

Frontline Catapult: OWWA’s Statutory Mandate in the Time of COVID-19

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I. INTRODUCTION.....	1442
II. THE OWWA.....	1448
A. History	
B. OWWA Act of 2016	
C. Triple-Layered Trust Fund Dynamic	

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This Article is dedicated to Overseas Filipino Workers and their families, and the 2,100 men and women of OWWA who serve as frontliners and support-to-frontliners in the fight against COVID-19. In developing this Article, the Author received the invaluable assistance of OWWA Directors Edelyn Claustro, Ma. Regina Galias, Rossane Catapang, Jocelyn Hapal, and Herminigildo Mendoza, as well as OWWA Officers Rosanna Guinto, Joseph Padilla, Jay Teves, Veah Escote, Cheriell Lazarito, Lianne Hidalgo, and Patty Famaran; Department of Labor and Employment Assistant Secretary Dr. Tess Cucueco and Labor Officer Dyan de Guzman; and Ma. Teresa Beatrice N. Jose from the *Ateneo Law Journal*.

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III. FRONTLINE CATAPULT: OWWA IN THE TIME OF COVID-19	I456
A. <i>Financial Assistance to Diamond Princess Fil-Seafarers</i>	
B. <i>Financial Assistance to China, Macau, and Hongkong OFWs</i>	
C. <i>Food, Transport, and Hotel Accommodation/Quarantine Assistance to Returning OFWs</i>	
D. <i>Food/Hygiene Assistance</i>	
E. <i>Monitoring OFWs Under Quarantine</i>	
F. <i>Social Amelioration</i>	
G. <i>Death and Disability Benefits</i>	
H. <i>COVID-19 Financial Assistance</i>	
I. <i>Mass Repatriation of Human Remains</i>	
J. <i>School Assistance</i>	
K. <i>Livelihood Assistance</i>	
L. <i>Calamity Assistance</i>	
M. <i>Support-to-Frontliners: Human, Financial, and Information Technology Resources</i>	
IV. CONCLUSION: BEST PRACTICES.....	I479

I. INTRODUCTION

From frontline healthcare workers and public health officials to teachers, sanitation workers, social welfare officers and more, the humble public servant has been thrust into the spotlight, helping elevate awareness and understand [] the critical role public servants play in everyday life, and in particular[,] during times of severe crises, such as the COVID-19 pandemic.

— John-Mary Kauzya and Elizabeth Niland¹

From the letter of the law establishing the Overseas Workers Welfare Association (OWWA) as a chartered institution,² this Article carries us straight into the frontlines of Overseas Filipino Workers (OFWs) protection against COVID-19.

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1. John-Mary Kauzya & Elizabeth Niland, UN/DESA Policy Brief #79: The Role of Public Service and Public Servants During the COVID-19 Pandemic, *available at* <https://www.un.org/development/desa/dpad/publication/un-desa-policy-brief-79-the-role-of-public-service-and-public-servants-during-the-covid-19-pandemic> (last accessed Apr. 30, 2022) [<https://perma.cc/9C6T-ENWS>].
 2. An Act Governing the Operations and Administration of the Overseas Workers Welfare Administration [Overseas Workers Welfare Administration Act], Republic Act No. 10801, § 4 (2016).

The worrisome news reports from Wuhan, China in December 2019³ cast a shadow on the Philippine setting within a month's time.⁴ Developments regarding the new and deadly coronavirus strain began immediately hitting home with the first imported case in the Philippines by January 2020.⁵

On 31 January 2020, upon directive of the Office of the President, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF)⁶ resolved to implement a travel ban covering China, Macau Special Administrative Region (SAR), and Hongkong SAR, to prevent the entry of COVID-19 into the country.⁷

Matters further spiralled into crisis when, on 3 February 2020,⁸ the Diamond Princess cruise ship was anchored at the Yokohama Port in Japan to commence a 14-day quarantine, with 691 confirmed cases of COVID-19

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3. Yi-Chi Wu, et al., *The Outbreak of COVID-19: An Overview*, 83 J. CHINESE MEDICAL ASS'N. 217, 217 (2020).
 4. Press Release by Department of Health-Republic of the Philippines, *DOH Confirms First 2019-NCOV Case in the Country; Assures Public of Intensified Containment Measures* (Jan. 30, 2020) (on file with the Department of Health-Republic of the Philippines).
 5. *Id.*
 6. The IATF is an inter-agency body that is headed by the Department of Health and is tasked to establish preparedness and ensure responses to monitor, contain, control, and prevent the spread of emerging infectious diseases in the country. The IATF is supported by an implementing arm called the National Task Force (NTF) with Special Task Groups under it, pursuant to IATF-EID Resolution No. 15, which was approved on 24 March 2020. See Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolutions Relative to the Management of the Coronavirus Disease 2019 (COVID-19) Situation, Resolution No. 15, Series of 2020 [IATF-EID Res. No. 15, s. 2020], at pt. (A) (5) (Mar. 24, 2020) & Office of the President, Creating the Inter-Agency Task Force for the Management of Emerging Infectious Diseases in the Philippines, Executive Order No. 168, Series of 2014 [E.O. No. 168, s. 2014], § 1 (May 26, 2014).
 7. Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Recommendations for the Management of the Coronavirus Disease 2019 (COVID-19) Situation, Resolution No. 06, Series of 2020 [IATF-EID Res. No. 06, s. 2020], whereas cl. para. 8 (Feb. 18, 2020).
 8. Eisuke Nakazawa, Ph.D., et al., *Chronology of COVID-19 Cases on the Diamond Princess Cruise Ship and Ethical Considerations: A Report from Japan*, 14 DISASTER MED & PUB. HEALTH PREPAREDNESS 1, 2 (2020).

involving passengers and crew as of 23 February 2020.⁹ The Diamond Princess carried 538 Filipino crew members on board¹⁰ and of this number, 80 tested positive for COVID-19 and were subsequently admitted to Japanese hospitals.¹¹

During the 14-day quarantine period, the Filipino crew onboard the Diamond Princess was assisted by a Department of Foreign Affairs (DFA), Department of Health (DOH), Department of National Defense (DND), and Department of Labor and Employment (DOLE) composite team, through regular communication and provision of hygiene and non-medical supplies.¹² The same composite team was on the ground at Yokohama Port and Haneda Airport in Tokyo to assist in the disembarkation of the Filipino crew and to board them into repatriation charter flights.¹³

On 25 February 2020, the Philippine Embassy in Tokyo reported two chartered airplanes which carried 445 Filipino crew and passengers from Tokyo to the Philippines.¹⁴ Upon arrival in the Philippines, the 445 Filipino crew were taken to New Clark City in Tarlac to commence a DOH-imposed 14-day quarantine.¹⁵ On 11 March 2020, 442 of the quarantined Diamond Princess Filipino crew were sent home through the efforts of the DOH and DOLE-OWWA.¹⁶ Of the aforementioned, two of the Filipino crew tested positive for COVID-19 and were then referred to a government hospital.¹⁷

By the first week of March 2020, there were already 10 confirmed cases of COVID-19 in the country, with 41 patients under investigation (PUI) who

9. Press Release by Embassy of the Republic of the Philippines, *Philippine Embassy-led Team Successfully Repatriates 444 Filipinos from Diamond Princess Cruise Ship* (Feb. 26, 2020) (on file with the Embassy of the Republic of the Philippines).

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.*

14. *Id.*

15. Embassy of the Republic of the Philippines, *supra* note 9.

16. CNN Philippines Staff, *442 Filipino Evacuees from Diamond Princess Cruise Ship Sent Home*, CNN PHIL., Mar. 12, 2020, available at <https://www.cnnphilippines.com/news/2020/3/12/442-Filipino-evacuees-from-Diamond-Princess-cruise-ship-sent-home.html> (last accessed Apr. 30, 2022) [<https://perma.cc/W5KU-LUG6>].

17. *Id.*

were admitted to hospitals.¹⁸ Of the confirmed cases, the first known local transmission of the virus involved an elderly man who frequented an Islamic prayer hall in the Greenhills shopping area.¹⁹

Hence, on 8 March 2020, President Rodrigo R. Duterte issued a Proclamation²⁰ formally declaring a state of public health emergency throughout the Philippines.²¹ “All government agencies and [local government units were] enjoined to render full assistance and cooperation and [to] mobilize the necessary resources to undertake critical, urgent, and appropriate responses and measures to timely curtail and eliminate the [COVID]-19 threat.”²²

Three days after Proclamation No. 922, the World Health Organization (WHO) Director-General declared — “[w]e have therefore made the assessment that COVID-19 can be characterized as a pandemic.”²³

Five days after the WHO Declaration, President Duterte issued Proclamation No. 929,²⁴ placing the entire country under a state of calamity for six months due to COVID-19.²⁵

18. Press Release by Department of Health, *DOH Reports 10 New COVID-19 Patients; Cases Up to 20* (Mar. 9, 2020) (on file with the Department of Health).

19. Azer Parrocha, State of Public Health Emergency Declared in PH, *available at* <https://www.pna.gov.ph/articles/1095955> (last accessed Apr. 30, 2022) [<https://perma.cc/DH8E-86BS>].

20. Office of the President, Declaring a State of Public Health Emergency Throughout the Philippines, Proclamation No. 922, Series of 2020 [Proc. No. 922, s. 2020] (Mar. 8, 2020).

21. *Id.* § 1.

22. *Id.* § 2.

23. Tedros Adhanom Ghebreyesus, Director-General of World Health Organization, *WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 — 11 March 2020*, Opening Remarks at Media Briefing on COVID-19 (Mar. 11, 2020) (transcript *available at* <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-COVID-19---11-march-2020> (last accessed Apr. 30, 2022) [<https://perma.cc/Z37D-Y6S3>]).

24. Office of the President, Declaring a State of Calamity Throughout the Philippines Due to Corona Virus Disease 2019, Proclamation No. 929, Series of 2020 [Proc. No. 929, s. 2020] (Mar. 16, 2020).

25. *Id.* § 1.

On the same day Proclamation No. 929 was issued, Executive Secretary Salvador C. Medialdea issued a Memorandum by Order of the President, placing the entire island of Luzon on Enhanced Community Quarantine (ECQ) status.²⁶ This meant the suspension of both academic classes and mass public transport facilities, restriction of land, air, and sea travel, as well as imposition of strict home quarantine in all households, among others.²⁷ Pursuant to the same Memorandum, all returning OFWs would be allowed entry, subject to applicable quarantine procedures, should they come from countries with existing travel restrictions imposed by the IATF.²⁸

A day later, on 17 March 2020, the IATF issued Resolution No. 13, Series of 2020, providing operational guidelines on the ECQ imposition per Memorandum by the Executive Secretary.²⁹ Resolution No. 13 directed the OWWA to “provide transportation services for returning ... OFWs, for the purpose of ferrying them from international ports to their respective destinations in Luzon[,]”³⁰ and likewise stipulated the conditions for the departure of OFWs for abroad.³¹ OFWs were also exempted from the prohibition of hotels to operate and admit guests during the ECQ.³²

Given the dire effects of the global COVID-19 scourge upon the Filipino people, the plight of OFWs and the Philippine government’s responses to protect OFWs during the pandemic served as a bellwether for how the country would manage this crisis.

