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[REPUBLIC ACT NO. 11641]

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

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* — This Act shall be known as the “Department of Migrant Workers Act”.

SEC. 2. *Declaration of Policies.* — It is the duty of the State to protect the rights and promote the welfare of Overseas Filipino Workers and their families, by: (a) ensuring that private recruitment shall meet professional, legal, and ethical standards; (b) obtaining the best possible conditions of work

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that uphold the dignity of Overseas Filipino Workers; (c) providing timely and responsive services to address their needs regardless of legal status; (d) ensuring their participation in the formulation of policies affecting their welfare; and (e) providing mechanisms for skills development and reintegration.

In adherence to ratified international conventions and bilateral or multilateral treaties on migration, the State commits to progressively align its programs and policies towards the fulfillment of the twenty-three (23) objectives of the Global Compact for Safe, Orderly and Regular Migration (GCM).

The State does not promote overseas employment as a means to economic growth and national development and shall continuously aim to make it a choice and not a necessity. The State shall institute measures that will strengthen the domestic labor market for the effective reintegration of Overseas Filipino Workers.

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

(a) **Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund** – the fund created under Section 14 of this Act to provide legal, medical, financial, and other forms of assistance to Overseas Filipino Workers, including repatriation, shipment of remains, evacuation, rescue, and any other analogous help or intervention to protect the rights of Filipino nationals;

(b) **Ethical recruitment** – refers to the lawful hiring of workers in a fair and transparent manner that respects and protects their dignity and human rights;

(c) **In distress** – an overseas Filipino, regardless of immigration status, who has a medical, psychosocial, or legal problem, or is experiencing abuse or exploitation, or whose human rights are being violated, or is in a country in actual

or potential war, civil unrest, pandemic or other analogous circumstances and situations, and requires medical treatment, hospitalization, counseling, legal representation, rescue, repatriation, or any other kind of analogous intervention, including the repatriation of remains;

(d) License – refers to the document issued by the Secretary of the Department authorizing a natural or juridical person to operate a private recruitment or manning agency;

(e) Manning agency – refers to a natural or juridical person duly licensed by the Secretary of the Department to engage in the recruitment and placement of seafarers;

(f) Overseas employment – refers to employment outside the Philippines;

(g) Overseas Filipino Worker (OFW) – refers to a Filipino who is to be engaged, is engaged, or has been engaged in remunerated activity in a country of which he or she is not an immigrant, citizen, or permanent resident or is not awaiting naturalization, recognition, or admission, whether land-based or sea-based regardless of status; excluding a Filipino engaged under a government-recognized exchange visitor program for cultural and educational purposes. For purposes of this provision, a person engaged in remunerated activity covers a person who has been contracted for overseas employment but has yet to leave the Philippines, regardless of status, and includes "Overseas Contract Workers". The term "OFW" is synonymous to "Migrant Worker";

(h) Recruitment agency – refers to a natural or juridical person duly licensed by the Secretary of the Department to engage in the recruitment and placement of land-based OFWs;

(i) Reintegration program – refers to a measure or a set of measures intended for mainstreaming and sustainable return of OFWs into Philippine society, including, but not limited to, livelihood projects, wellness programs, financial literacy programs and other similar projects: *Provided*, That reintegration programs shall be based on the specific needs and skills of the returning OFWs; and

(j) Seafarer - refers to an OFW who is engaged in employment in any capacity on board a merchant marine vessel plying international waters or other sea-based craft of similar category. For purposes of this Act, it shall include fishers onboard commercial fishing vessels on international waters or as defined under relevant maritime conventions, cruise ship personnel, yacht crew, those serving on mobile offshore and drilling units in the high seas, and other persons similarly situated.

SEC. 4. *Creation.* - The Philippine Overseas Employment Administration (POEA) created under Executive Order No. 247, Series of 1987, as amended, and all the entities, agencies and units enumerated in Section 19 are consolidated and merged, and hereby constituted as the Department of Migrant Workers, hereinafter referred to as "the Department". The Department is hereby organized structurally and functionally in accordance with the provisions of this Act.

SEC. 5. *Mandate.* - The Department shall absorb all the powers, functions and mandate of the POEA and all the entities enumerated in Section 19 hereof, and shall be the primary agency under the Executive Branch of the government tasked to protect the rights and promote the welfare of OFWs, regardless of status and of the means of entry into the country of destination. It shall formulate, plan, coordinate, promote, administer, and implement policies, and undertake systems for regulating, managing, and monitoring the overseas employment of Filipino workers and reintegration of OFWs, 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.

