

THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11641, OTHERWISE KNOWN AS THE "DEPARTMENT OF MIGRANT WORKERS ACT"

Pursuant to Section 23 of Republic Act No. 11641, otherwise known as the "Department of Migrant Workers Act," the following rules and regulations are hereby adopted and promulgated:

RULE I GENERAL PROVISIONS

Section 1. Title and Purpose. These rules and regulations shall be known as the "The Implementing Rules and Regulations of the Department of Migrant Workers Act", and shall be collectively referred to as the "Rules". These Rules shall operationalize the provisions of Republic Act No. (RA) 11641, hereinafter referred to as the "Act", and shall provide the regulations, guidelines, and procedures that shall govern the operations of the Department of Migrant Workers, herein referred to as the "Department".

Section 2. Declaration of Policies, Guiding Principles and Objectives

(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in the country or overseas, in general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt, be signatory to and ratify those that guarantee protection to our migrant workers, and endeavor to enter into bilateral agreements with countries hosting overseas Filipino workers.

(b) The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers, especially for workers who are vulnerable to physical, emotional, and psychological stress or abuse.

(c) 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.

(d) The State affirms the fundamental equality before the law of women and men and the significant role of women in nation building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers.

(e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/undocumented or irregular/undocumented, are adequately protected and safeguarded.

(f) The right of Filipino migrant workers and all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed.

(g) The State recognizes that the most effective tool for empowerment is the possession of skills by migrant workers. The government shall expand access of qualified migrant workers to free skills development and enhancement programs through scholarships, training subsidies/grants of the concerned agencies. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only of skilled Filipino workers.

(h) The State recognizes that non-governmental organizations, trade unions, workers' associations, stakeholders, and other similar entities duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. The significant contribution of recruitment and manning agencies shall form part of this partnership.

(i) It is the duty of the State to protect the rights and promote the welfare of Overseas Filipino Workers and their families by:

- 1. Ensuring that private recruitment shall meet professional, legal, and ethical standards;
2. Obtaining the best possible conditions of work that uphold the dignity of OFWs;
3. Providing timely and responsive services to address their needs regardless of legal status;
4. Ensuring their participation in the formulation of policies affecting their welfare; and
5. Providing mechanisms for skills development and reintegration.

(j) 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), as follows:

- 1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies;
2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin;
3. Provide accurate and timely information at all stages of migration;
4. Ensure that all migrants have proof of legal identity and adequate documentation;
5. Enhance availability and flexibility of pathways for regular migration;
6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work;
7. Address and reduce vulnerabilities in migration;
8. Save lives and establish coordinated international efforts on missing migrants;
9. Strengthen the transnational response to smuggling of migrants;
10. Prevent, combat and eradicate trafficking in persons in the context of international migration;
11. Manage borders in an integrated, secure and coordinated manner;
12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral;
13. Use migration detention only as a measure of last resort and work towards alternatives;
14. Enhance consular protection, assistance and cooperation throughout the migration cycle;
15. Provide access to basic services for migrants;
16. Empower migrants and societies to realize full inclusion and social cohesion;
17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration;
18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competencies;
19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries;
20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants;
21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration;
22. Establish mechanisms for the portability of social security entitlements and earned benefits; and
23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration.

RULE II DEFINITION OF TERMS

Section 3. Definition of Terms. As used in these Rules, the following terms and phrases are defined as follows:

(a) Accreditation - refers to the grant of authority by the Department to a foreign principal/employer to recruit and hire Filipino workers through a licensed recruitment agency for overseas employment, through a licensed manning agency for overseas Filipino seafarers, and other pathways for regular migration as may be authorized by the Secretary.

(b) Agang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund - refers to the fund created under Section 14 of the 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 and ensure the welfare of Filipino nationals;

(c) Business Process - refers to an individual function/mandate/purpose of the Department as per RA 11641 and/or provisions in previous statutes/issuances still in effect, that has a clear deliverable and/or quantifiable output and/or service;

(d) Conciliation/Mediation - refers to the process of facilitating a settlement of labor and employment issues;

(e) Constitute - in the context of the Department, refers to its creation or establishment.

(f) Data Sharing - refers to the disclosure or transfer to a third party of personal data under the custody of a personal information controller or personal information processor. In the case of the latter, such disclosure or transfer must have been upon the instructions of the personal information controller concerned. The term excludes the outsourcing, or the disclosure or transfer of personal data by a personal information controller to a personal information processor.

(g) Department - refers to the Department of Migrant Workers;

(h) DFA - refers to the Department of Foreign Affairs;

(i) Direct Hires - refer to workers directly hired by employers for overseas employment as authorized by the Secretary and processed by the Department, including:

- (1) Those hired by international organizations;
(2) Those hired by members of the diplomatic corps; and
(3) Name hires or workers who are able to secure overseas employment opportunities with employers without the assistance or participation of any agency.

(j) Disciplinary Action - refers to a case filed against migrant workers or foreign principals/employers for violation of laws, rules and regulations, and other pertinent issuances on overseas employment;

(k) Documented OFW - refers to an OFW who possess a valid passport and appropriate visa or permit to stay and work in the country of destination, and whose contract of employment has been processed by the Department.

(l) DOJ - refers to the Department of Justice;

(m) DOLE - refers to the Department of Labor and Employment;

(n) DSWD - refers to the Department of Social Welfare and Development;

(o) Employment Contract - refers to the following:

- 1. For land-based workers hired by private recruitment/employment agencies - an individual written agreement between the foreign principal/employer and the worker based on the master employment contract approved by the Department; and
2. For seafarers - the written standard Department-approved employment contract stipulating a specific period of employment and formulated through tripartite consultation, individually adopted and agreed upon by the principal/employer and the seafarer;
3. For intermodal OFWs - a written occupation- or sector-specific and Department-approved employment contract stipulating the standards for employment and the specific period of employment, individually adopted and agreed upon by the principal/employer and the worker;
4. All other agreements entered into between the worker and the foreign principal/employer, enumerating the terms and conditions of employment based on the minimum labor standards of the Philippine government and host government.

(p) E-Registration - refers to the online registration system of Overseas Filipino Workers;

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

(r) Government to Government Arrangement - refers to an agreement entered into by the Philippines with another country on the recruitment and placement process to service the requirements for trained and competent Filipino workers of foreign governments and their instrumentalities and such other employers as public interest may require;

(s) IACAT - refers to the Inter-Agency Council Against Trafficking;

(t) ICT Ecosystem - refers to the information and technology environment of the Department which encompasses its ICT policies, strategies, processes, information, systems, applications, technologies, network map, infrastructure, and participants operating/using/accessing that ecosystem. The ICT Ecosystem pertains to both the real-world environment and the virtual environment;

(u) In distress - refers to 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 human remains.

(v) ILAB - refers to the International Labor Affairs Bureau;

(w) Intermodal Sector - refers to a sector that is not covered by law defining land-based or sea-based sectors, or whose jobsites are not identifiable as land-based or sea-based, including, among others, air transport, mixed-use docks and ports, international river transport, riverine-maritime crewing, large inland waters, mobile offshore, rigs, vessels and drilling units in continental shelves, and other types of emerging employment that regularly involve a mix of land-based and sea-based work locations, as well as a mix of platforms in overseas employment;

(x) Intermodal OFW - refers to a migrant worker who is engaged in employment in the intermodal sector;

(y) Job Order Registration of Principals/Employers - refers to a process wherein, after having been duly accredited, the approved manpower request or job order, recruitment agreement, and other details of business arrangements between a foreign principal/ employer with its licensed recruitment or manning agency in the Philippines are duly reflected in a system maintained by the Department.

(z) Labor diplomacy - refers to a set of policies and practices in the Department that complement the labor, diplomatic and consular functions of appropriate government agencies under One-Country Team Approach, following the guidelines laid down in E.O. 459 series of 1997, in order to implement the Philippines' obligations and commitments to migration-related international organizations and treaties;

(aa) 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;

(bb) Line Bureau - refers to the Department's principal subdivision which performs a single major function or closely related functions, and which shall directly implement programs adopted pursuant to department policies and plans;

(cc) 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;

(dd) MWRC - refers to the Migrant Workers Resource Center;

(ee) Monitoring of Deployed OFWs - refers to the responsibility of the licensed recruitment/manning agencies and principals/employers to monitor the status or condition of its deployed Overseas Filipino Workers, to submit a timely corresponding report to the Department, and to immediately act on complaints or problems brought to its attention;

(ff) Migration Specialist - refers to someone who has at least five years' experience in the field of external migration, including the practice of social work, with particular emphasis on external migration, or the conduct of sociological research and/or social studies, with the same emphasis;

(gg) Mission Critical Skills - refers to the skills that reflect the primary function of the organization without which mission critical work cannot be completed and which skills are internally developed and require extensive training, thus, not easily replaceable;

(hh) MITC - refers to the Maritime Industry Tripartite Council;

(ii) MWO - refers to the Migrant Workers Office;

(jj) NEDA - refers to the National Economic and Development Authority;

