

## CHECKLIST OF REQUIREMENTS FOR RENEWAL OF LICENSE OF SEABASED AGENCY

1. ( ) Applicant Information Sheet for Renewal of License (FM-POEA 03-IR-02B) signed by Head of Office
  2. All Directors, Officers and Staff
    - ( ) NBI Clearance (valid for at least one (1) year)
    - ( ) Anti-Illegal Recruitment Branch clearance (valid for at least six (6) months)
    - ( ) Photocopy of valid passport for previously reported foreign Director, if any
- 2.1. New board of directors/partners or personnel:
- A. For New Board of Directors/Partners/President/CEO:
    - ( ) Notarized Board Resolution on the election of new directors and corporate officers and the corresponding transfer or assignment of shares of stock
    - ( ) Deed of Assignment of shares
    - ( ) Stock and transfer Book
    - ( ) General Information Sheet duly received by the SEC or SEC certification on the names of the new Directors/Partners with corresponding shares of stocks
    - ( ) Individual Income Tax Returns with confirmation receipt of payment for the past 2 years
    - ( ) Proofs of financial capacity to invest for the new Director(s)/Partner(s)
    - ( ) Proof of registrable properties
    - ( ) Bio-data with 2 pcs. passport size pictures
    - ( ) Police Clearance or its equivalent document from country of origin in case of foreigner/s
    - ( ) NBI Clearance(s) (valid for at least one (1) year)
    - ( ) Anti-Illegal Recruitment Branch (AIRB) Clearance(s) (valid for at least six (6) months)
    - ( ) Proof of publication in a newspaper of general circulation
    - ( ) Proof of Bachelor's Degree (for new President/CEO only)
    - ( ) Proof of three (3) years business experience (for President/CEO only)
    - ( ) Certificate of Attendance to the Pre-Licensing Orientation Seminar (for new President/CEO only)
  - B. For new personnel:
    - ( ) Bio-data with 2 pcs. passport size pictures
    - ( ) Appointment
    - ( ) NBI Clearance(s) (valid for at least one(1) year)
    - ( ) Anti-Illegal Recruitment Branch (AIRB Clearance(s) (valid for at least six(6) months)
  - C. For new signatory/ies:
    - ( ) Notarized Board Resolution on the designation as official signatory/ies.
- 2.2. For terminated/resigned employees:
- ( ) Notice of termination/resignation
  - ( ) Proof of publication in a newspaper of general circulation in case of termination

3. Surety bond

Original copy of the duly renewed surety bond in the amount of P100,000.00 together with original copy of the official receipt from a bonding company acceptable to the POEA. That the surety bond shall be co-terminus with the validity of the license. The surety bond shall include the following conditions:

- a. It shall answer for all valid and legal claims arising from violation of the conditions for the grant and use of the license and/or accreditation and contracts of employment.
- b. Guarantee compliance with the Labor Code and its implementing rules and regulations, relating to recruitment and placement, rules of the POEA and relevant issuances of the Department and all liabilities which the Administration may impose.
- c. That notice to the principal is notice to the surety and that any judgment against the principal in connection with matters falling under POEA's/NLRC's jurisdiction shall be binding and conclusive on the surety.
- d. That all valid and legal claims incurred before the bond expiration date but filed beyond the expiration of ten (10) days period shall be valid and effective in order to comply with the requirements of the POEA/NLRC."
- e. Deletion of the provision from the bond indicating that, "(name of the bonding company) will not be held liable for any claim not discovered or filed within ten (10) days from expiration of the bond..."

- Board Resolution/Secretary's Certificate of the bonding company on its authorized signatory
- Bonding's company's certificate of accreditation issued by the Insurance Commission
- Official receipt evidencing premium payment issued by the bonding company

4. Escrow Agreement

- 3 copies of duly notarized renewed escrow agreement
- Bank certificate of escrow deposit

5. Financial Statements

- Audited financial statements for the past two (2) years with verified corporate or individual income tax returns with confirmation receipt of payment.
- In case the equity of the agency is below P2M, agency shall be required to undertake capital infusion by submitting the following proofs of capital infusion:
  - For Single Proprietorship:
    - Bank Certification corresponding to the amount infused.
  - For Corporation/Partnership:
    - a) SEC certificate of increase of capital,
    - b) Bank certification corresponding to the amount of capital infusion
    - c) Treasurer's affidavit duly received by the SEC.
    - d) SEC certificate of increase of authorized capital stock, as necessary.

\*Agency may execute an affidavit of undertaking to submit the required documents within thirty (30) days from release of the renewed license.