SEC. 6. *Powers and Functions.* - To carry out its mandate, the Department shall:

(a) Formulate, recommend, and implement national policies, plans, programs, and guidelines that will ensure the protection of OFWs, including their safe, orderly and regular

migration, the promotion of their interests, the timely and effective resolution of their problems and concerns, and their effective reintegration into Philippine society;

(b) Regulate the recruitment, employment, and deployment of OFWs;

(c) Investigate, initiate, sue, pursue, and help prosecute, in cooperation with the Department of Justice (DOJ) and the Inter-Agency Council Against Trafficking (IACAT), illegal recruitment and human trafficking cases as defined under Republic Act No. 8042, as amended by Republic Act No. 10022, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended, and as provided under Republic Act No. 9208, as amended by Republic Act No. 10364, otherwise known as the Anti-Trafficking in Persons Act, and other existing laws and other issuances. In the performance of its functions, the Department Secretary and his or her authorized deputy shall have the power: (1) to issue *subpoena* or *subpoena duces tecum* to any person for investigation for illegal recruitment or trafficking in persons cases as defined under Republic Act No. 9208, as amended, and other existing laws and other issuances; and hold or cite any person in contempt as may be provided by the implementing rules and regulations; (2) to administer oaths upon cases under investigation; and (3) to have access to all public records and to records of private parties and concerns, in accordance with law;

(d) Protect and promote the welfare, well-being, and interests of the families of OFWs in accordance with this Act, consistent with the constitutional policy of upholding the sanctity of the family as a basic autonomous social institution and of valuing the vital role of youth in nation-building;

(e) Support and assist the Department of Foreign Affairs (DFA) and relevant government agencies in building strong and harmonious partnerships with counterpart and relevant agencies in foreign countries in order to facilitate the implementation of strategies and programs for the protection and promotion of the rights and well-being of OFWs and their

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families, and to continuously monitor economic, political, and labor developments therein;

(f) Support and assist the DFA in the negotiation of bilateral and multilateral agreements, initiatives and programs, including intergovernmental processes, which primarily concern labor migration;

(g) Represent, in coordination with and under the guidance of the DFA, interests pertaining to OFWs in bilateral, regional, and multilateral fora and international bodies. A written authorization shall be secured by the Department from the President, through the Secretary of Foreign Affairs, prior to any international meeting or negotiation of a treaty or executive agreement on any subject matter within its mandate;

(h) Provide, in cooperation with the Department of Education (DepEd), the Department of Trade and Industry (DTI), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Maritime Industry Authority (MARINA), and other government agencies, civil society organizations, nongovernmental organizations and the private sector, trainings aimed at promoting the global competitiveness of OFWs, as well as job matching services to persons desiring to become OFWs;

(i) Encourage and enhance information and resource sharing among related agencies, and develop an electronic database to improve services for OFWs in accordance with Section 18 of this Act;

(j) Regulate the operations of private recruitment and manning agencies involved in the deployment of OFWs abroad to protect the interests and well-being of these workers;

(k) Foster the professionalization, promote ethical recruitment practices, and ensure compliance with legal and ethical standards, training, and capacity-building of private recruitment and manning agencies;

(l) Establish a 24/7 Emergency Response and Action Center Unit and media and social media monitoring center to respond to the emergency needs of OFWs and their families;

(m) Perform all the powers, functions, and responsibilities assigned to all agencies, offices, or units to be transferred to, or absorbed by, the Department pursuant to the consolidation mandated by this Act;

(n) Require private recruitment and manning agencies to provide comprehensive insurance to the OFWs they deploy in accordance with the law: *Provided, That* with respect to OFWs deployed through other arrangements, a substantially similar benefit shall be provided to the concerned OFW;

(o) Develop and create a training institute that will provide substantive, analytical and strategic leadership training programs meant to equip employees of the Department, especially those who will be working overseas, with necessary knowledge and skills, such as, but not limited to, the language, customs, traditions, and laws of the host countries where OFWs are located, with due regard to the training services being provided by the Foreign Service Institute of the DFA. The training shall also include effective means and methods in handling the concerns of OFWs;

(p) Develop and create an institute for advanced and strategic studies on migration and development, which shall, among others, conduct advanced, strategic and up-to-date studies and research on global migration and development trends;

(q) In coordination with the DFA, conduct regular, timely, and relevant political and security risk assessment of the conditions in the receiving country, including adequate evacuation plans that will be communicated with all migrant workers thereat, not only for deployment purposes but more especially in cases of emergencies which will require swift actions including, but not limited to, possible evacuation of our migrant workers;

(r) Create a system for the blacklisting of persons, both natural and juridical, including local and foreign recruitment agencies, their agents, and employers, who are involved in trafficking as defined in Section 16(h), second paragraph of Republic Act No. 9208, as amended. The Department shall create and update a database of blacklisted persons which will be shared within the concerned agencies of the Department and with the IACAT. It shall also establish a monitoring system for cases involving trafficking and illegal recruitment of OFWs; and

(s) Perform such other functions as may be necessary to achieve the objectives of this Act

The exercise of the powers and functions of the Department shall in no way limit, restrict, or diminish the pursuit of an independent foreign policy or the conduct of foreign relations and treaty negotiations by the DFA.

