

PRELIMINARY

Revised Rules and Regulations Governing Overseas Employment of Landbased Workers

JUNE 2002



Philippine
Overseas
Employment
Administration

A PRIMER

Revised Rules and Regulations Governing Overseas Employment of Landbased workers

June 2002

LICENSING AND INSPECTION

What is a license?

A license shall refer to the document issued by the Secretary or his duly authorized representative authorizing a person, partnership or corporation to operate a private employment agency.

Who may be issued a license?

Only those who possess the following qualifications may be permitted to engage in the business of recruitment and placement of Filipino workers.

1. Filipino citizens, partnerships or corporations at least seventy five percent (75%) of the authorized capital stock of which is owned and controlled by Filipino citizens.
2. Single proprietorships or partnerships with minimum capitalization of Two Million Pesos (P2,000,000.00) or corporations with minimum paid-up capital of Two Million Pesos (P2,000,000.00) (*amended provision*)
3. Those not disqualified by law or other government regulations to engage in the recruitment and placement of workers for overseas employment.

Why is there a need to increase the minimum capitalization requirement?

The capitalization was increased to ensure that the agencies are financially capable of responding to the needs of its deployed workers.

Are all agencies required to comply with the increase in capital?

Yes, however, existing agencies are given four years from the effectivity of the amended rules within which to comply with the increase in capital.

Who are disqualified from being issued a license?

1. Travel agencies and sales agencies of airline companies
2. Officers or members of the Board of any corporation or members in a partnership engaged in the business of a travel agency.
3. Corporations and partnerships, when any of its officers, members of the board or partners, is also an officer, member of the board or partner of a corporation or partnership engaged in the business of a travel agency.
4. Persons, partnerships or corporations which have derogatory records.
5. Any official or employee of the DOLE, POEA, OWWA, DFA and other government agencies directly involved in the implementation of RA 8042, otherwise known as Migrant Workers and Overseas Filipino Act of 1995 and/or any of his/her relatives within the fourth civil degree of consanguinity or affinity.
6. Persons or partners, officers and Directors of corporations whose licenses have been previously cancelled or revoked for violation of recruitment law.

What constitutes derogatory records?

Derogatory records refer to the existence of negative information, such as, but not limited to the following:

1. Certified information of such derogatory record by the National Bureau of Investigation or by the Anti-Illegal Recruitment Branch of the POEA.
2. Probable cause or prima facie finding of guilt for illegal recruitment or other related cases.
3. Conviction for illegal recruitment or other related cases and/or crimes involving moral turpitude

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4. Revocation or cancellation of license by the Administration for violation of RA 8042, PD 442 as amended and their implementing rules and regulations as well as these rules and regulations.

What is the effect of derogatory record discovered after issuance or renewal of license?

The license of a single proprietorship or a partnership shall be suspended and the appointment of any officer or employee with derogatory record may be cancelled or revoked.

What are the requirements for licensing?

1. A certified copy of the Articles of Incorporation or of Partnership duly registered with the Securities and Exchange Commission (SEC), in the case of corporation or partnership or Certificate of Registration of the firm or business name with the Department of Trade and Industry (DTI), in the case of a single proprietorship.
2. Proof of financial capacity: In the case of a single proprietorship or partnership verified income tax returns of the proprietors or partners for the past two years and a savings account certificate showing a maintaining balance of not less than P500,000.00 provided that the applicant should submit an authority to examine such bank deposit
3. In the case of a newly organized corporation, savings account certificate showing a maintaining balance of not less than P500,000.00 with authority to examine the same. For an existing corporation, submission of a verified financial statements, corporate tax returns for the past two (2) years and savings account certificate showing a maintaining balance of not less than P500,000.00 with the corresponding authority to examine such deposit.
4. Proof of marketing capability
 - a. A duly executed Special Power of Attorney and/or a duly concluded Recruitment/Service Agreement.
 - b. Manpower request(s) or visa certification from new employer(s)/principals(s) for not less than one hundred (100) workers, and

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- c. Certification from Pre-Employment Services Office of POEA on the existence of new market.
5. Clearance of all members of the Board of Directors, partner, or proprietor of the applicant agency from the National Bureau of Investigation (NBI) and other government agencies as may be required; appropriate clearance in case of persons with criminal cases; provided that where the member or partner concerned is a foreigner, clearance from his country of origin shall be required.
 6. A verified undertaking stating that the applicant:
 - a. Shall select only medically and technically qualified recruits;
 - b. Shall assume full and complete responsibility for all claims and liabilities which may arise in connection with the use of the license;
 - c. Shall assume joint and solidary 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 payment of wages, death and disability compensation and repatriations;
 - d. Shall guarantee compliance with the existing labor and social legislations of the Philippines and of the country of employment of the recruited workers;
 - e. Shall assume full and complete responsibility for all acts of its officials, employees and representatives done in connection with recruitment and placement;
 - f. Shall negotiate for the best terms and conditions of employment.
 - g. Shall disclose the full terms and conditions of employment to the applicant workers.
 - h. Shall deploy at least 100 workers to its new markets within one (1) year from the issuance of its license.
 - i. Shall provide orientation on recruitment procedures, terms and conditions and other relevant information to its workers and provide facilities therefor

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- j. Shall repatriate the deployed workers and his personal belongings when the need arises.
 7. In case of corporation or partnership, verified undertaking by its officers, directors, partners that they will be jointly and severally liable with the company over claims arising from employer-employee relationship
 8. Contract of lease or proof of building ownership, indicating the office address, providing for an office space of at least one hundred (100) square meters.
 9. Individual income tax returns for the past two (2) years of the proprietor, partners, stockholders/incorporators, as the case may be.
 10. Proof of possession by the sole proprietor, partner or chief executive officer of a bachelor's degree and three years business experience.
 11. List of all officials and personnel involved in the recruitment and placement, together with their appointment, bio-data and two (2) copies of their passport-size pictures as well as their clearances from the National Bureau of Investigation and the Anti-Illegal Recruitment Branch of the Administration.
 12. Proof of publication of notice of the application with the names of the proprietor, partners, incorporators and officers;
 13. Certificate of attendance of owner and/or chief executive officer in a pre-application seminar conducted by the Administration.

How much is the filing fee for license application?

An applicant for license shall pay a non-refundable filing fee of Ten Thousand Pesos (P10,000.00)

What application shall be acted upon?

Only applications with complete supporting documents shall be processed and acted upon.

How soon can a license be issued?

A license can be issued within fifteen (15) calendar days from receipt of an application with complete requirements.

How much are the license fee and bonds?

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|----------------|---|---------------|
| License Fee | - | P50,000.00 |
| Escrow deposit | - | P1,000,000.00 |
| Surety bond | - | P100,000.00 |

What is the validity period of the license?

It shall be valid for four (4) years from the date of issuance, unless sooner cancelled, revoked or suspended for violation of applicable Philippine law, these rules and other pertinent issuances.

What is a provisional license?

Applicants for new license shall be issued a provisional license which shall be valid for a limited period of one (1) year within which the applicant should be able to comply with its undertaking to deploy 100 workers to its new principal.