(kk) NLRC - refers to the National Labor Relations Commission;

(ll) NMP - refers to the National Maritime Polytechnic;

(mm) NRCCO - refers to the National Reintegration Center for OFWs;

(nn) OLTCC - refers to the Overseas Land-based Tripartite Council;

(oo) Overseas employment - refers to employment outside the Philippines;

(pp) 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";

(qq) OFW clearance - refers to a document issued to an OFW by the Department attesting to the regularity of his/her recruitment, documentation and registration as an OFW, which makes him/her eligible to clear immigration for overseas employment travel subject to Philippine immigration laws, and enables him/her to avail of the privileges granted to OFWs;

(rr) OFW Welfare Monitoring System (GWMS) - refers to a web-based system that will be used by Philippine recruitment and manning agencies as a tool in reporting the status and condition of OFWs they have deployed;

(ss) OSHA - refers to the Office of the Social Welfare Attaché;

(tt) OUMWA - refers to the Office of the Undersecretary for Migrant Workers' Affairs;

(uu) OWWA - refers to the Overseas Workers Welfare Administration;

(vv) POEA - refers to the Philippine Overseas Employment Administration;

(ww) POLO - refers to the Philippine Overseas Labor Office

(xx) Port - refers to a point of arrival or point of departure for a Migrant Worker, which includes, but is not limited to, airports and seaports

(yy) Principal - refers to an employer or foreign placement agency hiring or engaging Filipino workers for overseas employment through a licensed private recruitment/manning agency, or through the government.

(zz) Processing and Documentation - refers to the submission and evaluation of documentary requirements of engaged OFWs, and the issuance of an OFW clearance as an outcome of such evaluation.

(aaa) Psychosocial Services - refers to services that are of non-biomedical means to positively affect a person's behavior and relationship with society in order to reduce the impact of stress brought about by a crisis; it may include, but is not limited to, giving immediate relief to psychological and emotional issues under specific circumstances.

(bbb) 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;

(ccc) Recruitment Violation - refers to a case filed against licensed recruitment agencies/manning agencies for violation of laws, rules and regulations, and other pertinent issuances on overseas employment;

(ddd) Rehires - refers to the land-based workers who renewed their employment contracts with the same principal. The term "rehires" is synonymous to Balik-Manggagawa and returning worker and refers to an Overseas Filipino Worker who has served or is serving his/her employment contract and is: (a) returning to the same employer and the same job site; (b) returning to the same employer in a new job site; (c) an Overseas Filipino Worker who has started employment on-site with a new employer and is returning to the said employer.

(eee) Reintegration - a holistic process by which an overseas Filipino or overseas Filipino worker, on his/her own or with the assistance of government and other duty bearers (private sector, development NGOs or organizations), returns to the Philippines permanently, in a comfortable and productive state, through a series of preparations or interventions geared towards his/her specific needs, goals, interest, capacities and potentials;

(fff) 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 shall be anchored on a national reintegration framework defining the fundamental principles, vision and directional strategies and characteristics of an effective, gender-responsive and sustainable reintegration;

(ggg) Rescue - An undertaking to assist an OFW whose life is in danger based on reasonable verification of the OFW situation, in coordination with concerned host government authorities and pursuant to host country laws, rules and regulations.

(hhh) Repatriation - refers to the process of bringing back distressed OFWs, human remains, and the transport of his/her personal effects. Emergency repatriation is carried out in the event of any political unrest or natural calamities;

(iii) 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 the Act and these Rules, 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;

(jjj) Secretary - refers to the Secretary of the Department of Migrant Workers;

(kkk) Social Work Case Management - refers to the method of providing services whereby a registered social worker assesses the needs of the client and his/her family, when appropriate, and arranges, coordinates, monitors, evaluates, and advocates for a package of services to meet the client's specific and complex needs;

(lll) Social Welfare Situationer - refers to a report made as a result of survey/profiling of served OFs in the Foreign Post;

(mmm) Subsume - refers to the inclusion or absorbing into the Department of the powers and functions exercised by certain agencies and/or offices existing before its constitution;

(nnn) TESDA - refers to the Technical Education and Skills Development Authority;

(ooo) Trafficking in Person Blacklist - refers to the central database of all available information and data on reported, suspected, tried, and convicted human traffickers, and/or local recruitment agencies that were alleged to be involved in said activities, including but not limited to, pending and decided cases against the traffickers and agencies;

(ppp) Transition period - refers to the two-year period under the Act during which the complete and full operation of the Department shall be facilitated.

(qqq) Undocumented OFW - refers to an OFW whose employment documents have not been processed through the Department.

(rrr) VAWC - refers to Violence against Women and Children;

(sss) Welfare Desk Officers (WEDOs) - refers to a registered personnel of a licensed recruitment agency tasked to monitor and report the status and condition of deployed OFWs, and resolve problems/complaints at the job site;

(ttt) Welfare Record - refers to the individual record of a deployed OFW in the OFW Welfare Monitoring System.

RULE III CREATION, MANDATE, POWERS AND FUNCTIONS OF THE DEPARTMENT

Section 4. Creation. The Philippine Overseas Employment Administration (POEA) reorganized under Executive Order No. 247, Series of 1987, as amended, the Office of the Undersecretary for Migrant Workers' Affairs (OUMWA) of the DFA as provided under Republic Act No. 8042, as amended; all Philippine Overseas Labor Offices (POLO) under the DOLE; the International Labor Affairs Bureau (ILAB) under the DOLE; the National Reintegration Center for OFWs (NRCCO) under the OWWA; the National Maritime Polytechnic (NMP) created under Presidential Decree 1369; and the Office of the Social Welfare Attaché (OSWA) under the DSWD 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 the Act.

Section 5. Mandate. The Department shall absorb all the powers, functions and mandate of the POEA and all the entities enumerated in the preceding section, 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.

The following are the mandates of the enumerated entities:

A. Philippine Overseas Employment Administration (POEA)

- 1. Regulate private sector participation and recruitment and overseas placement
2. Maintain registry of skills
3. Secure best terms of employment for OFWs
4. Enhance its effectiveness in responding to changing market and economic conditions and to the call of the national development plan for the strengthening of the worker protection and regulation components of the overseas employment program;
5. Formulate and implement a systematic program for promoting and monitoring the overseas employment of Filipino workers and for protecting their rights to fair and equitable employment practices, and in order that it may respond more effectively to the new demands for more meaningful welfare services to workers, better protection of their rights, more efficient adjudication of cases and more efficient manpower delivery system;
6. Implement intensified programs against illegal recruitment activities.

B. Office of the Undersecretary for Migrant Workers' Affairs (OUMWA)

- 1. Provides overall supervision and coordination of all legal assistance services to be provided to OFWs and overseas Filipinos.
2. Issues guidelines, procedures and criteria for the provision of legal assistance services to Filipino migrant workers.
3. Establishes close linkages with DOLE, POEA, OWWA and other government agencies concerned, as well as non-governmental organizations assisting migrant workers, to ensure effective coordination and cooperation in the provision of legal assistance to migrant workers.
4. Taps the assistance of reputable law firms, the Integrated Bar of the Philippines, other bar associations and other government legal experts on overseas Filipino worker laws to complement the government's efforts to provide legal assistance to our migrant workers.
5. Renders Assistance to Nationals services to distressed overseas Filipinos.

C. Philippine Overseas Labor Office (POLO)

- 1. Ensure the promotion and protection of the welfare and interests of OFWs and assist them in all problems arising out of employer-employee relationships;
2. Coordinate the DOLE's employment promotion mandate, consistent with the principles of the Act;
3. Verify employment contracts and other employment-related documents;
4. Monitor and report to the Secretary of Labor and Employment on situations and policy developments in the receiving country that may affect OFWs in particular and Philippine labor policies in general;
5. Supervise and coordinate the operations of the Migrant Workers and Other Overseas Filipinos Resource Center.

D. International Labor Affairs Bureau (ILAB)

- 1. Serve as the instrumentality of the DOLE for technical cooperation, programs and activities with other countries and international institutions; and for facilitating, coordinating and monitoring the compliance of the Philippine Government to commitments relative to international labor affairs;
2. Provide technical and administrative support in the technical supervision, monitoring and evaluation of operations of the POLOs and MWFRCS

E. National Reintegration Center for OFWs (NRCCO)

- 1. Develop and support programs and projects for livelihood, entrepreneurship, savings, investments and financial literacy for returning Filipino migrant workers and their families in coordination with relevant stakeholders, service providers and international organizations;
2. Coordinate with appropriate stakeholders, service providers and relevant international organizations for the promotion, development and the full utilization of overseas Filipino worker returnees and their potentials;
3. Provide a periodic study and assessment of job opportunities for returning Filipino migrant workers;
4. Develop and implement other appropriate programs to promote the welfare of returning Filipino migrant workers;
5. Develop capacity-building programs for returning overseas Filipino workers and their families, implementers, service providers, and stakeholders; and
6. Conduct research for policy recommendations and program development.

