



Department of Migrant Workers
Ortigas Avenue corner Epifanio de los Santos Avenue
City of Mandaluyong, 1550 National Capital Region

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 are promulgated to effectively implement the smooth and orderly transfer to the Department of Migrant Workers of the agencies subsumed into it as mandated by Republic Act No. 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*

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

- (a) ensuring that private recruitment shall meet professional, legal and ethical standards;
- (b) obtaining the best possible conditions of work that uphold the dignity of Overseas Filipino Workers;
- (c) providing timely and responsive services to address their needs regardless of legal status;
- (d) ensuring their participation in the formulation of policies affecting their welfare; and
- (e) providing mechanisms for skills development and reintegration.

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



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

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) Agarang 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 mandatory alternative dispute resolution mechanisms to be used by the department in facilitating settlements of labor and employment issues;
- (e) Constitute – refers to the department's creation or establishment; it also means to be a part of a whole; to give legal or constitutional form to an institution; and to establish by law.
- (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; it also excludes the willing or voluntary disclosure of the personal data by the owner of said personal information.

- (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 possesses 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;

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; and

3. For linked & in-between OFWs - a written, 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 realworld environment and the virtual environment;

(u) ILAB – refers to the International Labor Affairs Bureau;



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(v) In distress— refers to the troublesome condition of 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.

(w) Interconnected OFW – refers to a migrant worker who is engaged in employment in the interconnected sector;

(x) Interconnected 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;

(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 recorded and reflected in a system maintained by the Department.

(z) Labor diplomacy – refers to the methods and actions that governments use to influence the actions of foreign governments in the field of labor and migration through peaceful tactics such as negotiation and dialogue, that in the case of the Philippines are done consistent with the One-Country Team Approach.

(aa) 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;



(bb) 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 and of interconnected OFWs;

(cc) MWRC – refers to the Migrant Workers Resource Center;

(dd) 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 regular quarterly report to the Department on their situation, and to immediately act on complaints or problems brought to its attention;

(ee) 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; the term also covers and embraces being an OFW for five years.

(ff) Mission Critical Skills – refers to the skills indispensable to the primary function of the organization, without which mission work cannot be accomplished and completed, and which skills are internally developed and require extensive training, and thus, are not easily replaceable;

(gg) MITC – refers to the Maritime Industry Tripartite Council;

(hh) MWO – refers to the Migrant Workers Office;

(ii) NEDA – refers to the National Economic and Development Authority;

(jj) NLRC – refers to the National Labor Relations Commission;

(kk) NMP – refers to the National Maritime Polytechnic;

(ll) NRCO – refers to the National Reintegration Center for OFWs;

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



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

(oo) 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 has proper entry documents into, is not an immigrant, citizen, or permanent resident of, and is not awaiting naturalization, recognition, or admission into as temporary visitor or as immigrant, whether land-based, sea-based or inter-connected, 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";

(pp) 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 controls for overseas employment travel under Philippine immigration laws, and enables him/her to avail of the privileges granted to OFWs.

(qq) OFW Welfare Monitoring System (OWMS) – 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;

(rr) OSPA – refers to the Office of the Social Welfare Attaché;

(ss) OUMWA – refers to the Office of the Undersecretary for Migrant Workers' Affairs;

(tt) OWWA – refers to the Overseas Workers Welfare Administration;

(uu) POEA – refers to the Philippine Overseas Employment Administration;

(w) POLO – refers to the Philippine Overseas Labor Office



(ww) 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

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

(yy) Processing and Documentation – refers to the evaluation of submitted documentary requirements of engaged OFWs, and the issuance of an OFW clearance as an outcome of such evaluation.

(zz) 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.

(aaa) 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;

(bbb) Recruitment Violation – refers to an act or deed contrary to the regulations on overseas employment and to the resulting case filed against licensed recruitment agencies/manning agencies for violation of laws, rules and regulations, and other pertinent issuances on overseas employment;

(ccc) Rehires – refers to migrant workers who have renewed their employment contracts with the same principal. The term "rehires" is synonymous to *Balik-Manggagawa* and *returning worker* referring to an OFW who has served or is serving his/her employment contract and is: (1) returning to the same employer and the same job site; (2) returning to the same employer in a new job site; (3) an OFW who has started employment on-site with a new employer and is returning to the said employer.