Can a provisional license be upgraded to a full license?

Yes, the license of an agency which has complied with its undertaking shall be upgraded to a full license entitling them to another three years of operation.

Are licensed agencies allowed more than one office?

Yes, additional offices may be established subject to the prior approval of the Administration.

What are the requirements for renewal of license?

1. Duly accomplished POEA-LRO renewal application form.
2. Renewed or revalidated surety bond in the amount of P100,000.00 valid for four years together with official receipt.
2. Renewed escrow agreement in the amount of P1,000,000.00 with a commercial bank with confirmation of escrow deposit
3. Audited financial statements for the past two years with verified corporate or individual tax returns or individual income tax returns of the single proprietor or partner. In case the equity of the agency is below the minimum capitalization requirement, it

shall be given thirty (30) days from release of the renewed license to submit proof(s) of capital infusion, otherwise the license shall be suspended until it has complied with the said requirement.

4. NBI clearance issued not earlier than six (6) months from date of filing of application and clearance from the POEA Anti-Illegal Recruitment Branch for all the Directors, officers, and employees involved in recruitment and placement. In case of directors or partners with foreign nationality, the clearance from their country of origin may be submitted in place of the NBI clearance.
5. Other requirements as may be imposed by the Administration.

When must a licensed agency apply for the renewal of its license?

An agency shall submit an application for the renewal of its license on or before its expiration.

Can an agency which failed to make timely application for renewal still qualify to renew its license?

Yes, it may be allowed to renew within thirty (30) days from expiry thereof but shall pay a fine of P10,000.00.

How soon can a license be renewed?

A license can be renewed within forty- eight (48) hours from receipt of the application for renewal with the complete requirements.

Shall an application for issuance/renewal of license not supported with complete requirements be accepted?

No, only applications with complete requirements for issuance and renewal of license shall be accepted.

How does the Administration recognize exemplary performance of an agency?

The Administration shall undertake the classification and ranking of agencies, and in recognition of their exemplary performance, guidelines will be issued for entitlement of agencies to schemes for incentive and rewards such as extension of validity of license, express processing and in-house documentation.

What is the inspection function of the Administration?

The POEA Inspectorate inspects the agency premises and facilities including the pertinent documents of the agency to determine compliance with rules and policies of the Administration.

When does the Administration conduct inspection?

The Administration shall conduct an inspection of the premises and facilities including pertinent documents on the following instances:

1. Before issuance of a license
2. In case of transfer of office
3. Routine/regular inspection
4. Spot inspection

What is routine/regular inspection?

It is the periodic inspection of offices, studios or pre-departure orientation seminar (PDOS) venues by the Administration to determine compliance with existing rules and regulation.

What is spot inspection?

It is the inspection conducted by the Administration upon receipt of a complaint or report of violation of existing rules and regulation.

What are POCB accredited companies?

These are construction contractors duly **accredited** by the Philippine Overseas Construction Board.

Are POCB accredited companies required to get a license?

POCB registered companies with overseas projects duly accredited by the POCB may apply for a license subject to the following requirements:

1. Articles of Incorporation
2. Certified true copy of its POCB certificate of registration
3. Proof of payment of non-refundable filing fee of P10,000.00

Upon approval of the application, the contractor company shall:

1. Pay a license fee of P50,000
2. Post a surety bond in the amount of P50,000 and escrow deposit of P200,000.00

However, application for a license by POCB-registered companies without POCB accredited overseas projects shall be subject to the usual requirements for issuance/renewal of license as prescribed in Rule II, Part 2 of the Rules.

What are the fees/costs chargeable to the workers?

1. placement fee
2. documentations costs

What is placement fee?

It refers to the amount charged by a private employment agency from a worker for its recruitment and placement services, which is equivalent to one month salary, exclusive of documentation costs.

What are documentation costs?

Documentation costs to be paid by the worker shall include, but not limited to, expenses for the following:

1. Passport
2. NBI/Policy/Barangay Clearance
3. Authentication
4. Birth Certificate
5. Medicare
6. Trade Test, if necessary
7. Inoculation, when required by the host country
8. Medical Examination fees

When is a worker not required to pay placement fee?

When a worker is to be deployed to a country where the prevailing system, either by law, policy or practice, does not allow the charging or collection of placement and recruitment fee.

RECRUITMENT OUTSIDE REGISTERED OFFICE

Can a licensed agency conduct recruitment activities outside its registered address?

As a general rule a licensed agency can not conduct recruitment activities outside of its registered address. However it may conduct recruitment activities under the following instances:

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1. If recruitment is conducted under the Public Employment Service Office Act of 1999 (RA 8759). Public Employment Service Office Act of 1999 is an act institutionalizing a national facilitation service network through the establishment of a Public Employment Service Office in every province, key city and other strategic areas throughout the country.
 2. If recruitment is conducted under a Special Recruitment Authority issued by the Administration. Special Recruitment Authority refers to the authority granted to an agency to conduct recruitment outside its registered business address approved by the Administration.

What are the conditions for issuance of a Special Recruitment Authority?

Special Recruitment Authority shall be issued subject to the conditions that recruitment activities outside the registered office of the agency shall be conducted only at venues authorized by the Administration, and under the supervision by the Administration, the DOLE, or the appropriate local government unit.

What is the validity period of a special recruitment authority?

The special authority granted to an agency to conduct recruitment activities outside of its registered office based on its manpower requirements shall be valid for a specified period unless otherwise extended, modified or revoked by this Administration or any of its regional offices concerned.

When may a Special Recruitment Authority be cancelled or revoked?

The Administration may cancel or revoke a special recruitment authority issued to an agency for violation of the conditions set in the authority such as venue, representative, duration and compliance with these rules.

What is a terminal report?

Terminal report refers to the initial report reflecting names of applicants registered/interviewed during the conduct of special recruitment activity.

When is it required to be submitted?

The agency shall submit a terminal report to the Administration within thirty (30) days from termination of the recruitment activity conducted

outside its registered office. No subsequent authority shall be issued until the agency has submitted its report.

ADVERTISEMENT FOR OVERSEAS JOBS

When can the agency advertise without prior approval of the Administration?

Licensed agencies may advertise for actual job vacancies without prior approval from the Administration if covered by manpower requests of registered/accredited foreign principals and projects. The Advertisements shall indicate the following information:

1. Name, address and POEA licensed number of the agency;
2. Work site of prospective principal/project;
3. Skill categories and qualification standards; and
4. Number of available positions

Can the agency advertise for manpower pooling without prior approval?

Yes, licensed agencies may advertise for manpower pooling without prior approval from the Administration subject to the following conditions:

- a. The advertisement should indicate in bold letters that it is for manpower pooling only and that no fees will be collected from the applicants; and
- b. The advertisement indicates the name, address and POEA license number of the agency, name and worksite of the prospective registered/accredited principal and the skill categories and qualification standard.

Can foreign principals/employers directly advertise for overseas job vacancies?

Foreign principals/employers who wish to advertise overseas job vacancies may do so only through a POEA-licensed agency or through the Administration.