6. Savings Account

- Bank certificate on savings account deposit showing a maintaining balance of at least P500,000.00
- Authority to examine the bank deposit signed by the authorized signatory of the agency

7. Notarized Affidavit of Undertakings (AU)

AU per section 1 (e)

A verified undertaking stating that the applicant shall:

1. Provide its seafarers orientation on recruitment policies and procedures, terms and conditions of employment and other relevant information;
2. Ensure that any seafarers recruited or deployed by them is qualified and holds the documents necessary for the job concerned;
3. Ensure that contracts of employment are in accordance with the standard employment contract and other applicable laws, regulations and collective bargaining agreements;
4. Ensure that seafarers are informed of their rights and duties under their contracts of employment and the articles of agreement prior to or in the process of engagement;
5. Ensure that proper arrangements are made for seafarers to examine their contracts of employment and articles of agreement before and after they are signed and for them to receive a copy of the contract of employment;
6. Ensure that the vessel/s and the crew are adequately covered by P & I Club or similar insurance thru the submission of the certificate of insurance coverage;
7. Assume full and complete responsibility for all claims and liabilities which may arise in connection with the use of the license;
8. Assume joint and solidary liability with the employer for all claims and liabilities which may arise in connection with the implementation of the employment contract, including but not limited to wages, death and disability compensation and their repatriation;
9. Guarantee compliance with the applicable labor, social and maritime legislations of the Philippines, and applicable regulations of the flag state and international organizations such as the International Maritime Organization (IMO) and the International Labor Organization (ILO);
10. Assume full and complete responsibility for all acts of its officials, employees and representatives done in connection with recruitment and placement; and
11. Repatriate the deployed seafarers when the need arises.

AU per section 1 (f)

In case of corporation or partnership, verified undertaking by officers, directors and partners that they will be jointly and severally liable with the company over claims arising from employer-employee relationship.

8.  Inspection Report Indorsement

9.  Certificate of attendance to the Continuing Agency Education Program (CAEP) by the President/CEO with 100% of officers and staff

10.  DTI Certificate of business registration for single proprietorship

11.  Certification on repatriation case(s)

12.  Track record of pending recruitment violation case(s)

13. ( ) Deployment record per year for the past four (4) years
14. Other requirements as may be imposed by the Administration

**Important information/instructions before filing an application**

PROCEDURES		RESPONSIBLE
Step 1	File all documents in a folder following the sequence indicated in the checklist of requirements. Put earmark per document. Submit to the Officer of the Day at Window 9 at Licensing Branch and receive proof of filing. Only applications with complete documentary requirements will be accepted. Applicants are advised to file an application for renewal of license a month before the expiration of license.	Officer of the Day
Step 2	Return after two (2) working days to verify the result of evaluation at Window 9 at Licensing Branch. If found complete, wait for the notice of approval. (If found incomplete, receive the notice of deficiency/ies together with the filed documents for compliance of lacking requirements).	Officer of the Day
Step 3	Upon receipt of notice of approval of the application, proceed to Window 9, Licensing Branch and get an Order of Payment	Evaluator
Step 4	Pay the license fee of P50,000 to the POEA Cash Division, 5 <sup>th</sup> Floor, POEA Bldg.	Cashier
Step 5	Present original and Xeroxed copy of official receipt and get the Certificate of License Renewal	Evaluator

**PROCESS CYCLE TIME:**

- Submission of recommendation for approval of renewal of license to LRO Director forty (40) working hours from receipt of complete documentary requirements based on checklist.
- Release of renewed license within eight (8) working hours from receipt of proof of payment of license fee

**FOR TIMELY APPLICATION**

1. Agency that filed renewal application before expiry date of license should comply with ALL of the noted deficiencies within 30 days from expiry date of license

In case of failure to comply with renewal requirements within 30 days from the expiration of license, the agency may still be given another 30 day grace period to comply with the requirements subject to payment of fine of P10,000.00. Otherwise the renewal application shall be recommended for DENIAL and the agency for DELISTING without prejudice to an application for issuance of a new license.

**FOR APPLICATIONS FILED AFTER THE EXPIRATION OF LICENSE**

1. The agency that filed an application for renewal after expiration of its license shall have only 30 days from expiry date of license to comply with ALL the noted deficiencies, subject to payment of penalty fine of P10,000.00. Otherwise the renewal application shall be recommended for DENIAL and the agency for DELISTING without prejudice to an application for a new license.

**EFFECT OF EXPIRATION OF LICENSE**

Upon expiration of the license, the agency can no longer process documents until the renewed license has been finally approved and issued.