(ddd) Reintegration – means 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



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Philippines permanently, in a comfortable and productive state, through a series of preparations or interventions geared towards his/her specific needs, goals, interests, capacities and potentials;

(eee) Reintegration program – refers to a set of measures or projects intended for mainstreaming and sustainable return of OFWs back 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 direction, strategies and characteristics of an effective, gender-responsive and sustainable reintegration;

(fff) Rescue – refers to a special operation by the MWO to bring away from danger and assist an OFW whose life is in jeopardy based on reasonable verification of the OFW situation, done pursuant to host country laws, rules and regulations, in coordination with concerned host government authorities and in teamwork with the Foreign Service Post;

(ggg) Repatriation – refers to the process of bringing back to the Philippines of 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;

(hhh) 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;

(iii) Secretary – refers to the Secretary of the Department of Migrant Workers;

(jjj) 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;

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

(lll) Subsume – refers to the taking up, fusion, inclusion or merging into the Department of the identity, resources, powers and functions of the agencies and/or offices enumerated in Section 19 of the Act; in general, it means to be considered under or taken up into a larger or more inclusive category, proposition, entity, rule, term, etc., and it has the following synonyms: carry, comprehend, contain, embrace, encompass, entail, include, involve;

(mmm) TESDA – refers to the Technical Education and Skills Development Authority;

(nnn) 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;

(ooo) **Transition period** – refers to the period within, or not later than, two years during which the Secretary shall exercise the plenary and self-executory powers and functions assigned to him by the Act for the purpose of initial implementation, inside of which the seven agencies enumerated in Section 19 shall complete and facilitate the smooth and orderly transfer to the Department of all their powers, functions, mandates, personnel, assets, and resources, through actual transfer of these powers, functions, etc., to the Department and weaning themselves of and breaking from the control and supervision of their respective erstwhile governing Departments, and through the completion of the necessary implementing rules and regulations as well as the staffing pattern and the departmental budget for 2023.

(ppp) Undocumented OFW – refers to an OFW whose employment documents have not been processed through the Department and who does not have the right visa for entry as worker in the host country.



(qqq) VAWC – refers to Violence against Women and Children;

(rrr) Welfare Desk Officers (WEDOs) – refers to registered personnel of licensed recruitment/manning agencies tasked to monitor and report the status and condition of deployed OFWs, and resolve their problems/complaints at the job site;

(sss) 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 (NRCO) 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 Section 19 of the Act, 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 migrant 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.



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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



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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, nongovernmental organizations, and the private sector, trainings aimed at promoting the global competitiveness of OFWs, as well as job matching services to persons desiring to become OFWs;

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



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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 such other tasks as provided under existing laws, including the functions of the POEA Administrator under Executive Order No. 247, Republic Act No. 8042, as amended, as well as the functions of the heads of agencies merged and fused into the department pursuant to Section 19 of the Act.

(n) Mandatorily conciliate/mediate any complaint involving an Overseas Filipino Worker, licensed recruitment agency, or principal/employer relating to overseas employment. 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.

(o) 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 (OEAs), Regional Directors and the Office of the Secretary;

(p) 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;

(q) 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.

(r) 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;

(s) 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;

(t) 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



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

Section. 7. *Non-diminution of Independent Foreign Policy.* 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.

RULE IV APPOINTMENT AND QUALIFICATIONS OF OFFICIALS

Section 8. *Appointment.* 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.

Section 9. *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 V ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT

Section 10. *Departmental Determination of Organizational Structure.* The Department shall determine its organizational structure and create new divisions or units as it may deem necessary at the national, overseas, regional, provincial, and in such other lower levels, 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.

Section 11. **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 or Divisions, the Bureaus, Regional offices, and Overseas offices which shall be called Migrant Workers Office (MWO).

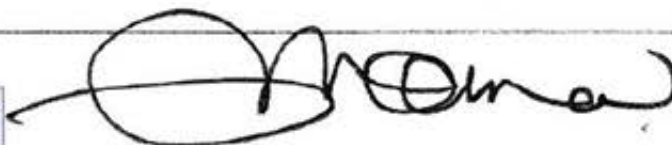
Section 12. **Personnel Categories.** Personnel of the Department shall have the following categories: Migrant Workers Service Officers (MWSO), Migrant Workers Service Staff Officers (MWSSO), and Migrant Workers Service Staff Employees (MWSSE). Their class rankings per category, based on merit and qualifications, shall be I, II, and III from highest to lowest. Their position designations and postings shall be at the discretion of the Secretary.

