Memorandum Circular No. 52
Series of 1994

SUBJECT : GUIDELINES ON DECENTRALIZATION OF POEA FUNCTIONS

In pursuance of the decentralization program of the Department of Labor and Employment (DOLE) and in view of the establishment of the POEA Regional Center For Mindanao (RCM), the following guidelines on the conduct of operations shall be strictly observed.

I. PRE-EMPLOYMENT SERVICE OFFICE

A. Processing of Employment Contracts

   Section 1. Documentary Requirements. The following documents enumerated hereunder shall be submitted for processing of contract workers under the following categories:

   1. Landbased Contract Workers thru Agencies and Entities Except Entertainers

      1.1. Certified photocopy of Accreditation Certificate

      1.2. Certified photocopy of Approved Job Order

      1.3. Valid Certificate of Job Order Balance issued by ECPB (2 copies)

      1.4. Duly Accomplished Request for Processing (RFP) Form (2 copies)

      1.5. Employment Contract

      1.6. OCW Information Sheet

      1.7. OCW ID Sheet

      1.8. Repatriation Bond

      1.9. Insurance Certificate

   2.0. PDOS Certificate for Household Workers
2.1. Visa, NOC, Entry Permit or its Equivalent

2. Performing Artists (Entertainers)

2.1. Certified photocopy of Accreditation Certificate

2.2. Verified/Authenticated Translation of Individual Certificates of Eligibility

2.3. Duly accomplished Recruitment Order (RO) Form (2 copies)

2.4. Individual Employment Contract

2.5. OCW Information Sheet

2.6. OCW ID Sheet

2.7. Insurance Certificate

2.8. Repatriation Bond

2.9. Valid Passport

2.10 Exemption from the Secretary of the Department of Labor and Employment (DOLE) in the case of artist below 23 years old.

2.11 Booking contract of not less than five (5) workers in the case of artist below 23 years old

2.12 Photocopy of passport indicating the latest departure from Japan and arrival to the Phils. in the case of artist below 23 yrs. old.

2.13 In case of artist above 23 years old, certification from the agency attesting that the artist is more than 23 years old and has a minimum experience of one (1) year as performing artist.

3. Seafarers thru Manning Agencies

3.1. Duly accomplished Request for processing (RFP) (2 copies)
3.2. Certified Photocopy of Accreditation Certificate

3.3. Valid Certificate of Crew Order Balance issued by ECPB (2 copies)

3.4. Approved salary scale

3.5. POEA Standard Contract

3.6. Seafarer's Info Sheet

3.7. Seaman's Service Record Book (SSRB)

3.8. Seaman's Registration Card (SRC)

3.9. Valid PRC ID for Officers

3.10 Radar Observers Course Certificate (ROC), for officers

3.11 Radar Simulator Course Certificate (RSC), for officers

Section 2. Processing Procedures of Workers’ Contracts and other Employment Documents. The detailed processing procedures to include process flow are presented separately forming part of annexes of this Memorandum.

Section 3. Processing of Returning Contract Workers. Overseas Contract Workers (OCWs) who are on vacation or on emergency leave and returning to the same employer or worksite to resume their employment within six (6) months from the date of arrival in the Philippines are processed as such by the Administration.

Further, all Filipino Cabin Crew/Flight Attendants of airlines who are on home leave may also be processed thru the Center as individual returning OCWs.

1. The following are the documentary requirements to be submitted:

1.a. Individual Balik Manggagawa

1.a.1. Valid passport
1.a.2. Valid re-entry visa where applicable

1.a.3. Valid return ticket or employment contract, work permit or any documents showing proof of present employment at worksite.

1.a.4. Repatriation Bond

1.a.5. Insurance Certificate

1.b. Cabin Crew/Flight Attendant

1.b.1. Passport with corresponding visa or any equivalent document

1.b.2. Any of the following:
   - crew ID
   - Employment Certificate or other documents showing proof of employment

1.b.3. Insurance

1.c. Group Balik Manggagawa (BM)

1.c.1. Request for Processing (RFP) 2 copies

1.c.2. Passport of OCW

1.c.3. OCW Info Sheet

1.c.4. Previous documents processed by the agency such as OEC, Contract and RFP

1.c.5. Repatriation Bond

1.c.6. Insurance Certificate

2. The detailed processing procedures for returning overseas contract workers to include the process flow are presented separately forming part of annexes of this Memorandum.

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Section 4. Issuance of Overseas Employment Certificate (OEC). The OEC shall be issued for each duly processed contract. The OEC shall serve as exit clearance at the airport and as travel tax exemption. The four (4) copies of the OEC shall be used as follows:

1. The original copy is given to the overseas contract worker/agent/balik-manggagawa for presentation to the airline.

2. The second copy is submitted by the overseas contract worker/balik-manggagawa to the Labor Assistance Center (LAC) at the airport.

3. The third copy is the overseas contract worker's/balik-manggagawa's/seafarers's personal copy.

4. The fourth copy as POEA's file copy.

Section 5. Validity Periods of OEC. The validity periods of OEC shall be 120 days for new hires and 90 days for balik-manggagawa.

In the case of seafarers, the validity period shall be 60 days.

1. Extension of Validity of OEC

Expired OECs shall not be extended for ticketing purposes. Reprocessing of documents shall then be required for expired OECs.

However, for exit purposes at the LAC and Bureau of Immigration and Deportation (BID), the second copy of OEC shall be extended up to the date of the contract worker's departure.

The following documents shall be required for processing of the requests for OEC Extensions:

a. letter-request

b. second and third copies of OEC

c. copy of RFP or RO

In the case of Balik-manggagawa (vacationing workers), extension of the expired OECs shall be done
upon the presentation of the passport and the second copy of the OEC to the LAC.

Section 6. Issuances of a Certificate Regarding Processed OECs. In the case of lost OEC copies, the respective processing units shall issue a certification indicating the particulars of the processed OEC. This certification shall be used for exit purposes only at the LAC and the BID.

However, a certified true copy of processed OEC can also be issued in lieu of a certification.

Section 7. Re-issuance of OECs. OECs which expired before the issuance of tickets shall be deemed cancelled. Reprocessing of documents shall be required for the issuance of another set of OEC.

1. Requirements for Re-issuance of OECs.
   1.a. expired OEC
   1.b. same set of documents required for processing landbased workers and seafarers

2. Replacement of Workers (new hires)

   Request for replacement of processed contract workers shall be acted upon presentation of the following previously processed documents:

   2.a. OEC or ticket
   2.b. Employment Contract/Agency-Worker agreement/Standard Employment Contract
   2.c. RFP/RO in the case of landbased workers
   2.d. SSRB in the case of seafarers.

Section 8. Monitoring of Processed OECs. A list of processed and issued OECs shall be endorsed to the Philippine Tourism Authority (PTA) by the Administration on the sixteenth and thirtieth day of each month. Such list shall contain such information as name of contract worker, OEC No., destination, date of processing and the deploying agency in the case of new hires.

Cancelled OECs shall also be properly logged by the respective operating units. Reporting system shall be in close coordination with the designated REU Coordinator.
Section 9. Payment of Processing Fees and OWWA Contribution. Payment of processing fees and welfare fund contributions shall be made immediately after the approval of the request for processing. All payments shall be covered by official receipts and no refund of fees shall be made after payment.

The following fees shall apply:

1. Processing Fees

1.a. Landbased OCWs -------- P200.00

1.b. Seabased (engaged) ------ P200.00

1.c. Seabased (re-engaged) ---- P100.00

1.d. Individual Balik Manggagawa - P100.00

1.e. In the case of Cabin Crew/Flight Attendant, P100 shall be charged for the initial issuance of OEC's. Subsequent issuance, however, shall be free of charge within one (1) year from the date the first OEC was issued provided a copy of the initially issued OEC is presented for processing.

1.f. Individual or Agency Name Hire-US$100.00 or its peso equivalent.

