



Center for Migrant Advocacy - Philippines

15 (U-7) CASAL Building, Anonas Road, Project 3, Quezon City, Metro Manila,
Philippines

Telephone No. (632) 990-5140 Telefax: (632) 369-0078

Email: cma@cmaphils.net Website: www.centerformigrantadvocacy.com

September 10, 2018

Position of the Center for Migrant Advocacy on the proposal to establish a Department for Overseas Filipino Workers/Migration through Senate Bills 146, 1421, 1435, and 1445 to be discussed in the public hearing convened by the Committee on Labor, Employment and Human Resources Development jointly with the Committees on Foreign Relations, and Finance.

The Center for Migrant Advocacy is a non-government organization that promotes the rights and welfare of Filipino migrant workers and members of their families. As such, we welcome the good intentions of the proposed measures for the creation of a Department for OFWs. We recognize that there is a need to address and improve the delivery of quality service to OFWs and ensure efficacy and efficiency. However, we are uncertain if the solution to the problems faced by OFWs and their families is a separate department for OFWs/migration and development. We urge our legislators to take into consideration the following questions in the deliberation of the aforementioned bills:

1. Comparatively, how will the establishment of a new department differ from the current system at place?
 - The Philippine government employs a whole-of-government approach in addressing issues of migration. It is an inherently inter-agency effort due to the multi-faceted nature of migration. It is an issue that encompasses a lot of sectors and this is currently the strength of the current system, albeit needing improvements. **Would a new separate department be able to address such multi-faceted issues surrounding migration? How shall it operate and will it be better than the current system?**
2. How many laws will have to be revised?
 - Instituting a new department for OFWs/Migration and Development would not only require legislation to establish it but would also require the amendment of several already-implemented policies. We have the OWWA Act (**Republic Act No. 10801**) enacted by Congress in 2016; Magna Carta for Migrant Workers and Overseas Filipinos

(Republic Act No. 8042 as amended by Republic Act No. 9422 and Republic Act 10022) that strengthened migration governance through creating OUMWA and NRCO, mandating LGUs to create helpdesks, DOH to accredit pre-employment medical clinics, putting to task the NLRC to hear money claims by virtue of the joint and solidary liability provision; Overseas Absentee Voting Act of 2003 **(Republic Act No. 9189 as amended by Republic Act No. 10590)** which created the COMELEC Committee on overseas voting and the DFA OV secretariat.

- Our legislators should also be mindful of the Philippines' commitment to several international conventions and declarations. Such are the UN Convention on Migrant Workers, ILO Convention 189, Maritime Labor Convention for Seafarers, Vienna Convention on Consular Relations, Vienna Convention on Diplomatic Relations, etc.
 - Currently, there are mechanisms put in place that still needs attention like mandatory insurance review which is long overdue, review on the regulations of training fees,
3. Who will be the leading department responsible for the protection of Filipino overseas?
- A new department for OFWs/Migration and Development would entail restructuring of the current system for migration governance. Given this, would the new department be the frontline government agency that will aid OFWs in their places of work?
 - Will this mean that all agencies concerned with migration and overseas employment would all be put under the department of OFW?
4. What is the main scope of the proposed department?
- Clear and unambiguous roles and responsibilities must be identified to establish the scope of the proposed department.
5. Are there other alternative solutions, apart from creating a new department, to address the issue of streamlining and coordination among different agencies concerned with migration governance?
- We urge our legislators to be open to other alternatives to provide solutions for the identified issue of problems in streamlining and coordination among existing agencies.

At present, we have established one-stop processing centers in all the 18 regions of the country; onsite, this is complemented by the joint manual for overseas operations which was launched in 2015.

We believe that the answers to the questions above can help us all better appreciate the direction to take. To make it more concrete, and in order to move the process forward, CMA respectfully suggests the following to be undertaken:

- Form a technical working group to undertake an evidence-based study on the costs to create the proposed department;

In terms of personnel, how many will stay and how many will have to go, how many will be redundant and the like, so we can compare the current with the future as proposed, based on clear evidence. We belabor on this because we cannot afford to just assume the gains to be made with the proposed measures since it would require major restructuring of government offices that will impact heavily on the affected migrant sectors and personnel of government agencies.

Finally, as a member of the Philippine Migrants Rights Network (PMRW), CMA fully supports the network's position on the proposed measures. We would like to reiterate this line—that labor migration is a multifaceted/ multidimensional issue that requires the whole-of-government approach and the whole-of-society approach (that is involving also the non-state stakeholders like the migrants themselves, CSOs, trade unions, etc and other states as this is a cross-border issue).

We hope for continuous dialogue and discussion on the issue.

Contact Person:

ELLENE A. SANA
Executive Director