Section 13. **Organization.** 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. For its initial implementation of RA 11641, the Department shall have the following structure, subject to review, evaluation and approval of the Department of Budget and Management:

A. Office of the Secretary

1. Office of Legal Service
2. Office for Internal Audit
3. Office of Land-Based OFW Concerns
4. Office of Sea-Based OFW Concerns
5. Institute for Advanced Strategic Studies on Migration and Development
6. DMW Training Institute
7. Office for the Department Legislative Liaison
8. Secretariat for the Advisory Board on Migration and Development and for Tripartite Councils

B. Office of the Undersecretary for Internal Management and Administration,



1. Assistant Secretary for Finance and Administration
2. Assistant Secretary for Planning, Training, Communications and One-Stop Services

C. Office of the Undersecretary for Foreign Employment and Welfare Services,

1. Assistant Secretary for Pre-Employment Services
2. Assistant Secretary for Welfare and Employment
3. Assistant Secretary for National Reintegration

D. Office of the Undersecretary for Licensing and Adjudication

1. Office of the Assistant Secretary for Licensing and Adjudication
2. Office of the Assistant Secretary for Anti-Illegal Recruitment, Ports Assistance & Coordination of Regional Operations

E. Office of the Undersecretary for Policy and International Cooperation

1. Assistant Secretary for Policy
2. Assistant Secretary for International Cooperation

RULE VI THE SECRETARY AND OTHER OFFICIALS

Section 14. *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 appealed 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.

Section 15. Powers and Duties of the Undersecretaries. - The Undersecretaries shall have the powers and functions enumerated in the Act and those provided for in Chapter 2, Book IV of the Administrative Code of 1987. The Secretary is authorized to delineate and assign functional areas and other responsibilities of the Undersecretaries and Assistant Secretaries.

SECTION 16. Duties and Functions of the Assistant Secretaries and Division Directors - The Assistant Secretaries and the Directors of action Divisions under them, shall perform such duties and functions as may be provided by law or assigned by the Secretary.

SECTION 17. New Structure - Subject to the approval of the Department of Budget and Management (DBM), the Secretary shall determine the organizational structure and create new divisions or units as may be necessary, and appoint officers and employees of the Department in accordance with the civil service laws, rules and regulations. The remuneration structure of the positions in the staffing pattern shall strictly conform to RA 6758, otherwise known as the Salary Standardization Law, as amended.

RULE VII REGIONAL OFFICES

Section 18. Regional Offices. The Department shall establish, operate, and maintain regional, as well as provincial or field offices, as may be necessary, in the different administrative regions of the country. For this purpose, all existing POEA offices in the regions are absorbed and hereby constituted as DMW Regional Offices: 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;

SECTION 19. Regional Directors and Assistant Regional Directors. The Regional Offices of the Department shall each be headed by a Regional Director, who shall be assisted by an Assistant Regional



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Director. They shall be appointed by the President of the Philippines, upon recommendation of the Secretary.

The Regional Director shall exercise administrative control and supervision of the operations of the Regional Offices and shall represent the Department in various local interagency bodies or committees on migrant workers, overseas employment and other related concerns.

The Assistant Regional Directors shall perform such duties and responsibilities as may be assigned or delegated to them.

SECTION 20. *General Functions of the Regional Offices.* - The Regional Offices shall perform the following functions within their field service areas:

- (1) Perform accreditation functions (Foreign Employers, Job Orders Accreditation);
- (2) Facilitate the documentation of OFWs;
- (3) Assist in the pre-qualification of government to government hired applicants;
- (4) Exercise provision of legal assistance and Anti-Illegal Recruitment and Trafficking in Persons services;
- (5) Conduct conciliation/mediation conferences;
- (6) Adjudicate Pre-Employment or Recruitment and Disciplinary action cases;
- (7) Provide assistance to workers onsite, and provide assistance for OFW Repatriation (including remains and personal effects);
- (8) Provide reintegration assistance to OFWs;
- (9) Conduct inspections on Philippine Recruitment and/or Manning Agencies to check on compliances with the conditions of the issued license;
- (10) Issue Department Clearance/Validation at international airports where OFWs are leaving for overseas employment; and
- (11) Provide facilitation in the updating/editing of OFW Data through the Helpdesk System and E-Registration System.