1.g. Re-issuance of OECs as allowed in meritorious cases shall be required to effect payment of above-cited applicable processing fees.

2. OWWA Contributions

2.a. Landbased Schedule

All Filipino employers with foreign projects and employers hiring through private recruitment agencies shall contribute to the Fund at a Fixed rate of US $ 25.00 based on the official rate of the Central Bank at the rate of P 28.00 to a dollar (US$1.00) or P700.00

In the event the rate of exchange fluctuates, 10% above or below the prevailing rate, the rate of contributions shall be adjusted accordingly.

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This amendment is without prejudice to a prior provision mandating specific type/group of foreign employers hiring through POEA to contribute US $25.00.

2.b. Seabased Schedule

OWWA Contributions are henceforth fixed at US$25.00 regardless of the prevailing exchange rate.

B. Accreditation of Foreign Principals/Employers

Section 1. Issuance of Accreditation Certificate. The Center shall issue to the agency an Accreditation Certificate for its principal or project after approval of the accreditation request.

1. Full accreditation is granted if a principal/project meets all the requirements for accreditation.

1.a. Validity of accreditation shall be for a maximum period of two (2) years from the date of issuance, subject to renewal, except in the following cases:

1.a.1. Where principal is a foreign placement agency - validity of its accreditation shall be COTERMINUS with its business license but in no case shall exceed two years.

1.a.2. Where a principal has a limited Special Power of Attorney to a Philippine Agent where visas are specified for a certain group or skills only - validity of accreditation shall be COTERMINUS with the validity of the Special Power of Attorney/visas.

2. Provisional Accreditation is granted if a principal or project meets the accreditation requirements substantially.

2.a. Provisional Accreditation shall be valid for a maximum period of ninety (90) days from the date of issuance. Upgrading of provisional accreditation to full accreditation may be

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Section 2. Parties to the Recruitment Agreement

1. Direct Employer

Accreditation may be granted only when the foreign signatory to the recruitment agreement with the applicant agency is the Direct Employer of the workers to be recruited.

2. Foreign Placement Agency - may be accredited as principal if they are authorized to operate as Foreign Placement Agencies in their respective countries.

Section 3. Requirements For Accreditation.

1. LANDBASED

1.a. Standard Employment Contract

1.b. Special Power of Attorney (For Private Employment Agencies)

1.c. Manpower Request from the foreign principal indicating skills, wages and the number of workers needed.

1.d. Other documents which the Administration may find necessary, such as:

1.d.1. Principal's Business License/Commercial Registration with Official English Translation.

1.d.2. Visa or equivalent document

1.e. Other documents which are country-specific requirements

2. Performing Artists (Japan)

2.a. Authenticated Special Power of Attorney/Recruitment Agreement

2.b. Affidavit of Responsibility executed by the Promoter/Principal

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2.c. Pre-qualification Certificate of the promoter and venue

2.d. Cash bond of US$20,000 or its equivalent in Philippine currency deposited in escrow in favor of POEA to primarily answer for valid and legal claims of workers.

2.e. Copy of Booking Contract between the foreign promoter and club/venue owner together with the English translation duly verified by the Philém/consulate

2.f. Affidavit of undertaking by the foreign promoter and Phil. Agency that the performing artists:

2.f.1. shall not be required to work as receptionist/hostess

2.f.2. shall not be allowed to be re-booked or transferred to another club or establishment

2.f.3. shall receive not less than 60% of the booking rate.

2.g. Model Employment Contract

3. **TRAINEE** (Korea) (Joint Venture)

3.a Approval of Trainee Sponsorship from any of the following government entities in Korea verified by the Labor Attache:

3.a.1. Ministry of Trade and Industry

3.a.2. Korean Central Bank

3.a.3 Ministry of Science & Technology

3.a.4. Korea Trading Association

3.b Training Contract, notarized in South Korea and Verified by the Labor Attache

3.c Award of Assignment authenticated and verified by the Philippine Embassy/Labor Attache together with the host company’s translated

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business license. (Award of Assignment is a document from the host company granting authority to his Philippine agent to act and sign for and in behalf of the host company).

Section 2. Requirements For Job Order Requests (LANDBASED)

1. Manpower Request

2. Labor Quota/Empass/visa stamped on Passport

3. Immigration Approval to hire foreign workers in the case of Hongkong (Non-DH) and Japan (Performing Artists)

Section 3. Transfer of Accreditation.

1. The accreditation of a principal or a project may be transferred to another agency provided that transfer shall not involve any diminution of wages and benefits.

2. The newly appointed agency shall:
   
   2.a. comply with the requirements for accreditation.

   2.b. assume full and complete responsibility to all contractual obligations of the principals to its workers originally recruited and processed by the former agency notwithstanding any agreement by the parties to the contrary.

3. The new agency shall assume the full and complete responsibility as indicated above, in the following cases:

   3.a. A principal who has cancelled/terminated its existing accreditation with the first agent.

   3.b. A principal who has transferred to the second agent after the expiration of its accreditation with the first agency.

4. Applications for the transfer of accreditation of principals or projects shall be acted upon by the Center upon submission of all requirements by the new transferee agency.

Section 4. Revocation of Accreditation.

1. The accreditation of a principal or project may be

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revoked by the Administration in any of the following cases:

1.a. Upon request or notification by the principal or contracting partner.

1.b. Upon request of the agency.

1.c. False documentation or misrepresentation in connection with the application for accreditation.

1.d. Violation of applicable laws, rules and regulations on overseas employment.

Section 5. Blacklisting of Persons, Principals and Contracting Partners.

1. Blacklisting shall be applied to persons, principals and contracting partners including natural persons who are found:

   1.a. Defaulting on their contractual obligations to workers.

   1.b. Violating rules and regulations on overseas employment.

   1.c. Committing grave misconduct and offenses involving moral turpitude.

2. Blacklisted persons, principals and contracting partners including natural persons shall be prohibited from participating in the overseas employment program.

Section 6. Authentication of Basic Documents. Requirements for accreditation shall not be authenticated if basic documents are signed by the authorized officials of both the hiring company and its local agent in the presence of any member of the POEA Directorate or duly designated officers of the Administration.

Section 7. Requirements for Accreditation (Manning Agency)

1. Accreditation of Principal

   1.a. Letter request of agency.

   1.b. Authenticated Manning Agreement (MA) and Special Power of Attorney (SPA).
1.c. Salary scale form (2 copies)
1.d. Crew order form (COF) (2 copies per vessel if without crew names) (3 copies if with crew name)
1.e. Crew order request of principal (telex or fax)
1.f. Affidavit of undertaking on the submission of SPA & MA if the same were not yet submitted.

2. Enrolment of Vessel/Initial Crew Request
2.a. Letter request of agency
2.b. Crew order forms (3 copies if with crew names) (2 copies if w/o crew name)
2.c. Crew request of principal (telex or fax)
2.d. Salary scale form (2 copies) if w/o approval yet.

3. Request for Approval of Additional Positions
3.a. Letter request
3.b. COF or LRP (2 copies if w/o crew name) (3 copies if w/ crew name)
3.c. Crew request of principal (fax or telex)
3.d. Salary scale (2 copies) if w/ no approved salary scale

4. Renewal of Accreditation
4.a. Letter request
4.b. Status of previously enrolled vessels
4.c. Salary scale (2 copies)
4.d. New MA & SPA or telex of principal stating the renewal of agreement with the agency (required if MA & SPA are already expired)

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5. Other Requests

5.a. Filling-up of Approved Positions

5.a.1. LRP (2 copies)

6. Amendment of Salaries and Other Contract Provisions

6.a. Letter request of agency

6.b. New Salary Scale (2 copies)

7. Transfer of Vessel from one agency to another

7.a. Same as those for enrolment of vessel.