F. National Maritime Polytechnic (NMP)

- 1. Offer specialization and upgrading courses for both licensed officers and ratings; and
2. Conduct researches and studies on the latest maritime technologies and other related matters for the maritime industry.

G. Office of the Social Welfare Attaché (OSWA)

- 1. Provision of social welfare and development programs and services through its Home Office and Foreign Posts towards the protection of the rights, and promotion of the welfare of distressed Overseas Filipinos and their families.

Section 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 to 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 the Act, consistent with the Constitutional policy of upholding the sanctity of family as 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 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, non-governmental 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 [Management Information System] of the 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.

The Department may recruit and place workers primarily on government-to-government arrangements. In the recruitment and placement to service the requirements for trained and competent Filipino workers of foreign governments and their instrumentalities, and such other employers as public interests may require, the Department shall deploy only to countries where the Philippines has concluded bilateral agreements or arrangements. Provided, that such countries shall guarantee to protect the rights of Filipino migrant workers; and provided, further that such countries shall observe and/or comply with the international laws and standards for migrant 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 the Act.

The Department shall continue to mandatorily conciliate/mediate any complaint involving an Overseas Filipino Worker, licensed recruitment agency, or principal/employer relating to overseas employment. For this purpose, the Department shall formulate policies, develop plans/programs, mechanisms, and set standards and procedures to strengthen conciliation and mediation as a mode of dispute settlement of complaints arising from overseas employment.

The Department shall exercise original and exclusive, and appellate jurisdiction to hear and decide all cases which are administrative in character, involving or arising out of: (1) violations of recruitment rules and regulations, including refund of fees collected from Overseas Filipino Workers and any violation of the conditions for the issuance of the license to recruit Overseas Filipino Workers, and (2) disciplinary action cases that are administrative in character, excluding money claims.

In the exercise of its adjudicatory power, including its appellate jurisdiction, the Department shall formulate its own rules and procedures governing the proceedings before the Overseas Employment Adjudicators (OEs), Regional Directors and the Office of the Secretary.

(n) Require private recruitment and manning agencies to provide comprehensive insurance to the OFWs they deploy in accordance with law. Provided, That with respect to OFWs deployed thru 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, and 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.

Where necessary, it shall seek the assistance, collaboration, partnerships and linkages with reputable academic, research and training institutions and individuals with proven expertise, local and overseas, to ensure effective and responsive training services, including mandatory retraining and updating of skills.

(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 the 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 the Act.

**Section 7. Composition.** The Department shall consist of the Department Proper comprising 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.

**RULE IV  
THE SECRETARY**

**Section 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 the Act, and exercise such other powers as may be required to implement and realize the objectives of the Act;
- (d) Evaluate policies, plans, programs, projects, performance, and accomplishments of the Department, and prepare an annual report which shall be submitted to the Congressional Oversight Committee provided under Section 25 of the 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 the 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 of the Act, 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 the 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.

**RULE V  
OFFICES OF THE UNDERSECRETARIES, ASSISTANT SECRETARIES AND OTHER OFFICES UNDER THE OFFICE OF THE SECRETARY**

**Section 9. Structure of the Department.** The Secretary shall be assisted by no more than four (4) Undersecretaries and by the Assistant Secretaries, provided under Republic Act No. 11641. 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 may deem necessary.

The Department shall have the following structure:

- A. Office of the Secretary, including his/her immediate staff. The following shall directly be under the supervision of the Secretary:
  - 1. Office of Land-Based OFW Concerns
    - (a) Overseas Land-based Tripartite Consultative Council Secretariat
  - 2. Office of Sea-Based OFW Concerns
    - (a) National Maritime Polytechnic
      - i. Office of the Executive Director
        - a. Quality Management
      - ii. Office of the Deputy Executive Director
        - a. Maritime Research and Development Division
        - b. Maritime Training and Assessment Division
        - c. Maritime Resource Center
        - d. Administrative and Finance Division
        - e. NMP Regional Training Centers
    - (b) Maritime Industry Tripartite Council
  - 3. Office for Internal Audit
    - (a) Management Audit Division
    - (b) Operations Audit Division

- 4. Office of Legal Service
- 5. Philippine Research Institute for Migration and Development
- 6. Department Legislative Liaison Office
- 7. Advisory Board on Migration and Development Secretariat

B. Office of the Undersecretary for Internal Management and Administration, including his/her immediate staff:

- 1. Assistant Secretary for Internal Management and Administration, including his/her immediate staff:
  - (a) DMW Training Institute
    - i. Central Office Training Unit
    - ii. Foreign Post Training Unit
    - iii. Regional Office Training Unit
  - (b) Strategic Planning and Communications Service
    - i. Strategic Policies and Programs Division
    - ii. Quality Management Division
    - iii. Strategic Information and Communications Division
  - (c) Public Financial Management Service
    - i. Accounting Division
    - ii. Budget Division
  - (d) Strategic Human Resource Management and Development Service
    - i. Recruitment, Selection, and Placement Division
    - ii. Welfare and Benefits Division
    - iii. Organizational Development Division
  - (e) General Administrative and Support Service
    - i. General Services Division
    - ii. Cash Management Division
    - iii. Central Records Management Division
    - iv. Property and Procurement Division
  - (f) Information and Communication Technology Service
    - i. Information Security and Privacy Division
    - ii. Systems Management Division
    - iii. Database Management Division
    - iv. Network Management and Business Continuity Division
  - (g) One-Stop-Shop Center for OFWs Relations Office
  - (h) Office of the Bids and Awards Committee

C. Office of the Undersecretary for Foreign Employment and Welfare Services, including his/her immediate staff:

- 1. Assistant Secretary for Pre-Employment Service Office, including his/her immediate staff:
  - (a) Land-based Pre-Deployment Facilitation Bureau
    - i. Land-based Accreditation Services
      - a. Middle East Division
      - b. Europe, America, and Africa Division
      - c. Asia-Pacific Division
    - ii. Land-based Processing Services
      - a. Middle East Division
      - b. Europe, America, and Africa Division
      - c. Asia-Pacific Division
  - (b) Sea-based Pre-Deployment Facilitation Bureau
    - i. Sea-based Standards Compliance Division
    - ii. Sea-based Systems and Platforms Division
    - iii. Sea-based Employment Accreditation Division
    - iv. Sea-based Regular Contract and Special Concerns Division
    - v. Sea-based Onboard Contracts Processing Division
  - (c) Returning Workers Processing Services
    - i. Division 1- Professionals, Skilled and Agency Assisted
    - ii. Division 2- Elementary Occupations, Semi-Skilled
    - iii. Returning Workers Technical Support Services Division
  - (d) Special Placement Services
    - i. Direct Hired Assistance Division
    - ii. Special Documentation and Placement Division
- 2. Assistant Secretary for Welfare and Employment Office, including his/her immediate staff:
  - (a) Migrant Workers Office Operations Bureau
    - i. Americas and Europe Operations Division
    - ii. Asia-Pacific Operations Division
    - iii. Middle East and Africa Operations Division
    - iv. Social Welfare Services Office
  - (b) Migrant Workers Office
  - (c) Government Placement Bureau
    - a. Government Clients Development Division
    - b. Government Placement Facilitation Division
    - c. Documentation and Placement Division
    - d. Welfare and On-Site Monitoring Division
  - (d) Migrant Workers Welfare and Assistance Bureau
    - a. Workers Welfare Monitoring Division
    - b. Repatriation Division
    - c. Workers Development Division
    - d. Mediation Division
    - e. Welfare Assistance Division
- 3. Assistant Secretary for National Reintegration Center for OFWs, including his/her immediate staff:
  - (a) Executive Director for National Reintegration;
    - i. Deputy Executive Director for National Reintegration
      - a. Reintegration Program Monitoring and Evaluation Division
      - b. Policy Planning and Program Development Division
      - c. Marketing and Advocacy Division
      - d. Administrative and Logistics Division
      - e. Regional and Overseas Coordination Division

D. Office of the Undersecretary for Licensing and Adjudication, including his/her immediate staff:

- 1. Office of the Assistant Secretary for Licensing and Adjudication, including his/her immediate staff:
  - (a) Licensing and Regulation Bureau:
    - a. Licensing and Evaluation Division-Land-based Sector 1
    - b. Licensing and Evaluation Division-Land-based Sector 2
    - c. Licensing and Evaluation Division-Land-based Sector 3
    - d. Licensing and Evaluation Division-Sea-based Sector
    - e. Recruitment Regulation Division
    - f. Recruitment & Manning Industries Capability Development Division
    - g. Licensing and Regulation Programs Monitoring, Coordination, and Technical Support Service Division
  - (b) Adjudication Bureau
    - a. Alternative Dispute Resolution Division
    - b. Docket and Case Records Management Division
    - c. Adjudication Division
    - d. Enforcement Division
    - e. Adjudication Programs Monitoring, Coordination, and Technical Support Services Division
  - (c) Anti-Illegal Recruitment Bureau
    - i. Legal Assistance Division
    - ii. Operations and Surveillance Division
    - iii. Prosecution Division
    - iv. Anti-Illegal Recruitment and Anti-Trafficking in Persons Programs Monitoring, Coordination, and Technical Support Services Division
  - (d) Migrant Workers Port Assistance Bureau
    - i. NCR Port Assistance Division
    - ii. Luzon Port Assistance Division
    - iii. Visayas Port Assistance Division
    - iv. Mindanao Port Assistance Division
  - (e) Regional Operations Coordinating Bureau
    - i. Regional Operations Coordinating Division - Northern Luzon
    - ii. Regional Operations Coordinating Division - Southern Luzon
    - iii. Regional Operations Coordinating Division - Visayas
    - iv. Regional Operations Coordinating Division - Mindanao