Section 21. *One Stop Shop Centers.* 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 availment of reintegration services and all pertinent seminars

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

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:

- (1) Professional Regulation Commission;
- (2) Maritime Industry Authority;
- (3) Technical Skills Development Authority;
- (4) Overseas Workers Welfare Administration;
- (5) Philippine Statistics Authority;
- (6) Tourism Infrastructure and Enterprise Zone Authority;
- (7) Department of Foreign Affairs Office of Consular Affairs;
- (8) Department of Social Welfare and Development;
- (8) National Bureau of Investigation;
- (9) Home Development Mutual Fund (Pag-IBIG);
- (10) Philippine National Police;
- (11) Bureau of Immigration;
- (12) Bureau of Internal Revenue.

RULE VIII THE MIGRANT WORKERS' OFFICE

Section 22. *Migrant Workers Office (MWO).* The Migrant Workers' Offices (MWO) of Philippine Foreign Service Posts shall be the overseas operating arm 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 concentrations 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 for this purpose, the Department of Foreign Affairs shall ensure that at least one consular official shall be available at all times



to perform consular functions to support and cover MWO operations. The MWO shall maintain a Center for 24-hour monitoring of media and social media to be able to respond to swiftly unfolding events revealed in these channels of communications, especially on those happenings affecting OFWs. Additionally, the MWO shall also execute the following functions:

- (a) Verify employment contracts and other employment-related documents;
- (b) 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;
- (c) Pursue, in coordination with the Philippine Embassy or Consulate, discussions on labor and other issues and concerns with Host Country government agencies and/or other embassies concerned, and international organizations;
- (d) Verify the whereabouts, status, and condition of OFWs in a manner consistent with Host country laws and regulations, in teamwork with the Philippine Foreign Service Post and in coordination with appropriate Host Country authorities;
- (e) Ensure the promotion and protection of the welfare and interests of OFWs and assist them, in teamwork with the Foreign Service Post and in coordination with appropriate Host Country authorities, 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;
- (f) Supervise and coordinate the operations of the Migrant Workers Resource Center (MWRC);
- (g) Provide social and welfare programs and services to OFWs, including social assistance, education and training, cultural services, financial management, reintegration, and entrepreneurial development services;
- (h) Provide prompt and appropriate response to global emergencies or crisis situations affecting Filipino nationals through close cooperation and coordination with the DFA;
- (i) 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;
- (j) Provide appropriate assistance to victims of kidnapping, hostage victims and other victims of other crimes in cooperation with the DFA;



- (k) Conduct hospital visitation, and provide necessary assistance until the full recovery of the OFW concerned, and their immediate family members, where practicable and appropriate;
- (l) Facilitate the repatriation of distressed OFWs and their families, including shipment of remains and personal belongings;
- (m) Provide assistance, legal or otherwise, in labor, criminal, immigration, and other cases filed by or against OFWs, whether detained or not;
- (n) Deploy lawyer-interpreter teams, covered by a DFA consular officer, to serve OFWs in legal or law enforcement trouble to ensure that initial legal assessment and advice are provided and that the OFW is not made to sign documents in a language he or she does not understand;
- (o) Ensure the protection of women migrant workers by making certain of the designation of a gender focal point officer in its offices and in MWRCs, and by conducting 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;
- (p) Undertake surveys and prepare official social welfare situationers on the OFWs in the area of assignment;
- (q) Establish a network with overseas-based social welfare agencies and/or individuals and groups that may be mobilized to assist in the provision of appropriate social services;
- (r) Establish and maintain a data bank and documentation of OFWs and their families so that appropriate social welfare services can be more effectively provided;
- (s) 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;
- (t) 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;
- (u) Engage and negotiate with appropriate Host Country Agencies, in coordination with the Embassy or Consulate, to ensure that labor and social welfare laws in the receiving country are fairly applied to Filipino migrant workers and that there be bilateral skills certification and mutual recognition of equivalency of trainings; and
- (v) Resolve, through conciliation/mediation, disputes arising from employer-employee relationship.
- (w) Perform other functions and responsibilities as may be assigned



by the Secretary.

Section 23. *Attaché Designations.* The Officials of the MWO who are deployed at Posts shall be designated as Migrant Workers Service Attachés, subject to prior clearance from the Secretary of Foreign Affairs. No MWO Official shall serve as acting principal officer of any Embassy, Consulate General or Consulate or precede in rank any Foreign Service Officer performing such functions regardless of their respective ranks.

