



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 733, S-2019

AN ORDINANCE ESTABLISHING THE MANDALUYONG CITY
OVERSEAS FILIPINO WORKERS (OFW) HELP DESK
AND ITS COORDINATING COUNCIL,
DEFINING ITS POWERS AND
FUNCTIONS AND FOR OTHER PURPOSES

WHEREAS, Mandaluyong City has been the home to many Overseas Filipino Workers (OFW) who are considered by the country as modern-day economic heroes as their remittances keep the economy afloat;

WHEREAS, Section 3 of Article XIII (Social Justice and Human Rights) of the 1987 Philippine Constitution provides that the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all";

WHEREAS, according to 2017 Survey on Overseas Filipinos (SOF), the number of Overseas Filipino Workers (OFWs) was estimated at 2.3 million. Overseas Contract Workers (OCWs) comprises 97.0 % of the total OFWs while the 3.0% are those who worked overseas without contract;

WHEREAS, there are several agencies that are tasked to handle the various concerns of OFWs. The DOLE with DFA and POEA handles criminal cases of OFWs while the DOLE deals with their labor-related cases which sometimes confuses OFWs since they don't know the government agency they should approach to address their particular concerns;

WHEREAS, the City of Mandaluyong recognizes the indispensable role of local government units and the participation of various sectors in pursuing and bringing its programs and services to its OFWs clientele and their families. One of the thrusts of the Mandaluyong City Government is to address the pressing concerns and needs of our OFWs and their families;

WHEREAS, migration has its positive impacts on the part of the OFWs and their families such as enjoyment of the privilege of a higher standard of living, financial comfort and economic stability, social and cultural enrichment thru personal experiences and advance technologies influences and also for the community in terms of businesses and investments funded by OFWs and their remittances, increase the LGU taxes for the increase in real estates and income in local investments and socio-economic development thru dollar remittances substantially augmenting the country's dollar reserves;

WHEREAS, it has been observed, however, that the families left behind by our OFWs, including those living in Mandaluyong City are experiencing psycho-social costs of migration like relationship-estrangement, family break up, communication gap, spousal infidelities, extra-marital relationships, early pregnancy and marriage, juvenile delinquency, drug dependency, indication of over dependency to remittances. On the other hand, some of our OFWs are experiencing illegal recruitments, job switching, cases of sexual and physical abuse and maltreatment, racial discrimination, exploitation, poor working conditions, non-payment of salaries, trafficking, serious injuries and even death;

WHEREAS, Section 16 of Republic Act No. 10022 also provides that the Local Government Units (LGUs) such as Mandaluyong City, in the fight against illegal recruitment, shall take a proactive stance by being primarily responsible for the dissemination of information to their constituents on all aspects of overseas employment;

WHEREAS, consistent with its mandate under Republic Act No. 10022, Mandaluyong City will endeavor to protect the rights and promote the welfare of the Mandaleño OFW;

WHEREAS, as mandated under Republic Act No. 9208 as amended by Republic Act No. 10364 also known as the Expanded Anti-Trafficking in Persons Act, it is imperative for the City to formulate policies that will eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons;

WHEREAS, the City Government of Mandaluyong deems it proper to create or establish an OFW Help Desk and its Council that shall cater the needs of the Overseas Filipino Workers (OFWs) in the City and shall take the responsibility in formulating and implementing programs and services to address the needs and concerns of the OFWs and their families.

NOW, THEREFORE, BE IT ORDAINED, by the Sangguniang Panlungsod of Mandaluyong, in a session assembled:

SECTION 1. TITLE. This Ordinance shall be known as "Mandaluyong City OFW Help Desk Ordinance".

SECTION 2. OBJECTIVES. The objectives of creating the Mandaluyong City OFW Help Desk is to create a one-stop shop OFW Help Desk which shall coordinate the initiative of the concerned stakeholders in addressing the psycho-social, moral and economic concerns of Mandaleño OFWs and their families and to ensure protection of the rights of the OFWs, promotion of their welfare, safety and support. The OFW Help Desk aims to assist and provide intervention, reintegration and such other assistance that may be necessary and available in addressing the concerns of local OFWs and their families.