Protection of the rights and promotion of the welfare of overseas Filipinos is a pillar of Philippine foreign policy. The DFA shall continue providing assistance to other Filipino nationals not covered under this Act.

SEC. 7. *Composition.* – The Department shall consist of the Department Proper comprising of the Office of the Secretary, the offices of the Undersecretaries and Assistant Secretaries, the Service Units, the Bureaus, Regional offices, and Overseas offices which shall be called Migrant Workers Office (MWO).

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

SEC. 8. *The Secretary.* – The authority and responsibility for the exercise of the mandate, powers, and functions of the Department shall be vested in the Secretary of the Department,

who shall exercise supervision and control over the Department.

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

(a) Provide executive direction, supervision, and control over the entire operations of the Department and exercise supervision over its attached agency for program and policy coordination;

(b) Establish policies and standards for the effective, efficient, and economical operation of the Department, consistent with the programs of the government;

(c) Issue orders, directives, rules, regulations, and other issuances, upon due consultation with stakeholders, to carry out policies, plans, programs, or projects pursuant to the provisions of this Act, and exercise such other powers as may be required to implement and realize the objectives of this Act;

(d) Evaluate policies, plans, programs, projects, performance and accomplishments of the Department, and prepare an annual report that shall be submitted to the Congressional Oversight Committee provided under Section 25 of this Act and be made available to the public thru its website or any other means that will ensure broad dissemination of its contents;

(e) Advise the President on the promulgation of executive and administrative orders and on the formulation of necessary regulatory and legislative proposals on matters pertaining to OFWs and their families;

(f) Administer and manage the AKSYON Fund as provided under Section 14 of this Act and other appropriations given to the Department and issue guidelines for the proper and efficient utilization thereof;

(g) Act as Chairperson of the Overseas Workers Welfare Administration (OWWA) Board;

(h) Sit as a member of the IACAT created under Republic Act No. 9208, as amended;

(i) Upon approval of the President and subject to Section 9 hereof, create additional offices and positions, in coordination with the Department of Budget and Management (DBM) and the Civil Service Commission (CSC), as may be necessary to fulfill its mandate pursuant to the provisions of this Act;

(j) Render decisions, orders, and resolutions on appeal on cases decided by the Regional Director arising from recruitment violations or disciplinary actions;

(k) At any time, terminate, suspend, or impose a total ban on the deployment of migrant workers, when upon his or her assessment, after consultation with the advisory board on migration and development and the Secretary of the DFA in consonance with Republic Act No. 8042, as amended, the conditions in the receiving country or region are inimical and not protective of the best interest, welfare, and safety of migrant workers;

(l) Act as a Chairperson of the Inter-Agency Committee on the OFW Hospital pursuant to Section 3 of Executive Order No. 154; and

(m) Perform such other tasks as provided for under existing laws, including the functions of the POEA Administrator under Executive Order No. 247, Republic Act No. 8042, as amended and other laws.

SEC. 9. *Structure of the Department.* – The Secretary shall be assisted by no more than four (4) Undersecretaries and by the Assistant Secretaries provided under this Act. The Secretary shall have the authority to assess and evaluate, and on the basis of which, transfer, delineate, reassign, or reorganize the functional areas or responsibilities of each office as he or she may deem necessary.

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

(a) Office of the Undersecretary for Internal Management and Administration, which shall take over the functions of the POEA Deputy Administrator for Management Services. The Office of the Undersecretary for Internal Management and Administration shall have the following additional functions:

(1) Provide the Department with efficient, effective, and economical services relating to records management, supplies, equipment, collections, disbursements, building administration and maintenance, security, and custodial work;

(2) Administer personnel programs including selection and placement, development, performance evaluation, employee relations, and welfare;

(3) Supervise and control the operational activities of one (1) Assistant Secretary; and

(4) Perform such other functions as may be provided by law or assigned by the Secretary.

(b) Office of the Undersecretary for Foreign Employment and Welfare Services. The Office of the Undersecretary for Foreign Employment and Welfare Services shall take over the functions of the POEA Deputy Administrator for Employment and Welfare. It shall also subsume all the functions of the Office of the Undersecretary for Migrant Workers' Affairs (OUMWA) under the DFA. It shall have the following additional 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) Undertake program and policy coordination with the OWWA;

(3) Provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs, and members of their families, including, but not limited to, assistance to nationals (ATN) and other services, without prejudice to

reimbursement by the responsible principal employer or recruitment or manning agency, in accordance with the law;

(4) Administer the AKSYON Fund provided under Section 14 hereof and authorize disbursements therefrom in accordance with this Act;

(5) Ensure effective coordination and cooperation with other government agencies and the Philippine Foreign Service Posts in the provision of legal assistance and other ATN services utilizing the AKSYON Fund;

(6) Tap the assistance of the Integrated Bar of the Philippines, other bar associations, legal experts on labor, migration, and human rights laws, reputable law firms, civil society organizations, nongovernmental organizations, and the private sector, as appropriate, to complement government services and resources to provide legal and other forms of assistance to OFWs in distress;

(7) Manage and supervise the Migrant Workers Office as created under Section 15 of this Act;

(8) Develop and monitor the implementation of a full-cycle national reintegration program under Section 17 of this Act;

(9) Exercise control and supervision over the Assistant Secretary heading each of the following: (i) Welfare and Employment Office; (ii) Pre-Employment Service Office; and (iii) the National Reintegration Center for OFWs (NRCO) as provided under Section 17 of this Act; and

(10) Perform such other functions as may be provided by law or assigned by the Secretary.