Section 24. *Rules Governing Deployment and Performance.* The deployment and performance of the Officials of the MWO to Philippine Foreign Service Posts shall be governed by the Rules of the Department, the Philippine Foreign Service Act of 1991, Vienna Convention on Consular Relations, the Vienna Convention on Diplomatic Relations, and the rules and regulations imposed by the receiving State. For the avoidance of doubt, the OWWA Welfare Officers shall form part of the personnel complement of the MWO at the Foreign Service Post and, to the extent practicable, shall hold office therein as part of the MWO Team.

Section 25. *Organizational Structure of MWO.* The MWO shall be headed by a Migrant Workers Service Attaché and assisted by at least one Assistant Migrant Workers Service Attaché who can handle employment or welfare concerns, and such number of Technical and Administrative Staff - including IT specialists having capabilities in electronic measures and countermeasures - from the Department as may be necessary for the efficient and effective performance of the functions of the Office. The Head of MWO may, when direly needed, recommend to the Secretary the engagement of Local Hires such as drivers, interpreters and administrative assistants to support the operations of the MWO. Officials and staff of the MWO shall be assigned by the Secretary mostly 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, although his deputy, the Assistant Migrant Workers Service Attache, shall manage the day-to-day operations of the MWRC.

Section 26. *Designation of the Head and Assistant Head of MWO.* The Secretary shall designate a qualified ranking Migrant Workers Service Officer to head the MWO, with preference for a migration specialist having at least five years of experience in the field of labor migration. The Head



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of the MWO shall have the designation of Migrant Workers Service Attaché at the Philippine Foreign Service Post.

The secretary shall also designate a similarly qualified MWS Officer as Assistant Migrant Workers Service Attache with added designation as Assistant Head of the MWO and Manager of the MWRC.

Section 27. *Personnel of the MWO.* The MWO shall absorb existing overseas personnel of DOLE/POLO, OSWA, and OWWA. These personnel shall initially compose the pool of overseas personnel for deployment to the MWO. The Secretary may expand or contract the pool of overseas personnel consistent with the approved staffing pattern of the department and as the need arises.

Section 28. *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 its 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 29. *Supervision and Control of the MWO.* The MWO shall be under the primary authority of the Secretary but shall be under the general supervision of the Head of Foreign Service Post to which it is attached.

Section 30. *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. The Secretary shall give priority to fact finding actions on said DFA-based recommendations and shall within fifteen (15) calendar days



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from receipt thereof decide to approve or disapprove the recommended disciplinary action.

RULE IX MIGRANT WORKERS' RESOURCE CENTER

Section 31. *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 (MWOFR) in the jurisdiction of the Foreign Service Post, the same are hereby constituted as the MWRC in that Post. 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 32. *Powers and Functions of 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 provide temporary shelters to distressed OFWs, in addition to the absorbed MWOFR functions under existing laws and regulations. The day-to-day operations and activities of the Center shall be managed by the MWO Assistant Head, under the direct supervision and control of 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 and the conduct of trainings at the MWRC shall be the subject of an MWRC Manual of Operations.

Section 33. *Services of the MWRC.* The MWRC shall additionally provide the following services:

- (a) Temporary shelter to distressed OFWs;
- (b) Counselling and legal services;
- (c) Welfare assistance including the procurement of medical and hospitalization services;
- (d) Information and advisory programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction;



- (e) Registration of irregular/undocumented workers to bring them within the purview of protection under Philippine and host country laws;
- (f) Implementation of DMW and OWWA Programs;
- (g) Human resource development, such as training and skills upgrading;
- (h) Gender-sensitive programs and activities to assist particular needs of migrant workers;
- (i) Orientation program for returning workers and other migrants;
- (j) Monitoring of the daily situation, circumstances and activities affecting migrant workers and other overseas Filipinos;

Section 34. *Personnel of the MWRC.* Each MWRC shall be staffed by an appropriate number of personnel from the Department and the OWWA. Individual volunteers from bona fide Filipino community organizations in the receiving country may also be tapped to help man the MWRC if direly needed, as determined by the Head of the MWO in consultation with the Head of the Philippine Foreign Service Post and relevant bona fide OFW organizations in the Post's jurisdiction. The following personnel may, among others, be assigned to the MWRC:

- (a) Psychologists, Health Professionals, Social Workers, Interpreters, and Sharia Lawyers with Human Rights competencies, in highly problematic countries as categorized by the DFA and the DMW and where there is a large concentration of Filipino migrant workers;
- (b) Public Relations Officer or Case Officer conversant, orally or and in writing, with the local language, laws, customs and practices of the receiving country; and/or
- (c) 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.
- (d) Repatriation and Reintegration staff to provide repatriation and reintegration programs and services.