SECTION 3. DEFINITION OF TERMS. For purposes of this Ordinance, the following definition of terms shall apply:

- a. CSWD – refers to the Social Welfare and Development Department of the City of Mandaluyong;
- b. DFA – refers to the Department of Foreign Affairs; shall integrate migration issues with foreign policies, national security, economic diplomacy and service to nationals;
- c. DOCUMENTED MIGRANT WORKERS:
 - I. those who possess valid passports and visas or permits to stay in the host country and whose contracts of employment have been processed by the POEA if required by law or regulation; or
 - II. those registered by the Migrant-Workers and Other Overseas Filipinos Resource Center or by the Embassy.

- d. DOLE – refers to Department of Labor and Employment; pursues programs for OFWs as laid out by the Philippine Labor Code;
- e. DTI – refers to Department of Trade and Industry; shall integrate migration issues with business and investments funded by OFWs and their remittances and shall facilitate the conduct of skills and entrepreneurial trainings and linkages with other **agencies/institutions** for market assistance;
- f. MIGRANT WORKER OR OVERSEAS FILIPINO WORKER – a person who is to be engaged or has been engaged in a remunerated activity in a State which he or she is not a legal resident. A person to be engaged in a “remunerated activity” refers to an applicant worker who has been promised or assured employment overseas and acting on such promise or assurance sustains damage and/or injury;
- g. OVERSEAS FILIPINOS – are migrant workers, other Filipino nationals and their dependents abroad;
- h. OWWA – refers to the Overseas Workers Welfare Administration, the agency under DOLE that manages migrant workers’ welfare fund;
- i. PESO – refers to Public Employment Service Office, a non-free charging multi-employment service facility or entity established or accredited by DOLE in the Local Government Units, State Universities and Colleges, and **Non-governmental Organizations and Community-Based Organizations** pursuant to Republic Act No. 8759 otherwise known as PESO Act of 1999, and its Implementing Rules and Regulations;
- j. TESDA – refers to the Technical Education and Skills Development Authority, thru Mandaluyong City Manpower Technical and Vocational Development Center that develops and implements competency standards and administers accredited programs as well as trainings and testing centers;
- k. UNDOCUMENTED FILIPINOS:
 - I. those who acquired their passports through fraud or **misrepresentation**;
 - II. those who possess expired visas or permits to stay;
 - III. those who have no travel document whatsoever;
 - IV. those who have valid but inappropriate visas.

SECTION 4. OFW HELP DESK COORDINATING COUNCIL COMPOSITION. The OFW Help Desk Coordinating Council shall be composed of the following:

- I. **REPRESENTATIVES FROM THE LOCAL GOVERNMENT OF MANDALUYONG:**
 - a. City Mayor as Chairperson or duly authorized representative;
 - b. Chairman, Sangguniang Panlungsod Committee on Labor and Employment as **Vice-Chairperson**;
 - c. Public Employment Service Office Manager;
 - d. CSWD through its Department Head;
 - e. Manpower Technical Vocational Development Center through its Department Head;
 - f. City Legal Department Head;
 - g. Focal Person as **Officer-in-Charge/Manager** duly appointed by the City Mayor.

II. REPRESENTATIVES FROM RELATED NATIONAL GOVERNMENT AGENCIES:

- a. Department of Foreign Affairs;
- b. Overseas Workers Welfare Administration;
- c. Philippine Overseas Employment Administration;
- d. National Labor Relations Commission;
- e. National Reintegration Center for OFWs.

III. REPRESENTATIVES FROM NON-GOVERNMENT AND COMMUNITY-BASED ORGANIZATION:

- a. NGO with primary objective of addressing the concerns of OFWs and their families;
- b. OFW Associations and People's Organization with programs and services for OFWs and their families.