8. Change of Flag, Name of Vessel and Principal

8.a. Letter request of agency or COF

8.b. Telex advice of the principal

9. Amendment of Approved Position

9.a. COF (2 copies)

9.b. Telex advice of principal

10. Termination of Vessel/Principal

10.a. Letter of Agency

11. Reactivation of Vessel/Principal

11.a. Vessel - same with enrolment of vessel

11.b. Principal - same with accreditation of principal

12. Cancellation and Replacement of Seafarers After Processing (onboard and undeployed)

12.a. Replacement of Onboard Crew:

12.a.1. Letter request for replacement (LRR) 2 copies

12.a.2. Reason for replacement (must be stated at the "Remarks" column of the LRR)

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12.b. Replacement of Processed but Undeployed Crew

12.b.1. LRR

12.b.2. Written conforme of the crew to be replaced

12.b.3. Processed contract and SSRB of the crew to be replaced

13. Name-Hires

13.a. Authenticated employment contract which is a must for female crew. For male crew, employment contract with telex confirmation of the employer may suffice.

13.b. Vessel particulars

13.c. SRC & SSRB of the crew

13.d. Plane ticket

NOTE: Name-hire processing is limited to a maximum of 5 crew per principal. Principal and vessel must not be accredited/enrolled to any agency.

14. Rehires

14.a. Guarantee of employment of the principal in the form of telex advice or certification

14.b. SRC & SSRB

14.c. Plane ticket

II. WELFARE AND EMPLOYMENT OFFICE

A. Name Hire Processing Unit (Individual and Agency-Endorsed Name Hires)

Section 1. Documentary requirements for processing

1.a. Special Power of Attorney (SPA), in the case of agency-endorsed name hires, to sign and deliver all documents necessary to complete all transactions related to the processing of name

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hired workers. Only authorized officers of the licensed agency shall acknowledge the SPA.

1.b. Employment contract duly signed by the employer and worker which conforms to the minimum provisions required by POEA and, whenever applicable, authenticated/verified by the Philippine Embassy/Consulate, or Labor Attache at the worksite.

1.c. Working visa, entry permit, No Objection Certificate (NOC), visa certification, or any equivalent entry document depending on host country visa regulations, verified by the Philippine Labor Attache, whenever applicable.

1.d. Airline ticket, Ticket Exchange Voucher (TEV) or Prepaid Ticket Advise Voucher (PTA), verified by the Philippine Labor Attache, whenever applicable.

1.e. Valid contract worker passport.

1.f. Assumption of responsibility (for agency-endorsed name hires)

1.g. Medical Certificate issued by duly accredited medical clinics.

1.h. Pre-Departure Orientation Seminar (PDOS) Certificate

Section 2. Documentary Requirements according to country of destination.

2.a. United States of America

2.a.1. Employment Contract (original) duly signed by the employer and worker and authenticated/verified by the Philippine Embassy in the U.S. for female workers.

2.a.2. Valid Passport

2.a.3. Valid working visa

2.a.4. Pre-paid Ticket Advise (PTA)

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2.a.5. Medical examination to be conducted by DOH-POEA accredited clinic/hospital. (Medical exam should include basic exam, pregnancy test for female only and Psycho Exams).

2.a.6. Pre-Departure Orientation Seminar for those workers who will work for the first time outside the country.

2.a.7. 2 pictures 2 X 2

2.b. Kingdom of Saudi Arabia

2.b.1. Contract of Employment (original) duly signed by the employer and worker

2.b.2. Valid contract worker passport

2.b.3. Visa certificate from Saudi Embassy. Visa certificate should be in the name of the employer.

2.b.4. Pre-paid Ticket Advise (PTA)

2.b.5. Medical exams to be conducted by DOH-POEA accredited clinics. (Exam should include basic exams, pregnancy test for female and Psycho exams).

2.b.6. 2 pictures 2 X 2

2.c. United Arab Emirates (UAE)/OMAN/QATAR

2.c.1. Contract of Employment duly authenticated/verified by the Philippine Embassy in UAE, Oman and Qatar for female workers.

2.c.2. No Objection Certificate (NOC)

2.c.3. Medical exams conducted by DOH-POEA accredited clinic. (Exams should include basic exams, pregnancy test for female and Psycho exams).

2.c.4. Pre-paid Ticket Advise (PTA)

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2.c.5. Valid passport
2.c.6. 2 pictures 2 X 2

2.d. BAHRAIN
2.d.1. Original Contract of Employment duly verified and authenticated by Philippine Embassy in Bahrain for all workers.
2.d.2. No Objection Certificate (NOC)
2.d.3. Valid Passport
2.d.4. Medical exams conducted by DOH-POEA accredited clinic (exams should include basic exams, pregnancy test for female and Psycho exams)
2.d.5. Pre-paid Ticket Advise (PTA)
2.d.6. 2 pictures 2 X 2

2.e. HONGKONG
2.e.1. Standard Employment Contract duly verified and authenticated by the Philippine Consulate in Hongkong
2.e.2. Visa stamped on passport
2.e.3. Medical exams from DOH/POEA accredited clinic/hospital (exams include basic, pregnancy test and Psycho exams)
2.e.4. Valid passport
2.e.5. Ticket exchange voucher verified by Philippine Consulate in Hongkong
2.e.6. 2 pictures 2 X 2

2.f. CANADA
2.f.1. Confirmation of Offer of Employment and Description issued and verified by Canadian Embassy, Manila

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2.f.2. Notice of temporary approval from Canadian Embassy, Manila

2.f.3. Valid passport

2.f.4. Pre-paid Ticket Voucher (PTA)/Booking certificate

2.f.5. 2 pictures 2 X 2

2.g. TRUST TERRITORIES

2.g.1. Employment contract authenticated/verified by Philippine Embassy at worksite, male/female

2.g.2. Valid passport

2.g.3. Entry permit and work permit

2.g.4. Pre-paid Ticket Advise (PTA)

2.g.5. Medical exams conducted by DOH-POEA accredited clinic (exams should include basic, pregnancy test and Psycho exams)

2.g.6. 2 pictures 2 X 2

2.h. PAPUA NEW GUINEA (PNG)

2.h.1. Employment Contract authenticated/verified by Philippine Consulate at worksite for female workers

2.h.2. Valid passport

2.h.3. Valid visa issued by PNG Embassy, Manila

2.h.4. Pre-paid Ticket Advise (PTA)

2.h.5. 2 pictures 2 X 2

2.i. EUROPEAN COUNTRIES

2.i.1. Offer of Employment/contract of employment and whenever applicable, authenticated/verified by the Philippine Embassy nearest the worksite
2.1.2. Valid passport

2.1.3. Working visa/residence permit/equivalent document

2.1.4. Pre-paid Ticket Advance (PTA)

2.1.5. Medical exams from DOH-POEA accredited clinic/hospital.

2.1.6. 2 pictures 2 X 2

2.2. SINGAPORE

2.2.1. Standard Employment Contract Authenticated by Philippine Embassy in Singapore

2.2.2. In-principle approval of entry permit. This should be in the name of principal and worker.

2.2.3. Valid passport

2.2.4. Prepaid Ticket Advance (PTA) verified by the Philippine Embassy, Singapore

2.2.5. Medical exams conducted by DOH-POEA accredited clinics (should include basic, pregnancy test and Psycho exams)

2.2.6. 2 pictures 2 X 2

2.2. BRUNEI

2.2.1. Employment contract authenticated/verified by Philippine Embassy

2.2.2. Valid visa issued by Brunei Embassy, Manila

2.2.3. Valid passport

2.2.4. Pre-paid Ticket Advance (PTA)

2.2.5. Medical exams conducted by DOH/POEA accredited clinic (should include basic, pregnancy test and psycho exams)

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Section 3. Payment of Processing Fees and OWWA Contributions

3.a. Processing Fee - individual and agency-endorsed name hires shall pay a uniform processing fee of US$ 100.