(c) Office of the Undersecretary for Licensing and Adjudication, which shall take over the functions of the POEA Deputy Administrator for Licensing and Adjudication. It shall exercise control and supervision over one (1) Assistant Secretary and of the regional operations of the Department;

(d) Office of the Undersecretary for Policy and International Cooperation shall subsume the substantive functions of the International Labor Affairs Bureau (ILAB) under the Department of Labor and Employment (DOLE) with regard to labor migration. It shall exercise the following additional functions:

(1) Monitor the observance and implementation of the Philippines' obligations and commitments to migration-related international organizations and treaties;

(2) Coordinate and cooperate with the DFA regarding the negotiations of treaties, agreements, compacts, and other instruments that are related to labor migration;

(3) Act as the Department's advocacy arm and shall execute programs and services to raise public awareness on the dangers and indicators of illegal recruitment, human trafficking, mail-order-spouse schemes, among others, and the different government policies and programs in place that aim to address these concerns and how to access them;

(4) Exercise control and supervision over one (1) Assistant Secretary; and

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

There shall be an Office for Land-based OFW Concerns and an Office for Sea-based OFW Concerns under the Office of the Secretary, which will cater to the needs and concerns of land-based and sea-based Filipino workers, respectively. Each office shall be headed by an Assistant Secretary. The National Maritime Polytechnic (NMP) shall be under the control and supervision of the Office for Sea-based OFW Concerns.

There shall also be an Office for Internal Audit which shall conduct objective evaluation of the Department's extent of compliance with its mandate, functions, programs, projects, activities, and outputs.

SEC. 10. *Qualifications.* – No person shall be appointed as Secretary, Undersecretary, or Assistant Secretary of the Department unless he or she is a citizen and resident of the Philippines, of good moral character, of proven integrity and competence in public administration, and has recognized expertise in governance involving, and/or experience as, OFWs.

No person involved in the business of recruitment and deployment of OFWs shall be appointed as Secretary, Undersecretary, or Assistant Secretary of the Department. This prohibition shall likewise apply to relatives of such persons up to the fourth degree of consanguinity or affinity.

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

SEC. 11. *Regional Offices.* – The Department shall establish, operate, and maintain a regional, as well as provincial or field office as may be necessary, in the different administrative regions of the country, and for this purpose, all existing POEA offices in the regions shall be absorbed: *Provided,* That within one (1) year from the implementation of this Act, there shall be at least one (1) regional office of the Department in existing regional centers: *Provided, further,* That each regional office shall have an adjudication officer who shall handle pre-employment or recruitment cases within the jurisdiction of the POEA, now the Department: *Provided, finally,* That such regional, provincial and/or field offices shall, in coordination with relevant government offices, serve as one-stop shop centers to ensure and actively facilitate access to prompt, efficient, vital and relevant services to OFWs and their families. The one-stop shop centers will be the venue for the acquisition of all relevant government clearances and permits, validation of overseas job offers, availment of reintegration services and all pertinent seminars and

workshops for all stakeholders, among others. In all cases and as far as practicable, OWWA regional offices shall be located beside the regional office of the Department.

SEC. 12. *Structure and Staffing Pattern.* – The Department shall determine its organizational structure and create new divisions or units as it may deem necessary at the national, regional, provincial, and in such other lower levels, and overseas, and shall appoint officers and employees of the Department in accordance with civil service laws, rules and regulations, Republic Act No. 6656 or the Government Reorganization Law shall govern the organization of the Department, and the reorganization of affected agencies.

Upon the creation of the Department, the POEA Governing Board, created under Executive Order No. 247, series of 1987, as amended, shall be renamed as the Advisory Board on Labor Migration and Development, and shall act as advisory body to the Secretary of the Department, with regard to issues on migration and development, including on the matters decided by the POEA Governing Board under Republic Act No. 8042, as amended, and other existing laws. The Advisory Board on Labor Migration and Development shall be composed of the Secretary of Labor and Employment, and one (1) representative each from the land-based OFWs, sea-based OFWs, and the private sector.

SEC. 13. *Sectoral and Industry Task Forces and Tripartite Councils.* – The Department may create sectoral and industry task forces, technical working groups, advisory bodies, or committees for the furtherance of its objectives. Additional private sector representatives, such as from the OFWs, OFW organizations, nongovernmental organizations, civil society organizations, the academe, and private industries directly involved in the recruitment and placement of OFWs, as well as other national government agencies, local government units, and government-owned and -controlled corporations, may be appointed to these sectoral and industry task forces.