SKILLS TEST AND MEDICAL EXAMINATION FOR OVERSEAS EMPLOYMENT

When should an applicant be referred for skills testing?

An applicant for overseas employment shall be referred for skills test only after the agency and/or its foreign principal or employer has interviewed and pre-qualified him to an existing overseas position duly covered by an approved job order by the Administration.

Where should an applicant be referred for skills testing?

An applicant for overseas employment shall be referred for skills test to a TESDA accredited skills-testing center.

What is the scope of the skills test?

The agency shall ensure that the test shall only be for the skill category that the worker has applied for.

When should an applicant be referred for medical examination?

The agency shall refer an applicant for overseas employment medical test only after the agency and/or its foreign principal or employer has interviewed him and pre-qualified him for an existing overseas position duly covered by an approved job order by the Administration.

Where should an applicant be referred for medical examination?

The agency shall refer an applicant for overseas employment medical test to a DOH-accredited medical clinic.

What is the scope of the medical examination?

The agency shall ensure that the medical examination shall be conducted in accordance with the requirements of the employer.

DEPARTURE AND ARRIVAL OF OVERSEAS FILIPINO WORKERS

What are POEA Assistance Centers?

POEA Assistance Centers are units established by the Administration at international airports and other exit points in the country to ensure that

workers are properly documented before proceeding to their overseas job sites. Workers without proper documents shall not be cleared by the center.

The POEA Assistance Center shall likewise provide assistance to arriving workers particularly those who are in distress.

Do POEA Assistance Centers issue Overseas Employment Certificates and under what circumstances?

Yes, departing overseas Filipino workers may secure overseas employment certificate at the labor assistance centers under such circumstances as may be determined by the Administration.

What is a Special Exit Clearance?

Special exit clearance refers to clearance issued to individuals whose nature of travel falls under special cases.

REGISTRATION AND VERIFICATION OF FOREIGN PRINCIPALS, EMPLOYERS AND PROJECTS

What is meant by registration of foreign principals, employers and projects?

Registration shall refer to the act of recognizing and entering in the official records of the POEA the existence of a foreign principal/employer or project whose documents have been verified in the jobsite by the appropriate officials of the Philippine government.

What is verification?

Verification shall refer to the act performed by a Philippine overseas labor officer (POLO) or any other officer designated by the Secretary of Labor and Employment in the Philippine embassy or consulate in reviewing and verifying the recruitment documents of foreign principals, including the employment contract of Filipino nationals,. This is for purposes of establishing the existence of the employing person, company or project, its capability to hire workers at the acceptable rates, and at desirable conditions, in conformity with the minimum standards prescribed by the POEA and taking into account the labor laws and legislations of the host government.

Is verification of recruitment documents required prior to registration of foreign principals/employers/projects ?

Yes. Verification of recruitment documents of foreign employers/principals/projects is required for the registration of the principal/project.

What documents are required for verification by the POLO?

The following documents shall be submitted to the POLO prior to the registration of the principal/project at the POEA:

1. Special power of attorney issued by the principal or employer to the licensed Philippine agency or recruitment agreement or service agreement;
2. Master employment contract which stipulates among others the minimum provisions of employment contracts of landbased workers;
3. Manpower request indicating the position and salary of the workers to be hired;
4. Valid business license, registration certificate or equivalent document.

What are the minimum provisions which should be incorporated in the employment contract of landbased workers?

1. guaranteed wages for regular work hours and OT pay which shall not be lower than the prescribed minimum wage in the host country or not lower than the appropriate minimum wage standard set forth in a bilateral agreement or international convention, if applicable, or not lower than the minimum wage in the country whichever is highest.
2. free transportation to and from the worksite or offsetting benefit;
3. free food and accommodation or offsetting benefit;
4. just/authorized causes for termination of the contract or of the services of the workers, taking into consideration the customs, traditions, mores, practices, company policies and the labor laws and social legislations of the host country.

What verified documents should be submitted to the POEA by the Philippine agency for the registration of its principal/project?

1. Special power of attorney or recruitment agreement or service agreement as the case may be.
2. Master employment contract of the foreign principal
3. Manpower request of the foreign principal indicating the position and salary.

POCB-REGISTERED PROJECTS shall also be registered with the POEA but without undergoing the above procedures, subject to guidelines that may be prescribed by the POEA.

Can foreign placement agencies (FPA) qualify for registration with the POEA?

Yes. FPAs or similar entities may be registered as principals if they are authorized to operate as such in their respective countries and subject to such guidelines as may be prescribed by the POEA.

What is the validity of registration of foreign principals and projects?

The foreign principal or project shall be registered by the POEA for a maximum of four years unless sooner revoked by the POEA on any of the following grounds:

1. expiration of the principal's business license
2. upon written mutual agreement by the parties to pre-terminate the agreement
3. false documentation or misrepresentation in connection with the application for registration;
4. final judgment in a disciplinary action against the foreign principal

Provisional registration may be granted for a period of ninety days for a principal that substantially meets the registration requirements.

The expiration of the agency's license shall not cause the automatic expiration of the registration. It shall only be suspended until the renewal of the license.

Will the registration of the principal be renewed upon expiry of the 4-year validity of the registration?

Registration shall be renewed upon request by the agency provided that documents required for initial registration are still valid.

Can a foreign principal be registered to more than one Philippine agency?

Yes. A foreign principal that acts as direct employer may be registered to more than one Philippine agency provided that:

1. a uniform compensation package is adopted by the principal and the agencies;
2. the principal has a verified job order of at least 50 workers; or
3. that the principal must have hired at least 50 workers within a period of one year immediately preceding the registration.

On the other hand, a principal that is licensed to operate as a foreign placement agency by its government may be registered to a maximum of two (2) Philippine agencies provided that:

1. a uniform compensation package is adopted by the principal and the agencies;
2. the principal has a verified job order of at least 50 workers; or
3. that the principal must have hired at least 50 workers within a period of one year immediately preceding the registration.

Can the registration of a foreign principal be transferred to another agency?

Yes. The registration of a foreign placement agency may be transferred to another agency provided that:

1. the compensation package previously approved by the POEA shall be maintained
2. the transferee (new agent) shall assume full and complete responsibility to all contractual obligations of the principals to its workers originally recruited and processed by the former agency.

Can the POEA act on application for registration of principals with outstanding claims/obligations?

Claims for money or enforcement of obligations arising out of business relations between principals and their existing agencies may be conciliated by the POEA. However, the pendency of the conciliation shall not prevent the POEA from acting on the request for registration if public interest so requires.

What requirements for registration shall apply to principals in countries with unique or special conditions of employment (ex. principals of OPAs for Japan/nurses for UK and Ireland) ?

The registration of principals in countries with unique or special conditions of employment shall be governed by separate guidelines prescribed by the POEA.

ACCREDITATION OF FOREIGN PRINCIPALS/
EMPLOYERS AND PROJECTS

What is meant by accreditation of foreign principals or employers?

Accreditation shall refer to the grant of authority to a foreign principal to recruit and hire Filipino workers through a licensed agency for overseas employment.