SECTION 5. **FUNCTIONS AND RESPONSIBILITIES.** The Mandaluyong City OFW Help Desk Council shall perform the following functions and shall be responsible:

1. To promote the welfare and well-being of OFW and their families;
2. To coordinate the services of the Local Government Unit, the DFA, DOLE, POEA, NRCO, CSWD, DTI, OWWA, PESO, TESDA thru Manpower, and such other necessary services and counseling of non-government and community-based organizations and people's organizations for OFWs and their families;
3. To formulate and implement policies, plans and programs for the promotion of the welfare of OFWs;
4. To intensify the delivery of programs and services to OFWs and their families through network partners;
5. To establish and maintain a database pertaining to a master list of OFWs residing in Mandaluyong City, classified according to occupation, job category, civil status, gender, by country or state of destination, including visa classification, name, address, and contact number of the employer;
6. To integrate the various programs and services of the government to the inclusion of our OFWs and serve as clearing house of all programs and services for OFWs and their families in the City of Mandaluyong;
7. To establish linkages with overseas Filipino resources towards development of the migrant, their families and communities;
8. To integrate the migrant workers' resources and their issues and concerns in the development plan of the City of Mandaluyong;
9. To provide legal services on matters concerning the welfare of the OFW and their families;
10. To ensure that the local government reaches out and cooperates with other agencies concerning Mandaleño OFWs;

11. To facilitate reintegration of returning Mandaleño OFW by providing assistance concerning livelihood, **entrepreneurship**, savings, investments and financial literacy;
12. To accommodate applicants for employment abroad, OWWA benefits and other OFW concerns;
13. To offer other services to OFWs such as pre-departure and pre-employment trainings and anti-illegal recruitment seminars;
14. To launch massive information campaign against illegal recruitment in the entire City.

The Held Desk Council may assign/designate specific functions and/or responsibilities to a particular member in accordance with the member's field of expertise. It may also conduct orientation seminars, lectures and such other trainings for OFWs and their families subject to accreditation requirements of the proper government agencies.

- SECTION 6. **PHYSICAL OFFICE.** The Mandaluyong City OFW Help Desk Council that shall primarily protect the rights and promote the welfare of the Mandaleño OFW and their families, shall hold office at the Public Employment Service Office (PESO) in the City of Mandaluyong, with an **Officer-in-Charge/Manager** as focal person to take charge of its day-to-day activities.
- SECTION 7. **BUDGET.** The funds necessary for the **implementation** of this Ordinance shall be sourced from the General Fund under the account of PESO subject to existing COA auditing rules and regulations.
- SECTION 8. **SEPARABILITY CLAUSE.** If, for any reason or reasons, any part or provision of this Ordinance shall be held to be **unconstitutional** or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.
- SECTION 9. **EFFECTIVITY.** This Ordinance shall take effect immediately after its publication at least once in a newspaper of general circulation in Metro Manila.

ENACTED on this 18th day of March, 2019 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE **SANGGUNIANG PANLUNGSOD OF MANDALUYONG** IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

APPROVED:

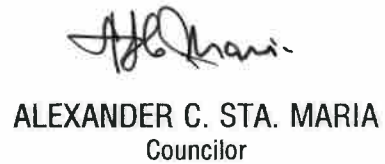

ANTONIO DLS. SUVA
Vice Mayor &
Presiding Officer


CARMELITA A. ABALOS
City Mayor

Date: 27 MAR 2019



CHARISSE MARIE ABALOS-VARGAS
Councilor



ALEXANDER C. STA. MARIA
Councilor

OFFICIAL BUSINESS
AYLA ALIM-BALDUEZA
Councilor



FRANCISCO O. ESTEBAN
Councilor



GRACE MARIE V. ANTONIO
Councilor



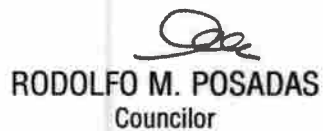
JESUS C. CRUZ
Councilor



LUISITO E. ESPINOSA
Councilor



ROEHL B. BACAR
Councilor



RODOLFO M. POSADAS
Councilor



CHERRY LYNN PABLO-SANTOS
Councilor



BRANDO P. DOMINGUEZ
Councilor



FERNANDO S. OCAMPO
Councilor



DARWIN A. FERNANDEZ
LnB President



AEROL SEDRICK A. MANGALIAG
SK President