The Maritime Industry Tripartite Council (MITC), currently lodged with the DOLE, shall be transferred to the Department along with the Overseas Land-based Tripartite

Consultative Council (OLTCC) of the POEA, to serve as a continuing forum for tripartite advisement and consultation with the industry stakeholders on policies and programs pursuant to the provisions of Republic Act No. 10395.

SEC. 14. *Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON) Fund.* – The Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund is hereby established to provide legal and other forms of assistance to OFWs, separate from the funds managed by the DFA. The DFA shall retain ATN and Legal Assistance Funds for the benefit of other Filipinos overseas and for consular assistance services. An appropriate amount shall initially be provided for the AKSYON Fund in the General Appropriations Act of the year following its enactment into law and an appropriate amount for every year thereafter to provide assistance to OFWs at Foreign Service Posts where MWO have been established and staffed.

Within thirty (30) days from the promulgation of this Act, the Secretary, in consultation with relevant stakeholders, shall issue the necessary guidelines regarding the use of the AKSYON Fund.

A sufficient sum shall be appropriated to the DFA to perform functions of the MWO in Foreign Service Posts where there is yet no such office.

SEC. 15. *Migrant Workers Office (MWO).* – The Migrant Workers Office (MWO) of the Philippine Foreign Service Post shall be the operating arm overseas of the Department: *Provided, That* within three (3) years from the effectivity of this Act and as far as practicable, all Philippine Foreign Service Posts shall have an existing and operational MWO. The Foreign Service Posts in countries with large concentration of OFWs shall be prioritized in the establishment of the MWO.

Each MWO shall have the same jurisdiction, including concurrent and consular jurisdiction, as the Foreign Service Post to which it is attached.

The MWO shall absorb all the powers, existing functions and personnel of the Philippine Overseas Labor Offices (POLO), and the Office for the Social Welfare Attaché (OSWA) and the powers and functions of existing ATN units of Foreign Service Posts with regard to OFWs in all Philippine embassies and consulates, and shall perform the following additional functions:

(a) Ensure the promotion and protection of the welfare and interests of OFWs and assist them in all problems arising out of employer-employee relationships including violation of work contracts, nonpayment of wages and other benefits, illegal dismissal, and other violations of the terms and conditions of their employment;

(b) Verify employment contracts and other employment-related documents;

(c) Monitor and report to the Secretary on situations and policy developments in the receiving country that may affect OFWs in particular and Philippine labor policies in general;

(d) Pursue, in coordination with the Philippine Embassy or Consulate, discussion on labor and other issues and concerns with the foreign government and/or the embassies concerned, and international organizations;

(e) Supervise and coordinate the operations of the Migrant Workers Resource Center (MWRC);

(f) Provide social and welfare programs and services to OFWs, including social assistance, education and training, cultural services, financial management, reintegration, and entrepreneurial development services;

(g) Provide prompt and appropriate response to global emergencies or crisis situations affecting Filipino nationals through close cooperation and coordination with the DFA;

(h) Manage cases of, and provide psychosocial services to, OFWs in distress, such as victims of trafficking in persons or illegal recruitment, rape or sexual abuse, maltreatment and

other forms of physical or mental abuse and cases of abandoned or neglected children;

(i) Regularly update the online database system provided under Section 18 of this Act to facilitate and ensure the delivery of appropriate, timely and effective welfare services to OFWs and their families;

(j) Facilitate the repatriation of distressed OFWs and their families, including shipment of remains and personal belongings;

(k) Verify the whereabouts, status, and condition of OFWs;

(l) Provide assistance, legal or otherwise in labor, criminal, immigration and other cases filed by or against OFWs, whether detained or not;

(m) Provide appropriate assistance to victims of illegal recruitment and trafficking in persons, kidnapping, hostage victims and other victims of other crimes in cooperation with the DFA;

(n) Conduct hospital visitation, and provide necessary assistance until the full recovery of the OFW concerned, and their immediate family members, where practicable and appropriate;

(o) Ensure the protection of women migrant workers by ensuring the designation of a gender focal point officer in its offices and in MWRCs, and the conduct of regular gender-sensitivity including ending-VAW training, and gender audits to assess responsiveness of programs and services. The gender focal point officer shall also serve as the ending-VAW focal point officer; and

(p) Perform other functions and responsibilities as may be assigned by the Secretary.

The qualifications, hiring and selection, continuous training and education, merit promotion system, and rotation

system for deployment and recall of officials of the MWO shall also be established by the Department, in accordance with existing civil service rules and regulations.

The officials of the MWO who are deployed at Posts shall be designated as attachés, subject to prior clearance from the Secretary of Foreign Affairs. The Department of Migrant Workers Secretary shall designate a qualified person to head each MWO, with preference for migration specialists with at least five (5) years of experience in the said field.