3.b. OWWA Contributions

3.b.1. Individual Name Hires
- Household workers - US$ 25
- Skilled Workers - US$ 50

3.b.2. Agency-Endorsed Name Hires - US$ 25

3.b.3. All Name Hires bound for US and trust territories - US$ 25

Section 4. Procedures

4.a. The above requirements are received from the name hires and evaluated using as basic the minimum employment standards as stated in the Rules.

The name hire is then checked against the Administration's watchlist and the would-be employer is checked too whether he is accredited to a particular local agency or has used up his quota of five name-hired workers.

If cleared through these checks, he is then referred for medical exam to DOH/POEA accredited clinic and scheduled for Pre-Departure Orientation Seminar. Once the medical exam results are released and he is declared fit to work, the Request For Processing (RFP) is prepared after which, the Name Hire pays the POEA processing fee and OWWA contribution, after payment, the Name Hire is issued his/her OEC.

4.b. If documentary submissions fall short of requirements, name hire is advised of deficiency of contract, etc. Direct telex/fax
guarantees/commitment to upgrade contract terms and comply with requirements to POEA RCM/REU will be required from employers.

4.c. Where the name hire employer has an outstanding accreditation with a POEA licensed agency, the name hire is advised to have his/her documents processed by the agency.

4.d. Employers insisting on their name hire regardless of unfitness to work should execute an assumption of responsibility over their physical condition. A direct telex/fax to POEA RCM/REU shall be sufficient.

4.e. An employer may only avail of name hires up to five (5) workers. Beyond this, he shall be advised to seek accreditation with a licensed agency.

B. Government Placement Branch

1. Documentary Requirements for Registration

1.a. For Professionals

1.a.1. Self made bio-data with detailed job description

1.a.2. 6 pcs. 2 x 2 pictures

1.a.3. PRC Card

1.a.4. Service record and certificate of work experience (past & present)

1.a.5. Board Certificate

1.a.6. Board Rating

1.a.7. High School Diploma

1.a.8. College Diploma

1.a.9. Transcript of Records

1.a.10. OMA Certificate (if Muslim)

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1.a.11. CGFNS Certificate (for USA applicants)
1.a.12. NBI Clearance
1.a.13. Birth Certificate

1.b. For Non-Professionals
1.b.1. Self made bio-data with detailed job description
1.b.2. 2 pcs. 2 x2 pictures
1.b.3. Service record and certificate of work (past and present)
1.b.4. High School Diploma
1.b.5. NBI Clearance
1.b.6. Birth Certificate
1.b.7. Trade Test Certificate (if any)

2. Account Officer of the Client Services Division of GPB at Home Office (HO) upon receipt of the telex or fax requesting for workers undertakes initial evaluation to determine if foreign employer can qualify as a GPB client. If so account officer prepares Request Specification Form (RSF) copies and sends the same to POEA RCM.

3. POEA RCM upon receipt of RSF copy, sources, pre-screens and monitors workers availability and endorses applications to GPB-HO.

4. GPB HO endorses pre-screened applications to employers for selection or shortlisting, copy furnished POEA RCM/REU.

5. GPB HO upon receipt of fax or telex of selected or shortlisted applicants from employer, provides copy to POEA RCM to inform applicants of interview schedule or selection by mail.

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5.a. If interview is to be done at POEA RCM applicants are informed of interview schedule by the RCM/REU.

5.b. For selections by mail, POEA RCM calls workers for processing of documents.

6. Processing Procedures

6.a. Once a worker is selected, POEA RCM will immediately instruct him through telegram or phone, to report for processing of his documents.

6.b. The selected worker is then referred for medical examination according to country/employer specific medical protocol. Issuance of medical results by DOH-POEA accredited clinics in the regions shall depend on the type of diagnostic tests required by the requisitioning country/employer.

6.c. POEA RCM briefs selected workers on processing procedures, profile of the country of destination, basic employer/company policies, work conditions, terms and conditions of employment contract (salary and benefits, job requirements and the like). Materials on this briefing shall be provided/updated by GPB-HO from time to time. In case employer/s or their representatives are around, such briefing may be done by them together with designated account officers at the POEA RCM.

6.d. Worker is likewise required to attend a Pre-Departure Orientation Seminar (PDOS) in case he is leaving the country for the first time as a contract worker. If the worker is an ex-overseas contract worker and has attended PDOS before, he will be issued an exemption certificate to this effect.

6.e. Physically fit workers will then be made to sign an employment offer/contract. Once signed, this will be submitted to designated account officer of RCM together with the following:

6.e.1. Medical result (original & xerox)

6.e.2. Passport

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6.e.3. OCW Info Sheet
6.e.4. PDOS Certificate
6.e.5. POEA Registration Card

If medically unfit, the worker will automatically be dropped from the list.

6.f. Simultaneous to processing, workers are advised to have the following documents authenticated:

6.f.1. High School/College Diploma (DECS)
6.f.2. Transcript of records (DECS)
6.f.3. PRC License, Board Certificate, Board Rating (PRC)
6.f.4. Marriage Certificate (for female only) (NCSC)
6.f.5. Local employment certificate (City Court)

(Note: The above documents are general requirements. Some employers may not require other document).

6.g. The Recruitment Order (RO) Form shall be filled up per worker and signed by the RCM Account Officer. This form shall be the basis of the collection of processing fee and OWWA contribution to be made. In case a group of workers are being recruited for the same employer and shall depart altogether in the same flight and date, one RO can be processed for them and one official receipt subsequently issued thereof but enumerating the names of workers listed thereof in the RO.

6.h. Once the worker's documents have been fully complied with, RO completed and payment collected thereof, the Overseas Employment Certificate (OEC) can now be prepared. OEC usage should be sequential. (N.B.: As accountable forms, the OEC should be so kept with maximum security.)

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6.1. The following documents are to be forwarded to GPB-HO for visa application and flight arrangement:

6.1.1. Properly filled-up visa application form

6.1.2. Medical card (original)-indicating FIT TO WORK

6.1.3. NBI Clearance

6.1.4. 1 copy 2 x 2 picture

6.1.5. Passport

6.1.6. Original No Objection Certificate (NOC) for Ex-Saudi

6.1.7. Original OEC

6.1.8. Visa fee payment

(N.B.: Re Item # 6.1., Auditing regulations prohibit POEA or its RCM/REUs to collect from the workers their payment for visa fee which fluctuates according to the value of the peso and other factors that the Saudi Embassy in Manila considers. There is thus the question of whether, at this point in time, the worker will be required to come to Manila to pay his visa fee directly to the Saudi Embassy. If not, the POEA RCM should be authorized to receive workers’ money allotted for payment of visa fee.)

6.6. Upon release of visa, GPB-HO sends the following documents to RCM for release to the workers (if they have not so arrived at this point in Manila as a point of embarkation):

6.6.1. Medical card

6.6.2. Passport with visa

6.6.3. Plane Ticket

The RCM shall now collect from the worker the payment for processing fee and OWWA contri-
bution if such arrangement is so advised/authorized from the GPB-HO. Otherwise, the worker's copy of OEC together with the above documents may already be released to the worker and the employer charged/billed accordingly by GPB-HO. Photocopies of POEA and OWWA receipts should be sent to POEA HO.

C. Registration

Section 1. Registration for seabased workers shall be in accordance with Memorandum Circular #26 Series of 1985 entitled Implementing Guidelines on the Registration of Seafarers, Memorandum Circular #14, Series of 1990, Memorandum Circular #45, Series of 1990 and the Minimum Requirements and Qualification Standard for Entry and Promotion to Grade of Filipino Seafarers (MRQSEPG) which was implemented in June 1992.

Section 2. Registration for landbased workers

1. Requirements

All the indicated documents must be fastened in a cream long folder and arranged according to the order as listed below.