Who undergo accreditation at POEA?

Foreign principals, employers, or projects in countries or work sites where there are no POLOS to verify recruitment documents shall undergo accreditation at the POEA.

Who may file for the accreditation of principals, employers, or projects?

Only duly licensed agencies may file for accreditation of their foreign principals, employers or projects.

What documents are required for accreditation?

The principal/employer shall submit the following documents to POEA through the Philippine licensed agency for evaluation and accreditation:

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1. Special Power of Attorney or recruitment agreement or service agreement with the Philippine licensed agency;
 2. Master employment contract of the direct employer or foreign placement agency containing the minimum requirements for contracts of employment of landbased workers;
 3. Manpower request indicating the position and salary of the workers to be hired.
 4. Valid business license, registration certificate or equivalent document or proof of existence of project validated or certified by the issuing authority in the host country;
 5. Visa assurance or any equivalent document validated by the issuing authority.

What is the validity of the accreditation of foreign principals / employers?

The accreditation of foreign principals, employers or projects shall be valid for four (4) years unless, sooner revoked or cancelled by the POEA.

What are the grounds for revocation or cancellation of accreditation by the POEA?

The following are grounds for revocation or cancellation of accreditation by the POEA:

1. Expiration of the principal's business license
2. Upon written mutual agreement by the parties to pre-terminate the Agreement
3. False documentation or misrepresentation in connection with the application for accreditation;
4. Final judgment in a disciplinary action against the foreign principal.

Can POEA grant a provisional accreditation?

Yes. A provisional accreditation may be granted on a period of ninety days for a principal that substantially meets the accreditation requirements.

The expiration of the agency's license shall not cause the automatic expiration of the accreditation. It shall only be suspended until the renewal of the license.

Can a foreign principal be accredited to more than one Philippine Agency?

Yes. A foreign principal that acts as direct employer may be accredited to more than one Philippine agency provided that:

1. A uniform compensation package shall be adopted by the principal and the Agency;
2. The principal has a verified job order of at least 50 workers;
3. That the principal must have hired at least 50 workers within a period of one year immediately preceding the accreditation

Can a Foreign Placement Agency be accredited as a principal ?

Yes, provided it is licensed to operate by the government of the host country

Can a Foreign Placement Agency be accredited to more than one Philippine agency?

Yes, it can be accredited up to a maximum of two Philippine agencies only provided that it meets the following requirements:

1. A uniform compensation package shall be adopted by the principal and the Agency;
2. The principal has a verified job order of at least 50 workers
3. That the principal must have hired at least 50 workers within a period of one year immediately preceding the accreditation.

Can accreditation of a foreign principal be transferred to another agency?

Yes. The accreditation of a foreign principal may be transferred to another agency provided that:

1. The compensation package previously approved by the POEA shall be maintained

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2. The transferee (new agent) shall assume full and complete responsibility to all outstanding claims/ obligations of the principal to its workers originally recruited and processed by the former agency.

Can POEA act on application for accreditation of principals with outstanding claims/ obligations?

Claims for money or enforcement of obligations arising out of business relations between principals and their existing agencies may be conciliated by the POEA. However, the pendency of the conciliation shall not prevent the POEA from acting on the request for accreditation if the public interest so requires.

REGISTRATION OF NAME HIRES

Who is a name hire?

A name hire refers to a worker who is able to secure an overseas employment opportunity with an employer without the assistance or participation of any agency.

Does a name-hire need to register with POEA?

Yes. A name hire has to register with the POEA to document his status as an Overseas Filipino Worker.

What documents are required for registration?

A name hire worker shall be registered by the POEA upon submission of the following documents:

1. OFW Information Sheet
2. valid passport
3. employment contract or offer of employment or equivalent document, indicating the terms and conditions of employment
4. work visa/permit, no objection certificate (NOC), visa assurance or equivalent entry document
5. certificate of medical fitness issued by a DOH-accredited medical clinic authorized to conduct medical examination for overseas employment

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6. certificate of attendance to POEA in-house pre-departure orientation seminar

Are there fees to be paid upon registration?

A worker shall pay the following fees upon registration :

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|-------------------|----------------------------------|
| Processing fee | - US\$100 or its peso equivalent |
| OWWA contribution | - US\$ 25 or its peso equivalent |
| Medicare fee | - P900.00 |

Upon payment of the required fees, the POEA shall issue the corresponding Overseas Employment Certificate (OEC).

What is the overseas employment certificate (OEC)?

The Overseas Employment Certificate (OEC) is a document issued by the POEA which serves as a travel clearance when a worker leaves to assume his overseas employment. The OEC also exempts the worker from payment of travel tax of P1,620 and airport tax of P550.

Where does one register as a name hire?

A worker may register as a name hire at the One Stop Landbased Accreditation and Processing Center, located at the 2nd floor, POEA Bldg, Ortigas corner EDSA, Mandaluyong City or at any of the following POEA regional centers and regional extension units :

1. POEA Regional Center for Luzon
3rd Floor, Tabora Bldg. III P. Burgos St
San Fernando City, La Union
2. POEA Regional Center for Visayas
3rd Floor, Gemini Building
719 M. J. Cuenco Ave., Cebu City
3. POEA Regional Center for Mindanao
Door 1 & 2, Seo Leng Wong Bldg.
Jacinto-Artiaga St., Davao City
4. POEA Regional Extension Unit – CAR
Benitez Court Compound
Magsaysay Ave., Baguio City

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5. POEA Regional Extension Unit – Region VI
2nd Floor, S.C. Divinagracia Bldg.
Quezon Street, Iloilo City

WORKER-ON-LEAVE/VACATIONING WORKERS

Who is considered a worker-on-leave/vacationing worker?

A land based Overseas Filipino Worker (OFW) who is in the country for a vacation (Annual leave/emergency leave) and who is returning to the same employer to resume employment is considered a worker-on-leave/vacationing worker..

Who are included under this category?

1. An OFW who is on vacation or on emergency leave and will resume employment with the same employer in the same worksite.
2. A vacationing OFW who will return to the same employer but in another country/ worksite.
3. A worker who has stayed in the country for an extended period and is returning to the same employer.

Where does one register and secure overseas employment certificate (OEC)?

Workers-on-Leave/vacationing workers may register and secure Overseas Employment Certificate (OEC) at Balik-Manggagawa Processing Division(BMPD) located at the Service Area, POEA Bldg., Ortigas Avenue corner EDSA, Mandaluyong City, or to any of the following:

- POEA Regional Centers in Cebu and Davao City
- POEA Regional Extension Units and Satellite Offices
- Deputized OWWA Regional Offices
- Duty-Free Philippines Fiesta Mall
- Philippine Overseas Labor Office (POLOs) of various Philippine Embassies and Consulates abroad.

What are the requirements for registration as worker-on-leave/vacationing OFW?

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1. Valid passport; and
 2. Re-entry visa, work permit, or any equivalent document.

What are the required fees to be paid?

