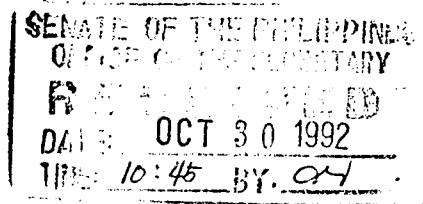


9th CONGRESS OF THE PHILIPPINES)
First Regular Session)



S E N A T E

S.B. No. 892

Introduced by Senator Vicente C. Sotto III

AN ACT ABOLISHING THE PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA) AND THE OVERSEAS WORKERS WELFARE ADMINISTRATION (OWWA) AND CREATING IN THEIR STEAD THE PHILIPPINE OVERSEAS MANPOWER EMPLOYMENT AND DEVELOPMENT AUTHORITY (POMEDA). DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES, PROVIDING FUNDS THEREFORE, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE


We are aware of the adverse consequences of illegal recruitment and all such other acts related and/or associated to this social plague.

Recently, many have been clamoring for government to really effect, if need be, radical structural reforms to, at least, dramatically minimize the extent of this pestering problem. Changes are needed to show and manifest to everybody that government has not become complacent and indifferent to the sad plight of Filipino overseas workers who continue to bear the harassment and the abuse brought to bear upon them by criminal elements both in the private or public sector.

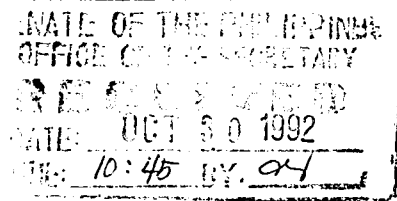
This bill would endeavor to rationalize, coordinate and streamline government's effort to effectively address this problem. Certain agencies and/or instrumentalities of government would be abolished; some would be created and/or established - all for the purpose of getting everybody's acts together to further the interests, precisely, of those whom we now consider as the new heroes of this Republic.

In general, we shall review the over-all structure of the recruitment industry, i.e., functions and responsibilities of government agencies involved in regulating this industry. Those agencies that shall be re-structured and/or established, as a consequence of this law, shall be made more responsive.

The early and immediate passing of the bill, therefore, is earnestly sought.


VICENTE C. SOTTO III
S e n a t o r

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

1 SECTION 1. Declaration of Policy. - It is hereby
2 declared to be the policy of the State to phase out private
3 overseas labor recruitment agencies, private overseas trade and
4 medical testing agencies, and for the government to take over the
5 responsibility for the recruitment, placement, hiring, trade and
6 medical testing of Filipino overseas workers.

7 SEC. 2. Abolition of the Philippine Overseas
8 Employment Administration and the Overseas Workers Welfare
9 Administration and the creation in their stead of the Philippine
10 Overseas Manpower Employment and Development Authority. - The
11 Philippine Overseas Employment Administration and the Overseas
12 Workers Welfare Administration is hereby abolished, and in their
13 stead, there is hereby created the Philippine Overseas Manpower
14 Employment and Development Authority (POMEDA), hereinafter
15 referred to as the Authority, which shall be responsible for the
16 welfare and all matters relating to the employment abroad of
17 Filipino workers.

1 SEC. 3. Corporate Powers - The Authority is hereby
 2 vested with, and shall exercise all the attributes and powers of
 3 a corporation provided under existing laws, including the power
 4 to sue and be sued, enter into contracts, own and possess,
 5 acquire, purchase, hold, lease, transfer, alienate, and dispose
 6 property of whatever kind and nature.

7 SEC. 4. General Powers, Functions, and
 8 Responsibilities. - The Authority shall exercise, discharge, and
 9 perform the following powers, functions, and responsibilities:

10 (1) Formulate policies, plans, and programs relating to the
 11 employment and deployment of Filipino workers abroad;

12 (2) Formulate policies, plans, and programs to protect and
 13 safeguard the interests, welfare and well-being of Filipino
 14 workers deployed abroad and to manage the Welfare Fund of these
 15 workers so that said funds could be immediately tapped and used
 16 to defray expenses and/or expenditures needed to countervail
 17 emergencies and untoward contingencies that may arise to threaten
 18 the safety or health of Filipino overseas workers;

19 (3) Formulate plans, and programs for manpower training and
 20 skills development of prospective Filipinos overseas workers,
 21 integrate and coordinate the activities of other agencies of the
 22 government, thereon;

23 (4) Formulate plans, and programs to market and promote
 24 Filipino workers abroad coordinating, therefore, all efforts of
 25 different agencies and instrumentalities of government to
 26 successfully deploy these workers to foreign labor markets;

1 (5) Provide for the procedures and guidelines for the
2 phasing out and final abolition of all private recruitment
3 agencies;

4 (6) Undertake the direct hiring and recruitment of Filipino
5 Overseas Workers and also undertake the Trade and Medical Testing
6 of the same to ensure that only qualified, competent and
7 physically fit and healthy workers are send to work abroad;

8 (7) Prepare and issue, formulate and implement the
9 necessary procedures to process the travel documents of Filipino
10 overseas workers;

11 (8) Prepare and issue the necessary guidelines, procedures
12 and processes, undertake, coordinate, and supervise the
13 implementation of said policies, plans and programs, and
14 activities relating to the hiring , recruitment, trade and
15 medical testing, promoting, documenting, deployment and the
16 protection of the welfare and well-being of Filipino overseas
17 workers;

18 (9) Perform such other duties as may be necessary for the
19 accomplishment of the purposes of this Act.