E. Office of the Undersecretary for Policy and International Cooperation, including his/her immediate staff:

- 1. Assistant Secretary for Policy and International Cooperation, including his/her immediate staff:
  - (a) International Migrant Workers Policy and Cooperation Bureau
    - a. International Migrant Workers Policy Division
    - b. Bilateral Cooperation and Monitoring Division
    - c. International Cooperation Division
  - (b) Labor Market Policy Development and Information Bureau
    - a. Labor Market Policy Development Division
    - b. Labor Market Information Division
  - (c) Anti-Illegal Recruitment and Anti-Trafficking in Persons Advocacy Bureau

Provided, further, that the structure will be subject to review, evaluation and approval of the Department of Budget and Management.

**Section 10. The Office of the Undersecretary for Internal Management and Administration.** The Office of the Undersecretary for Internal Management and Administration 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 the Assistant Secretary for Internal Management and Administration; and
- 4. Perform such other functions as may be provided by law or assigned by the Secretary.

**Section 11. The 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. Supervise the Department's e-Registration system of OFWs and jobseekers for overseas employment in accordance with the requirements of the occupation, manpower sourcing from the e-registry, and indorsement of qualified applicants from the e-registry to licensed recruitment/manning agencies for possible placement;
- 3. Advise and assist the Secretary in the formulation of rules and policies and oversee the implementation of programs over the following:
  - a. accreditation and registration of foreign principals or employers;
  - b. enrolment of maritime vessels employing seafarer OFWs;
  - c. documentation or processing of Overseas Filipino workers;
  - d. deployment of OFWs in labor markets and sectors with emerging overseas employment opportunities including inter alia, intermodal sectors and entities with international operations;
  - e. deployment of OFWs in emerging employment tracks that do not require the facilitation of government nor the assistance of private recruitment or manning agencies such as direct-hiring, deployment of private staff for Philippine foreign service personnel, and other occupations; and country-specific pathways including training-to-employment, qualification assessment-to-employment, temporary work-to-immigrant status, and seasonal employment exchanges under twinning and sisterhood arrangements, among others, in coordination with national government agencies and local government units;
  - f. ethical recruitment program that takes into account the recruitment, deployment, and employment practices of foreign employers or principals as well as recruitment and manning agencies, and provides appropriate incentives for such meritorious practices;
  - g. phase-out plan for the use of the overseas employment certificate (OEC), and develop a unified clearance system for all departing OFWs through the issuance of an OFW Clearance under the MIS;
- 4. Regulate the conduct of Overseas Jobs Fair and government to government recruitment promotional programs and activities;
- 5. Supervise the recruitment and placement of OFWs, through the Department, primarily on government to government arrangement or to labor markets not being serviced by the private sector, technical support for government to government bilateral negotiations, implementation of signed bilateral agreements on government to government arrangement from prequalification of applicants, recruitment, documentation, placement, deployment, and post deployment welfare concerns, including servicing of counterparts/clients and technical support in the review of existing government to government bilateral agreements;
- 6. Ensure that OFWs are amply protected and that their interests, well-being, and welfare are promoted, and ensure the faithful compliance of license recruitment/manning agencies and their principals/employers of all obligations under the employment contract;
- 7. Take cognizance of any request for assistance from the OFW or his/her family on matters relating to overseas employment welfare concerns, or may refer them to the proper government agencies or the licensed recruitment agencies concerned for prompt and appropriate action;
- 8. Assess the Department's OFW Welfare Monitoring System and the timely submission of reports by the licensed recruitment/manning agencies, and impose administrative sanctions in case of non-compliance of erring employer/principal, with respect to any violation of existing rules and regulations, which shall be referred to the Office of the Undersecretary for Licensing and Adjudication;
- 9. Supervise assistance and welfare services including medication, repatriation, and other welfare assistance for OFWs and their families, and impose administrative sanctions in case of non-compliance of licensed recruitment/manning agencies and their erring employer/principal with respect to any violation of existing rules and regulations, which shall be referred to the Office of the Undersecretary for Licensing and Adjudication;
- 10. Monitor overall support and coordination with other institutions on projects, programs, and activities that will enhance the welfare and promote the interest of OFWs and their families, including those that will facilitate the psycho-social and economic reintegration of OFWs who have decided to return home permanently;
- 11. Implement program and policy in coordination with the OWWA;
- 12. Recommend 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;
- 13. Administer the AKSYON Fund provided under Section 14 hereof and authorize disbursements therefrom in accordance with the Act;
- 14. Ensure effective coordination and cooperation, in accordance with the One-Country Team Approach, with other government agencies and the Philippine Foreign Service Posts in the provision of legal assistance and other ATN services utilizing the AKSYON Fund;
- 15. 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, non-governmental 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;
- 16. Manage and supervise the Migrant Workers Office as created under the Act;
- 17. Develop and monitor the implementation of a full-cycle national reintegration program under the Act;
- 18. 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 (NRCC) as provided under the Act;
- 19. Provide overall supervision and policy coordination of central, local and overseas offices on matters concerning employment and welfare in the Department;
- 20. Advise and assist the Secretary in the formulation of rules and policies and oversee the implementation of a full-cycle, pre-employment to reintegration services for OFWs.
- 21. Perform such other functions as may be provided by law or assigned by the Secretary.

**A. Powers and Function of the Assistant Secretary for Pre-Employment Service Office.** The Assistant Secretary for Pre-Employment Services shall:

- 1. Assist the Undersecretary for Foreign Employment and Welfare services in the formulation of rules and policies and in the management of programs and services:
  - (1) specific to employment;
  - (2) for the *Balk-Manggagawa*, and
  - (3) to manage emerging employment tracks other than those established under landbased and seabased sectors; and
- 2. Perform such duties and functions as provided by law or as may be assigned by the Secretary.

**B. Powers and Function of the Assistant Secretary for Welfare and Employment Office.** In furtherance of the Department's mandate to protect the rights of migrant workers and ensure their welfare, the Assistant Secretary of the Welfare and Employment Office shall have the following functions and powers:

- 1. Assist the Undersecretary in the formulation and implementation of policies, plans, programs, and activities for the betterment of the working and living conditions of migrant workers;
- 2. Coordinate with the MWO and the OWWA with respect to the repatriation of workers or their remains;
- 3. Performs all necessary acts to attain the purpose and objective of the Department in the promotion and protection of the welfare of the migrant workers; and
- 4. Perform such other functions as may be provided by law or assigned by the Undersecretary.

**C. Powers and Function of the Assistant Secretary for National Reintegration Center for OFWs.** The Assistant Secretary for National Reintegration Center for OFWs shall:

- 1. Recommend and assist the Undersecretary in the formulation and implementation of policies, plans, programs, to ensure sustainable return and reintegration for both documented and undocumented OFWs;
- 2. Supervise the operational activities of the NRCC;
- 3. Coordinate with partner agencies in the government and non-government sector for a progressive and responsive reintegration program for OFWs and their families; and
- 4. Perform such other functions as may be provided by law or assigned by the Secretary.

**SECTION 12. Office of the Undersecretary for Licensing and Adjudication.** The Office of the Undersecretary for Licensing and Adjudication shall take over the functions of the POEA Deputy Administrator for Licensing and Adjudication. It shall exercise control and supervision over the Assistant Secretary for Licensing and Adjudication, and of the regional operations of the Department.

