

[REPUBLIC ACT NO. 10801, May 10, 2016]

**AN ACT GOVERNING THE OPERATIONS AND ADMINISTRATION
OF THE OVERSEAS WORKERS WELFARE ADMINISTRATION**

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

CHAPTER I

TITLE, POLICY AND OBJECTIVES

SECTION 1. *Short Title.* – This Act shall be known as the “Overseas Workers Welfare Administration Act”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to afford full protection to labor, local and overseas, organized and unorganized, and promote full employment opportunities for all. Towards this end, it shall be the State’s responsibility to protect the Overseas Filipino Workers (OFWs).

The Overseas Workers Welfare Administration (OWWA) shall be one of the principal agencies of the State to serve and promote the rights, interest and welfare of the OFWs and their families.

Welfare assistance, services, and programs provided by the OWWA shall be gender-responsive, taking into consideration the different impacts of labor migration to men and women.

SEC. 3. *Objectives.* – This Act is enacted to provide guidelines on matters concerning the OWWA, its mandate, purposes and objectives, membership, collection of contributions, and availment of benefits and services. This Act also embodies the policies on fund management, programs and services administration.

CHAPTER II

NATURE, SCOPE AND FUNCTIONS OF THE OWWA

SEC. 4. *Nature of the OWWA.* – The OWWA is a national government agency vested with the special function of developing and implementing welfare programs and services that respond to the needs of its member-OFWs and their families. It is endowed with powers to administer a trust fund to be called the OWWA Fund. Being a chartered institution, the OWWA shall not fall under any of the following categories: government instrumentalities with corporate powers (GICPs), government corporate entities (GCEs), government financial institutions (GFIs) and/or government-owned or -controlled corporations (GOCCs).

The OWWA shall be an attached agency of the Department of Labor and Employment (DOLE). Its officials and employees are covered by the Salary Standardization Law.

SEC. 5. *Scope.* – This Act shall apply to the OWWA, the OWWA Secretariat, the OWWA Fund, to its member-OFWs and those who will avail of the voluntary membership program of the OWWA, and to overseas recruitment/manning agencies/employers who are duly registered with the Philippine Overseas Employment Administration (POEA).

SEC. 6. *Functions.* – The OWWA shall exercise the following functions:

- (a) To protect the interest and promote the welfare of member-OFWs in all phases of overseas employment in recognition of their valuable contribution to the overall national development effort;
- (b) To facilitate the implementation of the provisions of the Labor Code of the Philippines (Presidential Decree No. 442, as amended) and the Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act No. 8042, as amended), concerning the responsibility of the government to promote the well-being of OFWs. Pursuant thereto, and in furtherance thereof, it shall provide legal assistance to member-OFWs;
- (c) To provide social and welfare programs and services to member-OFWs, including social assistance, education and training, cultural services, financial management, reintegration, and entrepreneurial development services;
- (d) To provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families;
- (e) To ensure the efficiency of collections and the viability and sustainability of the OWWA Fund through sound, judicious, and transparent investment and management policies;
- (f) To undertake studies and researches for the enhancement of the social, economic, and cultural well-being of member-OFWs and their families;
- (g) To develop, support and finance specific projects for the welfare of member-OFWs and their families; and
- (h) To ensure the implementation of all laws and ratified international conventions within its jurisdiction.

CHAPTER III

DEFINITION OF TERMS

SEC. 7. *Definition of Terms.* – As used in this Act:

- (a) Compensation refers to the basic pay or salary received by an officer or employee of the OWWA, pursuant to the official appointment, excluding *per diems*, bonuses, overtime pay, honoraria, allowances and any other emoluments received

that are not integrated into the basic pay under existing laws;

(b) *Contribution or membership fee* refers to the amount paid to the OWWA by the employer or by an OFW in accordance with the provisions of this Act;

(c) *Dependent* refers to any of the following:

(1) The legal spouse;

(2) The legitimate, illegitimate, legitimated, and legally adopted child, who is unmarried, not gainfully employed, and not over the age of majority, or is over the age of majority but incapacitated and incapable of self-support due to a mental or physical defect; and

(3) The parents who rely primarily upon the member-OFWs for support;

(d) *Non-active OWWA member* refers to an OFW whose OWWA membership has expired;

(e) *Non-OWWA member* refers to an undocumented OFW and who has not availed of the voluntary membership of the OWWA;

(f) *OWWA member* refers to an OFW with a paid contribution or membership fee;

(g) *Overseas Filipino Worker (OFW)* refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which the person is not a citizen, or on board a vessel navigating the foreign seas other than a government ship used for military or noncommercial purposes, or on an installation located offshore or on the high seas; and

(h) *Voluntary OWWA member* refers to the OFW who has availed of the voluntary membership of the OWWA at job sites or through electronic registration.