20 SEC. 5. Devolution of the Powers and Functions of the
21 Philippine Overseas Employment Administration and the Overseas
22 Workers Welfare Administration to the Philippine Overseas
23 Manpower Employment and Development Authority. - Except as they
24 are inconsistent with the provisions of the Act, all the powers,
25 functions and responsibilities of the Philippine Overseas
26 Employment Administration and the Overseas Workers Welfare
27 Administration are hereby devolved to, and shall be exercised by
28 the Philippine Overseas Manpower Employment and Development
29 Authority.

1 SEC. 6. The Governing Board of the Philippine
2 Overseas Manpower Employment and Development Authority.

3 (1) The Philippine Overseas Manpower Employment and
4 Development Authority shall have a Governing Board which shall be
5 composed of the Secretary of the Department of Labor and
6 Employment as Chairman, the Secretary of the Department of
7 Foreign Affairs as the Vice Chairman, the Secretary of the
8 Department of Health, two (2) representatives from the private
9 sector, one of which must come from the labor sector to be
10 appointed by the President of the Republic of the Philippines,
11 upon the recommendation of the Secretary of the Department of
12 Labor and Employment, as members. The two representatives of the
13 private sector shall serve as members of the Governing Board of
14 the Authority for a period of two (2) years.

15 (2) The Board shall be the highest policy making and
16 governing body of the Authority and shall exercise the powers,
17 functions, and responsibilities as herein provided.

18 (3) The Secretaries of the Departments of Labor and
19 Employment, Foreign Affairs and Health shall serve in the
20 Governing Board without additional compensation. The two (2)
21 members of said Board representing the private sector
22 shall receive honoraria for services rendered as such members of
23 the Board at the rate provided therefore under existing rules and
24 regulations for similar positions.

25 SEC. 7. Director-General.- Authority shall be
26 appointed by the President of the Republic of the Philippines
27 upon the recommendation of the Secretary of Labor and Employment.

1 He shall serve at the pleasure of the appointing authority and
2 the Governing Board and shall receive a compensation equivalent
3 to the salary of an Undersecretary of a regular department of the
4 National Government. The Director-General shall exercise the
5 following functions and

6 (1) Implement, integrate, coordinate, supervise, and
7 monitor the implementation of all policies, plans, programs, and
8 activities of the Authority which have been approved by the
9 Governing Board;

10 (2) Prepare the Budget of the Authority which shall be
11 submitted for approval by the Governing Board;

12 (3) Exercise general administrative functions relating to
13 the Authority;

14 (4) Coordinate and act as liaison of the Authority with the
15 other coordinating agencies pertaining to matters affecting
16 Filipino overseas workers;

17 (5) Perform such other duties as may be directed by the
18 Governing Board or the Chairman of said Board in order to
19 accomplish the purposes of this Act.

20 SEC. 8. Organization of Service Units - The Authority
21 shall organize and create Service Units and shall provide the
22 staffing pattern thereof, defining their respective functions,
23 responsibilities, and duties, which may be necessary for the
24 accomplishment of this Act. Specialized Service Units equivalent
25 to Bureaus of a regular department of the National Government
26 shall be created and/or established such as, but not limited to:

27 (1) A unit to market and promote Filipino overseas workers
28 abroad;

1 (2) A unit to protect the welfare and well-being as well as
2 the workers' fund of Filipino workers deployed abroad;

3 (3) A unit to directly undertake the pooling and
4 recruitment of necessary manpower or Filipino overseas workers
5 needed to be deployed abroad as per the individual needs of
6 foreign principals. This unit shall be allowed to charge
7 placement fees which it shall set including other guidelines
8 and/or standards subject to the approval of the Governing Board
9 of the Authority;

10 (4) A unit that would train, develop and upgrade the skills
11 of Filipino overseas workers which would also trade test
12 prospective applicants for overseas placement to ensure that the
13 same are indeed qualified for the positions applied for abroad.
14 This unit shall set the fees to be charged applicants for the
15 appropriate tests to be administered; other guidelines and/or
16 standards subject to the approval of the Governing Board of the
17 Authority;

18 (5) A unit that would test the medical, physical and
19 psychological fitness and health, likewise, of prospective
20 Filipino overseas workers to ensure that these workers are
21 psychologically, medically and physically fit to work abroad
22 especially under adverse conditions and environment. This unit
23 shall set the fees to be charged applicants for the appropriate
24 tests to be administered; other guidelines and/or standards
25 subject to the approval of the Governing Board of the Authority;

26 (6) A unit that would handle the processing of the travel
27 documents of Filipino overseas workers. Subject to the approval
28 of the Governing Board of the Authority, the unit shall

1 promulgate the necessary guidelines and procedures on the proper
2 documentation of passport applications to ensure that these
3 documents are not falsified, tampered and/or fabricated.

