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SUMMARY OF SENATE BILL ON SECOND READING*

Second Regular Session, Eighteenth Congress

S. No. 2234 AN ACT CREATING THE DEPARTMENT OF MIGRANT WORKERS AND 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 FOR OTHER PURPOSES

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Referred to: Committee on Labor, Employment and Human Resources Development

Key words: migrant workers, Overseas Filipino workers, Overseas Filipinos, promotion and protection of the welfare of OFWs and other OFs

The bill seeks to create the Department of Migrant Workers and Overseas Filipinos (DMWOF) which shall be organized structurally and functionally in accordance with the provisions of this bill.

The Department is mandated to absorb all the functions and mandate of the Philippine Overseas Employment Administration and shall be the primary agency under the executive branch of the government tasked to protect the rights and promote the welfare of overseas Filipino workers (OFWs) and other overseas Filipinos (OFs).

The Department shall formulate and implement policies, undertake systems for regulating and monitoring the overseas employment of Filipino workers and reintegration of OFWs and other OFs, while taking into consideration the national development programs formulated by the National Economic and Development Authority (NEDA). It shall also promote the empowerment and protection of Filipinos working overseas by empowering and training them to gain appropriate skills and by ensuring access to continuous training and knowledge development.

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The Department shall also investigate, initiate, and help prosecute, in coordination with the Department of Justice (DOJ) and the Inter-Agency Council Against Trafficking (IACAT), illegal recruitment and human trafficking cases as defined under the law; conduct comprehensive studies on policy areas, international best practices and strategies that will ensure their protection; and protect and promote their welfare and interests.

The Department shall consist of the Department Proper comprising of the Office of the Secretary, Offices of the Undersecretaries and Assistant Secretaries, Service Units, the Bureaus, Regional offices, and Overseas offices, which shall be called Migrant Workers and Overseas Filipinos Offices (MWOFF). The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments. The Undersecretaries and Assistant Secretaries shall likewise be appointed by the President upon the recommendation of the Secretary.

The Department shall determine its organizational structure and create new divisions or units as it may deem necessary at the national, regional, provincial, and such other lower levels, and overseas, and shall appoint officers and employees of the Department in accordance with Civil Service laws, rules and regulations.

The Migrant Workers and Overseas Filipinos (MWOFF) Office shall be the operating arm overseas of the Department. However, within three (3) years, all Philippine Foreign Service Post shall have an existing and operational MWOFF Office. The bill requires that the Foreign Service Post with the most number of cases of abuse committed against, OFWs and other OFS shall be prioritized. The MWOFF Office shall absorb all the powers, existing functions and personnel of the Philippine Overseas Labor Offices (POLO), existing Assistance to Nationals (ATN) units of the Department of Foreign Affairs (DFA), and social welfare services in all Philippine embassies and consulates.

The transfer of functions, assets, funds, equipment, properties, transactions, and personnel of the affected agencies, and the formulation of the internal organic structure, staffing pattern, operating system, and revised budget of the Department, shall be completed within one (1) year. The measure provides that within this period, the existing personnel of all subsumed entities shall continue to assume their posts on holdover capacities until new appointments or a new staffing pattern shall have been issued. After the organization process, the Department, in coordination with the DBM, shall determine and create new positions. The funding requirements shall not exceed the equivalent cost of the positions subsumed.

The Overseas Workers Welfare Association created under the OWWA Act, is hereby attached to the Department for purposes of policy and program coordination. It shall continue to function in accordance with its charter except as provided in this measure. The OWWA Fund is declared a Provident Trust Fund, which shall be used exclusively to provide retirement, death and disability benefits to OFWs. The Secretary shall replace the Secretary of Labor and Employment as member of the OWWA Board of Trustees and shall act as Chairperson of the OWWA Board.

The amount necessary for the initial implementation of this Act shall be taken from the current year's appropriations of the agencies, entities, divisions, section or bodies subsumed or transferred to the Department by virtue of this bill. Thereafter, it shall be included in the annual General Appropriations Act.

(Summary prepared by: Ma. Gloria Socorro A. Ocampo, 04 October 2021)

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