In all cases, all incidents relating to provision of ATN and other services shall be consistent with the implementation of the One Country-Team Approach. To this end, the functions of the MWO shall complement the diplomatic and consular functions of the DFA.

The deployment and performance of the officials of the MWO to Philippine Foreign Service Posts shall be governed by the Philippine Foreign Service Act of 1991, Vienna Convention on Consular Relations, the Vienna Convention on Diplomatic Relations and the rules and regulations imposed by the receiving State.

For the avoidance of doubt, the OWWA Welfare Officers shall work jointly with the MWO at the Foreign Service Post and, to the extent practicable, hold office therein.

SEC. 16. *Migrant Workers Resource Center (MWRC).* – The Migrant Workers Resource Center (MWRC) shall absorb all the powers and functions of the Migrant Workers and Other Filipinos Resource Center as provided under Republic Act No. 8042, as amended. The MWRC shall be under the Department, and shall, in addition to its functions under existing laws and regulations, provide temporary shelters to distressed OFWs.

The day-to-day operations and activities of the Center shall be supervised and coordinated by the MWO Head who shall keep the Chief of Mission informed and updated on all

matters affecting it with a written report submitted at least quarterly.

SEC. 17. *Full-Cycle National Reintegration Program.* – The Department shall develop and implement a full-cycle and comprehensive national reintegration program for both documented and undocumented OFWs, which shall be embedded in all stages of migration for work beginning from pre-deployment, on-site during employment, and upon return, whether voluntary or involuntary. The reintegration program shall cover the different dimensions of support needed by the OFW such as economic, social, psychosocial, gender-responsive, and cultural, including skills certification and recognition of equivalency for effective employment services, and shall ensure contribution to national development through investments and transfer of technology from skilled or professional OFWs. The reintegration program shall include promoting access to social protection instruments and financial services, and reintegration of survivors of VAW and trafficking in persons. For this purpose, the NRCO, shall serve as the lead office of the Department and shall coordinate all OFW training programs and services of the TESDA, the DTI, the Department of Agriculture (DA), the Department of Science and Technology (DOST), the DOLE, and local government units, among others.

SEC. 18. *Management Information System.* – The Department shall establish, in cooperation with other government agencies concerned and within six (6) months from the approval and adoption of its implementing rules and regulations, a computer-based Management Information System (MIS) and corresponding parameters on the shared access thereto, with due regard to the provisions of Republic Act No. 10173 or the Data Privacy Act of 2012 and Section 20 of Republic Act No. 8042, on OFWs, including their basic profile, destination countries, skills, experience, professional capabilities, to support its operations and as well as to have a source of relevant data for programs and policy formulation. The MIS shall ensure that the data gathered are disaggregated by sex, age, migratory status, country of destination, and other relevant parameters. Each office of the Department may

likewise create and maintain its own relevant database, as it deems necessary: *Provided*, That these databases are integrated into the Department's main management information system. The management information system shall also serve as the registry of skills of OFWs, which shall, as far as practicable, be congruent with the national industrialization and national employment program of the DOLE, the DTI, the Department of Public Works and Highways (DPWH), the DA, the Department of Tourism (DOT) and the NEIDA. The Department shall regularly update the system with real-time data.

The establishment and maintenance of the MIS shall be included in the annual budget of the Department.

SEC. 19. Consolidation and Merger of Agencies and Functions. – The following agencies are hereby consolidated and merged into and constituted as the Department, and their powers and functions subsumed to the Department which shall assume and perform all their powers and functions:

(a) The POEA, as created under the Executive Order No. 247 and Republic Act No. 8042, as amended;

(b) The Office of the Undersecretary for Migrant Workers' Affairs (OUMWA) of the DFA as provided under Republic Act No. 8042, as amended;

(c) All Philippine Overseas Labor Offices (POLO) under the DOLE;

(d) The International Labor Affairs Bureau (ILAB) under the DOLE;

(e) The National Reintegration Center for OFWs (NRCO) under the OWWA;

(f) The National Maritime Polytechnic (NMP) under the DOLE; and

(g) The Office of the Social Welfare Attaché (OSWA) under the DSWD.

SEC. 20. *Attached Agency.* – The OWWA, created under the Overseas Workers Welfare Administration Act, is hereby attached to the Department for purposes of policy and program coordination. Except as provided under this Act, the OWWA shall continue to function in accordance with its Charter. The OWWA Fund, pursuant to Sections 37 and 38 of its Charter, shall be used for the welfare of member-OFWs and their families and no fund shall be withdrawn from the OWWA Fund to respond, aid, supplement, or in any manner augment any required expenditure by other government agencies: *Provided, further,* That nothing in this Act shall be construed as diminishing the benefits already received by OFWs and their families from the OWWA Fund or replacing or diminishing retirement, death, or disability benefits or entitlements from the mandated social protection schemes. 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. For the avoidance of doubt, the DOLE Secretary shall remain as a member of the Board and the POEA Administrator shall be replaced by the SSS President as member of the OWWA Board.