4 (7) The Director-General, running the day-to-day affairs of
5 the Authority, shall be directly assisted by a Secretariat which
6 shall perform, among others, administrative, legal, planning,
7 finance and security functions.

8 SEC. 9. Absorption of Personnel, Transfer of Assets
9 and Liabilities of the Philippine Overseas Employment
10 Administration and the Overseas Workers Welfare Administration to
11 the Philippine Overseas Manpower Employment and Development
12 Authority.

13 (1) The personnel complement of the Philippine Overseas
14 Employment Administration and the Overseas Workers and Welfare
15 Administration, in so far as they can be accommodated in the
16 structural organization and staffing pattern of the Philippine
17 Overseas Manpower Employment and Development Authority, may be
18 absorbed by the latter. As far as possible, they shall be
19 appointed to similar positions in the Authority with
20 corresponding similar salary rates as those which they were
21 receiving in their original mother agencies. Those which cannot
22 be accommodated in the Authority shall be separated from the
23 service with entitlement to all the benefits to which they may be
24 entitled to upon separation from the service as provided under
25 existing laws, rules and regulations.

26 (2) The new structure and staffing pattern for the
27 Philippine Overseas Manpower Employment, upon the recommendation
28 of the Director-General and concurrence of the Governing Board,
29 within One Hundred Twenty (120) Days upon the effectivity of this

1 law and the authorized position created, thereunder, shall be
2 filled with regular appointments by the Secretary of Labor and
3 Employment or the President, as the case may be.

4 (3) All properties, assets, and liabilities of the
5 Philippine Overseas Employment Administration and the Overseas
6 Workers Welfare Administration are hereby transferred to the
7 Philippine Overseas Manpower Employment and Development
8 Authority.

9 SEC. 10. Phasing out and Abolition of Private Agencies
10 Undertaking the Hiring, Recruitment, Trade and Medical Testing of
11 Filipino Overseas Workers.

12 (1) Upon the effectivity of this Act, no private
13 individual, corporation, partnership, or any other entity shall
14 be granted a permit or license to operate, manage, maintain, and
15 undertake the hiring, recruitment, trade and medical testing of
16 Filipino overseas workers;

17 (2) The Authority shall handle the phasing out, and final
18 abolition of existing private agencies operating, managing, and
19 undertaking the hiring, recruitment, trade and medical testing of
20 Filipino overseas workers which shall be completed not later than
21 two (2) years from the effectivity of this Act.

22 SEC. 11. Direct Recruitment, Hiring, Trade and Medical
23 Manpower Employment and Development Authority - Upon the
24 effectivity of this Act the Philippine Overseas Manpower
25 Employment and Development Authority shall directly undertake the
26 recruitment, placement, hiring, trade and medical testing of all
27 Filipino overseas workers.

1 SEC. 12. Funding. - The Authority shall be entitled to
 2 a share of Thirty (30%) Percent of all its collections and fees
 3 relating to the recruitment, hiring, trade and medical testing
 4 which the Authority shall use for its purpose in order to carry
 5 out objectives of this Act.

6 SEC. 13. Transitory Provisions. - Meanwhile that the
 7 Philippine Overseas Manpower Employment and Development Authority
 8 has not yet been fully organized, the Philippine Overseas
 9 Employment Administration and the Overseas Workers Welfare
 10 Administration shall continue to exercise its powers, functions,
 11 and responsibilities, but not later than one (1) year from the
 12 effectivity of this Act.

13 SEC. 14. Separability Clause. - Any portion or
 14 provision of this law that may be declared unconstitutional shall
 15 not have the effect of nullifying other portions or provisions
 16 that can still subsist and be given effect in their entirety.

17 SEC. 15. Repealing Clause. - All laws, Presidential
 18 Decrees, Executive Orders, Memorandum Orders and other issuances
 19 or parts thereof, which are inconsistent with this Act are hereby
 20 repealed or modified accordingly.

21 SEC. 16. Effectivity. - This law shall take effect
 22 Five (5) Days after its publication in the Official Gazette or in
 23 at least two (2) newspapers of general circulation, which ever
 24 come earlier.