WHEREAS, it is the policy of the state to promote the welfare of overseas Filipino workers;

WHEREAS, Department Order 78-07, series of 2007 dated 22 January 2007 temporarily suspended the contract processing and deployment of Nigeria-bound workers in light of repeated incidents of kidnappings in Nigeria and in order to ensure the continued security and safety of our OFWs, pursuant to section 5 of Republic Act 8042;

WHEREAS, Department Order 80-07, series of 2007 allowed the processing and deployment of returning Filipino workers to Nigeria who are on vacation and are going to work with the same employer in the same job site in light of the improved security conditions in the country and pending complete assessment from the Department of Labor and Employment;

WHEREAS, POEA Governing Board Resolution No. 08, series of 2007 issued on 15 November 2007 and Department Order 86-07, series of 2007 issued on 16 November 2007 provided for the ban on the deployment of OFWs to Nigeria except for the following:

a. OFWs returning to their previous employment in Nigeria, except for those working at the Niger Delta area whose deployment shall be allowed if clearance is granted by the Secretary of Labor and Employment under the terms and conditions he shall impose;

b. Newly hired OFWs for principals duly accredited by the POEA at the time of the promulgation of this Order provided that deployment to principals operating at the Niger Delta area shall only be allowed under the terms provided above;

c. OFWs deployed to newly accredited principals, on a case to case basis as determined by the Secretary of Labor and Employment and subject to the terms and conditions he may impose taking into account among others, the nature of the principal’s business and work location, long established reputation and track record in hiring OFWs in their global operations, the risks involved, the security measures the principal has put in place, and terms and conditions of employment.

WHEREAS, the Secretary of Labor and Employment, in a memo to POEA and OWWA dated 19 November 2007, directed that the selective lifting of the ban on deployment to Nigeria be kept on hold in light of expressed concerns on the security/peace and order situation in Nigeria.
WHEREAS, the Secretary of Labor and Employment, in a memo to POEA and OWWA dated 19 December 2007 reiterated the total ban on the deployment of all workers to Nigeria pursuant to the advice of the Department of Foreign Affairs.

WHEREAS, there are Filipino workers who have been working in Nigeria for many years and who have been coming home for vacation but are not documented as OFWs because of the deployment ban;

WHEREAS, said workers on leave would not have risked returning to Nigeria and working there for many years if their employment conditions are not safe and secure and their principals/employers are not providing effective contingency initiatives and support.

WHEREAS, OFWs in Nigeria, in many communications, have requested for the lifting of the ban on deployment to Nigeria citing the generally peaceful conditions in their workplace, the excellent terms and conditions of their contract and the difficulty in finding similar opportunities in the Philippines or other countries/jobsites;

NOW THEREFORE, the POEA Governing Board, in a meeting duly convened, RESOLVES AS IT IS HEREBY RESOLVED, to grant the above-mentioned requests for the processing of workers already employed in Nigeria and who wish to come back as workers-on-leave/balik-manggagawas.

POEA is directed to prepare the guidelines for the implementation of this partial lifting of the ban on deployment to Nigeria.

For compliance effective 15 days from publication of the implementing guidelines.

Done in the City of Manila, this 12 day of Aug 2009.

MARIANTO D. ROQUE
Secretary of Labor and Employment
And Chairman of the Governing Board

GREGORIO S. OCA
Member

LEONARDO DE OCAMPO
Member

APOSTOL JOE M. GRATELA
Member

GUILLERMINA T. GABOR
Member

JENNIFER JARDIN-MANALILI
Vice Chairman

POEA GB RESOLUTION No. ________ series of 2009
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GOVERNING BOARD RESOLUTION No. 08
Series of 2009

WHEREAS, it is the policy of the state to promote the welfare of overseas Filipino workers (OFWs);

WHEREAS, Department Order 78-07, series of 2007 dated 27 January 2007 temporarily suspended the contract processing and deployment of NigerialBased OFWs workers in light of repeated incidents of kidnappings in Nigeria and in order to ensure the continued security and safety of our OFWs, pursuant to section 5 of Republic Act 8089;

WHEREAS, Department Order 90-07, series of 2007 allowed the processing and deployment of OFWs to Nigeria based on the findings of the Department of Labor and Employment in consultation with the OFW's employers and customs and agreements, subject to the security precautions and conditions existent at the time the OFWs were deployed;

WHEREAS, POEA Governing Board Resolution No. 06, series of 2007 issued on 20 November 2007 provided for the loan on the deployment of OFW's to Nigeria except for the following:

a. Workers returning to their previous or other employment in Nigeria, except for those working in the Niger Delta area whose deployment shall be allowed if guarantees is granted by the Secretary of Labor and Employment, and terms and conditions shall be imposed;

b. Newly-hired OFWs for principal's duly accredited by the POEA at the time of the promulgation of this Order provided that deployment to principal's reported in the Niger Delta area shall only be allowed under the terms and conditions as determined by the Secretary of Labor and Employment and subject to the terms and conditions as determined by the terms and conditions as determined by the Secretary of Labor and Employment as subject to the terms and conditions as determined by the terms and conditions of employment.

WHEREAS, the Secretary of Labor and Employment, in a memo to POEA, dated 15 November 2007, directed that the deployment of OFWs on board in Lagos, Nigeria be kept on hold in light of expressed concerns of the OFWs as a result of the security situation in Nigeria;

WHEREAS, the Secretary of Labor and Employment, in a memo to POEA, 18 December 2007, reiterated that the total ban on the deployment of all OFWs in Nigeria be maintained;

WHEREAS, workers are being worked in Nigeria who have not been working in Nigeria for more than 3 years and have not had their contract renewed by their employers;

WHEREAS, the deployment of OFWs to Nigeria is prohibited;

WHEREAS, the POEA Governing Board, in a meeting duly convened by the Chairperson, resolved to hereby resolve to authorize the processing of workers already employed in Nigeria who wish to come back to work in Nigeria on a trial basis, subject to the terms and conditions of their contract and the security conditions in Nigeria;

NOW THEREFORE, the POEA Governing Board hereby resolves to authorize the processing of workers already employed in Nigeria who wish to come back to work in Nigeria on a trial basis, subject to the terms and conditions of their contract and the security conditions in Nigeria.

Done in the City of Mandaluyong on 12 day of August 2009.

(Sgd) MARIANO T. ROQUE
Secretary of Labor and Employment
And Chairperson of the Governing Board

(Sgd) GREGORIO S. DCA
Member

(Sgd) LEONARDO DE OCAMPO
Member

(Sgd) JENNIFER JARDIN-MANALILI
Vice Chairperson

(PDO-OCTOBER 14, 2009)