26. Memorandum from the Executive Secretary, to Heads of Departments, Agencies, Offices and Instrumentalities of the Government, Government-Owned or -Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), State Universities and Colleges (SUCs) and Local Government Units (LGUs), para. 1 (Mar. 16, 2020) (on file with Office of the President).

27. *Id.* pts. 2-7.

28. *Id.* pt. 7.

29. Inter-Agency Task Force for the Management of Emerging Infectious Disease, Recommendations for the Management of the Coronavirus Disease 2019 (COVID-19) Situation, Resolution No. 13, Series of 2020 [IATF-EID Res. No. 13, s. 2020] (Mar. 17, 2020).

30. *Id.* pt. A (7).

31. *Id.* pt. B (1).

32. *Id.* pt. B (3). *Cf.* Inter-Agency Task Force for the Management of Emerging Infectious Disease, Resolutions Relative to the Management of the Coronavirus Disease 2019 (COVID-19) Situation, Resolution No. 14, Series of 2020 [IATF-EID Res. No. 14, s. 2020], at pt. A (Mar. 20, 2020).

One major government agency tasked to provide this mantle of OFW welfare and protection is the OWWA, pursuant to its charter or the OWWA Act of 2016.³³ This Article plots the course of the OWWA under its legal and administrative mandate, and outlines the unprecedented programs and services delivered during the first two years or the darkest stages of the pandemic.³⁴ The key mandate lies in Section 6 (d) of the OWWA Act of 2016,³⁵ to wit — “[t]he OWWA shall exercise the following functions: ... (d) To provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families[.]”

The first Chapter of this Article delves into the constitutional and statutory mandates that protect OFWs during the pandemic, culminating with OWWA Act of 2016. The second Chapter outlines the programs and services delivered by the OWWA during the pandemic. The third Chapter concludes with best practices that have exemplified public service to both OFWs and their families during global emergencies or crisis situations.

In this regard, it would be apt to recall the words of the WHO Director-General at the onset of this crisis of a generation —

Pandemic is not a word to use lightly or carelessly. It is a word that, if misused, can cause unreasonable fear, or unjustified acceptance that the fight is over, leading to unnecessary suffering and death.

...

We have never before seen a pandemic sparked by a coronavirus. This is the first pandemic caused by a coronavirus.

And we have never before seen a pandemic that can be controlled, at the same time.

...

And we have called every day for countries to take urgent and aggressive action.

We have rung the alarm bell loud and clear.³⁶

33. Overseas Workers Welfare Administration Act.

34. *See generally id.*

35. *Id.* § 6 (d).

36. Ghebreyesus, *supra* note 23.

II. THE OWWA

Pursuant to its charter, the OWWA is an attached agency of the DOLE that “shall be one of the principal agencies of the State to serve and promote the rights, interests[,] and welfare of OFWs and their families.”³⁷

The nature of OWWA is essentially two-fold:

- (1) It 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[.]”³⁸ and
- (2) It administers an OWWA Trust Fund that is a private trust fund for the purpose of serving the welfare of member-OFWs and their families, including financing of core programs and services of the OWWA.³⁹

Under the newly-created Department of Migrant Workers (DMW),⁴⁰ the OWWA created under Republic Act No. 10801 was attached to the DMW for purposes of policy and program coordination.⁴¹

A. History

The origins of OWWA can be traced to 1977, with the creation of the Welfare and Training Fund for Overseas Workers (WTFOW) under Department of Labor (DOL).⁴² It was essentially tasked “[t]o provide social and welfare

37. Overseas Workers Welfare Administration Act, § 2, para. 2.

38. *Id.* § 4, para. 1.

39. *Id.*

40. An Act Creating the Department of Migrant Workers, Defining Its Powers and Functions, Rationalizing the Organization and Functions of Government Agencies Related to Overseas Employment and Labor Migration, Appropriating Funds Therefor, and for Other Purposes [Department of Migrant Workers Act], Republic Act No. 11641 (2021).

41. *Id.* § 20.

42. Overseas Workers Welfare Administration, What is OWWA?, available at https://owwa.gov.ph/?page_id=115 (last accessed Apr. 30, 2022). [<https://perma.cc/2D8P-YVVC>] & Office of the President, Letter of Instruction No. 537, Series of 1977 [LOI No. 537, s. 1977], para. 1 (May 1, 1977).

services to Filipino overseas workers”⁴³ and “[t]o provide skills and [] development services to Filipino overseas workers[.]”⁴⁴

The WTFOW was sourced from General Appropriations, government agency collections, and contributions from foreign employers.⁴⁵ It was administered by the DOL through a Board of Trustees headed by the Secretary of Labor and composed of DOL officials that included the heads of two overseas employment agencies that preceded the Philippine Overseas Employment Administration (POEA),⁴⁶ namely the Overseas Employment Development Board (OEDB) and the National Seamen Board (NSB).⁴⁷

A year after the WTFOW was established, Presidential Decree No. 1694⁴⁸ was issued to “formaliz[e] operations” and assert the “comprehensive” nature of the Fund.⁴⁹ The WTFOW was transferred to a “Welfund” that was backed by a more distinct administrative machinery.⁵⁰ As a result, both Administrator and Secretariat were tasked to administer the Fund for the purpose of “providing social and welfare services to Filipino overseas workers[.]”⁵¹ At the time, the “volatile situation in many countries hosting [OFWs]”⁵² has placed the Government “continually under stress in efforts to provide overseas Filipino workers adequate protection[.]”⁵³

43. *Id.* para. 1 (1).

44. *Id.* para. 1 (2).

45. *Id.* para. 2 (1)-(6).

46. Office of the President, Reorganizing the Ministry of Labor and Employment, Creating the Philippine Overseas Employment Administration and for Other Purposes, Executive Order No. 797, Series of 1982 [E.O. No. 797, s. 1982] (May 1, 1982).

47. LOI No. 537, s. 1977, para. 3. Both the OEDB and the NSB were created under the 1974 Labor Code of the Philippines. *See* A Decree Instituting a Labor Code Thereby Revising and Consolidating Labor and Social Laws to Afford Protection to Labor, Promote Employment and Human Resources Development and Insure Industrial Peace Based on Social Justice [LABOR CODE], Presidential Decree No. 442, bk. 1, arts. 17 & 20 (1974) (as amended).

48. Organization and Administration of the Welfare Fund for Overseas Workers [Welfare Fund for Overseas Workers], Presidential Decree No. 1694 (1980).

49. *Id.* whereas cl. para. 5.

50. *Id.* § 2.

51. *Id.* § 1.

52. *Id.* whereas cl. para. 3.

53. *Id.*

Less than a year later, on 16 January 1981, Presidential Decree No. 1809⁵⁴ expanded the coverage of the Welfund Board of Trustees from seven to 11 members,⁵⁵ and prescribed the use of government banks as depository banks for the Welfund.⁵⁶

On Labor Day of 1983, Letter of Instruction No. 1320⁵⁷ was issued to expand and provide a list of additional services and benefits to workers, such as tapping the Welfund to establish systems of gratuity for workers, adjudication of claims, information on working conditions and customs of host countries, and the formulation of a standard employment contract.⁵⁸

In the context of emergencies, wars, and epidemics, the DOLE-OWWA has been involved in the relocation, sheltering, evacuation, and eventual repatriation of OFWs caught in the middle of armed conflict — for instance in the Middle East and North Africa, as well as those affected by outbreaks of infectious diseases such as the Middle East respiratory syndrome coronavirus (MERS-CoV) and the Ebola virus.⁵⁹

By 1987, the Welfare Fund was finally renamed as the Overseas Workers Welfare Administration in an enactment that rationalized and streamlined the operations of the then Ministry of Labor and Employment.⁶⁰

In 1995, the OWWA was vested with the mandate and authority to repatriate OFWs in cases of war, epidemic, disasters, or calamities under an Emergency Repatriation Fund.⁶¹ In addition, OWWA Welfare Officers were

54. Amending Certain Provisions of Presidential Decree 1694, Creating the “Welfare Fund for Overseas Workers”, Presidential Decree No. 1809 (1981).

55. *Id.* § 3.

56. *Id.* § 2.

57. Office of the President, Enhancing Welfare Services for Overseas Workers, Letter of Instruction No. 1320, Series of 1983 [LOI No. 1320, s. 1983] (May 1, 1983).

58. *Id.* paras. 1-9.

59. See, e.g., Official Gazette, PH Government Moves to Prevent Spread of Ebola, available at <https://www.officialgazette.gov.ph/2014/08/05/ph-government-moves-to-prevent-spread-of-ebola> (last accessed Apr. 30, 2022) [<https://perma.cc/L89L-S3QC>].

60. Office of the President, Reorganizing the Ministry of Labor and Employment and for Other Purposes, Executive Order No. 126, Series of 1987 [E.O. No. 126, s. 1987] (Jan. 30, 1987).

61. An Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their

tasked to provide assistance to OFWs in the enforcement of contractual obligations of employers and recruitment agencies.⁶²

By 2009, the OWWA was authorized to pay repatriation-related expenses, such as fines or penalties.⁶³

B. OWWA Act of 2016

On 16 May 2016, the OWWA Charter or OWWA Act — founded upon the protection of the labor clause of the 1987 Philippine Constitution⁶⁴ and the previous Welfare Fund enactments — was signed into law.⁶⁵ The law was enacted to provide guidelines on matters concerning the OWWA, its mandate, purposes and objectives, membership, collection of contributions, and availment of benefits and services.⁶⁶

In his sponsorship speech on 22 September 2015, Senator Juan Edgardo M. Angara, the principal author of Senate Bill No. 2955,⁶⁷ asserted the following —

Para po sa ating mga Overseas Filipino Workers (OFWs) ito pong panukala natin. Tungkol ito sa OWWA na may mandatong protektahan ang kapakanan ng ating OFWs.

Sa ilalim po nito, nais po nating paigtingin ang tiwala ng mga OFW para sa nasabing ahensiya. Mahalaga po ang batas para maging ganap ang tiwala sa lipunan. Nararapat lamang na ang OWWA ay ganap na mapagkakatiwalaan ng mga OFW,

Families and Overseas Filipinos in Distress, and for Other Purposes [Migrant Workers and Overseas Filipinos Act of 1995], Republic Act No. 8042, § 15, para. 3 (1995).

62. *Id.* § 23 (b.2).

