

PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION  
Licensing and Regulation Office  
Licensing Branch, Licensing and Evaluation Division

**CHECKLIST OF REQUIREMENTS FOR APPLICATION FOR THE ISSUANCE OF LICENSE**

PRE-QUALIFICATION REQUIREMENTS

1.  Written application for issuance of license
2.  Applicant Information Sheet for Issuance of License (FM-POEA-03-IR-01B)
3.  Proof of business registration and minimum P5 million paid-up/capitalization (whichever is applicable)
  - Certified Copy of the SEC Certificate
    - Corporation
    - Partnership
  - DTI Certificate of Business Name Registration

4. Proof of financial capacity

For Sole Proprietor:

- Bank certificate stating/confirming deposit of at least PhP5,000,000.00
- Authority to examine bank deposits signed by the authorized signatory of the agency
- Duly filed Income Tax Returns for the past 2 years of the Proprietor, with receipt of payment
- Proof of sources of investment
- Proof of registrable property(ies)

For Newly Registered Corporation/Partnership:

- Bank certificate stating/confirming deposit of at least PhP5,000,000.00
- Authority to examine bank deposits signed by the authorized signatory of the agency
- Duly filed Individual Income Tax Returns for the past 2 years of the members of the Board of Directors/Partners and major stockholders, with receipt of payment
- BIR tax exemption certificate, if tax exempt
- Proof of sources of investment
- Proof of registrable property(ies)

For Existing Corporation/Partnership:

- Duly filed latest audited financial statements with capitalization/paid-up capital of Php5M and corporate Income Tax Returns, with confirmation receipt of payment.
- Duly filed Individual Income Tax Returns for the past 2 years of the members of the Board of Directors/Partners, and major stockholders, with receipt of payment
- BIR tax exemption certificate, if tax exempt.

5. Proof of existence of new principal:

For Landbased Agencies:

- POLO verified and/or consulate authenticated Recruitment/Service Agreement (RA/SA) duly concluded by the applicant and the new principal/employer.
- Employer's profile to include:
  - a. Valid business license or commercial registration of the principal/employer, with English translation;
  - b. Information on business activities;
  - c. Number of years in operation; and
  - d. Number of workers.

IN CASE THE PRINCIPAL IS A FOREIGN PLACEMENT AGENCY:

- Identification of its client employer/s
- License/registration of the principal to operate a placement agency

**For Seabased Agencies:**

- ( ) POLO verified and/or consulate authenticated Manning Agreement concluded by the manning agency and the new principal
- ( ) Principal's profile to include:
  - a. Valid business license or commercial registration of the principal with English translation;
  - b. Information on business activities;
  - c. Number of years in operation; and
  - d. Number of seafarers;
- 6. ( ) Proof of possession by the sole proprietor, managing partner, president or chief executive officer, as the case may be, of a bachelor's degree duly authenticated by the Commission on Higher Education (CHED) or of at least four (4) years experience in human resource management or experience in heading or managing a manpower business – for **landbased**. Proof of possession by the sole proprietor, managing partner, president or chief executive officer, as the case may be, of a bachelor's degree duly authenticated by the Commission on Higher Education (CHED) or of at least four (4) years experience in shipping-related or human resource management or experience in heading or managing a shipping or manpower business – for **seabased**.
- 7. ( ) List of all officials and personnel involved in recruitment and placement together with
  - ( ) Appointment
  - ( ) Signed bio-data with two (2) pcs. Passport-size pictures
  - ( ) NBI Clearance(s) (valid for at least one year)
  - ( ) Anti-Illegal Recruitment Branch (AIRB) Clearance(s) (valid for at least six (6) months)
  - ( ) Duly authenticated police clearance from the country of origin of the member of the board who is foreign national
  - ( ) Individual affidavits declaring that they have no conviction or pending criminal case for illegal recruitment or case/crime involving moral turpitude;
- 8. ( ) A duly notarized Affidavit of Undertakings (AU) by the sole proprietor, the managing partner, or the president of the Corporation per Section 4(f) of the 2016 Revised Rules and Regulations stating that the applicant shall:

**For Landbased Agencies**

- a. Negotiate for the best terms and conditions of employment for the workers;
- b. Select and deploy only medically fit and competent workers as tested by the employers or certified by TESDA or by other competent authority;
- c. Provide orientation to the workers on recruitment procedures, as well as the country profile and the working and living conditions, and other relevant information about the host country and work site;
- d. Obtain compulsory insurance coverage for its hired workers for the duration of the contract of employment, at no cost to the workers;
- e. Provide the worker a copy of the contract upon signing and provide the OEC upon issuance;
- f. Guarantee that there is no officer or employee of the recruitment agency related within the fourth civil degree of consanguinity or affinity to any official or employee of any government agency engaged, directly or indirectly, in the implementation of RA 8042, as amended;
- g. Assume full and complete responsibility for all claims and liabilities which may arise in connection with the use of the license;
- h. Assume joint and several liability with the employer for all claims and liabilities which may arise in connection with the implementation of the contract, including but not limited to unpaid wages, death and disability compensation and repatriation;
- i. Assume full and complete responsibility for all acts of its officers, employees and representatives done in connection with recruitment and placement;
- j. Adhere to the ethical standards as prescribed in the Code of Conduct for Ethical Recruitment as endorsed by recruitment industry associations and the Administration; and
- k. Guarantee compliance with existing labor and social legislation of the Philippines and of the country of employment of the recruited workers.

**For Seabased Agencies:**

- a. Select and deploy only medically fit and technically qualified recruits;
- b. Assume full and complete responsibility for all claims and liabilities which may arise in connection with the use of the license;

- c. Assume joint and several liability with the employer/shipowner/principal for all claims and liabilities which may arise in connection with the implementation of the contract, including but not limited to unpaid wages, death and disability compensation and repatriation;
- d. Guarantee compliance with existing labor and legislation of the Philippines and applicable regulations of the Flag State and international organizations such as the International Maritime Organization (IMO) and International Labour Organization (ILO);
- e. Assume full and complete responsibility for all valid, legal and authorized acts of its officers, employees and representatives done in with recruitment and placement;
- f. Negotiate for the best terms and conditions of employment for its seafarers;
- g. Inform the seafarers of their rights and duties and disclose the full terms and conditions of employment under their contracts of employment and articles of agreement prior to and in the process of engagement;
- h. Provide orientation to seafarers on recruitment procedures, terms and conditions and other relevant information to its seafarers, and provide the necessary facilities for the purpose;
- i. Act on complaints or problems brought to its attention or submit reports on the status or condition of seafarers;
- j. Ensure that the ship and the crew are adequately insured by the Protection and Indemnity Club or similar insurance, inclusive of the compulsory insurance required under RA 8042, as amended, through the submission of a Certificate of Cover;
- k. Ensure that the contracts of employment are in accordance with the standard employment contract and other applicable laws, regulations and collective bargaining agreements;
- l. Guarantee that there is no officer or employee of the licensed manning agency related within the fourth civil degree of consanguinity or affinity to any official or employee of any government agency engaged directly or indirectly, in the Implementation of RA 8042, as amended;
- m. Adhere to ethical standards as prescribed in the Code of Conduct for Ethical Recruitment, as endorsed by the recruitment industry associations and the Administration;
- n. Repatriate deployed seafarers and their personal belongings when the need arises or reimburse expenses of repatriation advanced by OWWA; and
- o. Deploy at least fifty (50) seafarers to a new principal and its ship/s within two (2) years from the issuance of its license.

9. ( ) AU per section 4(g)  
Landbased Agencies

In case of a corporation or partnership, a duly notarized undertaking by the corporate officers and directors, or partners that they shall be jointly and severally liable with the corporation or partnership for claims and/or damages that may be awarded to the workers.