1.a. For Professionals/Licensed

1.a.1. Two pictures (2x2)
1.a.2. Typewritten self-made biodata
1.a.3. Employment Certificate
1.a.4. Updated PRC ID, Rating, Board Certificate
1.a.5. College diploma & Transcript of Records
1.a.6. OMA certificate for Muslim (DFA/MILITARY)
1.a.7. Marriage contract-female

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1.a.8. Training certificate
1.a.9. Birth certificate

1.b. For Non-Professional
1.b.1. Two pictures (2x2)
1.b.2. Typewritten self-made biodata
1.b.3. Employment certificate
1.b.4. Highest Educational Attainment certificate
1.b.5. OMA certificate for Muslim (DFA/MILITARY)
1.b.6. Marriage contract-female
1.b.7. Birth certificate
1.b.8. Training certificate

1.c. For Flight Stewardess
1.c.1. Two pictures (2x2)
       One picture (3.5x5) 3R half body close-up colored
1.c.2. Type at the back of the 3R picture the ff: name, address, height, birthdate & signature
1.c.3. HS/COLLEGE diploma
1.c.4. Typewritten self-made biodata
1.c.5. Birth certificate
1.c.6. Application letter

NOTE: PHOTOCOPIES ONLY, ORIGINAL OF THE ABOVE MUST BE PRESENTED UPON REGISTRATION.

2. Procedures

2.a. Check against the list if the documents are complete and authentic.

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2.b. If documents are in order, registering officer shall issue the forms to be filled up by the applicant.

2.b.1. Application form
2.b.2. Skills index card
2.b.3. Registration Card
2.b.4. Alpha Index Card

2.c. Fill up the forms and submit to the registration officer.

2.d. Applicant gets her registration card and signs on the logbook.

III. LICENSING AND REGULATION OFFICE

A. Inspection of Agencies and Entities

Section 1. For Issuance of License

Ocular inspection of an agency with an application for issuance of license whose main office is within the jurisdiction of the Center shall be scheduled upon receipt of request from Licensing Branch to determine substantial compliance with the following operational requirements:

1. Minimum office space of 60 sq.m.
2. Adequate facilities and equipments.
3. Submission of an updated Contract of Lease or certificate of ownership of the space occupied.

Inspection Reports shall be submitted within 24 hours.

The Center shall forward the results of inspection to the Licensing Branch.

MC No. 52 S 1994
Section 2. For Renewal of License

At least sixty (60) calendar days prior to the expiration of its license, ocular inspection shall be conducted at the premises of a licensed agency upon receipt of request from Licensing Branch to determine compliance with the space, facilities and equipment requirements of the Administration. In addition, the following shall be noted/verified:

1. Posting of signboard, posters and POEA door stickers.

2. Compliance with the guidelines on the posting of job openings.

3. Personnel complement, facilities and equipment, space with minimum area of 60 sq. meters.

4. Availment of pre-employment services such as medical test, trade test.

5. Compliance with the specialization requirements in the case of a licensed agency with authority to recruit and deploy entertainers.

Books of accounts and official receipt shall also be examined. If on the date of inspection said documents are not made available for examination, the concerned agency shall be advised to present the same. Failure to comply shall mean non-renewal of license/authority.

Ocular inspection reports shall be submitted within twenty four (24) hours from the date of inspection.

The Center shall forward the results of inspection to the Licensing Branch.

Section 3. For the Establishment and Transfer of Branch Office

Upon receipt of a request from the Licensing Branch, ocular inspection shall be conducted. Substantial compliance with the following documentary and operational requirements shall be verified:

MC No. 52 S 1994
1. Copy of company's formal notice to the Bureau of Domestic Trade or Securities and Exchange Commission on the transfer of business address.

2. In case of a corporation Board Resolution duly registered with SEC authorizing transfer of business address.

3. Minimum office space of 45 sq. meters

4. Adequate facilities and equipments

5. Updated Contract of Lease or Certificate of ownership of the space occupied

6. Personnel complement and/or updated list of officers together with appointment, bio-data and picture of new employees, if any; termination notice of separated employees, if any;

7. Original copy of proof of publication in a newspaper of general circulation to be submitted after inspection, in case of transfer of branch office.

The Center shall forward the results of inspection to the Licensing Branch.

Section 4. For the Establishment of a Studio

Upon receipt of request for inspection from Licensing Branch relative to the establishment of a studio, ocular inspection shall be conducted provided that the following documentary requirements have been submitted:

1. Board Resolution on the establishment of a studio in the case of a corporation;

2. Copy of the Contract of Lease or proof of building ownership.
Compliance with the following requirements shall be verified:

1. Dance studio (for training or auditioning or actual performance of dancers).
   - Total dance studio floor area (minimum of 40 sq. m.)
   - Facilities and equipments such as dressing room (floor area should be noted), balance beam, karaoke, spotlights, mirrors.
   - Professional trainors/instructors (names, qualifications, experiences should be noted).
   - well lighted and ventilated
   - clean and orderly

2. Music/Audition Room (to test, train or practice musical groups, bands or singers).
   - Total floor area minimum of which is 40 sq. m.
   - Sound equipments such as P.A. Sound System, record player or tape deck, piano, electric organ or synthesizer, drum sets, guitars, amplifiers.
   - Professional musical instructor/Director (names, qualifications, experiences should be noted).

Results of inspections should be forwarded to the Licensing Branch.

Section 5. For the Establishment of an Executive Office

Upon the receipt of request of inspection from Licensing Branch relative to the establishment of an executive office, ocular inspection shall be conducted at the premises of the concerned agency.
provided that the following documentary requirements have been submitted:

1. Copy of the Contract of Lease or proof of building ownership;

2. Affidavit of undertaking that no recruitment activity shall be conducted at the executive office;

3. List of Personnel together with appointment, biodata and picture.

Results of inspection should be forwarded to the Licensing Branch.

Section 6. For Acquisition or Use of Additional Office Space

Upon receipt of request of inspection from Licensing Branch relative to the acquisition or use of additional office space, ocular inspection shall be conducted at the premises of the concerned agency provided that the required contract of lease or proof of building ownership has been submitted. The additional office space must be located within the same building or business address.

Results of inspection should be forwarded to the Licensing Branch.

Section 7. For Transfer of Business Address or Studio

Upon receipt of request of inspection from the Licensing Branch ocular inspection shall be conducted at the new address of an agency provided that the following documentary requirements have been submitted:

1. Copy of the company's formal notice to SEC/BBT on the transfer of business address;

2. Board Resolution on the transfer of business address duly received by SEC in the case of a corporation;

3. Copy of a valid contract of lease or proof of building ownership;

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4. Updated list of officers and staff, appointments, biodata with pictures of new employees if any, notice of separated/resigned employees, if any.

Results of inspection should be forwarded to the Licensing Branch.

Final acknowledgement of the new address shall be issued upon the submission of the original copy of the proof of publication of the new address in a newspaper of general circulation.

Section 8. For Accreditation and Transfer of PDOS Venue

Upon receipt of request of inspection from Licensing Branch relative to the accreditation or transfer of PDOS Venue, ocular inspection shall be conducted, subject to the guidelines to be issued.

Section 9. Request for Ocular inspection by other POEA operating units, industry participants and the general public

Requests of other POEA operating units, industry participants and the general public for the ocular inspection of licensed agencies which have seemingly violated POEA issuances, recruitment rules and regulations and Labor Code provisions shall be evaluated and acted upon by the Regional Center. The concerned parties requesting inspection shall be duly informed of the results or the action taken on said request in writing.

In all cases, the Regional Center may conduct the immediate investigation of a licensed agency if prima facie evidence of violation of recruitment rules and regulation during inspection is established.

B. Monthly Payroll Reports

The center shall undertake payroll monitoring of all authority holders under its jurisdiction for the purpose of aiding the Center and Administration in its periodic assessment of performance for determining merits of renewal of license/authority and qualifying in the "Top Performers Awards" undertaken annually.