Section 35. *Round-the-Clock Operations.* 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 Home Office, which shall include a toll-free number that can be called by OFWs and their families seeking assistance.

Section 36. *Budget of the MWRC.* The current MWRCs shall continue to operate using current appropriations pursuant to Section

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26 (*Appropriations*) of the Act. By 2023, 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.

**RULE X
ADVISORY BOARD, SECTORAL TASKFORCES, AND
TRIPARTITE COUNCILS**

Section 37. *Advisory Board.* Upon the creation of the Department on the date the Act became effective, the POEA Governing Board, created under Executive Order No 247, series of 1987, as amended, shall be renamed, as it is hereby constituted and denominated, as the Advisory Board on Labor Migration and Development, and shall act as a collegial advisory body to the Secretary, 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, the sea-based OFWs, the recruitment industry and the manning industry.

Section 38. *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 XI
AKSYON FUND**



Section 39. *Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON) Fund.* The Agarang Kalinga at Saklolo para sa mga OFWs na Nangangailangan (AKSYON) Fund is hereby established to provide legal and other forms of assistance to 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 REINTEGRATION PROGRAM

Section 40. *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 Undersecretary having responsibility for the absorbed functions of the NRCO shall serve as the lead office of the Department and shall coordinate all OFW training, programs, and services of other agencies, and local government units, among others for more effective reintegration. Provided, further, that in collaboration with partner agencies in the government and nongovernment sector, the Department shall develop, promote and implement a national agenda based on the National Reintegration Framework to address the multi-faceted reintegration needs



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of returning OFWs and their families, including the development of their hometowns and/or communities.

Section 41. *Primary Clientele of Reintegration Program.* The primary clientele of the Reintegration Program, are:

1. Returning OFWs who are classified as follows:
 - a. Documented Overseas Filipino Workers (OFWs);
 - b. Undocumented OFWs;
 - c. Seafarers
 - d. Displaced, distressed and repatriated OFWs;
 - e. Returning OFWs and OFWs who return to the Philippines on a temporary basis with the intention of going back abroad;
 - f. OFW returnees or OFWs who return to the Philippines with the intention to stay in the country on a permanent basis; and
 - g. Families of returning OFWs

Section 42. *Broad-based Social Protection.* The Reintegration Program 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:

- a. 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
- b. 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.

Section 43. *Basic Reintegration Services.* The Reintegration Program shall undertake the following basic reintegration services under the Full-Cycle National Reintegration Framework for OFWs:

- a. Develop, implement and evolve a program that will effectively raise visibility, awareness and recognizability of available



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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;

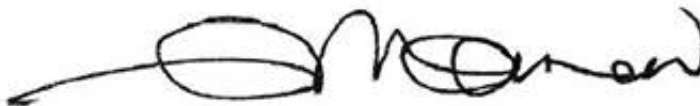
b. Improve, tailor, and evolve reintegration programs, services and initiatives specific to the needs of returning OFWs that will harness their financial capital with a view to contributing to the economic and social development of their families and communities. Such services may include, but may not be limited to the following:

- i. Initiation 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;
- ii. Mapping of investible projects along priority sectors identified in the Philippine Development Plan (PDP) and along the returning OFWs' career or area of expertise and interest;
- iii. Facilitating individual or collective investments by prospective OFW investors along these investment opportunities;
- iv. Offering start-up assistance and enterprise incubation and enable access to credit to help returning OFWs overcome the barriers in putting up businesses
- v. Undertaking and/or utilizing 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.

c. Advance, cultivate and mature monitoring and evaluation systems for all reintegration programs, services and initiatives, such as the following services:

- i. Documenting successful stories and cases of transfer of knowledge and brain-gain activities involving highly skilled or expert returning OFWs;
- ii. Conducting periodic monitoring, assessment and evaluation of the effectiveness of the implementation of reintegration programs and services;

d. 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 to promoting Filipino culture and heritage as platforms for diaspora philanthropy. This refers to interventions that encourage the return and reintegration of OFWs for them to be able to share their knowledge, skills, and resources for the development of the home country.

e. Establish a National Reintegration Network with a view to strengthening societal 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 XII MANAGEMENT INFORMATION SYSTEM

Section 44. *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 realtime data. The establishment and maintenance of the MIS shall be included in the annual budget of the Department.