The following are the required fees to be paid by the OFW to register and secure Overseas Employment Certificate (OEC):

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|--|---|--------------|
| OWWA Contribution/Membership Fee (on a per contract basis) | - | PHP 1,275.00 |
| Medicare Coverage Premium (One year) (Premium maybe paid to OWWA or PHILHEALTH) | - | PHP900.00 |
| POEA Processing Fee | - | PHP100.00 |

WELFARE SERVICES

What are the welfare services for the OFWs which shall be transferred from POEA to OWWA within three months from the effectivity of the POEA Revised Rules and Regulations?

1. Conciliation of complaints of workers and/or their families arising out of the following cases:
 - a. contract violations involving OFWs who are still at the jobsite;
 - b. common welfare problems outside POEA's adjudicatory or regulatory authority;
2. Request for assistance of seafarers on cases not involving POEA:
3. Repatriation of workers, remains and transport of their belongings;
4. Airport/seaport assistance for repatriated OFWs;
5. Legal assistance to OFWs on site on cases involving employer-employee relationship;
6. Assistance in claiming unpaid allotments and in non-support cases.

What are the services which the POEA shall continue to render to the OFWs?

1. In cases of repatriation, notify the agency concerned to provide plane ticket or Prepaid Ticket Advice (PTA), under pain of administrative sanction; (Sec. 15, R.A. 8042 and Secs. 54 & 55, Implementing Guidelines)
2. Impose appropriate sanctions against erring foreign principals/employers/OFWs upon recommendation by the Embassies/POLOs/OWWA and other authorities;
3. Impose sanctions on licensed local recruitment agencies for failure to cooperate in providing welfare assistance to OFWs they have deployed;
4. Suspend documentary suspension of processing of licensed agencies for its failure to provide PTA for OFW's due for repatriation;
5. Issue clearance certificates to OFWs, agencies and principals;
6. Provide technical and administrative support to the National Conciliation and Mediation Board (NCMB) in monitoring cases involving seafarers, their employers/principals that are being submitted to Voluntary Arbitration;
7. Act on complaints of OFWs and/or their families arising out of pre-employment and disciplinary cases which are administrative in character;
8. Maintain a system of referring cases to the appropriate agency which has jurisdiction over the request for assistance;
9. Monitor incidents concerning OFWs as reported by agencies pursuant to POEA MC No. 13, series of 1992;
10. Establish welfare programs and services to prevent illegal recruitment, fraud and exploitation or abuse of OFWs;
11. Assist in the collection of the cost of repatriation advanced by OWWA for the agency.

What assistance can POEA provide to OFWs and local deploying agencies/employers who opt to settle their case/s amicably?

1. The Administration may call on a conciliation conference between the parties to discuss the possibility of an amicable settlement.
2. Where an amicable settlement is reached, the Administration shall approve the same and the settlement shall be final and binding upon the parties.
3. Where efforts for amicable settlement fail, the conciliation proceedings shall be terminated and the complaint shall be referred to the appropriate office immediately.

What is the procedure for the repatriation of OFWs?

Requests for repatriation shall be filed at the Workers Assistance Division (WAD), Overseas Workers Welfare Administration (OWWA);

Who shall be responsible for the repatriation of OFWs and the transport of his personal belongings?

The repatriation of the worker and the transport of his personal belongings shall be the primary responsibility of the agency which recruited or deployed the workers overseas.

Who shall shoulder the cost of repatriation of OFWs?

1. All costs attendant to repatriation shall be borne or charged to the agency concerned and/or its principal.
2. If the principal fails to provide for the costs of repatriation, the POEA shall require the local deploying agency to provide the plane ticket or a prepaid ticket advice (PTA) for the OFW.

What sanction/s may be imposed upon an agency for non-provision of ticket/PTA for the repatriation of OFWs?

If the employment agency fails to provide the ticket of PTA within 48 hours from receipt of notice, the Administrator shall suspend the documentary processing of the agency or impose such sanctions as it may deem necessary.

Are OFWs protected from the hazards of war? Yes.

1. POEA declares war risk areas as established by competent

-
- authority in order to protect workers from the hazards of war or war-like operations;
2. Employers provide a worker war risk insurance coverage of P200,000.00 at no cost to the worker

Would POEA continue to have its in-house placement office?

Yes, under Part IV, Rule I of the new rules, provisions are dedicated to placement by the Administration.

What advantage do you think would OFWs gain by applying to POEA for overseas employment?

There are advantages that would accrue to the OFWs if they are employed overseas thru POEA-GPB:

1. No placement fee
2. Employers/workers are closely monitored to avoid incidence of welfare/legal cases
3. Provision of Employee Guarantee Trust Fund
4. Processing cycle time is kept at a minimum to meet deployment date

What is the Employment Guarantee Trust Fund about?

The Employment Guarantee Trust Fund is established for all workers hired on a government-to-government arrangement for the purpose of covering monetary claims of workers that may arise from breach of contractual obligations of employers.

How would applicants from the provinces avail of the in-house recruitment program of POEA-GPB?

All regional applicants should apply thru the Regional Labor Center/ Office where applications are pooled and forwarded to the POEA Head Office.

What are the requirements for landbased worker registration?

The following are the requirement for registration of landbased workers:

- . 2 pcs. Pictures 2x2
- . 6 pcs. For MOH-KSA applicants
- . Typewritten Self-made Bio-Data/Resume with detailed job description

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- . Certificate of Employment of at least 2 years experience in one position
 - . Passport for applicants with overseas experience
 - . High School Diploma
 - . College Diploma
 - . Transcript of Records
 - . Valid PRC ID
 - . Board License
 - . Board Rating
 - . OMA Certificate for Muslim applicants (Certification from DFA or Camp Crame)
 - . Birth Certificate
 - . Training Certificate if applicable ONLY.
- (Original copy of the above documents must be presented upon registration)

Where can an applicant submit the requirements for landbased registration?

Qualified applicants may submit the requirement for landbased registration at the Manpower Registry Division, Employment Branch or at POEA Regional Centers; Extension Units; and Satellite Offices. Registration is free.

Who may source manpower requirements from the POEA registry?

Aside from the in-house placement facility of the Administration, private recruitment agency may source their manpower requirements from the POEA registry.

How can interested workers secure referral from POEA?

Applicants for overseas employment may secure referral from POEA at the Manpower Registry Division by submitting comprehensive resume, school credentials and other documents that attest to the experience, training and trade or professional certification of the applicant.

What is the role of the Administration in migrant worker education?

In accordance with the policy of full disclosure, the Administration shall provide a comprehensive and integrated education program on overseas employment in all stages of recruitment and employment in partnership with other relevant organizations and government entities.

What migrant worker information/education programs will be implemented by the Administration?

The Administration shall conduct a nationwide, multi-media and sustainable grassroots information campaign to create public awareness on the realities of overseas employment.

What changes will we expect in migrant workers orientation?

The POEA is paving the way for an OWWA Membership Pre-Departure Orientation (PDO) Program.

Who will be responsible for orienting licensed agency representatives and foreign employers?