In the exercise of the Department's mandate and in the discharge of its duties, the Undersecretary for Licensing and Adjudication shall have the following functions:

- 1. Exercise supervision and control over licensing services;
- 2. Advise and assist the Secretary in the formulation of policies and implementation of processes and systems for the issuance, renewal, extension, and upgrading of the licenses granted to recruitment and manning agencies to participate in the overseas employment program;
- 3. Monitor and regulate the operations of licensed recruitment and manning agencies and their personnel, and ensure their continuing professionalization, capacity-building, and compliance with legal and ethical requirements;
- 4. Assist the Secretary in the promulgation and implementation of strategies, laws, rules, and regulations towards the eradication of illegal recruitment and human trafficking, and primarily implement the Department's Anti-Illegal Recruitment and Anti-Trafficking in Persons programs;
- 5. Establish policies and standards for the operation and coordination of all regional and overseas offices, other government agencies, and stakeholders, relevant to the implementation of the anti-illegal recruitment and anti-trafficking in persons program, including operations of the Department at international airports and seaports.
- 6. Exercise supervision over all dispute resolution related services, including modes of alternative dispute resolution such as conciliation and mediation, and adjudication services on overseas employment related issues/concerns; receive, docket, and resolve complaints arising from recruitment violations and disciplinary actions that fall within the exclusive and original jurisdiction of the POEA, now Department; maintain systematic case and records management; and enforce judgment and implement penalties imposed by the Department;

In the exercise of the above-function, advise the Secretary in the promulgation of rules, orders, and other issuances relevant to dispute resolution related services, implement and coordinate the Department's dispute resolution and access to justice related programs and policies, and exercise all such powers and functions necessary and incidental to the delivery said services as may be delegated by the Secretary;

- 7. Promulgate rules and regulations, consistent with the policies of the Department, that will efficiently and effectively govern the activities of the bureaus, offices, and units under his/her responsibility; and
- 8. Exercise all such powers and functions necessary and incidental to the performance of his/her duties, and as may be provided by law or assigned by the Secretary.

**Section 13. The Office of the Undersecretary for Policy and International Cooperation.** The Office of the Undersecretary for Policy and International Cooperation shall subsume the substantive functions of the International Labor Affairs Bureau (LAB) under the 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. Champion the Department's advocacy and 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. Advise and assist the Secretary in the formulation of rules and policies and oversee the implementation of programs towards realizing the practice of labor diplomacy in the Department, and in aid of developing labor markets for the employment of migrant workers and in the conduct of bilateral or multilateral labor migration agreement negotiations;



- Exercise control and supervision over one (1) Assistant Secretary; and
- Perform such other functions as may be provided by law or assigned by the Secretary.

**Section 14. The Office for Land-based OFW Concerns.** There shall be an Office for Land-based OFW Concerns under the Office of the Secretary, which will cater to the needs and concerns of land-based Filipino workers. The office shall be headed by an Assistant Secretary.

**Section 15. The Office for Sea-based OFW Concerns.** There shall be an Office for Sea-based OFW Concerns under the Office of the Secretary, which will cater to the needs and concerns of sea-based Filipino workers. The office shall be headed by an Assistant Secretary. In ensuring the global competitiveness of sea-based OFWs, it shall be responsible for the following:

- Represent the Secretary in bilateral, regional & multilateral fora & international bodies in coordination with other government agencies in matters pertaining to sea-based OFWs.
- Ensure the provision of technical and administrative support to the offices under its control and supervision.

The National Maritime Polytechnic (NMP) shall be under the control and supervision of the Office for Sea-based OFW Concerns and shall be responsible for the following:

- Provision of skills enhancement trainings mandated and recommended by international maritime conventions and other capability building interventions that measure up to quality standards and respond to the needs of seafarers.
- Design and development of maritime training courses that address international standards and adhere to national regulations.
- Conduct of strategic studies and researches in support of the decent employment, protection of rights, and promotion of the welfare of seafarers, including the empowerment of women seafarers, among others.
- Provision of technical support to the Assistant Secretary of the Office for Sea-based OFW Concerns through proposed policy directions and program recommendations to ensure the country's compliance with international maritime conventions and statutory requirements, policies and regulations affecting seafarers.
- Provision of a one-stop shop for training, assessment and certification of seafarers to facilitate accessibility to and ease of acquisition of pertinent documents required for employment through the NMP training center.
- Development and maintenance of a Resource Center for Filipino Seafarers that includes a database of seafarers and related statistics and information to aid in evidence-based policy making and program development and provides the seafarers with real-time updated information on matters affecting their employment and helpline support.

**Section 16. The Office for Internal Audit.** There shall also be an Office for Internal Audit under the Office of the Secretary which shall conduct objective evaluation of the Department's extent of compliance with its mandate, functions, programs, projects, activities, and outputs.

It is mandated to conduct a separate evaluation or appraisal of the internal control system to determine whether internal controls are well designed and properly operated to:

- Safeguard assets;
- Check accuracy and reliability of accounting data;
- Ensure economical, efficient and effective operations;
- Comply with laws, rules, and regulations; and
- Adhere to managerial policies.

The Office shall review and appraise systems and procedures/processes, organizational structures, asset management practices, financial and management records, reports, and performance standards of the Department. For these purposes, it shall submit an annual Internal Audit Report to the Secretary; advise the Secretary on all matters relating to management control and operations audit; analyze and evaluate management deficiencies; and assist top management by recommending realistic courses of action.

**Section 17. Legal Services.** An Office of the Legal Service shall likewise be established under the Office of the Secretary. The Legal Service shall provide:

- Legal advice to the Department;
- Interpret laws and rules affecting the operation of the department;
- Prepare contracts and instruments to which the Department is a party, and interpret provisions of contracts covering work performed for the Department by private entities;
- Assist in the promulgation of rules governing the activities of the department;
- Prepare comments on proposed legislation concerning the Department; answer legal queries from the public;
- Assist the Solicitor General in suits involving the Department or its officers, or employees or act as their principal counsel in all actions taken in their official capacity before judicial or administrative bodies;
- Handle decisions, orders, and resolutions on appeal on cases decided by the Regional Director arising from recruitment violations or disciplinary actions; and perform such other functions as may be provided by law.

#### RULE VI APPOINTMENT AND QUALIFICATIONS OF THE SECRETARY, UNDERSECRETARY AND ASSISTANT SECRETARY

**Section 18. Qualifications.** No person shall be appointed as Secretary, Undersecretary, or Assistant Secretary of the Department unless he 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 the 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.

#### RULE VII REGIONAL OFFICES

**Section 19. 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 the 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 Overseas Employment Adjudicator who shall handle pre-employment or recruitment violation cases within the jurisdiction of the POEA, now Department. *Provided, further,* that each regional office shall have the following functions:

- Perform accreditation functions (Foreign Employers, Job Orders Accreditation);
- Facilitate the documentation of OFWs;
- Assist in the pre-qualification of government to government hired applicants;
- Exercise provision of legal assistance and Anti-Illegal Recruitment and Trafficking in Persons functions;
- Conduct conciliation and mediation conferences;
- Adjudicate Pre-Employment or Recruitment and Disciplinary action cases;
- Provide assistance to workers onsite through a Migrant Workers Office assigned to the Regional Center, and provide assistance for OFW Repatriation (including remains and personal effects);
- Provide reintegration assistance to OFWs;
- Conduct inspection(s) on Philippine Recruitment Agency/ies to check on compliances with the conditions of the issued license;
- Issue Department (LAC) Clearance/Validation at international airports where OFWs are leaving for overseas employment; and
- Provide facilitation in the updating/editing of OFW Data through the Helpdesk System and E-Registration System.

The Field Office may exercise the functions specified above as may be directed by the Undersecretary for Licensing and Adjudication.

*Provided, further,* 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, and availing 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.

*Provided, further,* That each Regional Offices shall have personnel that would perform social welfare and development programs and would have a personnel complement as the Secretary may determine sufficient to discharge its functions.

*Provided, finally,* that the One-Stop Shop Center for OFWs shall be composed of, but not limited to, the following government offices:

- Professional Regulation Commission;
- Maritime Industry Authority;
- Technical Skills Development Authority;
- Overseas Workers Welfare Administration;
- Philippine Statistics Authority;
- Tourism Infrastructure and Enterprise Zone Authority;
- Department of Foreign Affairs;
- National Bureau of Investigation;
- Home Development Mutual Fund (Pag-IBIG);
- Philippine National Police;
- Bureau of Immigration;
- Bureau of Internal Revenue.

#### RULE VIII STRUCTURE AND STAFFING PATTERN OF THE DEPARTMENT

**Section 20. 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.

#### RULE IX SECTORAL TASKFORCES AND COUNCILS

**Section 21. 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, non-governmental 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.

#### RULE X AKSYON FUND

**Section 22. Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON) Fund.** The Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON) Fund is hereby established to provide legal and other forms of assistance to Overseas Filipino Workers, 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 MWOs have been established and staffed.

Within thirty (30) days from the promulgation of the 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 Migrant Workers Office in Foreign Service Posts where there is yet no such office.