Section 45. 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 46. Incorporation of Data Protection Measures in Licensing. Data protection compliance shall be incorporated in the licensing provisions of 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, recruitment agencies and manning agencies shall be required to adopt the following data protection measures:

- a. Each licensed recruitment or manning agency shall designate their own Data Protection Officer; and
- b. 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 47. 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 48. **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 such data may be accessed by authorized offices and partners 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 49. **Legal Assistance, Investigative, and Prosecution Powers of the Department in Illegal Recruitment, Human Trafficking, and Related Cases.** Pursuant to 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. Accordingly, the Department shall adopt policies and procedures, as well as prepare and implement programs and strategies towards the eradication of illegal recruitment, human trafficking, and related cases through:

- a. 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;
- b. Prosecution of illegal recruiters, in collaboration with the DOJ prosecutors; during preliminary investigation and during trial;
- c. Investigation and special operations, including surveillance and closure of establishment or entities suspected to be engaged in illegal recruitment;
- d. Information and education campaign; and
- e. Coordination with other appropriate entities in the implementation of said programs.

Section 50. **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 secure 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



A handwritten signature, likely of the Secretary or an authorized deputy, is written over a horizontal line.

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 51. Power of Contempt. Any person found guilty of any of the following acts may be punished for contempt:

- (a) 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;
- (b) failure to obey a subpoena or subpoena *duces tecum* duly served;
- (c) use of derogatory, offensive, malicious, or false statements in pleadings submitted before the Secretary, or any of his/her authorized deputies, before whom the proceedings or investigations are pending;
- (d) 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 52. Commencement of Proceedings for Contempt. 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. 53. 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 54. Penalties. The person adjudged guilty of contempt may be punished by: fine of One Thousand Pesos (Php1,000) for every act of contempt, if committed against the Secretary; or fine of Five Hundred Pesos (Php500) 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.

Section 55. Appeal from the Contempt 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 (Php500.00)

Section. 56. 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.

RULE XV QUASI-JUDICIAL POWER OF THE DEPARTMENT

Section 57. 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 58. 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 59. *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. Consistent with what is 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 and Chairperson of the OWWA Board of Trustees. For the avoidance of doubt, the DOLE Secretary shall remain a member of the Board and the POEA Administrator shall be replaced by the SSS President as member of the OWWA Board.

Section 60. *Actuarial Life of the OWWA Fund.* 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.

Section 61. *Harmonization of programs and operations.* A coordination mechanism should be established between the Department and OWWA to harmonize their respective programs and operations. For this purpose,



the Undersecretary for Foreign Employment and Welfare Services shall be the Department Coordinator with the OWWA Administrator.

RULE XVII TRANSITORY AND MISCELLANEOUS PROVISIONS

Section 62. **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 63. **Reorganization and Other Transitory Provisions.** In the transfer of functions of affected agencies under the Act, the following rules shall apply:

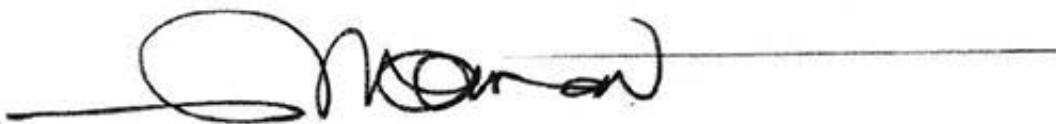
- (a) Any transfer of entities shall include the functions, appropriations, funds, records, equipment, facilities, other properties, assets, and liabilities of the transferred entity as well as the personnel thereof under existing laws as may be necessary and practicable, who shall, in a holdover capacity, 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 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 64. 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 approved 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 transferred or subsumed entities or any government entity shall neither lose seniority in rank or status, nor suffer any diminution of their salaries, allowances, or other privileges and entitlements. 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:

- (a) Fifty percent (50%) of the actual monthly basic salary for every year of service, for those who have rendered less than eleven (11) years of service;
- (b) Seventy-five percent (75%) of the actual monthly basic salary for every year of service computed starting from the first (1st) year, for those who have rendered eleven (11) to less than twenty-one (21) years of service;
- (c) The actual monthly basic salary for every year of service, computed starting from the first (1st) year, for those who have rendered twenty-one (21) to less than thirty-one (31) years of service; and
- (d) One hundred twenty-five percent (125%) of the actual monthly basic salary for every year of service, computed starting from the first (1st) year, for those who have rendered thirty-one (31) years of service and above.