The Administration shall have the responsibility of providing orientation to officials and staff of licensed agencies and foreign employers on the requirements, standards, laws and regulations in the recruitment and employment of Filipino workers.

LEGAL ASSISTANCE AND ENFORCEMENT MEASURES

What is illegal recruitment?

Illegal recruitment is any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers and includes referrals, contract, services, promising or advertising for employment abroad whether for profit or not when undertaken by a non-licensee or non-holder of authority. Provided, that any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged.

Is illegal recruitment committed only by those without license or authority from the POEA?

No. A licensee or a holder of authority, when it conducts any of the prohibited acts enumerated in Section 6 of RA 8042 may be charged with illegal recruitment.

What are the acts that constitute illegal recruitment?

1. To charge or accept directly or indirectly any amount greater than

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- that specified in the schedule of allowable fees prescribed by the Secretary or to make a worker pay the recruiter or its agents any amount greater than that actually loaned or advanced to him;
2. To furnish or publish any false notice or information or document in relation to recruitment or employment;
 3. To give any false notice, testimony, information or document or commit any act or misrepresentation for the purpose of securing a license or authority under the Labor Code.
 4. To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;
 5. To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;
 6. To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines as may be prohibited by law or duly constituted authority;
 7. To obstruct or attempt to obstruct inspection by the Secretary or by his/her duly authorized representative;
 8. To fail to submit reports on the status of employment, placement, vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary under penalty of law;
 9. To substitute or alter to the prejudice of the worker, employment contract approved and verified by the DOLE from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the DOLE;
 10. For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;

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11. To withhold or deny travel documents from applicant workers before departure for monetary or financial consideration other than those authorized under the Labor Code and its implementing rules and regulations;
 12. To fail to actually deploy without valid reason as determined by the DOLE;
 13. To fail to reimburse expenses incurred by the worker in connection with his/her documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault.

Is illegal recruitment a crime?

Yes. Illegal recruitment is a crime and is punishable under Article 39 of the Labor Code as amended and RA 8042.

What are the programs of the POEA to protect the public from illegal recruitment?

The POEA shall adopt policies and procedures, prepare and implement programs toward the eradication of illegal recruitment activities such as, but not limited to the following:

1. Providing legal assistance to victims of illegal recruitment and related cases;
2. Assistance in the prosecution of suspected illegal recruiters;
3. Special operations such as surveillance of persons and entities suspected to be engaged in illegal recruitment; and
4. Information and education campaign.

Whenever necessary, the Administration shall coordinate with other appropriate entities in the implementation of said programs.

How can POEA be of assistance to victims of illegal recruitment?

1. The Administration shall provide free legal assistance to victims of illegal recruitment and related cases, including but not limited to legal advice, assistance in the preparation of complaints and supporting documents, institution of criminal actions and whenever necessary, provide counseling during preliminary investigation and hearings.

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2. Where the complaint/report alleges that illegal recruitment activities are on-going, surveillance shall be conducted and if such activities are confirmed, a closure order shall be issued by the Administration to cause the closure of an illegal recruitment establishment/entity.

Where will the victims file a report or complaint of illegal recruitment?

Victims of illegal recruitment may file with any of the following offices:

1. Anti-Illegal Recruitment Branch, POEA 4th Floor POEA Bldg., Edsa corner Ortigas Mandaluyong City.
2. POEA Regional Centers and Regional Extension Units.
3. DOLE Regional Offices.
4. National Bureau of Investigation, Philippine National Police and related law enforcement authorities.

ADJUDICATION OF CASES

What are the kinds of cases filed at the Adjudication Office?

The kinds of cases filed in the Adjudication Office:

1. Recruitment violation cases against recruitment agencies;
2. Disciplinary action cases against foreign employers;
3. Disciplinary action cases against the overseas workers.

Who may file the complaint?

Any aggrieved person or one who is prejudiced by the commission of a violation of the Labor Code, the POEA Rules and Regulations, and other issuances relating to recruitment may file a complaint.

What are the contents of the complaint?

The formal requirements of a complaint are the following:

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1. Name/s and address/es of the complainant/s
 2. Name/s and address/es of the respondent/s
 3. Specific act/s or omission/s constituting the alleged offense
 4. Place where the offense was committed
 5. Date when the offense was committed
 6. The amount of claim, if any
 7. The relief sought

The complaint must be in writing and under oath.

On the basis of official reports especially from our labor attaches and ambassadors all over the world, can the Administration initiate recruitment violation and disciplinary action cases?

Yes, the Administration, on its own initiative, may conduct proceedings based on reports of violation of the Labor Code and the POEA Rules and Regulations and other issuances on overseas employment.

What is the period within which a complainant can file his complaint against the recruitment agency, foreign employer and worker?

All recruitment violation and disciplinary action cases should be filed with the Administration within three (3) years from the time the cause of action accrued/happened/transpired.

What are the usual complaints against recruitment agencies?

The usual complaints against recruitment agencies are:

1. non-issuance of receipts
2. illegal exaction or charging or accepting an amount greater than that allowed by the Secretary
3. charging or accepting an amount even before employment is obtained for an applicant
4. substituting or altering, to the prejudice of the worker, the employment contract
5. withholding the workers' travel documents
6. misrepresentation

What are the classifications of recruitment violations and their

corresponding penalties?

Recruitment violations are classified as follows with their corresponding penalties.

| CLASSIFICATION | 1 st OFFENSE | 2 nd OFFENSE | 3 rd OFFENSE | 4 th OFFENSE |
|----------------|--------------------------|--|---|-------------------------|
| Serious | Cancellation of license | | | |
| Less Serious | 2 to 6 months suspension | 6 months to 1 day to 1 year suspension | Cancellation of license | |
| Light | Reprimand | 1 to 3 months suspension | 3 months & 1 day to 6 months suspension | Cancellation of license |

PLEASE SEE TABLE 1 FOR THE LIST OF OFFENSES AND THEIR CORRESPONDING PENALTIES.

What are the preventive actions that the Administration may take against the recruitment agencies pending investigation of the complaints against them?

Pending investigation, the Administration may impose the following against the recruitment agencies:

1. Suspension of Documentary Processing. The Administration may suspend of the processing of documents of a respondent agency for violation of any provision of these Rules, Orders, and regulations. Such is without prejudice to the outcome of the investigation wherein the proper penalty may be imposed.
2. Preventive Suspension. Pending investigation of the recruitment violation/s, the license of the respondent agency may be suspended for a period not exceeding the imposable penalties under the revised schedule of penalties, on the following grounds:
 - a. There exist reasonable grounds to believe that the continued operation of the agency will lead to further violation or exploitation of the workers being recruited or adversely affect friendly relations with any country or otherwise prejudice national interest; and
 - b. There is prima facie evidence of a case for violation of the pertinent provisions of the Labor Code, its implementing rules

and Regulations, POEA Rules and Regulations or any issuance of the Administration where the evidence of guilt is strong.

In recruitment violations, may money claims be awarded to the complainants?

Yes, money claims arising from recruitment violations may be awarded in addition to the administrative penalties imposed.

How are the fines imposed on suspended agencies computed?

