the
34 services provided to the OFWs.

35

1 **Sec. 15.** Structure and Staffing Pattern. - Subject to the approval of the
2 DBM, the Department shall determine its organizational structure and create new
3 divisions or units as it may deem necessary, and shall appoint officers and
4 employees of the Department in accordance with the civil service law, rules, and
5 regulations.

6 **Sec. 16.** Early Retirement, Separation Pay and Other Benefits. - Personnel
7 of the merged agencies who will not be absorbed into the new staffing pattern
8 due to redundancy or failure to comply with the standards of competence and
9 proficiency, or who will be offered positions under the new staffing pattern but
10 who decline such appointment by reason of diminution in rank, benefits and
11 work conditions, or who are offered positions under the new staffing pattern
12 without any diminution in rank, benefits and work conditions but who decline
13 such appointment, if qualified, shall be given the option to avail themselves of
14 any of the following, whichever is beneficial to them:

15 (a) Retirement gratuity provided under Republic Act No. 1616 (An Act Further
16 Amending Section Twelve of Commonwealth Act Numbered One Hundred Eighty-
17 Six, As Amended, By Prescribing Two Other Modes Of Retirement And For Other
18 Purposes), as amended, payable by the last employer of the affected personnel,
19 plus the refund of retirement premiums payable by the Government Service
20 Insurance System (GSIS), without the incentive herein provided.

21 (b) Retirement benefit under Republic Act No. 660 (An Act To Amend
22 Commonwealth Act Numbered One Hundred And Eighty-Six, Entitled "An Act To
23 Create And Establish A Government Service Insurance System, To Provide For Its
24 Administration, And To Appropriate The Necessary Funds Therefor," And To
25 Provide Retirement Insurance And For Other Purposes) or applicable retirement,
26 separation or unemployment benefit provided under Republic Act No. 8291 (An
27 Act Amending Presidential Decree No. 1146, As Amended, Expanding And
28 Increasing The Coverage And Benefits Of The Government Service Insurance
29 System, Instituting Reforms Therein And For Other Purposes) if qualified, plus
30 the following applicable incentives:

31 (b.1.) 1/2 month of the present basic salary for every year of government
32 service and a fraction thereof, for those who have rendered twenty (20) years of
33 service and below;

34

35 (b.2.) 3/4 month of the present basic salary for every year of government
36 service and a fraction thereof, computed starting from the 1st year, for those

1 who have rendered twenty-one (21) to less than thirty-one (31) years of service;
2 and

3
4 (b.3.) 1 month of the present basic salary for every year of government
5 service and a fraction thereof, computed starting from the 1st year, for those
6 who have rendered thirty-one (31) years of service and above.

7
8 In addition, the affected personnel shall be entitled to the refund of Pag-IBIG
9 contributions, and the commutation of unused vacation and sick leave credits.

10
11 **Sec. 17.** Appropriations. - The amount necessary for the effective
12 implementation of the provisions of this Act shall be taken from funds available
13 to the agencies enumerated in Section 13 hereof. Additional requirements shall
14 be charged to the applicable appropriations under the current General
15 Appropriations Act. Thereafter, such sum as may be needed for the continued
16 implementation of this Act shall be included in the annual General Appropriations
17 Act.

18
19 **Sec. 18.** Implementing Rules and Regulations. - The Department of Labor
20 and Employment, Department of Foreign Affairs, Department of Budget and
21 Management, Overseas Workers Welfare Administration, Philippine Overseas
22 Employment Administration and Commission on Filipino Overseas shall formulate
23 the implementing rules and regulations of this Act within ninety (90) days after
24 its approval. Such rules and regulations shall take effect fifteen (15) days after
25 its publication in a newspaper of general circulation in the Philippines.

26
27 **Sec. 19.** Separability Clause. - If any part, section or provision of this Act
28 is declared invalid or unconstitutional, no other parts, sections or provisions
29 hereof shall be affected thereby.

30
31 **Sec. 20.** Repealing Clause. — All laws, decrees, ordinances, rules,
32 regulations, other issuances or parts thereof which are inconsistent with this Act
33 are hereby repealed or modified accordingly.

34

1 **Sec. 21.** Effectivity Clause. – This Act shall take effect fifteen (15) days
2 after its complete publication in at least two (2) newspapers of general
3 circulation or the Official Gazette.

Approved,