#### RULE XI THE MIGRANT WORKERS' OFFICE AND RESOURCE CENTER

**Section 23. 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 the 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:

- Verify employment contracts and other employment-related documents;
- 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;
- Pursue, in coordination with the Philippine Embassy or Consulate, discussions on labor and other issues and concerns with the foreign government and/or the embassies concerned, and international organizations;
- Verify the whereabouts, status, and condition of OFWs;
- 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;
- Supervise and coordinate the operations of the Migrant Workers Resource Center (MWRC);
- Provide social and welfare programs and services to OFWs, including social assistance, education and training, cultural services, financial management, reintegration, and entrepreneurial development services;
- Provide prompt and appropriate response to global emergencies or crisis situations affecting Filipino nationals through close cooperation and coordination with the DFA;
- 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;
- Provide appropriate assistance to victims of kidnapping, hostage victims and other victims of other crimes in cooperation with the DFA;
- Conduct hospital visitation, and provide necessary assistance until the full recovery of the OFW concerned, and their immediate family members, where practicable and appropriate;
- Facilitate the repatriation of distressed OFWs and their families, including shipment of remains and personal belongings;
- Provide assistance, legal or otherwise, in labor, criminal, immigration, and other cases filed by or against OFWs, whether detained or not;
- Conduct hospital visitation and provide necessary assistance until the full recovery of the OFW concerned, and their immediate family members, where practicable and appropriate;
- 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;
- Undertake surveys and prepare official social welfare situationers on the OFWs in the area of assignment;
- Establish a network with overseas-based social welfare agencies and/or individuals and groups which may be mobilized to assist in the provision of appropriate social services;
- Establish and maintain a data bank and documentation of OFWs and their families so that appropriate social welfare services can be more effectively provided;
- Submit regular reports to the Secretary and the DFA on plans and activities undertaken, recommendations, and updates on the situation of OFWs, particularly those encountering difficulties that would form part of the semi-annual Report to Congress as provided under Section 33 of Republic Act No. 8042, as amended;
- Regularly update the online database system provided under the Act to facilitate and ensure the delivery of appropriate, timely, and effective welfare services to OFWs and their families;
- Perform other functions and responsibilities as may be assigned by the Secretary.

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. No MWO Official shall serve as acting principal officer of any consulate, consulate general or embassy, or precede in rank any Foreign Service Officer performing such functions irrespective of their respective rank. 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.

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 to be incorporated in the MWO Manual of Operations.

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.

**Section 24. Personnel of the MWO.** The MWO shall absorb all existing overseas personnel of DOLE/POLO and OSWA, consisting of Labor Attachés I and II and the 162 overseas plantilla positions under the Office of the Secretary of the Department of Labor and Employment (DOLE); and all 12 personnel belonging to the Welfare Attaché Corps under the Office of the Social Welfare Attaché of the Department of Social Welfare and Development (DSWD). These personnel shall initially compose the pool of overseas personnel for deployment to the MWO.

The Secretary may expand the pool of overseas personnel by creating new overseas plantilla positions based on the requirement of the MWO in coordination with the Department Budget and Management (DBM) and the Civil Service Commission (CSC).

**Section 25. Qualifications, Hiring, Training, Promotion, Deployment and Recall of MWO Personnel.** 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 be established by the Department, in accordance with existing rules and regulations. For this purpose, an MWO Manual of Operations shall be developed and issued by the Department containing systems and standards on qualifications, hiring, training, promotion, deployment and recall of MWO personnel.

**Section 26. Designation of the Head of MWO.** The Secretary shall designate a qualified person to head the MWO, with preference for migration specialist with at least five years of experience in the field of labor migration. The Head of the MWO shall have a designation of Labor Attaché at the Philippine Foreign Service Post.

**Section 27. Supervision and Control of the MWO.** The MWO shall be under the primary authority of the Secretary but shall be under the administrative supervision of the Head of Foreign Service Post to which it is attached.

**Section 28. Organizational Structure of MWO.** The MWO shall be headed by a Labor Attaché and assisted by at least one Assistant Labor Attaché who can handle employment or welfare concerns, and such number of Technical and Administrative Staff from the Department as may be necessary for the efficient and effective performance of the functions of the MWO.

The Head of MWO may recommend to the Secretary the engagement of Local Hires such as drivers, interpreters and administrative assistants to support the operations of the MWO.

All officials and staff of the MWO shall be assigned by the Secretary from among the pool of overseas personnel of the Department. The personnel of OWWA at the MWO shall likewise be assigned by the Secretary.

The Head of MWO shall have authority over all MWO personnel including those personnel from other agencies assigned at the MWO. He/she shall also have direct supervision and control over the implementation of programs, operations and management of MWO including the MWRC.

**Section 29. 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.

The rules of admission or the conduct of trainings at the MWRC shall be the subject of an MWRC Manual of Operations.

**Section 30. Establishment of the Migrant Workers Resource Center (MWRC).** A Migrant Workers Resource Center (MWRC) shall be established by the Department in countries where there is large concentration of OFWs. To the extent practicable, the same shall be established within the premises of the Philippine Foreign Service Post.

Where there is an existing Migrant Workers and Other Filipinos Resource Center (MWOFCR) in the jurisdiction of the Foreign Service Post, the same shall constitute the MWRC in that Post upon the creation of the Department.

In countries where the MWRC is established outside the premises of the Foreign Service Post, the Department of Foreign Affairs shall endeavor to secure appropriate recognition for that MWRC from the receiving government.

**Section 31. Services of the MWRC.** The MWRC shall absorb all the powers and functions of the MWOFCR as provided under Republic Act 8042, as amended. The MWRC shall provide the following services:

- Temporary shelter to distressed OFWs;
- Counseling and legal services;
- Welfare assistance including the procurement of medical and hospitalization services;
- Information, advisory programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction;
- Registration of irregular/undocumented workers to bring them within the purview of protection under Philippine and host country laws;
- Implementation of DMW and OWWA Programs;
- Human resource development, such as training and skills upgrading;
- Gender-sensitive programs and activities to assist particular needs of migrant workers;
- Orientation program for returning workers and other migrants;
- Monitoring of the daily situation, circumstances and activities affecting migrant workers and other overseas Filipinos;
- Ensuring that labor and social welfare laws in the receiving country are fairly applied to migrant workers and other overseas Filipinos; and
- Conciliation of disputes arising from employer-employee relationship.

**Section 32. Personnel of the MWRC.** Each MWRC shall be staffed by an appropriate number of personnel from the Department and OWWA.

Individual volunteers from bonafide Filipino community organizations in the receiving country may also be tapped to man the MWRC if available and necessary as determined by the Head of the MWO in consultation with the Head of the Philippine Foreign Service Post.

The following personnel may, among others, be assigned to the MWRC:

- Psychologists, Social Workers, and a Sharia or Human Rights Lawyer in highly problematic countries as categorized by the DFA and the DMW and where there is a large concentration of Filipino migrant workers;
- Public Relations Officer or Case Officer conversant, orally or in writing, with the local language, laws, customs and practices of the receiving country; and/or
- Legal Retainer hired onsite, on a case-to-case basis; and such other professionals deemed necessary by the Secretary upon the recommendation of the Head of the MWO.
- Reintegration staff to provide reintegration programs and services.

**Section 33. Round-the-Clock Operations of the MWRC.** The MWRC shall operate on a 24-hour basis including Saturdays, Sundays and holidays. A counterpart 24-hour Information and Assistance Center to ensure a continuous network and coordinative mechanism shall be established at the DMW, which shall include a toll-free number that can be called by OFWs and their families seeking assistance.

**Section 34. Budget of the MWRC.** The establishment, yearly maintenance and operating costs of the MWRC shall be sourced from the General Appropriations Act (GAA) and shall be included in the annual budget of the DMW.

**Section 35. One-Country Team Approach.** In the performance of their functions abroad, officials of the MWO in Philippine Foreign Service Posts shall adhere to the One-Country Team Approach, wherein all officers, representatives, and personnel of the Philippine government posted abroad, regardless of their mother agencies shall, on a per country basis, act as one country-team with a mission under the leadership of the Ambassador or the Consul General. In this regard, the Ambassador or the Consul General acting as Head of Post, through the Secretary of the DFA, may recommend to the Secretary the recall of officers, representatives, and personnel of the Department posted abroad for misbehavior, misconduct or commission of other acts which may be deemed prejudicial or inimical to the national interest or in case of failure to provide the necessary services to protect the rights of OFWs or to perform the duties and responsibilities required for officials of the MWO as provided under the Act.

#### RULE XII REINTEGRATION PROGRAM

**Section 36. 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 TESDA, DTI, Department of Agriculture (DA), the Department of Science and Technology (DOST), DOLE and other attached agencies, and local government units, among others.

*Provided, further,* In collaboration with partner agencies in the government and non-government sector, the NRCO shall develop, promote and implement a national agenda based on the National Reintegration Framework to address the multi-faceted reintegration needs of returning OFWs and their families, including the development of their hometowns and/or communities.

- The primary clientele of the NRCO are returning OFWs who are classified as follows:
  - Documented Overseas Filipino Workers (OFWs);
  - Undocumented OFWs;
  - Seafarers
  - Displaced, distressed and repatriated OFWs;
  - Returning OFWs and OFWs who return to the Philippines on a temporary basis with the intention of going back abroad;
  - OFW returnees or OFWs who return to the Philippines with the intention to stay in the country on a permanent basis; and
  - Families of returning OFWs

*Provided, further,* The NRCO shall maintain a policy of promoting broad-based social protection for returning OFWs and their families to mitigate and counteract all the sources of vulnerability; while at the same time aligning them with available reintegration assistance and various initiatives that empower and increase their motivation and engagement to reintegrate successfully either for local employment, professional practice, or as investors and/or entrepreneurs, such as, among others:

- Expansion of employment facilitation programs with other relevant government agencies which covers, among others, the fields of professional education, construction and engineering, health care and allied medical services, sciences, manufacturing, and agriculture (i.e. TESDA, DTI, DA, DOLE, DOST, and other local government units and state universities and colleges); and
- Forging stronger linkages and collaborative engagements with existing and prospective government agencies and non-government organizations in the delivery of holistic and integrative reintegration interventions such as, but not limited to, skills uptraining, provision of funding support for livelihood, continuing professional and technical development.