In addition or in lieu of the penalty of suspension of license, the Administration may impose the penalty of fine which shall be computed at P10,000.00 for every month of suspension.

What happens to the respondent agency if it is found guilty in one case filed by five (5) or more complainants?

The respondent agency shall suffer the penalty of cancellation of its license

What are some of the usual complaints against the worker?

The usual complaints against the worker are:

A. Pre-Employment Offenses

1. Using, providing, or submitting false information or documents for purposes of job application or employment
2. Unjustified refusal to depart for the worksite after all employment and travel documents have been duly approved by the appropriate Government agency/ies

B. Offenses during Employment

1. Commission of a felony or crime punishable by Philippine Laws or by the laws of the host country
2. Unjustified breach of employment contract
3. Embezzlement of company funds or monies and/or properties of a fellow worker entrusted for delivery to kin or relatives in the Philippines

4. Violation/s of the sacred practices of the host country.

How are the offenses committed by the workers classified?

The offenses committed by the workers are classified as SERIOUS and LESS SERIOUS offenses

| OFFENSES | 1 ST OFFENSE | 2 ND OFFENSE | 3 RD OFFENSE |
|--------------|---|---|--|
| Serious | Six months and one day to one (1) year suspension from participation in the overseas employment program | Permanent disqualification from participation in the overseas employment program | |
| Less Serious | Two months to six months suspension from participation in the overseas employment program | Six months and one day to one (1) year suspension from participation in the overseas employment program | Permanent disqualification from participation in the overseas employment program |

PLEASE SEE TABLE 2 FOR THE LIST OF OFFENSES AND THEIR CORRESPONDING PENALTIES.

What are the grounds for disciplinary action cases against the foreign employers?

The usual complaints against the foreign employers are:

1. Default on its contractual obligations to the migrant worker and/or to its Philippine agent
2. Gross violation of laws, rules and regulations on overseas employment
3. Gross negligence leading to serious injury or illness or death of the worker
4. Grave misconduct
5. Conviction of an offense involving moral turpitude
6. Any other cases analogous to the foregoing

What sanction can the Administration impose against the foreign employer pending the investigation of a complaint?

Preventive suspension. A principal/employer may be suspended from

participating in the overseas employment program pending investigation of the disciplinary action case when the evidence of guilt is strong and there is reasonable ground to believe that the continued deployment to the principal/employer will result to further violation or exploitation of migrant workers

What are the possible sanctions or penalties meted against the foreign employers?

1. Temporary disqualification. A foreign employer/principal against whom a complaint for disciplinary action has been filed shall be temporarily disqualified from participating in the overseas employment program until the respondent submits to the jurisdiction of the Administration.
2. Disqualification. Foreign employers/principals against whom the penalty of suspension or disqualification had been imposed through an order, decision or resolution shall be disqualified from participating in overseas employment program unless cleared by the Administration or the penalty imposed is lifted.

What are the circumstances to be considered in determining the penalties to be imposed to erring recruitment agency, foreign employer and worker?

In the determination of the penalties to be imposed, the following mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered:

1. First Offender
2. Admission of guilt and voluntary restitution, where applicable
3. Good faith
4. Exemplary performance
5. Recidivism
6. Prejudice to the worker
7. Gross negligence
8. Other analogous circumstances

What is the effect of complainant's desistance or withdrawal of complaint?

The complainant's desistance or withdrawal of complaint shall not bar the Administration from proceeding with the investigation of the recruitment violations. The Administration shall resolve the case on the merits and

impose the appropriate penalties.

What are the requirements of an appeal?

The requirements of Appeal are:

1. The appealing party shall file a Notice of Appeal and an Appeal Memorandum with the Adjudication Office
2. In case a fine or and/or a monetary award is imposed against the appealing party, he shall also file a supersedeas bond in the amount of such fine and/or monetary award, in cash or in surety bond by a surety company acceptable to the Administration
3. The Appeal Memorandum shall clearly point out the errors of law and/or fact in the decision appealed from and shall be verified.

Any Appeal that does not comply with these requirements shall not be acted upon and the Administration shall issue an Order for the execution of the decision for which the appeal is sought.

Who has the appellate jurisdiction over the appeal or petition for review filed by the party?

The Secretary shall have the exclusive jurisdiction to act on appeals/ petitions for review of decisions by the Administration.

What is the period within which a party should file his/her appeal?

Appeals/Petitions for Review shall be filed with the Administration within fifteen (15) days from receipt of the decision by the appealing or petitioning party.

Is there still a need for the issuance of a temporary restraining order (TRO) pending an appeal?

The authority of the Secretary to issue a TRO is removed. The submission of all the requirements of an appeal and the 60-day period to resolve the appeal have the effect of staying the execution of the Order.

In what instances will the order not be stayed?

The decision of the Administration shall be stayed during the pendency of the Appeal except in the following instances:

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1. If the penalty imposed carries the maximum penalty of twelve months suspension or cancellation of the license; and
 2. If the penalty imposed is suspension for one month or less, the decision shall be immediately executory and may only be appealed on ground of abuse of discretion.

When is the writ of execution issued?

After the Order has become final and executory, the Administration, upon motion, or on its own initiative, shall issue a writ of execution requiring the Enforcement Officer to enforce a monetary award and/or fine imposed in the decision.

In what order will the assets of the losing party be garnished?

Garnishment of the assets of the losing party shall be done in the following order:

1. escrow deposit
2. surety bond
3. personal property
4. real property

1. TABLE OF OFFENSES AND PENALTIES OF RECRUITMENT VIOLATIONS

| CLASSIFICATION | 1 st OFFENSE | 2 nd OFFENSE | 3 rd OFFENSE | 4 th OFFENSE |
|--|--------------------------------|-------------------------|-------------------------|-------------------------|
| <p>Serious</p> <p>a. Deploying under-age workers</p> <p>b. Engaging in acts of misrepresentation for the purpose of securing a license or renewal thereof, such as giving false information or documents</p> <p>c. Engaging in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines</p> <p>d. Transfer or change of ownership of a single proprietorship licensed to engage in overseas employment</p> <p>e. Charging or collecting placement fee for deployment to “no-placement fee” country</p> <p>f. Overcharging of placement fee</p> | <p>Cancellation of license</p> | | | |

| CLASSIFICATION | 1 st OFFENSE | 2 nd OFFENSE | 3 rd OFFENSE | 4 th OFFENSE |
|--|--------------------------|---------------------------------------|-------------------------|-------------------------|
| <p>Less Serious</p> <p>a. Charging, imposing or accepting directly or indirectly, any amount of money goods or services, or any fee or bond for any purpose whatsoever before employment is obtained for an applicant worker</p> <p>b. Collecting any fee from a worker without issuing the appropriate receipt clearly showing the amount paid and the purpose for which payment was made</p> <p>c. Engaging in act/s of misrepresentation in connection with recruitment and placement of workers, such as furnishing or publishing any false notice, information or document in relation to recruitment or employment</p> <p>d. Obstructing or attempting to obstruct inspection by the Secretary, the Administrator or their duly authorized Representatives</p> <p>e. Substituting or altering to the prejudice of the worker, employment contracts approved and verified by the Administration from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Administration</p> | 2 to 6 months suspension | 6 months & 1 day to 1 year suspension | Cancellation of license | |