63. An Act Amending Republic Act No. 8042, Otherwise Known as the Migrant Workers and Overseas Filipinos Act of 1995, as Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and For Other Purposes, Republic Act No. 10022, § 15 (2009).

64. PHIL. CONST. art. XIII, § 3, para. 1. Section 3 of Article XIII provides that “[t]he State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.” PHIL. CONST. art. XIII, § 3, para. 1.

65. Overseas Workers Welfare Administration Act.

66. *Id.* § 3.

67. An Act Governing the Operations and Administration of the Overseas Workers Welfare Administration, S.B. No. 2955, 16th Cong., 3d Reg. Sess. (2015).

*maging ng buong bansa. Kaya sa pamamagitan ng panukalang ito, nais naming klaruhin ang mga bagay-bagay na hindi malinaw tungkol sa OWWA.*⁶⁸

The points of statutory clarification mentioned by Senator Angara also serve as the essential elements of the OWWA Charter, to wit —

- (1) *Nature.* The OWWA is declared as a national government agency and a chartered institution. It is an attached agency of the DOLE,⁶⁹ and now of the DMW.⁷⁰
- (2) *Scope.* The social and welfare programs and services of OWWA shall apply to its Member-OFWs,⁷¹ with the possibility for the Board of Trustees to “extend appropriate programs or services to [N]on-[M]embers.”⁷²
- (3) *The Trust Fund and National Government Appropriations.* The OWWA Fund that was formerly referred to as the Welfund is a private fund held in trust by the OWWA.⁷³ Being a trust fund, no portion thereof or any of its income, dividends, or earnings shall accrue to the general fund of the government.⁷⁴ The sources of the Fund shall be the “sum total of the amounts under the management and fiscal administration of the OWWA Board and the Secretariat, including the [U.S. \$25.00] contributions that shall accrue to the Fund as fees, investment[,] and interest income from other sources.”⁷⁵

“The OWWA Fund shall be managed with full transparency and full public disclosure.”⁷⁶ It stands at ₱18.3 billion as of 31 December 2021.⁷⁷

68. S. JOURNAL NO. 25, at 346, 16th Cong., 3d Reg. Sess. (Sept. 22, 2015).

69. Overseas Workers Welfare Administration Act, § 4.

70. Department of Migrant Workers Act, § 20.

71. Overseas Workers Welfare Administration Act, § 5.

72. *Id.* § 36, para. 3.

73. *See* Welfare Fund for Overseas Workers, § 2.

74. *Id.* § 3.

75. Overseas Workers Welfare Administration Act, § 39.

76. *Id.* § 42.

77. Overseas Workers Welfare Administration, A Report to the OWWA Board of Trustees During the 1st Board Meeting, at 1 (Apr. 13, 2022) (unpublished Report, Overseas Workers Welfare Administration) (on file with Author).

OFW contributors to the Fund are called “Member-OFWs,” with an “active” OWWA Member-OFW having an updated or paid contribution or membership “until the expiration of the OFW’s existing employment contract or after two [] years from contract effectivity, whichever comes first.”⁷⁸ In addition, “[t]he OWWA shall be allowed to collect a subsequent membership contribution from the [M]ember-OFW only after every two [] years from the last membership contribution made.”⁷⁹

The Implementing Rules and Regulations of the OWWA Act⁸⁰ clarify that the validity of active OWWA “membership for each contribution is two [] years, regardless of contract duration, change of employer or principle, jobsite[,] or recruitment or manning agency.”⁸¹

For the first time in OWWA history, Congress was mandated to “annually appropriate [national government funds necessary] to meet the funding requirement for personal services (PS) and [] maintenance and other operating expenses (MOOE) of the OWWA.”⁸² It was further emphasized that Congress could allocate further funding for implementation of other OWWA programs or services, including the budget for capital outlay (CO).⁸³

- (4) *Trustees of the Fund.* The OWWA Board of Trustees “is designated as the [T]rustee of the OWWA Fund[, and] is bound by [the] fiduciary duty to manage the Fund with extraordinary diligence and with utmost skill, care[,] and judiciousness.”⁸⁴ Alongside representatives of land-based and sea-based OFWs, recruitment/manning agencies, and OFW women are government representatives from the DOLE, DFA, Department of Finance

78. Overseas Workers Welfare Administration Act, §§ 7 (f) & 9.

79. *Id.* § 9, para. 3.

80. Overseas Workers Welfare Administration, Rules and Regulations Implementing Overseas Workers Welfare Administration Act, Republic Act No. 10801 (2016) [hereinafter OWWA Act Implementing Rules and Regulations].

81. *Id.* rule IV, § 8, para. 5.

82. Overseas Workers Welfare Administration Act, § 53, para. 2.

83. *Id.*

84. *Id.* § 41.

(DOF), Department of Budget and Management (DBM), and the POEA.⁸⁵ Under the DMW Law, the Chair of the Board of Trustees shall be the Secretary of the DMW, with the President of the Social Security System (SSS) as an additional Board Member.⁸⁶

- (5) *Secretariat*. The OWWA Secretariat “shall be the implementing arm of the OWWA,”⁸⁷ with regard to programs and delivery of welfare services to OFWs.⁸⁸ “The management and supervision of the OWWA shall be vested in the Administrator[,]”⁸⁹ who shall be assisted by two Deputy Administrators.⁹⁰ “[T]he Administrator shall oversee [] overall operations of the Secretariat, which shall include the general supervision and control of all its personnel and resources, and the assumption of full responsibility and accountability thereof.”⁹¹ OWWA operations are performed through its central, regional, and overseas offices.⁹²
- (6) *Benefits and Services*. The OWWA is tasked to “provide gender-responsive reintegration programs, repatriation assistance, loan and credit assistance, on-site workers assistance, death and disability benefits, health care benefits, education and skills training, social services, family welfare assistance, programs and services for women migrant workers[,] and other appropriate programs that provide timely social and economic services.”⁹³ Such benefits and services are applicable to “member-OFWs” of OWWA.⁹⁴

85. *Id.* § 20, para. 1.

86. Department of Migrant Workers Act, § 20.

87. Overseas Workers Welfare Administration Act, § 25.

88. *See id.* § 26.

89. Overseas Workers Welfare Administration Act, § 27.

90. *Id.* § 28.

91. *Id.* § 27.

92. *Id.* § 29.

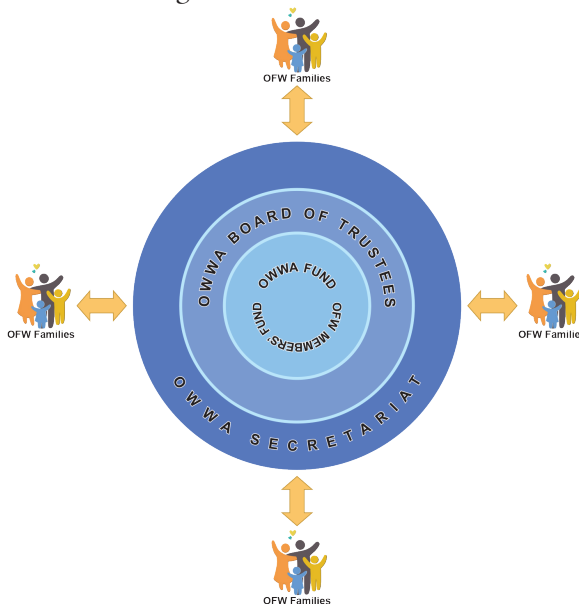
93. Overseas Workers Welfare Administration Act, § 34.

94. There are “active” OWWA members or those who are OFWs within two years from their last OWWA membership contributions; and “non-active” or “inactive” OWWA members, which refer to OFWs who have not paid such membership contributions after two years from their last membership contribution. *See id.* §§ 7 & 9.

C. Triple-Layered Trust Fund Dynamic

The relationship between the OWWA Trust Fund, Board of Trustees, and Secretariat can best be illustrated through a concentric circle model, as shown in Figure 1.⁹⁵ At the core of the model is the Trust Fund, which is the lifeblood of benefits and services for Member-OFWs and their families.⁹⁶ Surrounding the Fund is the Board of Trustees, the highest policy-making and program development body in OWWA, that creates benefits programs and services for Members-OFWs.⁹⁷ From the benefits programs and services carved by the Board, the Secretariat, as the third layer of this dynamic, proceeds to implement and provides benefits and services to Member-OFWs.⁹⁸

Figure 1. OWWA Model⁹⁹



95. Position Paper by Overseas Workers Welfare Administration, *Position Paper on the Creation of the Department for Overseas Filipino Workers*, at 5 (on file with Author). The paper was submitted to the technical working group (TWG) of the House of Representatives on the creation of a new department for OFWs. See Daphne Galvez, *House OKs Creation of TWG on Department of OFWs*, PHIL. DAILY INQ., Sept. 18, 2019, available at <https://newsinfo.inquirer.net/1166133/house-oks-creation-of-twg-on-department-of-ofws> (last accessed Apr. 30, 2022) [<https://perma.cc/7GGS-XGML>].

96. See Overseas Workers Welfare Administration Act, § 37.

97. See *id.* § 20.

98. Overseas Workers Welfare Administration Act, § 26.

99. Overseas Workers Welfare Administration, *supra* note 95.

The two circles representing the Board and Secretariat surround and therefore effectively provide protection to the Fund.¹⁰⁰

III. FRONTLINE CATAPULT: OWWA IN THE TIME OF COVID-19

The pandemic brought forth unprecedented challenges and setbacks upon the delivery of public services.¹⁰¹ The United Nations Department of Economic and Social Affairs observed —

The abrupt and brutal disruption by the COVID-19 pandemic has thrown the public service and public servants into a frenzy, forcing them to not only deal with fighting its spread but trying to manage its accompanying socioeconomic fallout. It has catapulted public servants onto the frontlines in the response to the crisis without any clear roadmap, forcing them to deal with a quickly and ever-changing situation and improvising along the way.¹⁰²

The Diamond Princess case involving Filipino seafarers on board a COVID-19 afflicted ship was just the beginning of a long pandemic road, traversed by the men and women of DOLE-OWWA. After preparing, receiving, and eventually transporting the seafarers home, a series of COVID-19 programs and services were delivered and performed by OWWA frontliners and support-to-frontliners not just for seafarers, but for *all* returning OFWs.¹⁰³

A. Financial Assistance to Diamond Princess Fil-seafarers

All 531 Filipino seafarers on board the COVID-19 afflicted ship Diamond Princess were granted financial assistance by the OWWA Board of Trustees, in the amount of ₱10,000.00 each, as well as provision of transportation fare for domestic travel of the seafarers to their respective hometowns.¹⁰⁴

100. *Id.* at 5-6.