The Department shall form a body within reasonable time, with OWWA, SSS and other relevant agencies, to find ways to extend the actuarial life of the OWWA Fund.

SEC. 21. *Reorganization and Other Transitory Provisions.* – In the transfer of functions of affected agencies under this Act, the following rules shall apply:

(a) Any transfer of entities shall include the functions, appropriations, funds, records, equipment, facilities, other properties, assets, and liabilities of the transferred entity as well as the personnel thereof under existing laws as may be necessary and practicable, who shall, in a holdover capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits, unless in the meantime they are separated from government service pursuant to existing laws. Those personnel from the transferred entity whose positions are not included in the new

position structure and staffing pattern approved by the Secretary or who are not reappointed shall be entitled to the benefits provided in the second paragraph of Section 22 hereof. Personnel from the Philippine Foreign Service shall remain under the DFA, except those whose positions are created under Republic Act No. 8042, as amended by Republic Act No. 10022;

(b) Except as otherwise provided in this Act, any transfer of functions which results in the subsuming of the entity that has exercised such transferred functions shall include, as may be necessary to the proper discharge of the transferred functions, the appropriations, funds, records, equipment, facilities, other assets, and personnel of the entity from which such functions have been transferred. The remaining appropriations and funds shall revert to the General Fund and the remaining records, equipment, facilities, and other assets shall be allocated to such appropriate units as the Secretary shall determine, or otherwise shall be disposed of, in accordance with pertinent laws, rules and regulations. The liabilities, if any, of the subsumed entity shall be treated in accordance with pertinent laws, rules and regulations. Incumbents of the subsumed entity shall, in a holdover capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service, pursuant to existing laws. Any such personnel whose position is not included in the new position structure and staffing pattern approved by the Secretary or who is not reappointed shall be entitled to the benefits provided in Section 22 hereof; and

(c) Any transfer of functions which does not result in the subsuming of the entity that has exercised such transferred functions shall include the appropriations, funds, records, equipment, facilities, other assets as well as the personnel of the entity from which such functions have been transferred that are necessary to the proper discharge of such transferred functions. The liabilities, if any, which have been incurred in connection with the discharge of the transferred functions, shall be allocated in accordance with pertinent laws, rules and

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

SEC. 22. Absorption, Separation, and Retirement from Service. – The existing employees of the transferred and subsumed agencies under this Act shall enjoy security of tenure and shall be absorbed by the Department, in accordance with their staffing patterns and the selection process as prescribed under Republic Act No. 6656 or the Government Reorganization Law.

Employees who are affected by the creation of the Department and are separated from service within six (6) months from the effectivity of this Act as a result of the organization and reorganization under this Act shall receive separation benefits under the Government Reorganization Law, and other applicable laws, rules and regulations: *Provided*, That those who are qualified to retire and receive retirement benefits under existing retirement laws shall be allowed to retire. Detailed, transferred, or seconded career personnel to the Department from transferred or subsumed entities or any government entity shall neither lose seniority in rank or status, nor suffer any diminution of their salaries, allowances, or other privileges and entitlements.

The foregoing separated employees shall also receive additional separation incentives, as follows:

(a) Fifty percent (50%) of the actual monthly basic salary for every year of service, for those who have rendered less than eleven (11) years of service;

(b) Seventy-five percent (75%) of the actual monthly basic salary for every year of service computed starting from

the first (1st) year, for those who have rendered eleven (11) to less than twenty-one (21) years of service;

(c) The actual monthly basic salary for every year of service, computed starting from the first (1st) year, for those who have rendered twenty-one (21) to less than thirty-one (31) years of service; and

(d) One hundred twenty-five percent (125%) of the actual monthly basic salary for every year of service, computed starting from the first (1st) year, for those who have rendered thirty-one (31) years of service and above.

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

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

SEC. 23. Transition Period. – 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 two (2) years from the effectivity of this Act: *Provided*, That until new appointments and a new staffing pattern shall have been issued, 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: *Provided, further,* That after the organization and rationalization process, the Department, in coordination with the DBM, shall determine and create new positions, the funding requirements of which shall not exceed the equivalent cost of the positions subsumed.

A Transition Committee is hereby created which shall be composed of the Department of Migrant Workers Secretary, the Undersecretary for the Office of Migrant Workers Affairs of the DFA, the Administrator of the POEA, the Director of the ILAB of DOLE, the Director of the NRCO of OWWA, the Director of the National Maritime Polytechnic of DOLE and the Director of the Office of the Social Welfare Attaché of the DSWD.

The Transition Committee shall facilitate the complete and full operation of the Department which shall not be later than two (2) years after the effectivity of this Act. It shall likewise promulgate the implementing rules and regulations necessary to effectively implement the smooth and orderly transfer to the Department of the subsumed agencies.