( ) AU per section 4(g)  
Seabased Agencies

In case of a corporation or partnership, a duly notarized undertaking by the corporate officers and directors, or partners that they shall be jointly and severally liable with the corporation or partnership for claims and/or damages that may be awarded to the seafarers.

The notarized undertaking shall be required every time there is change of partners, officers and directors.

- 10. ( ) Certificate of attendance of the sole proprietor, managing partner, president, chief executive officer and/or operations manager in the Pre-Licensing Orientation Seminar (PLOS);
- 11. ( ) Flowchart detailing step-by-step recruitment procedures, documentary requirements, briefings and orientations required, authorized fees and costs, deployment timeframes, and responsible officer/s and process cycle time for every phase of the process;
- 12. ( ) Four-year business plan detailing financial, market and operational viability, including projected income and a risk management plan.

POST-QUALIFICATION REQUIREMENTS. –

- ( ) A lease contract for an office space measuring at least one hundred (100) square meters, or proof of building ownership that will be used as an office or an identified portion thereof measuring at least 100 square meters;

- ( ) An office layout providing and clearly delineating adequate spaces that will serve as receiving area, interview room, administrative and finance area, conference/training room, and an executive office;
- ( ) An inventory of office equipment and facilities, which at the minimum, shall include the following:
  - i. Office furniture such as tables and chairs for the president and other officers and employees, as well as similar furniture for the receiving area, interview room and conference/training room;
  - ii. Secured filing cabinets; and
  - iii. Office equipment which shall, at the minimum, include two (2) computers, computer printer and scanner, photocopying machine, fax machine, landline telephone, internet connection, and multi-media equipment (i.e. LCD projector, and other similar audio-visual equipment)
- ( ) Organizational chart indicating the duties and responsibilities and names of officers and staff, which shall, at the minimum, consist of the President, Chief Executive Officer, Recruitment and/or Documentation Officer, Accountant or Bookkeeper, Cashier and Liaison Officer;
- ( ) Payment of license fee of One Hundred Thousand Pesos (PhP100,000.00); and
- ( ) An escrow agreement with a bank authorized by the *Bangko Sentral ng Pilipinas* to handle trust accounts, with deposit in the amount of One Million Pesos (PhP1,000,000.00) together with a bank certificate of deposit. (N.B. **The escrow deposit shall not be sourced from the capitalization requirement.**)

#### FOR UPGRADING OF PROVISIONAL LICENSE TO FULL LICENSE

- ( ) Deployment of one hundred (100) workers to new principal/s; for landbased and fifty (50) seafarers for seabased;
- ( ) Quality Management System (QMS) manual, defining the scope of the agency's quality management system that includes the quality policy and objectives, organizational structure and management responsibilities, and documented recruitment and deployment processes;
- ( ) Updated bank certificate stating an escrow deposit of One Million Pesos (PhP1,000,000.00);
- ( ) Certificate of no pending case or any substantiated adverse report during the validity of the provisional license from Adjudication Office;
- ( ) Certificate of attendance to the Continuing Agency Education Program (CAEP) of all its officers and operation staff involved in the recruitment and placement of workers/seafarers, and Heads of Administration or Accounting Department;
- ( ) Valid Certificate of Compliance with general labor standards and valid Certificate of Compliance with occupational safety and health standards; and
- ( ) Latest audited financial statement.

#### **IMPORTANT:**

The application for upgrading of the provisional license shall be filed within three (3) months before the expiration of the provisional license. No application shall be entertained if filed beyond the prescribed period.

#### **Important information/instructions before filing an application for a license:**

1. Only applications with **complete requirements/documents** as indicated in the checklist shall be received. Applications with incomplete documents shall be automatically returned without action.
2. In a folder, arrange documents according to the sequence of requirements as indicated in the checklist of requirements. Submit at Window 9, Licensing Branch, POEA, 4<sup>th</sup> Floor, BFO Building.
3. When the application is received, the applicant shall pay non-refundable filing fee of P25,000.00.

