MEMORANDUM CIRCULAR NO. 10
Series of 1997

TO : ALL CONCERNED

SUBJECT : GUIDELINES ON THE ACCREDITATION OF JAPANESE PRINCIPALS HIRING FILIPINO PERFORMING ARTISTS (OPAs)

Pursuant to Department Order No. 37, Series of 1996, lifting the suspension of accreditation for new principals in Japan, the following guidelines are issued.

I. Documentary Requirements:

All Philippine recruitment agencies seeking accreditation of new Japanese principals hiring Overseas Performing Artists (OPAs) shall submit the following documentary requirements:

A. Initial Accreditation

1. Authenticated and verified Special Power of Attorney (SPA) issued by the Japanese principal/promotions agency in favor of the Philippine recruitment agency;

2. Authenticated and verified Recruitment Agreement executed by and between the licensed Philippine recruitment agency and the Japanese principal;

3. Authenticated and verified Model Employment Contract;

4. Verified affidavit of undertaking executed by the foreign promoter/principal (copy attached);

5. Verified initial booking for a minimum of 50 OPAs upon application, spread over a period of one year;
6. Pre-qualification certificate of the foreign principal/promoter duly issued by the Office of the Labor Attache pursuant to Administrative Guidelines Implementing Department Circular No. 01-91 and conditioned on the attendance of the President and other senior officers and staff of the Japanese promotions company at a special briefing in accordance with Department Order No. 37 Series of 1997

7. Escrow deposit of US $ 20,000 or its equivalent Philippine currency to be deposited in any Philippine bank;

8. Verified Memorandum of Agreement between the Philippine entertainment industry association and its counterpart industry association in Japan where subject principal is a member. Such Memorandum of Agreement shall be in accordance with Department Order No. 21, Memorandum Circular No. 36 (Series of 1996) and Memorandum Circular No. 2 (Series of 1997).

B. Renewal of Accreditation of Principals accredited prior to the issuance of DO 37 Series of 1996

a. All of the above accreditation requirements; and

b. Clearances from the Office of the Labor Attache, the Welfare and Employment Office and Adjudication Office of the POEA relating to:
   • nature and number of complaints/cases lodged against the principal; and
   • cooperation in the settlement of problems and resolution of cases.

The validity of accreditation is two (2) years unless sooner revoked by the POEA.

II. Sanction

Violation(s) of any provision of this Circular shall be subject to applicable sanctions per existing regulations on overseas employment.

This Circular takes effect after 15 days from its publication in a newspaper of general circulation.

For compliance.

FELICISIMO O. JOSON, JR.
Administrator

5 May 1997

MC #10
S. 1997
AFFIDAVIT OF UNDERTAKING

I, (name), a Japanese national of legal age, in my capacity as (position) of (name of Company) hereinafter called the Company with office address at ____________, after having been duly sworn to hereby declare on behalf of the company THAT:

1. The company is recruiting Filipino Performing Artists for stage performance in Japan;

2. The company shall exert every effort to ensure the well-being and protection of Filipino performing artists during their period of employment and stay in Japan;

3. The company assumes full responsibility for proper implementation of the employment contract of the performing artists as required by laws and regulations of Japan and the Republic of the Philippines;

4. The performing artists shall not be required by the Company or the Establishment to work as receptionists/hostess, to render janitorial and waiting services, to engage in “dohan” or any other illegal acts; to solicit customers for the Establishment or its owners; or otherwise perform work other than that for which the artists were contracted;

5. The performing artists deployed to a particular establishment shall not be allowed to be re-booked or transferred to another club or establishment other than that to which they were originally deployed;

6. The performing artists shall receive a minimum of sixty percent (60%) of the booking rate of Y200,000 per month;

7. The company shall pay all salaries and allowances due to the performing artists at least on a monthly basis;

Memo Circular #10
Series 1997
8. The company and/or Establishment shall not impose any penalty on the artists for violation of "house rules" and "company policies" which are not embodied in a written agreement between the artists and the Company;

9. The company assumes the repatriation cost of contracted artist and his/her personal belongings should the need arises;

10. The Company obligates itself to comply with pertinent regulations and issuances relative to the deployment of Filipino overseas performing artists;

11. In case of the Company's failure to comply with this undertaking, the Company accepts the authority of POEA to suspend or cancel the company's accreditation as well as to include the company in the POEA watchlist or blacklist as the case may be.

Affiant

Memo Circular #10
Series 1997