MC No. 52 S 1994
C. Accomplishment Reports

The Center shall submit monthly accomplishment reports to POEA main office on the activities undertaken in connection with the exercise of the above functions, in accordance with the form attached to this guidelines.

D. Issuance of authority to conduct provincial recruitment, job fair and orientation seminar.

The Center shall issue provincial recruitment, job fair and orientation seminar authorities for agencies with main office or branch within its jurisdiction. Likewise it may modify, revise or suspend the effectivity of the authorities issued by the Central Office, if upon investigation, it is convinced that such action is warranted.

E. Issuance of provincial recruitment authority

1. A formal letter of request for authority to conduct provincial recruitment shall be submitted with the following attachments five (5) working days prior to the start of the said activity;

1.a. Authority/appointment/travel order of recruitment representative/s;

1.b. Bio-data, passport size photo of recruitment representative/s;

1.c. In the case of designation of recruitment representative(s) not included in the list of officers and staff of the company submitted to the LRO, in addition to the above, the NBI clearances of the recruitment representative/s and an affidavit of Undertaking by agency head shall likewise be required;

1.d. Schedule of recruitment activities indicating estimated duration and places;

1.e. Copy of principal/employer’s accreditation;

1.f. Job Order/current vacancies duly certified by the Chief, Employment Contract Processing Branch. Only licensed agencies/entities with job order balance of more than fifty (50)
overseas contract workers will be issued the appropriate authority. The following instances can be considered exceptions:

1.f.1. Job order/s below fifty (50) with skills requirements that are highly technical and specialized and the supply are scarce in Metro Manila;

1.f.2. Job order/s with less than fifty (50) overseas contract workers shall be afforded a shorter duration on a one-time basis of authority to conduct provincial recruitment. Shorter duration shall mean a maximum of two (2) weeks for unskilled categories.

2. Authority to conduct provincial recruitment shall be valid for a specified period to be determined by the Center as follows.

2.a. Job order/s or balance of job order for fifty (50) overseas contract workers but less than one hundred (100) overseas contract workers - maximum of one (1) month;

2.b. Job order/s or balance of job orders for one hundred (100) overseas contract workers but less than two hundred (200) overseas contract workers - maximum of two (2) months;

2.c. Job order/s or balance of job orders for two hundred (200) overseas contract workers and more - maximum of three months;

2.d. Job order/s below fifty (50) overseas contract workers as in the case of 1.f.2 above - maximum of one (1) month.

3. Extension of authority may be granted by the Center upon presentation of valid justification/s. However, the Center reserves the right to shorten the duration of the conduct of provincial recruitment as the situation warrants.

4. Provincial recruitment activities shall be conducted at the Center or in the following:

4.a. DOLE Regional Office (RO)/POEA Regional Extension UNIT (REU) - in areas outside of the Center’s jurisdiction

MC No. 52 S 1994
4.b. District Office or Employment Centers designated by the RO - in areas where there is no DOLE regional office.

5. Supervision of activities shall be undertaken by an Employment Officer, Regional Extension Unit Coordinator, or an equivalent officer designated by the Regional Director.

6. The authorized representative named in the provincial recruitment or job fair authority shall personally present a copy of the authority to the appropriate regional or district office prior to the conduct of the activity. In cases wherein the scheduled provincial recruitment was discarded, the agency concerned shall formally advise the DOLE/POEA Regional Office where said activity shall be undertaken of such discontinuance.

7. The agency or contractor shall submit to the Center its terminal report duly certified by the concerned DOLE Regional Director, POEA REU coordinator, DOLE District Officer or authorized employment center coordinator, not later than fifteen (15) days after the conduct of provincial recruitment or job fair.

8. Should there be a formal complaint/report of abuse of the provincial recruitment authority, e.g. collection of exorbitant placement fees, no authority shall be issued in any region until the issue has been resolved.

9. The conduct of Manpower pooling in the regions/province shall be allowed only for highly-skilled categories or positions and for maximum of one (1) week. A duly verified terminal report shall be submitted to the Center not later than fifteen (15) days after the conduct of the activity.

10. Licensed agencies and entities found violating the conditions on provincial recruitment, job fair and orientation seminar authority shall be subjected to appropriate administrative sanction.

F. Issuance of authority to conduct job fair/s

1. A formal letter of request for authority to conduct a job fair shall be submitted with the following attachments at least thirty (30) working days prior to commencement of the activities:

MC No. 5281994
1.a. For accredited principal

Accreditation Certificate, POEA approved job order, venue and date of fair, and name of authorized representative.

2. An authority to conduct job fair for an accredited principal shall be granted subject to the condition that no fees shall be collected during the initial screening stage unless an employment contract has been signed. Since the principal is accredited and has an approved job order for the required number of workers, the agency may undertake recruitment activities during the fair. In such instance, a provincial job fair authority will suffice. The Center, the RO/POEA REU shall supervise the activity.

3. An authority to conduct a job fair for a prospective principal or client shall be granted subject to the conditions that no recruitment shall be undertaken during the activity; that no fees shall be collected from the participants and that the participants shall not be required to sign a written contract that will bind them to the agency. The Center, the RO/POEA REU shall supervise the activity.

4. As a matter of procedure, the authorized representative named in the job fair authority shall personally present a copy of the authority to the appropriate regional or district office prior to the conduct of the activity. In cases wherein the scheduled activity is cancelled for some reasons, the agency concerned shall formally advise the Office where said agency shall be undertaken of such discontinuance. The agency shall also notify the Center of any change in the schedule of its job fair.

5. The agency shall submit its terminal report fifteen (15) days after the conduct of the job fair stating the name of participants and/or nurses recruited and date of departure if applicable. Failure on the part of the licensed agency concerned to comply with this requirement can be a ground for denial of future requests for authority to conduct job fair.

G. Requirements for issuance of authority to conduct orientation seminar

MC No. 52 S 1994
1. A formal letter of request for authority to conduct orientation seminar which shall be submitted five (5) working days prior to the start of the activity;

2. Copy of principal's/employer's accreditation certificate for accredited principal or name and address of prospective employer for non-accredited principal;

3. Venue and schedule of activity;

4. Name and passport-sized photo of authorized representative/s

H. Approval and monitoring of advertisements for overseas job vacancies by the agencies.

The Center shall approve advertisement for actual job vacancies by licensed agencies for their accredited foreign principal/project.

Section 1. Requirements for approval of advertisement for accredited principal/project

1.a. Advertisements for actual job vacancies for accredited foreign principal/project with job orders duly approved by the administration shall be allowed for advertisement upon accreditation and/or approval of the job orders. The advertisement shall indicate the following:

1.a.1. Name, address and POEA license number of the agency;

1.a.2. Name and/or accreditation number of principal or project and worksite; and

1.a.3. Skill categories and qualifications standards.

Section 2. Requirements for approval of advertisement for Manpower Pooling (Refer also to POEA MC No. 9 Series of 1992)

2.a. Agencies desiring to generate qualified applicants for additional manpower requirements of their accredited principal or project not covered by duly approved job order may advertise only upon prior approval by the Center.

MC No. 52 S 1994
2.b. Agencies and entities desiring to generate qualified applicants for a prospective principal or project may advertise only for highly skilled landbased categories and marine officers upon prior approval of the Center.

2.c. The Advertisement shall indicate the phrase: FOR MANPOWER POOLING ONLY (in bold letters) and NO FEES SHALL BE COLLECTED from applicants. The advertisement shall indicate the following:

2.c.1. Name, address and POEA license number of the agency;

2.c.2. Worksite of prospective principal/project; and

2.c.3. Skill categories and qualification standards.

Section 3. Press releases on recruitment

Press and media releases whether print, broadcast or television on negotiations with foreign principal or contracting partner involving overseas job openings, shall be considered as advertisements and therefore, shall also be subject to monitoring and regulation.

