



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG



ORDINANCE NO. 975, S-2024

AN ORDINANCE AMENDING ORDINANCE NO. 733, S-2019 ENTITLED "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 Department of Migrant Workers (DMW) 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 and 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 to 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 "The 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 initiatives 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 City 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 DMW 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 the Department of Labor and Employment; pursues programs for OFWs as laid out by the Philippine Labor Code;
- e. DTI – refers to the 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. **PESD** – refers to the Public Employment Service Department, 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. IMPLEMENTING OFFICE. – The Public Employment Service Department (PESD) shall be primarily responsible in implementing the provisions of this Ordinance. It shall execute all the programs and services as provided in this Ordinance and those adopted by the OFW Coordinating Council.

SECTION 5. OFW HELP DESK. – There is hereby established an OFW Help Desk at the PESD to be manned by its personnel and which shall have the following functions:

- (1) Assist OFWs and their families who are seeking information, help or guidance on all matters pertaining to their concerns;
- (2) Refer OFWs and their families seeking legal assistance to the City's Legal Department for proper action;
- (3) For OFWs needing intervention, reintegration or any other assistance, refer them to the office or agency that provides such assistance;
- (4) Keep a record of all transactions of the Help Desk and submit the same to the OFW Coordination Council;
- (5) Perform such other functions and provide such services as may be required by the OFW Coordinating Council, under the circumstances.

SECTION 6. OFW COORDINATING COUNCIL. – The OFW Coordinating Council is hereby created and shall be composed of the following:

- I. Representatives from the Local Government of Mandaluyong;
 - a. City Mayor – Chairman
 - b. Chairman, Sangguniang Panlungsod Committee on Labor and Employment – Vice Chairperson
 - c. Head, PESD – Officer-in-Charge

The Officer-in-Charge shall attend to the day-to-day affairs of the OFW Coordinating Council and shall perform, among others, the following functions:

- (1) Cause the preparation of the Notice of Meeting which shall be signed by the City Mayor;
- (2) In consultation with the members of the Council, prepare the agenda for the meeting;
- (3) Preside over the meeting of the Council in the absence of the City Mayor;
- (4) Prepare the plans, programs, activities and services to be rendered by the Council for approval of the Body;
- (5) Execute the plans, programs and activities approved by the Council;
- (6) Render a performance report to the City Mayor every end of the year;
- (7) Perform such other functions as may be required of the Officer-in-Charge of the Council.

The PESD shall act as the Secretariat for the Council.

- d. Head, CSWD

- e. Head, Manpower and Technical Vocational Development Center
- f. Head, City Legal Department

II. Representatives from NGOs:

- 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 7. **FUNCTIONS OF THE OFW COORDINATING COUNCIL.** – The OFW Coordinating Council shall be the policy-making body of the City on OFWs' concerns. The Council's functions and responsibilities shall include, among others:

- a. The preparation of the City's plans, programs and activities concerning OFWs;
- b. Upon approval by the City Mayor of these plans, programs and activities, have them implemented;
- c. Make a yearly report of the accomplishments of the Council to the City Mayor;
- d. Conduct a quarterly meeting of the Council to monitor execution of these plans, programs and activities, and see to it that they are properly and effectively being implemented;
- e. Implement the plans, programs and activities of the Council which shall be geared towards:
 - (1) The promotion of the welfare and well-being of OFWs and their families;
 - (2) The coordination of the services of the City with that of the DFA, DOLE, DMW, CSWD, DTI, TESDA and such other non-government and community-based organizations and people's organizations;
 - (3) The intensification of the delivery of its programs and services to OFWs and their families through networks partners;
 - (4) The establishment and maintenance of a data-based 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;
 - (5) The integration of the various programs and services;

- (6) The insurance of the inclusion of the City's OFWs and their families to the various programs and services of the national government and serve as a clearing house of all the programs and services for the City's OFWs;
- (7) The establishment of linkages with overseas Filipino resources towards development of the migrant and their families and the communities;
- (8) The integration of the migrant workers resources and their issues and concerns in the development plan of the City;
- (9) The assurance that the City reaches out and cooperates with other agencies concerning OFW Mandaleños;
- (10) The facilitation of the reintegration of returning OFW Mandaleños by providing assistance on livelihood entrepreneurship, savings, investments and financial literacy;
- (11) The accommodation of applicants for employment abroad, OWWA benefits and other OFW concerns;
- (12) The offering of other services to OFWs such as pre-departure and pre-employment trainings and anti-illegal recruitment seminars;
- (13) The launching of a massive information campaign against illegal recruitment in the City.

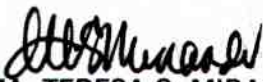
The Council may assign/designate specific functions and/or responsibilities to a particular member in accordance with the members' field of expertise. The Council may also conduct orientation seminars, lectures and other trainings for OFWs and their families subject to accreditation requirements of the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

- SECTION 8. 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 Department (PESD) in the City of Mandaluyong, with an Officer-in-Charge/Manager as focal person to take charge of its day-to-day activities.
- SECTION 9. BUDGET.** The funds necessary for the implementation of this Ordinance shall be sourced from the General Fund under the account of PESD subject to existing COA auditing rules and regulations.
- SECTION 10. 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 11. 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 15th day of April 2024, in the City of Mandaluyong.

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


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

APPROVED BY:


CARMELITA A. ABALOS
City Vice Mayor
& Presiding Officer


BENJAMIN S. ABALOS
City Mayor

Date: APR 25 2024