101. John-Mary Kauzya & Elizabeth Niland, *supra* note 1.

102. *Id.*

103. See, e.g., Overseas Workers Welfare Administration, DOLE-OWWA AKAP for OFWs, available at https://owwa.gov.ph/?page_id=4287 (last accessed Apr. 30, 2022) [<https://perma.cc/7XKT-NUG9>].

104. Overseas Workers Welfare Administration, OWWA Board Resolution No. 06, Series of 2020 [OWWA Board Res. 06, s. 2020], whereas cl. para. 4 (Feb. 26, 2020).

B. Financial Assistance to China, Macau, and Hongkong OFWs

Following the 31 January 2020 travel ban to China, Macau, and Hongkong,¹⁰⁵ the OWWA Board of Trustees granted one-time financial assistance of ₱10,000.00 each to OFWs affected by the travel ban.¹⁰⁶

C. Food, Transport, and Hotel Accommodation/Quarantine Assistance to Returning OFWs

The nationwide State of Calamity declared by the President on 8 March 2020,¹⁰⁷ alongside the ECQ as directed by the Executive Secretary effective 16 March 2020,¹⁰⁸ required resilience, effectiveness, and responsiveness of OWWA services to OFWs affected by the pandemic. In particular, strategic thinking and planning to ensure the safety and protection of returning OFWs during the pandemic were in order.

On 14 March 2020, DOLE Secretary Silvestre H. Bello III convened a meeting of DOLE officials to discuss programs and services to be performed during the ECQ which would commence on 16 March 2020.¹⁰⁹ Given the hard lockdown that suspended public transportation and limited the number of flight arrivals, the OWWA set up *Hatid-Sundo* Operations that ran four bus lines,¹¹⁰ which carried departing and returning OFWs to and from NAIA

105. CNN Philippines Staff, *Duterte Orders Travel Ban from China Province Amid Coronavirus Scare*, CNN PHIL., Jan. 31, 2020, available at <https://www.cnnphilippines.com/news/2020/1/31/Philippines-novel-coronavirus-China-travel-ban.html> (last accessed Apr. 30, 2022) [<https://perma.cc/ENG8-AJGP>].

106. Overseas Workers Welfare Administration, *Financial Assistance for Member-OFWs Affected by the Temporary Travel Ban to China and its Special Administrative Regions Due to the 2019 Novel Coronavirus Acute Respiratory Disease*, OWWA Board Resolution No. 02, Series of 2020 [OWWA Board Res. 02, s. 2020] (Feb. 4, 2020).

107. Proc. No. 922, s. 2020, whereas cl. 3.

108. Memorandum from the Executive Secretary, para. 1.

109. Firsthand account of the Author, who was present at the said meeting. *See also* Hilda Austria, *Over 1K Repatriated OFWs Arrive in La Union Since March*, available at <https://www.pna.gov.ph/articles/1110984> (last accessed Apr. 30, 2022) [<https://perma.cc/NGY6-JC9H>].

110. The four bus lines were as follows: (1) From NAIA to Turbina Terminal, Calamba, Laguna; (2) From NAIA to Dau Terminal, Mabalacat, Pampanga; (3) NAIA to Monumento via EDSA; and (4) NAIA to Monumento via Quiapo Boulevard. OWWA Overseas Workers Welfare Administration, *Status Update*,

Terminals 1, 2, and 3. As a result, there were hardly any stories or news reports about OFWs having to walk long distances to and from NAIA, as the DOLE-OWWA *Hatid-Sundo* buses were on-hand to provide immediate transport to and from NAIA.¹¹¹

On 21 March 2020, Secretary Bello III issued Department Order No. 211, entitled, “Prescribing Guidelines Governing the Provision of Hotel Accommodation for Distressed Land[-]based and Sea[-]based Filipino Workers During the Period of Enhanced Community Quarantine or OWWA Project Care.”¹¹² The objective of the Order was to give priority assistance to distressed OFWs,¹¹³ who require immediate repatriation to facilitate medical and psychological care, as well as ensure smooth repatriation of OFW repatriates, especially those in need of assistance upon their arrival in different airports, in collaboration with the Department of Transportation (DOTr), Department of Tourism (DOT), DOH, and the DFA.¹¹⁴

A corresponding OWWA Memorandum of Instruction No. 03¹¹⁵ was issued on 21 March 2020 to complement DOLE Department Order No. 211, Series of 2020,¹¹⁶ and IATF-EID Resolution No. 14, Series of 2020.¹¹⁷

FACEBOOK, Mar. 19, 2020: 11:33 a.m., *available at* https://www.facebook.com/permalink.php?story_fbid=2609157726028843&id=1437563726521588 (last accessed Apr. 30, 2022) [<https://perma.cc/4EFY-X3ZT>].

111. Mayen Jaymalin, *Free Rides for OFWs Continue*, PHIL. STAR, Mar. 24, 2020, *available at* <https://www.philstar.com/nation/2020/03/24/2002968/free-rides-ofws-continue> (last accessed Apr. 30, 2022) [<https://perma.cc/BP7K-TMRH>].

112. Department of Labor and Employment, Prescribing Guidelines Governing the Provisions of the Hotel Accommodation for Distress Landbased and Seabased Filipino Workers During the Period of the Enhanced Community Quarantine or the OWWA Project Care, Department Order No. 211, Series of 2020 [DOLE D.O. No. 211, s. 2020] (Mar. 21, 2020).

113. A distressed OFW is defined as “one who has returned to the Philippines during the [ECQ] and who requires immediate accommodation prior to return to his/her home province of region.” *Id.* n. 1.

114. *Id.* at 1–2.

115. Overseas Workers Welfare Administration, Prescribing Guidelines Governing the Provision of Hotel Accommodation for Distressed and Stranded Landbased and Seabased Filipino Workers During the Period of Enhanced Community Quarantine or the OWWA Project Care, Memorandum of Instruction No. 03, Series of 2020 [OWWA Memo. Instr. No. 03, s. 2020] (Mar. 21, 2020).

116. DOLE D.O. No. 211, s. 2020.

117. IATF-EID Res. No. 14, s. 2020, pt. A.

The prevailing protocol then was for returning OFWs to observe home quarantine upon arrival to their home regions or local government unit (LGU) consistent with the Memorandum of the Executive Secretary on imposition of an ECQ dated 16 March 2020.¹¹⁸

By 12 April 2020, there were 2,616 returning OFWs provided with hotel accommodations upon arrival, while 3,106 returning OFWs were transported to their home regions or LGUs within Luzon.¹¹⁹

1. LGU Acceptance of Returning OFWs

An area of concern at the time was whether returning OFWs transported by OWWA to their home regions would be accepted by their respective LGUs. In this regard, two IATF-EID Resolutions¹²⁰ clearly enjoined LGUs “to allow [] unhampered transit of OFWs who have been issued DOH or LGU certificate of completion of 14-day facility-based quarantine, or those who may be required by the DOH or LGUs to undergo a mandatory 14-day home quarantine[.]”¹²¹ In addition, all LGUs were “enjoined to allow the docking of maritime vessels in their ports, as well as to allow the disembarkation and transit of the aforementioned OFWs to their ultimate destination in the country[.]”¹²²

DOLE-OWWA personnel facilitated the transport of OFWs to and from hotel quarantine facilities in partnership with the Department of Interior and Local Government (DILG) and Local

118. Proclamation No. 929, s. 2020, § 2.

119. Jocelyn Montemayor, DSWD Accounts Relief Assistance for Low-Income Households, *available at* https://malaya.com.ph/news_news/dswd-accounts-relief-assistance-for-low-income-households (last accessed Apr. 30, 2022) [<https://perma.cc/MK89-SGBY>].

120. Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Recommendations Relative to the Management of the Coronavirus Disease 2019 (COVID-19) Situation, Resolution No. 18, Series of 2020 [IATF-EID Res. No. 18, s. 2020] (Apr. 1, 2020) & Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Recommendations Relative to the Management of the Coronavirus Disease 2019 (COVID-19) Situation, Resolution No. 22, Series of 2020 [IATF-EID Res. No. 22, s. 2020] (Apr. 8, 2020).

121. IATF-EID Res. No. 18, s. 2020, pt. F.

122. IATF-EID Res. No. 22, s. 2020, pt. G.

Chief Executives, in the face of apprehension expressed by some local communities.¹²³

2. Mandatory Facility-Based Quarantine of Returning OFWs

On 13 April 2020, upon the enactment of the Bayanihan to Heal as One

Act¹²⁴ and upon extension of the ECQ until 30 April 2020,¹²⁵ the IATF created a Sub-Task Group (STG) for the Repatriation of OFWs under the National Task Force (NTF) Task Group on Response Operations to facilitate and implement the mandatory 14-day facility quarantine requirement of all repatriated OFWs, whether sea-based or land-based.¹²⁶

In addition, a One-Stop Shop consisting of relevant government agencies such as the DOTr and the DOLE-OWWA was established.¹²⁷

Mandatory facility-based quarantine of returning OFWs thoroughly expanded the scope of hotel accommodation services of OFWs provided by OWWA, because from providing hotel accommodation to returning OFWs “who require[]”¹²⁸ or are in need of such accommodation, the OWWA

123. See, e.g., Maricar Cinco, *Batangas Folk Wary of OFWs Quarantined in Hotels, Resorts*, PHIL. DAILY INQ., Apr. 24, 2020, available at <https://newsinfo.inquirer.net/1263792/batangas-folk-wary-of-ofws-quarantined-in-hotels-resorts> (last accessed Apr. 30, 2022) [<https://perma.cc/FZ3N-THLT>].

124. An Act Declaring the Existence of a National Emergency Arising from the Coronavirus Disease 2019 (COVID-19) Situation and a National Policy in Connection Therewith, and Authorizing the President of the Republic of the Philippines for a Limited Period and Subject to Restrictions, to Exercise Powers Necessary and Proper to Carry Out the Declared National Policy and for Other Purposes [Bayanihan to Heal as One Act], Republic Act No. 11469 (2020).

125. Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Recommendations Relative to the Management of the Coronavirus Disease 2019 (COVID-19) Situation, Resolution No. 18, Series of 2020 [IATF-EID Res. No. 23, s. 2020], whereas cl. para. 4 (Apr. 13, 2020).

126. The STG was an inter-agency group with the DOTr as Chair and the OWWA as co-chair, with the Philippine Coast Guard (PCG) and Bureau of Quarantine (BOQ) as members, among others. Eventually, a Task Group on Returning Overseas Filipinos was created with the Department of National Defense (DND) as Chair and Chief Implementer. IATF-EID Res. No. 23, s. 2020, pt. B (2).