*Provided, finally,* the NRCO shall, among others, undertake the following basic reintegration services following the Full-Cycle National Reintegration Framework for OFWs:

- Develop, implement and evolve a program that will effectively raise visibility, awareness and recognizability of available reintegration assistance in the form of, including but not limited to, conduct of OFW trainings/webinars, information and advocacy campaigns and/or the use of digital marketing and social media in coordination with relevant stakeholders and service providers;
- Develop, tailor, and evolve reintegration programs, services and initiatives specific to the needs of returning OFWs that will harness their financial capital with a view to contribute to the economic and social development of their families and communities. Services include, but are not limited to the following:
  - Initiate programs or projects to promote skills certification of OFWs, access to social protection and financial services, OFW trainings, programs and services of partners and stakeholders;
  - Mapping of investible projects along priority sectors identified in the Philippine Development Plan (PDP) and along the returning OFWs' career or area of expertise;
  - Facilitate individual or collective investments by prospective OFW investors along these investment;
  - Offer start-up assistance and enterprise incubation and enable access to credit to help returning OFWs overcome the barriers in putting up businesses
  - Undertake and/or utilize research and studies in all areas of return and reintegration policy and administration, including but not limited to, developing research programs and projects in collaboration with other national agencies to enhance the Department's capability to participate in national decision and policy making.
- Develop, tailor, and evolve monitoring and evaluation system for all reintegration programs, services and initiatives. The following services shall be undertaken, among others:
  - Document successful stories and cases of transfer of knowledge and brain gain activities involving highly skilled or expert returning OFWs;
  - Conduct periodic monitoring, assessment and evaluation in the implementation of reintegration programs and services;
- Provide technical assistance and support in the implementation of all reintegration programs and services initiative, both domestic and abroad, in the form of, including but not limited to, networking and coordinating activities with migrant communities and home-town societies and associations with a view of promoting Filipino culture and heritage and as platforms for diaspora philanthropy. This refers to interventions that encourage the return and reintegration of OFWs and for them to be able to share their knowledge, skills, and resources for the development of the home country.
- Establish a National Reintegration Network with a view to strengthening social stakeholders' coordination in the delivery of reintegration services, including but not limited to, livelihood, microenterprise and employment assistance and referrals to returning OFWs. A one-nation, one network of partners and stakeholders shall serve as an alliance of people and organizations in the public and private sector working together to enhance and facilitate equitable access to reintegration services by returning OFWs and their families.

#### RULE XIII

##### THE DEPARTMENT'S MANAGEMENT INFORMATION SYSTEM

**Section 37. 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 NEDA. 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.

**Section 38. Data and Resource Sharing.** *Provided* that the same is not classified, confidential data and any informational resource sharing amongst participants/ stakeholders within the Department's ICT ecosystem shall be allowed. This sharing arrangement shall be the primary means to achieve improved efficiencies and effectiveness. However, in compliance with the provisions of the Data Privacy Act of 2012 and issuances from the Department of Information and Communications Technology (DICT), individual personal information processors (PIP) shall sign a non-disclosure agreement (NDA) before being allowed to use any system/application of the Department where OFW personal information is accessed/viewed/processed. Data sharing with external government agencies, private organizations/corporations, and any other third parties shall require a Data Sharing Agreement;

**Section 39. Incorporation of Data Protection Measures in Licensing.** Data protection compliance shall be incorporated in the licensing provisions of land-based recruitment agencies and manning agencies. Infraction thereof would result in the filing of appropriate administrative charges, leading to possible cancellation of its license, without prejudice to the filing of appropriate charges under the Data Privacy Act of 2012. The inclusion of data protection clauses into the license of recruitment agencies and manning agencies shall have the effect of a Data Sharing Agreement. In addition, land-based recruitment agencies and manning agencies shall be required to adopt the following data protection measures:

- Each licensed recruitment/manning agency shall designate their own Data Protection Officer; and
- Each staff/personnel/employee/officer of licensed recruitment/manning agencies shall sign and submit a non-disclosure agreement to the Data Protection Officer of the Department, thru the Licensing Branch.

**Section 40. Components of the Management Information System.** The Management Information System shall primarily refer to a performance dashboard indicating various key performance indicators of the overseas employment process. Officially referred to as the Overseas Employment Management Information System (OEMIS), the dashboard shall generate regular monthly reports aside from real-time dashboard statistics, to be used for program monitoring, evaluation, and in aid of policy and legislation. The back-end supporting this dashboard shall include the various systems and databases of the Department;

**Section 41. Business Intelligence.** Each business process owner managing their own database shall be centrally maintained by the Department's Information and Communications Technology (ICT) entity, to ensure proper IT Security and handling. The reports/information/knowledge generated by business process owners and/or the ICT entity of the Department shall be stored centrally under a Data Warehouse where authorized offices and partners may be accessed, as per Section 6 (i) hereof.

**RULE XIV**

**LEGAL ASSISTANCE, INVESTIGATIVE, AND PROSECUTION POWERS OF THE DEPARTMENT IN ILLEGAL RECRUITMENT, HUMAN TRAFFICKING, AND RELATED CASES**

**Section 42. Legal Assistance, Investigative, and Prosecution Powers of the Department in Illegal Recruitment, Human Trafficking, and Related Cases.** Pursuant to the powers and functions of the Department mentioned in Section 6 (c) of this Act, the Secretary, and his/her authorized deputies, shall have the powers, to investigate, initiate, sue, pursue, and help prosecute illegal recruitment and human trafficking cases.

The Department shall adopt policies and procedures, prepare, and implement programs and strategies towards the eradication of illegal recruitment, human trafficking, and related cases through the following:

- Providing legal assistance to victims of illegal recruitment, human trafficking, and related cases which are administrative or criminal in nature, such as but not limited to documentation and counseling;
- Prosecution of illegal recruiters, during preliminary investigation and during trial in collaboration with the DOJ prosecutors;
- Investigation and special operations, including surveillance and closure of establishment or entities suspected to be engaged in illegal recruitment; and
- Information and education campaign.

The Department shall coordinate with other appropriate entities in the implementation of said programs.

**Section 43. Authority to Administer Oaths, Issue Subpoena, and Access to Records.** The Secretary, or any of his/her authorized deputies, shall have the authority to administer oaths. They may also issue subpoena or subpoena duces tecum to require the attendance of witnesses or the production of any book, paper, correspondence, memoranda, and other documents relevant or material to the case or inquiry. The Secretary and his/her authorized deputies shall likewise have the power to have access to all public records and to records of private parties and concerns, in accordance with pertinent laws and issuances.

**Section 44. Power of Contempt.** Any person adjudged guilty of any of the following acts may be punished for contempt: disobedience of, or resistance to, a lawful writ, order, or decision issued by the Secretary or any of the authorized deputies, and other processes issued pursuant to said writ, order, or decision; failure to obey a subpoena or subpoena duces tecum duly served; use of derogatory, offensive, malicious, or false statements in pleadings submitted before the Secretary, or any of his/her authorized deputies, where the proceedings or investigations are pending; making any public, baseless, and malicious statements tending to undermine the investigation by the Secretary, or his any of the authorized deputies, by any party or counsel who has a case, pending or otherwise, before the officials concerned; and other cases analogous to the foregoing.

**Section 45. How proceedings commenced.** The Secretary or any of his/her authorized deputies may, *motu proprio* or upon motion of a party, issue an Order directing the respondent to show cause as to why s/he should not be punished for committing any of the acts constituting contempt, in connection with or in relation to an investigation by the Department.

In all other cases, an action for contempt may only be commenced through a verified petition with supporting particulars, documents or papers. The respondent may file her/his verified Answer/Comment within ten (10) calendar days from receipt of the Show Cause Order.

**Section 46. Period to Resolve.** The motion or petition, as the case may be, shall be resolved within a non-extendible period of fifteen (15) calendar days from receipt of the Verified Answer/Comment or upon the lapse of the period to submit the same.

**Section 47. Remedy. Appeal from the Order of the Authorized Deputy.** - The person adjudged guilty of contempt may appeal the Order issued by the authorized deputy to the Secretary by filing a Memorandum of Appeal within five (5) calendar days from receipt thereof. The Memorandum of Appeal shall state the grounds upon which the appeal is anchored and be accompanied by proof of payment of the appeal fee of Five Hundred Pesos (P500.00).

**Section 48. Effect of Filing of the Appeal.** - The filing of the appeal shall not suspend the execution of the Order of contempt, unless a cash bond is posted in the amount equivalent to the fine. The fine collected shall be deposited in a Trust Fund account specifically created for this purpose.

