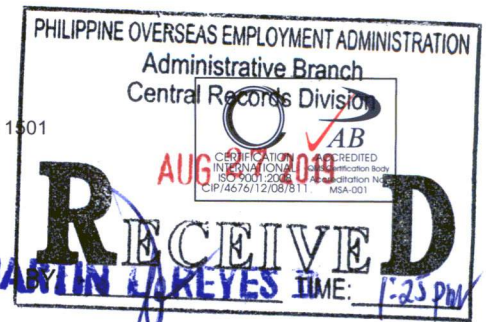




Philippine
Overseas
Employment
Administration

Republic of the Philippines
Department of Labor and Employment
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ADVISORY NO. 19
Series of 2019

In the interest of the service and pursuant to the effective implementation of the 2016 Revised Landbased and Seabased Rules and Department Order No. 151-16, Series of 2016, or the Implementing Rules and Regulations of Republic Act No. 10396 or "an Act Strengthening Conciliation-Mediation as a Voluntary Mode of Dispute Settlement for All Labor Cases", parties are hereby advised to faithfully comply with the formal requirements in the filing of administrative complaints before the Adjudication Office.

Relative thereto, the Administration shall strictly implement Section 139, Rule II, Part VI of the 2016 Revised Landbased Rules **requiring mandatory conciliation of any administrative complaint** involving an Overseas Filipino Worker, licensed manning agency, or principal/employer relating to overseas employment. However, the following cases are not subject to SENa:

- a. Cases referred by the POLO or any other government agency;
- b. Cases initiated by the Administration; and
- c. Cases involving acts of misrepresentation for the purpose of securing a license.

In conjunction with the strict implementation of the POEA Rules as to the conduct of mandatory conciliation, Section 3 (e) Rule I of Department Order No. 151-16, Series of 2016 likewise requires that **all issues arising from labor and employment shall be subject to the 30-day mandatory conciliation-mediation of cases** except:

- e. Violations of POEA Rules and Regulations involving:
 1. Serious offenses and offenses penalized with cancellation of license;
 2. Disciplinary actions against overseas workers/seafarers which are considered serious offenses or which carry the penalty of delisting from the POEA registry at first offense;
 3. Complaints initiated by the POEA;
 4. Complaints against an agency whose license is revoked, cancelled or otherwise delisted; and
 5. Complaints categorized under the POEA Rules and Regulations as not subject to SENa.

As such, except for the items as above enumerated, under no instance shall a complaint be admitted without the parties undergoing the required **30-day mandatory conciliation-mediation** before a complaint may be filed with the Adjudication Office.

CONTROLLED AND DISSEMINATED
BY CRD ON 27 AUG 2019

A **Certificate of Failure to Conciliate** shall be issued by the Conciliation Unit upon termination of the proceedings.

For information and guidance of all concerned.



BERNARD P. OLALIA
Administrator

CONTROLLED AND DISSEMINATED
BY CRD ON 27 AUG 2019