127. This One-Stop Shop is headed by the DOTr. *Id.*

128. DOLE D.O. No. 211, s. 2020, n. 1.

would then have to cover all returning OFWs by virtue of IATF-EID Resolution No. 23, Series of 2020.¹²⁹

With regard to mandatory quarantine protocols for returning OFWs, there are at least 65 IATF-EID Resolutions that pertain to varying quarantine periods, requirements, and protocols. Most notably, mandatory facility-based or hotel quarantine periods have ranged from 10–14 days to 5–7 days over the last two years,¹³⁰ until the approval of IATF-EID Resolution No. 159 last 27 January 2022.¹³¹ The said Resolution effectively eliminated mandatory facility-based quarantine (and prescribed self-monitoring for seven days) for OFWs who are fully-vaccinated and have negative polymerase chain reaction (PCR) test results from their host countries.¹³² OFWs who are not fully-vaccinated, however, would have to undergo facility-based quarantine, with PCR testing on the fifth day of quarantine. Upon release of negative PCR test results, the non-fully vaccinated OFW may be transported home to commence home quarantine until the 14th day from arrival.¹³³

129. IATF-EID Res. No. 23, s. 2020, pt. B (2).

130. With the emergence of COVID-19 variants, most notably the Delta variant in December 2020, the IATF-imposed quarantine periods were adjusted time and time again to cope with situations in OFWs' respective countries or territories of origin. Hence, for most of 2021, such countries or territories of origin were placed under "Green," "Yellow," or "Red" classifications. See Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 92, Series of 2021 [IATF-EID Res. No. 92, s. 2021] (Jan. 5, 2021); Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 114, Series of 2021 [IATF-EID Res. No. 114, s. 2021] (May 6, 2021); Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 116, Series of 2021 [IATF-EID Res. No. 116, s. 2021] (May 20, 2021); Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 123-C, Series of 2021 [IATF-EID Res. No. 123-C, s. 2021] (June 28, 2021); Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 128-A, Series of 2021 [IATF-EID Res. No. 128-A, s. 2021] (July 22, 2021); Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 136, Series of 2021 [IATF-EID Res. No. 136, s. 2021] (Sept. 3, 2021); & Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 149-8, Series of 2021 [IATF-EID Res. No. 149-8, s. 2021] (Nov. 18, 2021).

131. Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 159, Series of 2022 [IATF-EID Res. No. 159, s. 2022] (Jan. 27, 2022).

132. *Id.* pt. B (1).

133. *Id.* pt. B (3).

3. Presidential Directive to Bring Home Stranded Returned OFWs

In May 2020, after two weeks of implementation of mandatory facility-based quarantine under IATF-EID Resolution No. 23, around 24,000 returned OFWs were stranded in Metro Manila — with around 1,500 cruise ship OFW seafarers onboard 29 cruise ships docked or anchored in Manila Bay.¹³⁴ They had all completed the 14-day quarantine period and tested negative in the initial round of mass PCR-testing for COVID-19 under the auspices of the DOH, the Philippine Coast Guard (PCG), and the Philippine Red Cross (PRC).¹³⁵

The President then directed the DOLE-OWWA and the DOH to send home all 24,000 OFWs within one week, from 25 May 2020 to 31 May 2020.¹³⁶ The Presidential directive included a reminder by the President for LGUs to welcome returning overseas Filipino workers amid the COVID-19 crisis in the country.¹³⁷

The President's directive triggered massive efforts to transport returned OFWs by land and by air to their respective home regions or LGUs.¹³⁸ The DOLE-OWWA was tasked to charter flights and buses and assist transported OFWs, in partnership with the DOH-Bureau of Quarantine (BOQ), the DOTr, the Civil Aeronautics Authority of the Philippines (CAAP), PCG, Land Transportation Franchising and Regulatory Board (LTFRB), Manila International Airport Authority (MIAA), Philippine Ports Authority (PPA), and the Maritime Industry Authority (MARINA).¹³⁹

134. Julie M. Aurelio, *Duterte: Send 24,000 OFWs Home Already*, PHIL. DAILY INQ., May 26, 2020, available at <https://newsinfo.inquirer.net/1280814/duterte-send-24000-ofws-home-already> (last accessed Apr. 30, 2022) [<https://perma.cc/8GVR-VCWU>].

135. *Id.*

136. *Id.*

137. CNN Philippines Staff, *Duterte Reiterates Order for LGUs to Welcome OFWs*, CNN PHIL., May 26, 2020, available at <https://www.cnnphilippines.com/news/2020/5/26/duterte-reiterates-order-lgus-welcome-returning-ofws.html> (last accessed Apr. 30, 2022) [<https://perma.cc/L6M3-PYFD>].

138. Ferdinand Patinio, *Repatriated OFWs Due to Pandemic Top 800K: OWWA*, available at <https://www.pna.gov.ph/articles/1161016> (last accessed Apr. 30, 2022) [<https://perma.cc/WVU3-PDKB>].

139. *Id.*

Currently, the DOLE-OWWA and its government partners have transported 1,030,344 returning OFWs to their respective home regions or LGUs.¹⁴⁰

D. Food/Hygiene Assistance

Pursuant to its mandate “to provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families,”¹⁴¹ the OWWA provided food and hygiene assistance in at least three fronts:

- (1) OFWs in host countries who could not leave their places of residence during hard lockdowns. In this regard, 186,558 OFWs in host countries with food and hygiene needs were assisted and provided with food or hygiene packs by DOLE-OWWA personnel;¹⁴²
- (2) OFW seafarers stranded in boarding houses in Manila and who were waiting for the proper time to fly out and board their ships. Such stranded seafarers received food deliveries under the so-called OWWA *Tulong Marino* Program.

7,340 seafarers who were stranded in Metro Manila at the height of ECQ, Modified ECQ, and General CQ benefited from the *Tulong Marino* Program;¹⁴³ and

140. Ferdinand Patinio, Over 1M Pandemic-Hit OFWs Assisted by OWWA, *available at* <https://www.pna.gov.ph/articles/1178547> (last accessed Apr. 30, 2022) [<https://perma.cc/LYP7-L799>]. *See also* Accomplishment Report by Overseas Workers Welfare Administration (on file with Author) (data as of June 26, 2022) [hereinafter Accomplishment Report].

141. Overseas Workers Welfare Administration Act, § 6 (d).

142. Overseas Workers Welfare Administration, *COVID 19 Related Assistance Provided by Post (For CY 2020-2022)* (Mar. 31, 2022) (on file with Author) (107,044 beneficiaries for the food packs, and 79,514 beneficiaries for the hygiene kits/medicine as of 31 March 2022) [hereinafter Assistance Provided by Post].

143. The ECQ, MECQ, and GCQ classifications were instituted through IATF-EID Resolution Nos. 17 (30 March 2020) and 28 (23 April 2020), as well as Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines (5 May 2020), and Executive Order No. 112 issued on 30 April 2020. *See* Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 17, Series of 2020 [IATF-EID Res. No. 17, s. 2020], whereas cl.

- (3) Returned OFWs as they arrived in Philippine international airports of entry and waited for their OWWA-chartered flights to home regions in Philippine domestic airports.¹⁴⁴

E. Monitoring OFWs Under Quarantine

The basic protocol is that the OWWA sponsors and supervises “mandatory” hotel quarantine facilities that houses returning OFWs, and thereafter transports OFWs who test negative in the PCR test for COVID-19.¹⁴⁵ If the OFW with a negative PCR test result is from Luzon, she or he will be transported to the Parañaque Integrated Terminal Exchange to board an OWWA-chartered bus and if the OFW is from Visayas or Mindanao, he or she will be transported to NAIA to board an OWWA-chartered flight.¹⁴⁶

Once the OFW tests positive in the PCR test, the afflicted OFW will be turned over to the BOQ for isolation in an OWWA- or government-sponsored facility.¹⁴⁷

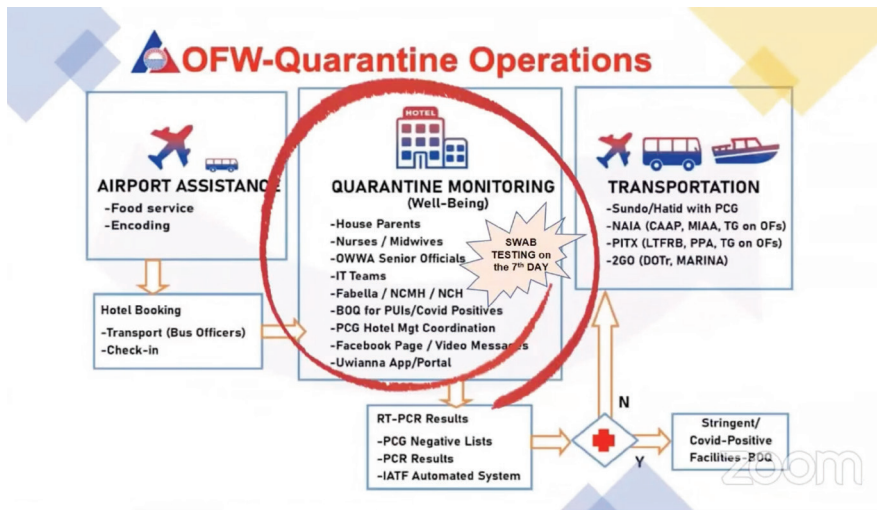
5 (Mar. 30, 2020); Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 28, Series of 2020 [IATF-EID Res. No. 28, s. 2020], pts. A & C (Apr. 23, 2020); Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines (May 5, 2020), § 1 (1), (3), & (5); Office of the President, Imposing an Enhanced Community Quarantine in High-Risk Geographic Areas of the Philippines and a General Community Quarantine in the Rest of the Country from 01 to 15 May 2020, Adopting the Omnibus Guidelines on the Implementation Thereof, and for Other Purposes, Executive Order No. 112, Series of 2020 [E.O. No. 112, s. 2020], § 1 (Apr. 30, 2020); & Accomplishment Report, *supra* note 140, at 5.

144. *See id.* at 2.

145. MJ Blancaflor, OWWA Seeks ₱10-B ‘Quarantine Budget’, *available at* <https://tribune.net.ph/index.php/2021/04/23/owwa-seeks-p10-b-quarantine-budget> (last accessed Apr. 30, 2022) [<https://perma.cc/3B2K-ZVU8>].

146. Manny Balbin, 151 OFWs Sent Home After Recovering from COVID-19, *available at* <https://www.pna.gov.ph/articles/1106514> (last accessed Apr. 30, 2022) [<https://perma.cc/6ZXR-8XAJ>].

147. Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 144-A, Series of 2021 [IATF-EID Res. No. 144-A, s. 2021], pt. II (C) (Oct. 14, 2021).