The Transition Committee shall be tasked with the following:

(a) Formulate the necessary implementing rules and regulations of the Department within sixty (60) days after the effectivity of this Act;

(b) Publish the implementing rules and regulations of the Department within seventy-five (75) days after the effectivity of this Act;

(c) Create a staffing pattern of the Department, in consultation with the DBM, within one hundred twenty (120) days after the effectivity of this Act;

(d) Submit to the DBM the Department's budget for fiscal year 2023; and

(e) Implement the training of the personnel of the Department.

The Department shall not be constituted without an appropriation in the 2023 General Appropriations Act; an effective implementing rules and regulations; and a staffing pattern.

SEC. 24. Coordination with the Bangsamoro Ministry of Labor and Employment. – The Department shall closely coordinate with the Bangsamoro Ministry of Labor and Employment (MOLE) on the training, protection and deployment of overseas Bangsamoro workers. Nothing herein, however, shall be construed to affect or impede the authority of the Bangsamoro MOLE on labor, employment and occupation. For the avoidance of doubt, transferred field offices of the POEA and other related offices pursuant to Republic Act No. 11054, or the Bangsamoro Organic Law (BOL), shall be excluded from the coverage of this Act.

SEC. 25. Congressional Oversight Committee and Submission of Annual Reports. – There shall be created a Congressional Oversight Committee on Migrant Workers to monitor and oversee the implementation of the provisions of this Act.

The Committee shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives with the Chairperson of the Committee on Overseas Workers Affairs of the House of Representatives and the Committee on Labor, Employment and Human Resources Development of the Senate as Co-chairpersons. The other members from each Chamber are to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to *pro rata* representation but shall have at least two (2) representatives from each Chamber.

In addition, the Department shall submit an annual report to the Congressional Oversight Committee within thirty (30) days from the end of each calendar year, detailing the

number of OFWs in each country and/or region, a status report of their situations, including the problems and issues they encountered, and such other relevant information to properly inform the public and the policymakers of the performance of the Department and the situation of OFWs around the world. The annual report shall include:

(a) Master list of Filipino migrant workers, and inventory of pending cases involving them, including those serving prison terms;

(b) Working conditions of Filipino migrant workers;

(c) Problems encountered by the migrant workers, specifically violations of their rights;

(d) Initiatives/actions taken by the Philippine Foreign Service Posts to address the problems of Filipino migrant workers;

(e) Changes in the laws and policies of host countries; and

(f) Status of negotiations on bilateral labor agreements between the Philippines and the receiving country.

Any officer of the government who fails to submit the report as stated in this section shall be subject to an administrative penalty of dismissal from the service with disqualification to hold any appointive public office for five (5) years.

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

SEC. 27. *Mandatory Review by the Reorganization Commission.* – Five (5) years after the effectivity of this Act, or as the need arises, the President shall constitute a Reorganization Commission which shall conduct a systematic evaluation of the accomplishments and impact of this Act, as well as the performance and organizational structure of its implementing agencies, for purposes of determining remedial legislation. In the conduct of this systematic evaluation, the Commission shall spearhead and facilitate the holding of in-depth consultations with organizations and stakeholders involved in migration governance, particularly OFWs, national government agencies, workers organizations, employers, and civil society, to ensure an evidence-based and data-backed analysis with the appropriate gender and cultural lens. This evaluation report shall be released and made available to the stakeholders and the public.

Five (5) years from the creation of this Department, the Commission may recommend the reorganization, consolidation, or abolition of the Department should circumstances prove that there is no more need for its existence. The relevance and practicality of maintaining the Department shall be reviewed every five (5) years after the five (5)-year mandatory review period. Indicators shall include, but shall not be limited to, number of decent jobs created, broader social protection coverage, more job options for women and cultural minorities, and less proportion of OFWs in high-risk and precarious occupations.

The Commission shall include the secretaries of this Department, the DFA, the DOLE, the NEDA and the DBM as members.

SEC. 28. *Implementing Rules and Regulations.* – The Transition Committee shall promulgate the implementing rules and regulations within seventy-five (75) days after the effectivity of this Act.

SEC. 29. *Separability Clause.* – Should any provision of this Act or part thereof be declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

SEC. 30. *Repealing Clause.* – All other laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 31. *Effectivity* - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* and in at least two (2) newspapers of general circulation.

Approved,

LORD ALLAN JAY Q. VELASCO
*Speaker of the House
of Representatives*

VICENTE C. SOTTO III
President of the Senate

This Act was passed by the Senate of the Philippines as Senate Bill No. 2234 on December 14, 2021, and adopted by the House of Representatives as an amendment to House Bill No. 5882 on December 15, 2021.

MARK LEONIDO L. MENDOZA
*Secretary General
House of Representatives*

MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: **DEC 30 2021**



RODRIGO ROA DUTERTE
President of the Philippines

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