Section 4. Monitoring of Overseas Job Advertisement thru Print Media

Advertisements for overseas job vacancies by licensed agency, unlicensed local and foreign company shall be monitored daily by the Center.

Section 5. Sanctions

Pursuant to MC 16, series of 1988, all agencies shall strictly complied with the above guidelines. False and deceptive advertisements published by agencies including those published not in accordance with the guidelines shall be considered as violation of the rules and regulations and shall therefore, be a valid ground for the cancellation of accreditation of the principal/project and/or the suspension and/or cancellation of license.

MC No. 52 8 1994
I. Monitoring of Overseas Contract Workers (OCWs) departing through Davao, Zamboanga and Gen. Santos International Airport Labor Assistance Center (LAC)

Section 1. The Center shall act appropriately to all holders of passports whether ordinary or contract workers or staff passport whose visa or entry permit to the country of destination is intended for employment. It shall also act on Overseas Contract Workers (OCWs) holding passport with "Staff", "Entertainment" or "Seaman" category departing thru the LAC which shall be required to submit valid Overseas Employment Certificate (OEC) or a written clearance from the Center on special cases.

Section 2. The Labor Assistance Center shall issue a labor exit clearance to overseas contract workers/seamen upon presentation of the following travel and employment documents:

1. Documentary Requirements for all departing overseas contract workers

   1.a. Documents to be submitted by OCW/Seaman

      1.a.1. Valid Overseas Employment Certificate (OEC) duly processed by POEA's ECPB.

   1.b. Documents to be checked by the LAC

      1.b.1. Valid Passport

      1.b.2. Plane ticket indicating the country of destination and OEC No. consistent with that reflected in the OEC

      1.b.3. Seaman's Book for sea-based worker

      1.b.4. Employment Contract approved by the POEA in the case of new hires

      1.b.5. Pre-Departure Orientation Seminar (PDOS) Certificate

1.c. SPECIAL CASES

A passenger with a contract worker passport who claims to be travelling as tourist to an Asian country like Hongkong, Malaysia, Thailand, Brunei, etc. has to secure a special clearance from the Center since these countries do not issue tourist visas and therefore, the purpose of travel cannot be readily ascertained.

MC No. 52 1994
The Center before issuing the necessary clearance, should be convinced that the individual is truly a tourist and will not seek employment abroad.

The passenger shall submit an affidavit, which may be administered by a POEA official, undertaking that he will travel as a tourist and will not work abroad. He/she shall attach copies of his/her passport (first 2 pages) and round trip plane ticket to the affidavit, and other documents as may be necessary.

Generally, if a passenger holding a contract worker passport leaves for the first time and claims to be a tourist, the LAC automatically deny the issuance of such LAC clearance and advise the passenger concerned to effect an amendment of his/her passport.

1.d. The Bureau of Immigration shall approve the departure of a passenger holding a contract worker passport without POEA clearance if the visa or entry permit to the country of destination is any of the following nature indicated explicitly in an accompanying document or stamped on the passport:

1.d.1. Foreign Resident
1.d.2. Tourist
1.d.3. Fiancée
1.d.4. Dependent of OCW
1.d.5. Business
1.d.6. Diplomatic
1.d.7. Student
1.d.8. Dependent of Foreign National

1.e. The Center may issue a special clearance to the following:

1.e.1. Balik Manggagawa who is going on a holiday or pleasure trip before returning to his/her jobsite.

Mc No. 52 S 1994
1.e.2. Athlete with employment or performance visa.

1.e.3. Religious missionary with employment visa.

1.e.4. Employee of multinational company with an intra-transfer visa.

1.e.5. UN/UNDP officials and employees

1.f. Popular Musical Artists

Popular or well-known musical artists or entertainers need to secure the necessary Overseas Employment Certificate from the Center.

1.g. Confiscation of Employment and Travel Documents of OCWs

The LAC shall confiscate the employment and travel documents and hold the departure of an OCW who presents or has in his possession any of the following:

1.g.1. Fake Overseas Employment Certificate (OEC)

1.g.2. Tampered Overseas Employment Certificate (OEC) e.g. Forged signature of POEA Processors, tampered expiration date

1.g.3. Employment Contract indicating entries like salary, position/skill, employer different from those indicated in the OEC/EC duly processed by the POEA

1.g.4. A "reprocessed" Overseas Employment Certificate, i.e., the entries are entirely different from the actual skills, salary and most especially, employer. If time permits, the LAC shall interview departing workers to ascertain that their employment documents are in order.

MC No. 528 1994
J. Accreditation of Liaison Officers (LO)

Section 1. The Davao Center may accept and approve requests for an additional liaison officer for Mindanao operations by agencies whose main offices and branches are established in Davao and other areas in Mindanao subject to submission of the following requirements:

1.a. Letter Request for additional liaison officer
1.b. Appointment letter of said LO
1.c. Three (3) pcs 2 x 2 colored pictures
1.d. Valid NBI clearance
1.e. Information Sheet

K. Preliminary Examination, legal assistance and closure of illegal recruitment establishment

Section 1. Preliminary examination shall be conducted to determine whether or not there is sufficient ground for belief that any of the acts which constitute illegal recruitment has been committed and that a non-licensee is probably liable for the illegal activity. This process may be undertaken by the DOLE Regional Office or the POEA Regional Center, on its own initiative, or upon receipt of complaint or report or upon request for investigation by any aggrieved interested party.

1.a. Approaches to Preliminary Examination

In instances where complaints are initiated by victims of illegal recruitment who come personally to report their predicaments and seek legal assistance to pursue actions against their alleged recruiters, the name and address of the person or entity complained of shall be taken and verified as to whether or not such person or entity subject of the complaint has the necessary license or authority to engage in recruitment and overseas placement of workers. In the negative, investigation shall proceed by way of an interview between the investigating officer and the alleged victim in the form of searching questions and answers. The investigating official should see to it that the allegations of the complainant and/or his witness/es are based on their personal knowledge.
If it is determined that the facts alleged constitute a case of illegal recruitment, the statements of the complainant and/or witnesses are reduced to an affidavit to which, copies of supporting evidence such as receipts and other documents, if any, which the complainants can produce may be attached. For this purpose it is advisable and expedient to maintain a standard affidavit form in sets of six (6) copies to facilitate the execution of affidavits by the complainants. Affidavits that may be executed should substantially contain the following allegations elicited from the victim:

1.a.1. The name and address of the affiant/complainant
1.a.2. The name and address of the alleged offender
1.a.3. The approximate time or date of the commission of the offense
1.a.4. The place where the act constituting recruitment took place
1.a.5. The acts or omissions complained of as constituting the offense; and
1.a.6. Other allegations by way of particulars such as the date and place of payments made, if any, etc.

The affidavits shall be sworn to before any government official authorized to administer oath or a notary public, who must certify that he has personally examined the affiants and that he is satisfied that they voluntarily executed and understood their affidavits.

In instances when the complainants indicate that the person complained of indicate that the latter is still engaged in recruitment activity, or where investigations are to be conducted by the POEA Regional Center or the DOLE Regional Office, on its own initiative or upon receipt of report or request for investigations emanating from persons other than the victim or themselves, the activities of the suspected recruiter may be placed under
surveillance to confirm the report and to obtain sufficient basis for such appropriate measures. After the surveillance operation is terminated, the officer or officers who conducted the surveillance reports the proceedings taken by executing an affidavit of surveillance.

1.b. Issuance of Closure Order after Preliminary Examination and Hearing

If upon termination of the preliminary examination or surveillance operation, there is reason to believe that the respondent is maintaining an establishment used for illegal recruitment activity, the Regional Center shall issue a notice informing him or her of a complaint or investigation conducted and requiring him or her to appear and show cause on a hearing set why closure order should be issued against the establishment.