Figure 2 illustrates the process flow of OWWA Quarantine Operations:¹⁴⁸

The following are the distinct elements of adequate and efficient monitoring of OFWs under mandatory COVID-19 quarantine:

- (1) *Houseparents*. Monitoring of OFWs under quarantine begins and ends with “houseparenting.”¹⁴⁹ Simply put, an efficient OWWA houseparent literally stays in the hotel premises on a 24/7 basis to monitor the well-being of OFWs during quarantine. She or he is responsible for knowing the number and profiles of OFWs under his or her watch, and receives them during hotel check-in procedures; briefs them together with the PCG (handling security) and the BOQ (handling medical concerns); remains on-call through online group chats or telecommunications for queries or information dissemination; runs immediate errands for OFWs requiring urgent purchases, such as medication; reports any security or medical concerns to the PCG or BOQ, as the case

148. Department of Health (Philippines), Video, FACEBOOK, June 30, 2021, available at <https://www.facebook.com/OfficialDOHgov/videos/238337614496219> (last accessed Apr. 30, 2022) [<https://perma.cc/VDS9-76Q9>] (the Author’s discussion begins at 1:09.25).

149. Jane Bautista, *OWWA to Distressed OFWs: We’re Here to Listen to You*, PHIL. DAILY INQ., Jan. 17, 2022, available at <https://newsinfo.inquirer.net/1541238/owwa-to-distressed-ofws-were-here-to-listen-to-you> (last accessed Apr. 30, 2022) [<https://perma.cc/KLK7-SQ9S>].

may be; and to perform other tasks in line with ensuring the safety and well-being of OFWs under quarantine.¹⁵⁰

Over 300 hotel houseparents were appointed as emergency hires during this pandemic.¹⁵¹

OWWA hotel houseparents are equipped with electronic tablets to enter their activities in a database managed at the OWWA Central Office in Pasay City.¹⁵²

- (2) *Nurses and Midwives.* Hand-in-glove with government medical frontliners is the team of around 25 OWWA roving nurses and midwives who monitor OFWs in hotel quarantine facilities.¹⁵³ These nurses and midwives work round-the-clock and visit hotel quarantine facilities on a routine, referral, or complaints basis. In the case of midwives, pregnant OFWs are assured of monitoring and basic medical advice prior to possible referral to pre-natal physicians or institutions, such as the Dr. Jose Fabella Memorial Hospital, the national maternity hospital run by the DOH.¹⁵⁴

OWWA nurses and midwives are similarly equipped with electronic tablets to enter their activities in a database managed at the OWWA Central Office in Pasay City.¹⁵⁵

- (3) *Inspections by OWWA Central Office.* Senior OWWA officials, as well as information technology (IT) teams with the OWWA Management Information Systems Division, all based at the OWWA Central Office in Pasay City, conduct occasional visits to monitor OFW safety and well-being during quarantine.¹⁵⁶
- (4) *Government Medical Institutions.* The OWWA has partnered with government hospitals through the DOH to provide medical services to OFWs under quarantine, to wit: (a) For pregnant OFWs — Dr. Jose Fabella Memorial Hospital; (b) For mental

150. Based on Author's firsthand accounts. The same was also reported in a Department of Health Town Hall Meeting for OFWs. Department of Health (Philippines), *supra* note 148.

151. *Id.*

152. *Id.*

153. Bautista, *supra* note 149.

154. Department of Health (Philippines), *supra* note 148.

155. *Id.*

156. *Id.*

health concerns — National Center for Mental Health (NCMH); and (c) For post-natal care and pediatric care of OFW children — National Children's Hospital.¹⁵⁷

- (5) *BOQ and PCG.* More than any other pair of national government agencies, it is the DOH-BOQ and DOTr-PCG who have joined the OWWA in the frontlines of OFW protection against COVID-19. The BOQ handles medical issues and concerns, while the PCG handles security detail and concerns in hotel quarantine facilities.¹⁵⁸
- (6) *Lines of Communication.* Table 3 shows three main channels of communication for OFWs under quarantine to send their feedback regarding their status or requests: the OWWA 1348 National Hotline (Figure 3-A), the OWWA *Uwian Na* Mobile Phone Application (Figure 3-B), and the OWWA Quarantine Operations Facebook Page (Figure 3-C).¹⁵⁹

Figure 3-A. The OWWA 1348 National Hotline



157. *Id.*

158. *Id.*

159. *Id.*

Figure 3-B. The OWWA *Uwian Na* Mobile Phone Application



Figure 3-C. the OWWA Quarantine Operations Facebook Page



F. Social Amelioration

As early as 17 March 2020, the IATF formed a Technical Working Group (TWG) composed of the DSWD as Chair, with the DBM, DOF, DOLE, and the Office of the President as members, for the purpose of “operationalizing the social amelioration program of government[.]”¹⁶⁰ From this TWG, proposals were made before Congress, which eventually led to the inclusion of such social amelioration programs in the *Bayanihan 1* and *Bayanihan 2* laws.¹⁶¹

Specifically, both *Bayanihan* laws funded the so-called, DOLE-AKAP or *Abot Kamay ang Pagtulong sa OFWs Program* as recommended by Secretary Bello III, which is a one-time cash grant of ₱10,000.00 to OFWs who were displaced during the pandemic.¹⁶² The OWWA Regional Welfare Offices served as the evaluating arm of AKAP applications with pay-outs to be administered by the DOLE Regional Offices.¹⁶³ For OFWs still overseas, the DOLE-Philippine Labor Offices (POLOs) with OWWA Welfare Officers shall evaluate and provide payment to the beneficiaries.¹⁶⁴

160. IATF-EID Res. No. 13, s. 2020, pt. A (8).

161. *Bayanihan to Heal as One Act, § 3 & An Act Providing for COVID-19 Response and Recovery Interventions and Providing Mechanisms to Accelerate the Recovery and Bolster the Resiliency of the Philippine Economy, Providing Funds Therefore, and for Other Purposes [Bayanihan to Recover As One Act]*, Republic Act No. 11494, § 4 (f) (1) (2020).

162. Overseas Workers Welfare Administration, *Advisory on DOLE-AKAP Cash Assistance*, available at <https://web.owwa.gov.ph/index.php/news/central/96-advisory-on-dole-akap-cash-assistance> (last accessed Apr. 30, 2022) [<https://perma.cc/V2K9-SYGU>].

163. *Id.* The role of OWWA in the DOLE-AKAP Program was embodied in internal guidelines of the OWWA. Overseas Workers Welfare Administration, *Prescribing Internal Guidelines in the Implementation of DOLE Department Order No. 212, Series of 2020 (Prescribing Guidelines on the Provision of Financial Assistance for Displaced Landbased and Seabased Filipino Workers Due to the New Coronavirus Disease)*, Memorandum of Instruction No. 04, Series of 2020 [OWWA Memo. Instr. No. 04, s. 2020], at 4 (Apr. 13, 2020).

164. *See id.* & Department of Labor and Employment, *Guidelines on the Implementation of DOLE AKAP Under R.A. 11494 Otherwise Known as the “Bayanihan to Recover As One Act”*, Department Order No. 220, Series of 2020 [DOLE D.O. No. 220, s. 2020], §§ 4-5 (Nov. 27, 2020).

Upon funding provided by *Bayanihan* 1 and 2 laws, the DOLE-AKAP Program yielded 540,000 paid beneficiaries, in the amount of ₱5.25 billion.¹⁶⁵

G. Death and Disability Benefits

The OWWA Act of 2016 provides for death and disability benefits for Member-OFWs, in the amount of ₱100,000.00 for natural deaths, and ₱200,000.00 for deaths due to accidental causes.¹⁶⁶ There is also a burial benefit in the amount of ₱20,000.00.¹⁶⁷ There shall also be disability and dismemberment benefit within the range of ₱2,000.00 to ₱100,000.00 depending on the gravity of disability or dismemberment.¹⁶⁸

About 5,555 OFW families have benefited from this program during the pandemic.¹⁶⁹

H. COVID-19 Financial Assistance

In line with the Welfare Assistance Program for Member-OFWs, the OWWA provides a cash benefit of ₱10,000.00 for Member-OFWs afflicted with COVID-19.¹⁷⁰

As of March 2022, 22,082 COVID-19 afflicted OFWs have benefited from this Program.¹⁷¹

165. House of Representatives of the Philippines, Video, FACEBOOK, Jan. 27, 2022, available at <https://www.facebook.com/HouseofRepsPH/videos/329953262345128> (last accessed Apr. 30, 2022) [<https://perma.cc/TJ4B-RPPV>] (The hearing was done last 26 January 2022, and the discussion on the beneficiaries begins at 41:22.).

166. Overseas Workers Welfare Administration Act, § 35 (e) (1) (i).

167. *Id.* § 35 (e) (1) (iv).

168. *Id.* § 35 (e) (1) (ii)-(iii).

169. Physical Performance Report by Overseas Workers Welfare Administration (on file with Author) [hereinafter OWWA Physical Performance Report] (A total of 5,555 OFW families have benefitted from the program for 2020-2021 as of writing. It increased to a total of 6,360 families as of April 2022.).

170. Overseas Workers Welfare Administration, Guidelines in the Implementation of the Welfare Assistance Program (WAP) for OFW-Members Affected by Natural Calamities/Disasters, Victims of Crimes and Accidents, and Other Fortuitous Events, Memorandum of Instruction No. 08, Series of 2017 [OWWA Memo. Instr. No. 08, s. 2017] (May 8, 2017) & Overseas Workers Welfare Administration, *supra* note 162.

171. Assistance Provided by Post, *supra* note 142 (the data is as of 31 March 2022).

I. Mass Repatriation of Human Remains

In June 2020, at the height of hard lockdowns in provinces all over Saudi Arabia, it became difficult to arrange for the repatriation of remains of deceased OFWs.¹⁷² Many OFW families cried for support from the Philippine government, so as to facilitate the repatriation of their loved ones' human remains.¹⁷³ As a result, the IATF approved the recommendation of the DOLE and DFA to undertake mass repatriation of human remains¹⁷⁴ — the first-ever in Philippine history.¹⁷⁵

By August 2020, the fifth and final chartered flight carrying human remains of deceased OFWs from Saudi Arabia was undertaken, bringing the total number of mass-repatriated human remains to 300.¹⁷⁶

The DOLE-OWWA facilitated the transport of human remains, mostly in cremated form, to OFW families throughout the entire country.¹⁷⁷

J. School Assistance

Among the foremost OWWA Social Benefit Programs under the OWWA Act of 2016¹⁷⁸ that are further outlined under the Implementing Rules and

172. See Gabriel Pabico Lalu, *Palace: Remains of 50 OFWs Who Died From COVID-19 in Saudi Arabia Will Not Be Brought Home*, PHIL. DAILY INQ., June 21, 2020, available at <https://globalnation.inquirer.net/188720/palace-remains-of-50-ofws-who-died-from-covid-19-in-saudi-arabia-will-not-be-brought-home> (last accessed Apr. 30, 2022) [<https://perma.cc/87D3-7ZTD>].