Section 65. No Re-employment for Five Years. 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, 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.



Section 66. Meaning of Actual Monthly Basic Salary. 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 67. 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:

- (a) 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;
- (b) 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 Therefore," 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 applicable incentives mentioned in the preceding section.

Transition Period. Within, or not later than, two (2) years from the effectivity of the Act:

- (a) formulation shall be completed of the internal organic structure, staffing pattern, operating system, and revised budget of the Department



whereby as the President's Alter Ego for RA 11641, the Secretary heads the group tasked with producing the IRR, staffing pattern and 2023 budget, also known as the Transition Committee;

- (b) transfer shall be completed of the functions, assets, funds, equipment, properties, transactions, and personnel of all the merged agencies as enumerated in Section 19 of the Act, and
- (c) initial implementation of the law shall be done by the Secretary through the exercise of his self-executory plenary powers for supervision and control of the merged and subsumed agencies pursuant to Section 19 of the Act, consistent with the appropriations provided for in Section 26 of the Act.

Section 68. *Personnel on holdover capacities.* 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. Provided, 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.

Section 69. *Creation of Transition Committee.* 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.

Section 70. *Purposes of the Transition Committee.* 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.

Section 71. *Tasks of the Transition Committee.* The Transition Committee shall be tasked with the following:

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



- (b) 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;
- (c) Submit to the DBM the Department's budget for fiscal year 2023; and
- (d) Implement the training of the personnel of the Department.

Section 72. *Conditions For Being Deemed Completely Operational.* The Department shall be deemed completely operational when the following are completed: an appropriation in the 2023 General Appropriations Act; an effective implementing rules and regulations; and a DBM-approved staffing pattern.

Section 73. *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 74. *Congressional Oversight Committee.* 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.

Section 75. *Submission of Annual Reports.* The Department shall submit an annual report to the Congressional Oversight Committee within thirty (30) days from the end of each calendar year, detailing the number of OFWs in each country and/or region, a status report of their situations, including the problems and issues they encountered, and such other relevant information to properly inform the public and the policymakers of



the performance of the Department and the situation of OFWs around the world. The annual report shall include:

- (a) Master list of Filipino migrant workers, and inventory of pending cases involving them, including those serving prison terms;
- (b) Working conditions of Filipino migrant workers;
- (c) Problems encountered by the migrant workers, specifically violations of their rights;
- (d) Initiatives/actions taken by the Philippine Foreign Service Posts to address the problems of Filipino migrant workers;
- (e) Changes in the laws and policies of host countries; and
- (f) Status of negotiations on bilateral labor agreements between the Philippines and the receiving country.

Section 76. Penalties For Failure To Submit Annual Report. Any officer of the government who fails to submit the report as stated in Section 74, above, 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 77. 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. The Commission shall include the Secretaries of the Department, the DFA, the DOLE, the NEDA, and the DBM as members. 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.

Section 78. Review of The Relevance and Practicality of Maintaining The Department. 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.

Section 79. *Implementing Rules and Regulations.* The Transition Committee, under the leadership of the Secretary who is the alter ego of the President for the execution of RA 11641, shall promulgate these implementing rules and regulations within seventy-five (75) days after the effectivity of the Act.

Section 80. *Existing Policies, and Rules and Regulations of Merged Agencies.* All existing policies, and rules and regulations of the POEA, and of the other merged/subsumed agencies shall continue to remain in full force and effect unless and until expressly repealed or modified by subsequent issuances of the Secretary.

Section 81. *Pending Cases.* All cases and appeals pending with the seven merged agencies shall continue to be acted upon by the Overseas Employment Adjudicators or authorized officials, but shall be acted on appeal and given final decision by the Secretary. The cases on appeal now pending with the DOLE Secretary or the Secretaries of the other erstwhile "mother" departments, are hereby immediately transferred to the Secretary for final disposition.

Section 82. *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 83. *Repealing Clause.* All other laws, decrees, orders, rules, and regulations or parts thereof inconsistent with the Act are hereby repealed or modified accordingly.

Section 84. *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 4th of April, 2022, in the City of Mandaluyong, National Capital Region.





ABDULLAH O. MAMA-O

Secretary, Department of Migrant Workers

And Alter Ego of the President for the Implementation of RA 11641