CHAPTER IV

MEMBERSHIP, CONTRIBUTION AND COLLECTION

SEC. 8. *Registration of Membership.* – Membership in the OWWA may be obtained in two (2) ways:

(a) By compulsory registration upon processing of employment contracts of OFWs at the POEA; and

(b) By voluntary registration of OFWs at job sites, or through electronic registration.

SEC. 9. *Amount of Contribution and Effectivity of Membership.* – Membership in the OWWA, either through the compulsory or voluntary coverage, shall be effective upon payment of membership contribution in the amount of twenty-five US dollars (US\$ 25.00) or its equivalent in the prevailing foreign exchange rates. Such membership shall be considered active until the expiration of the OFWs existing employment contract or after two (2) years from contract effectivity, whichever comes first.

In case of voluntary registration, membership shall be considered active until the expiration of the OFWs existing employment contract or after two (2) years from the date of voluntary registration, whichever comes first.

The OWWA shall be allowed to collect a subsequent membership contribution from the member-OFW only after every two (2) years from the last membership contribution made.

SEC. 10. *Power of the Board to Adjust the Membership Contribution.* – Based on actuarial studies and taking into consideration the welfare and interest of the member-OFWs, the OWWA Board may adjust or modify the amount of membership contribution.

SEC. 11. *Proof of Membership.* – Upon payment of the required contribution, an OWWA member shall be issued an official receipt, an OWWA E-Card, identification card, or other proof of membership. No additional or extra charges shall be levied on the member-OFW.

The OWWA shall maintain a comprehensive database of member-OFWs, which shall be updated regularly.

SEC. 12. *Separate Accounting of Land-Based and Sea-Based Members' Contributions.* – For a more effective financial management, the membership contributions of land-based and sea-based members shall be accounted for in two (2) separate books of accounts.

SEC. 13. *Authorized Collecting Officers.* –

(a) Membership contributions shall be collected by duly authorized OWWA collecting officers, deputized collecting officers, or accredited collecting agents. The collection of membership contributions shall be made at the POEA contract processing hub, OWWA regional and overseas offices, and other accredited collection centers.

(b) In case of voluntary members who register at the job site, membership contributions shall be made directly to the OWWA Overseas Offices located in the respective foreign service posts of the Philippines.

SEC. 14. *Reportorial Requirements.* – The collecting officer, deputized collecting officer, or the accredited collecting agent shall prepare and submit the required monthly reports to the OWWA Central Office in the Philippines.

SEC. 15. *Handling, Deposit and Remittance of Collection.* – The OWWA shall ensure that the handling, deposit and remittance of collections shall be in accordance with the existing rules and regulations of the Commission on Audit (COA), Department of Budget and Management (DBM), and other concerned agencies.

SEC. 16. *Sanctions for Erring Officers.* – Corresponding administrative sanctions and other disciplinary measures, including recall from post, suspension, or separation from service, shall be imposed upon any officer who violates Sections 14 and 15 of this Act.

SEC. 17. *Prohibition Against Discrimination on Membership.* – No OFW shall be denied membership to the OWWA by reason of age, gender, religious belief, or political affiliation. The OWWA shall take affirmative steps to enhance the access of OFWs to its programs and services.

SEC. 18. *Payment of Contribution or OWWA Fee by Employer.* – Contributions to the OWWA Fund must be paid by the employers or principals, or in their default, by the recruitment/manning agency in the case of new hires. The POEA shall ensure that this stipulation is made an integral part of the overseas employment contract.

SEC. 19. *Penalty for Violation by Recruitment/Manning Agency.* – Violation by a recruitment/manning agency of the preceding section shall constitute an offense punishable by revocation of its license and all its officers and directors shall be perpetually disqualified from engaging in the business of recruitment/placement of overseas workers. Such penalty is without prejudice to any other liability which the officers and directors may have incurred under existing laws, rules and regulations.

CHAPTER V

THE OWWA BOARD OF TRUSTEES

SEC. 20. *The OWWA Board of Trustees.* – To carry out the purposes of this Act, the OWWA shall be directed and controlled by a Board of Trustees which shall act as its policy-making body. It shall be composed of the following members:

- (a) Secretary of Labor and Employment, as Chairperson;
- (b) OWWA Administrator, as Vice Chairperson;
- (c) Secretary of Foreign Affairs;
- (d) Secretary of Finance;
- (e) Secretary of Budget and Management;
- (f) POEA Administrator;
- (g) Two (2) representatives from the land-based OFWs who are nominated and appointed in accordance with the provisions of Republic Act No. 8042, as amended by Republic Act No. 10022;
- (h) Two (2) representatives from the sea-based. OFWs who are nominated and appointed in accordance with the provisions of Republic Act No. 8042, as amended by Republic Act No. 10022;
- (i) One (1) representative from the women sector who is nominated and appointed in accordance with the provisions of Republic Act No. 8042, as amended by Republic Act No. 10022;
- (j) One (1) representative from the land-based recruitment sector who is selected from among the various associations of registered overseas placement and recruitment agencies based in the Philippines, who shall be appointed by the