173. *Id.*

174. Inter-Agency Task Force for the Management of Emerging Infectious Diseases, Resolution No. 49, Series of 2020 [IATF-EID Res. No. 49, s. 2020] (June 25, 2020). See also Accomplishment Report, *supra* note 140, at 4.

175. Ruth Abbey Gita-Carlos & Ferdinand Patinio, IATF Okays Repatriation of Remains of OFWs Who Died of COVID-19, available at <https://www.pna.gov.ph/articles/1107180> (last accessed Apr. 30, 2022) [<https://perma.cc/M6PJ-RQYV>].

176. Ferdinand Patinio, 5th Batch of Saudi OFWs' Remains to Arrive Sept. 27: OWWA, available at <https://www.pna.gov.ph/articles/1116628> (last accessed Apr. 30, 2022) [<https://perma.cc/3ZZQ-R9LF>].

177. See Department of Labor and Employment, Dead OFWs Deserve All Honors – Bello, available at <https://www.dole.gov.ph/news/dead-ofws-deserve-all-honors-bello> (last accessed Apr. 30, 2022) [<https://perma.cc/ZT2W-ULS8>].

178. Overseas Workers Welfare Act, § 35 (e) (3).

Regulations of Republic Act No. 10801¹⁷⁹ pertain to scholarships or cash assistance to collegiate or vocational/technical level dependents of Member-OFWs, to wit:

- (1) *Education for Development Scholarship Program (EDSP)*. The EDSP is a competitive scholarship grant offered to a qualified dependent of an active Member-OFW who shall enroll in any four-year or five-year baccalaureate course.¹⁸⁰ There is an average grade point average requirement, and an examination administered by the Department of Science and Technology (DOST).¹⁸¹

11,104 OFW-dependents have benefited from this Program throughout this pandemic.¹⁸²

- (2) *OFW-Dependents Scholarship Program (ODSP)*. The ODSP is a scholarship program that offers financial assistance to a qualified dependent of an active Member-OFW for enrolment in a four-year or five-year baccalaureate or any associate course.¹⁸³ There is no grade requirement nor a national examination to hurdle, though the OFW must earn a maximum salary of U.S. \$600.00 per month.¹⁸⁴ Collegiate-level dependents of OFW domestic workers are the usual beneficiaries of the ODSP.¹⁸⁵

22,704 OFW-dependents have benefited from this Program throughout this pandemic.¹⁸⁶

179. OWWA Act Implementing Rules and Regulations, §§ 23 (5) (b) & (d).

180. Overseas Workers Welfare Administration, Scholarships for Dependents, *available at* https://owwa.gov.ph/?page_id=3622 (last accessed Apr. 30, 2022) [<https://perma.cc/AAB3-SLWD>] [hereinafter Overseas Workers Welfare Administration: Scholarships for Dependents].

181. *Id.*

182. OWWA Physical Performance Report, *supra* note 169 (data available as of April 2022).

183. Overseas Workers Welfare Administration: Scholarships for Dependents, *supra* note 180.

184. *Id.*

185. *Id.*

186. OWWA Physical Performance Report, *supra* note 169 (data available as of April 2022).

- (3) *Skills-for-Employment Scholarship Program (SESP)*. The SESP provides financial assistance to active Member-OFWs or their qualified dependents for Technical-Vocational training programs/courses in institutions accredited by the Technical Education and Skills Development Authority (TESDA), MARINA, DOST, Commission on Higher Education (CHED), or other government institutions.¹⁸⁷

4,498 OFW-dependents have benefited from this program during the pandemic.¹⁸⁸

- (4) *Education and Livelihood Assistance Program (ELAP)*. Under the ELAP, dependents of deceased active Member-OFWs are provided annual school assistance throughout their grade school (₱5,000), high school (₱8,000), and college (₱10,000) studies.¹⁸⁹

20,916 OFW-dependents have benefited from this program during the pandemic.¹⁹⁰

- (5) *Project EASE and Tabang OFW*. To strengthen cash assistance to college-level dependents during the time of COVID-19, on 4 June 2020, the OWWA Board of Trustees approved a project providing “Educational Assistance For School Emergencies” or the EASE Project.¹⁹¹ A cash grant worth ₱10,000.00 per annum for four years was provided to one qualified dependent of an active Member-OFW who was affected/stranded/repatriated due from 1 February 2020 up to the time when the COVID-19

187. Overseas Workers Welfare Administration, Short-Term Training Programs for OFWs & Dependents, available at https://owwa.gov.ph/?page_id=3608 (last accessed Apr. 30, 2022) [<https://perma.cc/AAB3-SLWD>].

188. OWWA Physical Performance Report, *supra* note 169 (data available as of April 2022).

189. Overseas Workers Welfare Administration: Scholarships for Dependents, *supra* note 180.

190. OWWA Physical Performance Report, *supra* note 169 (data available as of April 2022).

191. Overseas Workers Welfare Administration, Educational Assistance by Scholarship in Emergencies (Project EASE), available at https://owwa.gov.ph/?page_id=4344 (last accessed Apr. 30, 2022) [<https://perma.cc/DA7V-XGJ9>] [hereinafter Overseas Workers Welfare Administration, Educational Assistance by Scholarship in Emergencies].

pandemic is declared by competent authority to have been contained.¹⁹²

14,969 OFW-dependents have benefited from this Program throughout this pandemic.¹⁹³

Two months after the EASE Project was launched, President Duterte ordered the DOLE and CHED to provide assistance to college dependents of OFWs affected by COVID-19.¹⁹⁴ Hence, the DOLE and CHED issued a Joint Memorandum Circular that approved a ₱30,000 education subsidy for collegiate-level dependent of OFWs affected by the pandemic, under the *Tabang* OFW Program to be sourced from CHED funds.¹⁹⁵ The OWWA was tasked to “[a]ccept and evaluate applications [for ‘*Tabang* OFW,’] and endorse the list of approved beneficiaries to DOLE Regional Offices[.]”¹⁹⁶

About 23,292 OFW dependents have benefited from this program throughout this pandemic.¹⁹⁷

192. Overseas Workers Welfare Administration, Approving the “Educational Assistance for School Emergencies” (EASE) Project for OFWs Affected by the COVID-19 Pandemic, Board Resolution No. 10, Series of 2020 [OWWA Board Res. 10, s. 2020] (June 4, 2020).

193. OWWA Physical Performance Report, *supra* note 169 (data available as of April 2022).

194. Darryl John Esguerra, *Duterte to CHED: Provide Scholarships to Qualified Dependents of Displaced OFWs*, PHIL. DAILY INQ., July 27, 2020, available at <https://newsinfo.inquirer.net/1312749/fwd-duterte-to-ched-provide-scholarship-to-qualified-dependents-of-displaced-ofws> (last accessed Apr. 30, 2022) [<https://perma.cc/6WV2-AFV3>].

195. Commission on Higher Education & Department of Labor and Employment, Guidelines on the Implementation of the TABANG OFW — Tertiary Education Subsidy for Dependents of Repatriated Overseas Filipino Workers (Tabang-OFW) Program for Academic Year 2020-2021, Joint Memorandum Circular No. 03, Series of 2020 [CHED-DOLE Joint Memo. Circ. No. 3, s. 2020], ¶ 4 (Aug. 28, 2020).

196. Department of Labor and Employment, Internal Guidelines for the Implementation of the Tabang-OFW Program, Administrative Order No. 207, Series of 2020 [DOLE A.O. No. 207, s. 2020], pt. II (A) (4) (Oct. 19, 2020).

197. OWWA Physical Performance Report, *supra* note 169 (data available as of April 2022).

K. Livelihood Assistance

There are essentially two OWWA livelihood programs in play during the pandemic —

- (1) *Balik Pinas! Balik Hanapbuhay! Program (BPBH)*. The BPBH is a livelihood program for returning distressed OFWs.¹⁹⁸ Initially, there was a package of non-cash assistance or livelihood kits worth ₱10,000.00 that was increased to a cash grant worth ₱20,000.00 for active Member-OFWs and ₱5,000.00 or ₱10,000.00 for inactive Member-OFWs depending on the number of contributions.¹⁹⁹

About 37,111 distressed OFWs have benefited from this Program throughout this pandemic.²⁰⁰

- (2) *Tulong Puso Program (TPP)*. The TPP is a group livelihood program for OFW groups affected by the COVID-19 pandemic.²⁰¹ OFW groups organized themselves into either workers' associations registered with the DOLE, corporations registered with the Securities and Exchange Commission (SEC), or cooperatives registered with the Cooperative Development Authority (CDA).²⁰² The one-time cash livelihood grant ranges

198. Overseas Workers Welfare Administration, Establishing the OWWA “Balik-Pinas, Balik-Hanapbuhay” Program and Providing Funds Therefor, Resolution No. 09, Series of 2013 [OWWA Board Res. No. 09, s. 2013], at 1 (Sept. 4, 2013) & Overseas Workers Welfare Association, Balik Pinas! Balik Hanapbuhay! Program, *available at* https://owwa.gov.ph/?page_id=3706 (last accessed Apr. 30, 2022) [<https://perma.cc/6WV2-AFV3>].

199. Overseas Workers Welfare Administration, Implementing Guidelines on the OWWA “Balik Pinas! Balik Hanapbuhay!” Program, Memorandum of Instruction No. 07, Series of 2013 [OWWA Memo. Instr. No. 07, s. 2013] (Nov. 13, 2013).

200. OWWA Physical Performance Report, *supra* note 169 (data available as of April 2022).

201. Overseas Workers Welfare Administration, Adopting the “Tulong Pangkabuhayan sa Pag-Unlad ng Samahang OFWs” (Tulong Puso) Program for OFW Groups/OFCs Affected by the COVID-19 Pandemic and Providing Funds Therefor, Resolution No. 12, Series of 2020 [OWWA Res. No. 12, s. 2020], *whereas cl. para. 3* (July 30, 2020).

202. Overseas Workers Welfare Administration, Tulong Pangkabuhayan sa Pag-unlad ng Samahang OFWs (Tulong - PUSO), *available at*

from ₱150,000.00 to ₱1,000,000.00, depending on the size of the business endeavor.²⁰³

268 OFW groups with 40 members each on average have been provided with financial grants under this Program.²⁰⁴

L. Calamity Assistance

COVID-19 has not been the only calamity confronted by OFWs and their families. In the midst of this pandemic, natural calamities such as the Taal Volcano eruption²⁰⁵ and the spate of typhoons at the end of 2020²⁰⁶ triggered the release of calamity assistance to OFW families.²⁰⁷ The cash benefit amounts to ₱3,000.00 per OFW family.²⁰⁸

86,878 OFW families have benefited from this calamity assistance benefit since 2020.²⁰⁹

https://owwa.gov.ph/?page_id=4253 (last accessed Apr. 30, 2022) [<https://perma.cc/D4TF-R2JY>].