| CLASSIFICATION | 1 st OFFENSE | 2 nd OFFENSE | 3 rd OFFENSE | 4 th OFFENSE |
|---|-------------------------|-------------------------|-------------------------|-------------------------|
| <p>f. Withholding or denying travel or other pertinent documents from workers for financial considerations other than those authorized under existing laws and regulations</p> <p>g. Engaging in recruitment activities in places other than that specified in the license without previous authorization from the Administration</p> <p>h. Appointing or designating agents, representatives or employees without prior approval from the Administration</p> <p>i. Falsifying or altering travel documents of applicant worker in relation to overseas recruitment activities</p> <p>j. Deploying workers whose employment and travel documents were not processed by the Administration or those agencies authorized by it</p> <p>k . Deploying workers to principals not accredited by the Administration</p> <p>l. Withholding of workers' salaries or remittances without justifiable reasons or shortchanging of remittances;</p> | | | | |

| CLASSIFICATION | 1 st OFFENSE | 2 nd OFFENSE | 3 rd OFFENSE | 4 th OFFENSE |
|--|-------------------------|-------------------------|-------------------------|-------------------------|
| <p>m. Allowing persons who are otherwise disqualified to participate in the overseas employment program under existing laws, rules and regulations to participate in the management and operation of the agency</p> <p>n. Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, where deployment does not take place without the worker's fault</p> <p>o. Failure to comply with the undertaking to provide Pre-Departure Orientation Seminar to workers</p> <p>p. Non-compliance with any other undertaking in connection with the issuance or renewal of the license.</p> | | | | |

| CLASSIFICATION | 1 st OFFENSE | 2 nd OFFENSE | 3 rd OFFENSE | 4 th OFFENSE |
|---|-------------------------|--------------------------|---|-------------------------|
| <p>Light</p> <p>a. Failure to deploy a worker within the prescribed period without valid reason</p> <p>b. For the owner, partner, or officer/s of any licensed agency to become an officer or member of the Board of any corporation or partnership engaged directly or indirectly in the management of a travel agency</p> <p>c. Inducing or attempting to induce an already employed worker to transfer from or leave his employment for another employment unless the transfer is designed to liberate a worker from oppressive terms and conditions or employment</p> <p>d. Influencing or attempting to influence any person or entity not to employ any worker who has not applied for employment through his agency</p> <p>e. Coercing worker to accept prejudicial arrangements in exchange for certain benefits that rightfully belong to the workers;</p> <p>f. Disregard of orders, notices and other legal processes issued by the Administration</p> <p>g. Failure to submit reports related to overseas recruitment and employment within the specified time as may be required by the Secretary or the Administration</p> | Reprimand | 1 to 3 months suspension | 3 months & 1 day to 6 months suspension | Cancellation of license |

| CLASSIFICATION | 1 st OFFENSE | 2 nd OFFENSE | 3 rd OFFENSE |
|---|--|--|---|
| <p>Serious</p> <p>1. Commission of a felony or crime punishable by Philippine laws or of the host country.</p> <p>2. Unjust refusal to depart for the workers after all employment and travel documents have been duly approved by the appropriate government agency/ies.</p> | <p>Six months and one day to one (1) year suspension from participation in the overseas employment program</p> | <p>Permanent disqualification from participation in the overseas employment program</p> | |
| <p>Less Serious</p> <p>1. Submission/furnishing or using false information or documents for purposes of job application or employment</p> <p>2. Unjustified breach of employment contract</p> <p>3. Embezzlement of company funds or monies and/or properties of a fellow worker entrusted for delivery to kin or relatives in the Philippines</p> <p>4. Violation/s of the sacred practices of the host country</p> | <p>Two months to six months suspension from participation in the overseas employment program</p> | <p>Six months and one day to one (1) year suspension from participation in the overseas employment program</p> | <p>Permanent disqualification from participation in the overseas employment program</p> |

3. TABLE OF OFFENSES AND PENALTIES FOR FOREIGN EMPLOYERS

| OFFENSE | 1 st OFFENSE | 2 nd OFFENSE |
|--|-------------------------|-------------------------|
| <ul style="list-style-type: none"> a. Default on its contractual obligations to the migrant worker and/or to its Philippine agent b. Gross violation of laws, rules and regulations on overseas employment c. Gross negligence leading to serious injury or illness or death of the worker d. Grave misconduct e. Conviction of an offense involving moral turpitude f. Any other cases analogous to the foregoing | Suspension | Disqualification |

Regional Offices

LUZON

LA UNION

POEA Regional Center for Luzon
3rd Floor, Tabora Building
P. Burgos St., San Fernando City
Telefax: (072) 242-5608/4335
E-mail: poeareu1@sflu.com

BAGUIO CITY

Regional Extension Unit – CAR
Benitez Court Compound,
Magsaysay Ave., Baguio City
Telefax No. (074) 442-9478/445-4209
E-mail :

SAN FERNANDO, PAMPANGA

Satellite Office
DOLE Regional Office No. III
4th Floor, Titas Bldg. Gapan-Olongapo Rd.
Dolores San Fernando, Pampanga
Tel. No. (045) 961-3910/961-1305
Fax No. (045) 961-2195

LEGASPI CITY

Satellite Office
OWWA U5, Ground Floor
ANST Building, Washington Drive
Legaspi City
Telefax No. (052) 481-4935
E-mail: poea-leg@globalink.net.ph

VISAYAS

CEBU CITY

Regional Center for Visayas
3rd Floor, Gemini Building
719 M. J. Cuenco Ave., Cebu City
Tel. Nos. (032) 416-7049/416-7056
Fax No. (032) 416-7051
E-mail : poearcv7@yahoo.com

ILOILO CITY

Regional Ext. Unit-Region VI
2nd Floor, S. C. Divinagracia Bldg.
Quezon Street, Iloilo City
Telefax No. (033) 335-1058. 336-8611

BACOLOD CITY

Satellite Office
3rd floor, Maybank Building
San Juan St., Bacolod City
Tel. No. (034) 434-7391

TACLOBAN CITY

POEA Satellite Office
DOLE Compound, Trece Martirez
Tacloban City
Telefax No. (053) 321-7134

MINDANAO

DAVAO CITY

POEA Regional Center for Mindanao
Door 1 & 2, Seo Leng Wong Bldg.
Jacinto-Artiaga St., Davao City
Telefax No. (082) 221-2063
Tel. No. (082) 222-3643/227-9387
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CAGAYAN DE ORO CITY

POEA Regional Ext. Unit-Region X
3rd Flr., Marcos Bldg.
Corrales-Hayes Sts.
9000 Cagayan de Oro City
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ZAMBOANGA CITY

POEA Regional Ext. Unit-Region IX
2nd Floor, Jose Co. Bldg.
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Telefax No. (062) 992-0946/992-4042

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