**Section 49. Penalties.** The person adjudged guilty of contempt may be punished by: fine of One Thousand Pesos (P1,000) for every act of contempt, if committed against the Secretary; or fine of Five Hundred Pesos (P500) for every act of contempt, if committed against any of the Secretary's authorized deputies.

In the event that the contemptuous act constitutes a series of acts or a continued refusal to obey/defiance of a lawful order, writ, or decision, the fine shall be imposed for every contemptuous act or per days of continued refusal/defiance.

Furthermore, s/he may be imprisoned and/or disallowed from participating in the overseas employment program, by order of the Secretary, or any of the authorized deputies until s/he complies with the lawful order, writ, or decision.

A writ of execution may be issued to enforce the decision imposing such fine and/or suspension in participating in the overseas employment program as additional punishment for contempt.

**RULE XV**

**QUASI-JUDICIAL POWER OF THE DEPARTMENT**

**Section 50. Original and Exclusive, and Appellate Jurisdiction.** The Department shall exercise original and exclusive, and appellate jurisdiction to hear and decide all cases which are administrative in character, involving or arising out of: (1) violations of recruitment rules and regulations, including refund of fees collected from Overseas Filipino Workers and any violation of the conditions for the issuance of the license to recruit Overseas Filipino Workers, and; (2) disciplinary action cases that are administrative in character, excluding money claims. In the exercise of its quasi-judicial power and the promotion of access to justice, the Department shall formulate its own rules and procedures governing the proceedings before the Overseas Employment Adjudicators (OEAs), Regional Directors, Bureaus and offices exercising such functions, and the Office of the Secretary.

**Section 51. The Regional Adjudication Service.** The Regional Adjudication Service is composed of Overseas Employment Adjudicators who shall have exclusive and original jurisdiction to hear and decide recruitment violations and disciplinary actions.

Each regional office shall have an Overseas Employment Adjudicator. *Provided* that, one or more OEAs may be assigned in regions with high incidence of migration, taking into consideration the geographical makeup of recruitment agencies involved, volume of cases, and complexity/ variety of issues raised in the complaints; *Provided* further, that to expedite the resolution of urgent matters requiring immediate attention i.e. imposition of Order of Preventive Suspension (OPS), motion to re-open, and to aid in the speedy disposition of cases, the Department Secretary may establish a pairing system of Regional Directors assigned in equidistant regions.

The Department shall promulgate Rules of Procedure on Adjudication of Cases. The Undersecretary for Licensing and Adjudication, shall lead the monitoring and coordination of programs relative to the implementation of the Rules of Procedure on Adjudication of Cases

**RULE XVI**  
**OWWA AS AN ATTACHED AGENCY**

**Section 52. 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 the 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*, That nothing in the 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.

A coordination mechanism should be established between the Department and OWWA to harmonize their respective programs and operations.

**RULE XVII**  
**TRANSITORY PROVISIONS**

**Section 53. Reorganization and Other Transitory Provisions.** In the transfer of functions of affected agencies under the 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 6 Republic Act No. 10022.

(b) Except as otherwise provided in the 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.

**SECTION 54. Absorption, Separation, and Retirement from Service.** The existing employees of the transferred and subsumed agencies under the 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 the Act as a result of the organization and reorganization under the 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 allowed 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. *Provided* further that, *employees affected or affected employees* shall refer to permanent employees who may reasonably be expected to experience an employment loss as a consequence of the merger/consolidation of government agencies, who will not be absorbed into the new staffing pattern due to redundancy, reclassification, or failure to comply with the qualification standards. It may also refer to permanent employees being offered positions under a new staffing pattern but who decline such appointment due to diminution in rank, benefits and work conditions.

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

- 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;
- Seventy-five percent (75%) of the actual monthly basic salary for every year of service computed starting from the first (1<sup>st</sup>) year, for those who have rendered eleven (11) to less than twenty-one (21) years of service;
- The actual monthly basic salary for every year of service, computed starting from the first (1<sup>st</sup>) year, for those who have rendered twenty-one (21) to less than thirty-one (31) years of service; and
- One hundred twenty-five percent (125%) of the actual monthly basic salary for every year of service, computed starting from the first (1<sup>st</sup>) year, for those who have rendered thirty-one (31) years of service and above.

*Provided* further, 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.

**Section 55. Early Retirement Scheme.** Personnel of the merged agencies who will not be absorbed into the new staffing pattern due to redundancy or failure to comply with the qualification standards; position being offered under the new staffing pattern but who decline such appointment due to diminution in rank, benefits and work conditions; position being offered under the new staffing pattern without any diminution in rank, benefits and work conditions but who decline such appointment, if qualified, shall be given the option to avail themselves of any of the following, whichever is beneficial to them:

- Retirement gratuity provided under Republic Act No. 1616 (An Act Further Amending Section Twelve Of Commonwealth Act Numbered One Hundred Eighty-Six, As Amended, By Prescribing Two Other Modes Of Retirement And For Other Purposes), as amended, payable by the last employer of the affected personnel, plus the refund of retirement premiums payable by the Government Service Insurance System (GSIS), without the incentive herein provided;
- Retirement benefit under Republic Act No. 660 (An Act to Amend Commonwealth Act Numbered One Hundred and Eighty-Six, Entitled "An Act To Create And Establish A Government Service Insurance System, To Provide For Its Administration, And To Appropriate The Necessary Funds Therefor," And To Provide Retirement Insurance And For Other Purposes) or applicable retirement, separation or unemployment benefit provided under Republic Act No. 8291 (An Act Amending Presidential Decree No. 1146, As Amended, Expanding And Increasing The Coverage And Benefits Of The Government Service Insurance System, Instituting Reforms Therein And For Other Purposes) if qualified, plus the following applicable incentives mentioned in the preceding section.

**Section 56. 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 the 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 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 the 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:

- Formulate the necessary implementing rules and regulations of the Department within sixty (60) days after the effectivity of the Act;
- Publish the implementing rules and regulations of the Department within seventy-five (75) days after the effectivity of the Act;

- Create a staffing pattern of the Department, in consultation with the Department of Budget and Management (DBM), within one hundred twenty (120) days after the effectivity of the Act;
- Submit to the DBM the Department's budget for fiscal year 2023; and
- 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 DBM-approved staffing pattern. All powers vested by the Act and this R.R shall be exercised by the Officials upon satisfaction of the requisites immediately enumerated.

**Section 57. 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 Bangsamoro MOLE on labor, employment, and occupation. For the avoidance of doubt, transferred field offices of POEA and other related offices pursuant to Republic Act No. 11054, or the Bangsamoro Organic Law (BOL), shall be excluded from the coverage of the Act.

**Section 58. 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 the 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 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:

- Master list of Filipino migrant workers, and inventory of pending cases involving them, including those serving prison terms;
- Working conditions of Filipino migrant workers;
- Problems encountered by the migrant workers, specifically violations of their rights;
- Initiatives/actions taken by the Philippine Foreign Service Posts to address the problems of Filipino migrant workers;
- Changes in the laws and policies of host countries; and
- 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.

**Section 59. Appropriations.** The amount necessary for the initial implementation of the provisions of the Act shall be charged against the current year's appropriations of POEA and other affected agencies. Thereafter, such sums as may be necessary for the continued implementation of the Act shall be included in the annual General Appropriations Act.

**Section 60. Mandatory Review by the Reorganization Commission.** Five (5) years after the effectivity of the 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 the 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 the Department, the DFA, the DOLE, the NEDA, and the DBM as members.

**Section 61. Implementing Rules and Regulations.** The Transition Committee shall promulgate the implementing rules and regulations within seventy-five (75) days after the effectivity of the Act.

**Section 62. Effectivity of Existing Policies, and Rules and Regulations.** All existing policies, and rules and regulations of the POEA, DOLE and of the merged/subsumed agencies shall continue to remain in full force and effect unless and until expressly repealed or modified by subsequent issuances of the Department Secretary after the Department has been constituted in accordance with the last paragraph of Section 23 of RA 11641.

All cases and appeals pending with the POEA shall continue to be acted upon by the Overseas Employment Adjudicators, POEA Administrator, and the Secretary of Labor, respectively, until transition shall have been completed and the Department's operations are in place. Thereafter, the Overseas Employment Adjudicators, Regional Adjudicators and the Department Secretary shall correspondingly assume jurisdiction over those cases and appeals.

**Section 63. Separability Clause.** If, for any reason, any portion or provision of these Rules shall be held inconsistent with, or contrary to, or to have gone beyond the provisions of the Act, the remaining provisions not affected thereby shall continue to be valid and remain in full force and effect.


**Section 64. Repealing Clause.** All other laws, decrees, orders, rules, and regulations or parts thereof inconsistent with the Act are hereby repealed or modified accordingly.

**Section 65. Effectivity.** These Rules shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation and filing of three certified copies with the University of the Philippines Law Center - Office of the National Administrative Register.

Approved this 4<sup>th</sup> of April, 2022, in Mandaluyong City.

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Department of Migrant Workers

  
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