203. *Id.*

204. Overseas Workers Welfare Administration, *Tulong Pangkabuhayan Para sa Pag-Unlad ng Samahan ng OFWs* (on file with Author) (CY 2021 and January-June 2022 data show 181 and 87 OFW groups were approved under this program, respectively.).

205. Helen Regan, *Taal Volcano Eruption Poses Deadly Dilemma for People Living in Its Shadow*, CNN, Jan. 19, 2020, available at <https://edition.cnn.com/2020/01/17/asia/taal-volcano-philippines-fatal-attraction-intl-hnk/index.html> (last accessed Apr. 30, 2022) [<https://perma.cc/8VC6-FEXK>].

206. BBC News, *Typhoon Vamco: Dozens Dead as Philippines Hit by Powerful Storm*, BBC NEWS, Nov. 13, 2020, available at <https://www.bbc.com/news/world-asia-54934373> (last accessed Apr. 30, 2022) [<https://perma.cc/2SEA-FQXA>].

207. Overseas Workers Welfare Administration, *OWWA RWO IV-A Releases Calamity Assistance for OFWs Affected by Taal Volcano Eruption*, available at <https://web.owwa.gov.ph/index.php/news/regional/82-owwa-rwo-iv-a-releases-calamity-assistance-for-ofws-affected-by-taal-volcano-eruption> (last accessed Apr. 30, 2022) [<https://perma.cc/EE3R-7C8N>].

208. *Id.* & Memo. Instr. No. 08, s. 2017, at 1.

209. Overseas Workers Welfare Administration Regional Welfare Offices, *WAP Calamity Actual Released* (June 2022) (on file with Author).

M. Support-to-Frontliners: Human, Financial, and Information Technology Resources

Clearly, the efforts to provide emergency and pandemic support in the time of COVID-19 have been unprecedented. Consequently, the resources shored up to bolster OWWA pandemic responses have been crucial.

- (1) *Human Resources.* At the height of pandemic efforts in September 2021, OWWA personnel stood at 2,042, with 28% being emergency-hired personnel, or personnel hired for purposes of intensified OFW services.²¹⁰
- (2) *Financial Resources.* Total OWWA expenses for the pandemic efforts at the end of March 2022 amounted to ₱31.103 billion, with 94% of funds coming from the General Appropriations Acts of 2020–2022 and *Bayanihan* laws 1 and 2,²¹¹ as authorized by the Office of the President through the DBM, and channeled through the Emergency Repatriation Fund.²¹² Around 90% of expenses are devoted to food, transport, and hotel quarantine accommodations of returning OFWs.
- (3) *Information Technology.* The OWWA MISD (Management Information Systems Division) developed robust IT support for the OWWA pandemic effort. The first is the creation of the OWWA *Uwian Na* Application and Database, that provides information on returned OFWs who have been fed, quarantined, and transported under OWWA auspices.²¹³ The system also includes medical reports and feedback from OFWs concerning their conditions during quarantine. In addition, there are features that monitor financial concerns, such as payments to food,

210. FY2022 Proposed Budget Quick Stats *by* Overseas Workers Welfare Administration, *OWWA Personnel Complement as of September 30, 2021* (on file with Author) (Out of 2,042 workers as of 30 September 2021, 579 or 28.35% are emergency-hired.).

211. Expense Report *by* Overseas Workers Welfare Administration, *COVID-19 Utilization of Funds* (March 2020 to March 31, 2022) (on file with Author).

212. See generally OWWA Member, How to Claim OWWA Repatriation Assistance Program, available at <https://owwamember.com/repatriation-assistance> (last accessed Apr. 30, 2022) [<https://perma.cc/FR9L-T7L2>].

213. Philippine Overseas Labor Office & Overseas Workers Welfare Administration, OWWA *Uwian Na* Portal and Mobile App Registration, available at <https://polo-owwa.com/owwa-uwian-na> (last accessed Apr. 30, 2022) [<https://perma.cc/J24H-D7QT>].

transport, and quarantine providers, as well as monitor cash disbursements and utilization.²¹⁴

Social benefit programs during the pandemic such as DOLE-AKAP, *Tabang OFW*,²¹⁵ and *Tulong Puso*²¹⁶ are also backed by IT support. There are electronic application, evaluation, and payment systems that facilitate release of claims to program beneficiaries.²¹⁷ Needless to say, there are auditing and security safeguards to address possible anomalous elements who attempt to infiltrate such systems.²¹⁸

In August 2020, Microsoft honored the OWWA with its Community Service Award for developing electronic application and approval system that facilitated the DOLE-AKAP financial assistance program for OFWs displaced during the hard pandemic lockdowns.²¹⁹

To facilitate the orderly repatriation of OFWs, DOLE Secretary Bello III issued Labor Advisory No. 5 in March 2021, announcing the activation of the OFW Assistance Information System or OASIS,²²⁰ which is a tracking system for all overseas Filipino workers who intend to return to the country during

214. Philippine Overseas Labor Office & Overseas Workers Welfare Administration, OWWA Mobile App Registration Guide, *available at* <https://polo-owwa.com/owwa-mobile-app> (last accessed Apr. 30, 2022) [<https://perma.cc/5N6Y-L7RM>].

215. Overseas Workers Welfare Administration, Educational Assistance by Scholarship in Emergencies, *supra* note 191.

216. OWWA Res. No. 12, s. 2020.

217. *Id.* at 1.

218. *See id.*

219. Microsoft Philippines Communications Team, OWWA Partners with NTT DATA Philippines to Launch DOLE-AKAP, Provides Financial Assistance to OFWs, *available at* <https://news.microsoft.com/en-ph/2020/08/06/owwa-partners-with-ntt-data-philippines-to-launch-dole-akap-provides-financial-assistance-to-ofws> (last accessed Apr. 30, 2022) [<https://perma.cc/N4A5-GJFR>]. *See also* Microsoft, Video, *Microsoft Inspire 2020: Partner of the Year Awards*, YOUTUBE, July 24, 2020, *available at* <https://www.youtube.com/watch?v=fLXPgezaY1c> (last accessed Apr. 30, 2022) (Microsoft awarding the Community Response Award to OWWA and NTT Philippines begins at 6:06).

220. Department of Labor and Employment, Labor Advisory No. 05, Series of 2021 [DOLE Labor Advisory No. 5, s. 2021], para. 1 (Mar. 29, 2021).

the COVID-19 pandemic.²²¹ The system complemented OFW registration and monitoring IT systems developed by the IATF, DOTr, DOH, and the PRC.²²²

IV. CONCLUSION: BEST PRACTICES

The men and women of OWWA have thus served around 1.7 million OFWs and OFW families during this pandemic.²²³

Given the abovementioned efforts to secure the welfare and protection OFWs during this pandemic, the following best practices should be carefully upheld and may be further strengthened to enhance OWWA's mandate to "provide prompt and appropriate response to global emergencies or crisis situations affecting OFWs and their families[:]"²²⁴

- (1) *Institutionalized Inter-Agency Crisis Management.* Without a doubt, the "whole of government approach"²²⁵ mandated by the President and exemplified by the IATF and the Government One Stop Shop at NAIA and other ports of entry is the kind of collaborative effort that builds and enhances government credibility and the peoples' trust during this pandemic. In particular, the combined and complementary efforts of health, transport, security, tourism, diplomatic, and labor administrations boosted services for OFWs and their families.
- (2) *Facilitated Mobilization of Resources.* All key resources necessary to unlock challenges and difficulties during crises situations — financial, human, and information technology — were fortunately primed to be tapped at the onset of this pandemic. For instance, the necessary support to frontline OWWA personnel,

221. Department of Labor and Employment, Tracking System for Returning OFWs, available at <https://www.dole.gov.ph/news/tracking-system-on-for-returning-ofws> (last accessed Apr. 30, 2022) [<https://perma.cc/4W4S-2USS>].

222. Philippine Overseas Labor Office & Overseas Workers Welfare Administration, *supra* note 214.

223. Cathrine Gonzales, *1.7M Filipinos Have Been Repatriated Amid Pandemic — OWWA*, PHIL. DAILY INQ., Mar. 18, 2022, available at <https://globalnation.inquirer.net/203101/1-7m-filipinos-have-been-repatriated-amid-pandemic-owwa> (last accessed Apr. 30, 2022) [<https://perma.cc/RL97-CB2S>].

224. Overseas Workers Welfare Administration Act, § 6 (d).

225. *See generally* UNITED NATIONS DEPARTMENT OF ECONOMIC AFFAIRS, UNITED NATIONS E-GOVERNMENT SURVEY 2012 55-57 (2012).

such as adequate compensation and flexible work arrangements, were easily adjusted and coordinated with relevant government agencies.

- (3) *Government Presence in All Phases of Migration*. From host country struggles to repatriation to quarantine protocols to hometown reintegration, the Philippine government made its presence felt for the welfare and protection of OFWs and their families. In this manner, the pandemic effort of the Philippine government put all its resources in the front lines to provide efficient and responsive public service.

It must be emphasized that the responsibility of the OWWA to act during global emergencies for the better protection of OFWs is the same mandate given to the DMW.²²⁶ In this regard, the DMW Secretary as assisted by the Undersecretary of Foreign Employment and Welfare Services²²⁷ shall lead the way in terms of further harnessing and strengthening the three aforementioned best practice areas.

Future government crises management efforts can glean inspiration from the likes of OFW Jocelyn R. Barite from Zamboanga del Norte, a cancer patient who returned home last December 2020, after being employed for 14 years as a domestic worker in Hongkong.²²⁸ She was provided food and hotel quarantine assistance by OWWA upon arrival, and was transported to her hometown of Labason. Upon recovery from her illness, she was given a BPBH livelihood grant by the OWWA to boost her micro-agribusiness.²²⁹ Currently, she stands proud with her growing lettuce and salad farm.²³⁰

226. *Compare* Overseas Workers Welfare Administration Act, § 6 (d), *with* Department of Migrant Workers Act, § 15 (g).

227. *Id.* § 9 (b).

228. Jocelyn R. Barite was the OWWA Marilag Ka! Buhayan Awardee last 15 March 2022 for Region IX. The Marilag Awards honor outstanding OFW women during National Women's Month every March. Owwa IX Zanorte, Status Update, FACEBOOK, Mar. 15, 2022, *available at* <https://www.facebook.com/owwa.zamboangadelnorte/posts/pfbidomqhwJ2bjz2AM7A4xwidbmsZfjzydvUVw3wEPJqM17gzhg3f7koTMysGYJNdPFral> (last accessed Apr. 30, 2022) [<https://perma.cc/ADJ2-6KVT>].

229. *See id.*

230. *Id.*



Her protection, her recovery, her growth. The government's frontline pandemic effort is, after all, an effort to protect, to recover, and to grow as a nation.