If the Center is satisfied from the preliminary examination or surveillance and hearing conducted that the alleged offender is maintaining an illegal recruitment establishment and that his activities constitute a danger to national security and public order or will lead to further exploitation of job-seekers, an order may be issued for the closure of the illegal recruitment establishment. Accordingly, the Center shall issue an office order designating the officers to implement the closure order. Written orders issued should be treated with confidentiality and executed as soon as possible.

1.c. Service of and Implementation of Closure Order (CO)

The service of notice and implementation of closure order issued by the Regional Center shall be undertaken under the supervision of his duly authorized representatives with the assistance and support of the PNP, the PNP/CIS and/or the NBI.

In the service of the Closure Order, a copy thereof is caused to be received by the person...
against whose recruitment establishment had been issued, or in his absence, by the person in charge of the office establishment. Closure shall be effected by sealing the establishment and posting a notice of closure in bold letters at a conspicuous place in the premises. Accordingly, an implementation report indicating the proceedings taken shall be submitted to the Center and shall form part of the records of the case.

1.d. Case preparation to facilitate the Prosecution of Offenders

After the implementation of the Closure Order or if the case is not proper for the issuance of a closure order, case preparation shall proceed to facilitate the institution of the corresponding criminal charge against the alleged offender. For this purpose, a certification should be obtained from the Licensing Branch of the POEA that the alleged offender is not licensed nor authorized to engage in recruitment and overseas placement of workers. As soon as the certification is obtained, the referral documents are prepared for filing with the appropriate City or Provincial Prosecution Office for the conduct of the requisite preliminary investigation.

L. Legal Assistance to Victims in the Institution of Criminal Actions and During Preliminary Investigations

Section 1. Institution of Criminal Action

A criminal action is instituted by filing the complaint with the appropriate officer of the place where illegal recruitment took place for the purpose of conducting the requisite preliminary investigation. Outside Metropolitan Manila, the complaint may be filed with the Office of the Provincial or City Prosecutor/Fiscal, or with Municipal Trial Court (MTC) or Municipal Circuit Trial Court (MCTC) of the municipality where the offense was committed.

The criminal case may be forwarded to the Office of the Provincial or City Fiscal/Prosecutor for the necessary proceedings by way of a
letter of referral enclosing all the necessary
and supporting documents, in such number of
copies as there are respondents, plus two
copies (2). For the conduct of the requisite
preliminary investigation, a complaint may also
be filed with the appropriate MTC or MCTC. The
complaint shall be accompanied by affidavits of
the complainant and/or his witnesses as well
as other supporting documents, in such number
of copies as there are respondents, plus two
(2) copies.

Section 2. Legal Assistance to Complainants/Victims during
Preliminary Investigation.

Whenever necessary and practicable, the com-
plainant/victims may be provided with legal
assistance during preliminary investigation.
Such assistance may consist of providing them
with assisting counsel during the hearings as
well as assisting the complainant/victims in
the preparation of legal documents such as
supplemental affidavits, motions, memoranda,
and other pleadings as may be necessary.

M. Arrests, Searches and Seizures

Section 1. Apprehension of Suspected Illegal Recruiters

Arrests may be effected lawfully either by
virtue of a judicial warrant, or without a
warrant under any of the circumstances laid
down in Section 5, Rule 113 of the 1985 Rules
on Criminal Procedure as amended.

A person charged criminally may be arrested
pursuant to a warrant of arrest issued either
by a Regional Trial Court upon filing of a
criminal information after the preliminary
investigation, or by a municipal trial judge
conducting the preliminary investigation if he
is satisfied after an examination in writing
and under oath of the complainant and his
witnesses in the form of searching questions
and answers, that a probable cause exists and
that there is a necessity of placing the res-
pondent under the immediate custody in order
not to frustrate the ends of justice. In this
connection, when illegal recruitment was com-
mitted in a municipality, warrant of arrest may
be speedily obtained by filing a formal complaint with the appropriate Municipal Trial Court or Municipal Circuit Trial Court for the conduct of the requisite preliminary investigation.

A peace officer or private person may, without a warrant, lawfully arrest a person, namely:

1.a. When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense; or

1.b. When an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it.

Accordingly, a suspected illegal recruiter who is lawfully arrested without a warrant shall be forthwith delivered to the nearest police station or jail and the complaint or information may be filed by the offended party, the POEA Regional Center, the DOLE Regional Office, peace officer, or inquest prosecutor without prior preliminary investigation on the basis of the affidavit of the offended party or arresting officer or person. In this connection, arrests without warrant may be lawfully effected under any of the mentioned circumstances in the course of or incidental to surveillance operations or service and implementation of closure order.

Moreover, incident to a lawful arrest, the person arrested and the immediate vicinity may be searched for dangerous weapons or anything which may be used as proof of the commission of the offense.

N. Docketing and Reporting System

Section 1. Docketing of Cases

Upon receipt of a complaint involving illegal recruitment, the same must be assigned a docket number. Ex: RCM/IR Case No. 94-06-001, the first two digits corresponding to the

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calendar year, the second two digits corresponding to the month and the last three digits to start with 001 to continue up to the last case received during the calendar year. A corresponding case index must be maintained for this purpose.

Section 2. Reporting System

Every end of the month, the POEA Regional Center must be able to come up with a monthly accomplishment report indicating such data as follows:

2.a. IR Cases Handled

2.a.1. Cases Pending at the beginning of the month - no. of cases and no. of victims involved

2.a.2. Cases Received during the month - no. of cases and no. of victims involved/assisted

2.b. IR Cases Disposed

2.b.1. Filed for Preliminary Investigation - no. of cases and no. of victims involved

2.b.2. Closed/Archived - no. of cases and no. of victims involved

2.b.3. Referred to other government offices - no. of cases and no. of victims involved

2.c. IR Cases Pending at the End of the Month - no. of case and no. of victims involved

2.d. Assistance to Victims During Preliminary Investigation

2.d.1. no. of cases submitted for resolution and no. of victims assisted

2.d.2. no. of hearings attended

2.e. IR establishments padlocked

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IV. ADJUDICATION OFFICE

A. Filing/Hearing/Investigation

1. An aggrieved party shall file the complaint at the POEA Regional Center or the nearest Regional Office or Regional Extension Unit (REU) where he/she applied/was recruited. The POEA designated Hearing Officer shall immediately conduct an investigation and make the appropriate recommendations. Such findings and recommendations shall be reviewed by the DOLE Regional Director concerned.

Note: Parties should not be furnished the copies of the draft resolution.

2. For effective monitoring purposes, a separate case folder shall be retained at the RCM or the RO prior to the transmission of the original case folder to the Adjudication Office, this Administration.

3. Decisions/Orders of Dismissal, Suspension. Temporary Lifting Orders are signed/approved by the Administrator after the same has been reviewed.

4. Cancellation Orders, Restraining Orders and the Lifting of Cancellation Orders are signed/approved by the Secretary of Labor or his duly authorized representative.

5. The Docket and Enforcement Division, Head Office shall furnish the parties and Regional Center copies of the Order/Decision while the Legal Research Division disseminate information of contract workers/seamen on POEA Watchlist/Blacklist.

B. Appeals

Appeals may be filed with the POEA Head Office or with the Regional Center/Office/Extension Unit where the case was originally filed, at the option of the appellant.

The Regional Center/Office/Extension Unit concerned shall receive the appeal together with a copy of the official receipt as proof of payment of appeal fee for transmittal to the Adjudication Office, this Administration.

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C. Enforcement of Final Orders/Decisions

1. Motion for Issuance of Writ of Execution/Motion to Quash Writ

Motions for issuance of writs of execution may be filed with the POEA Head Office or with the Regional Center/Office/Extension Unit where the case was originally filed at the option of the movant.

The Regional Center/Office/Extension Unit receiving the motion shall transmit the same to the Adjudication Office, this Administration for resolution.

2. Enforcement of Writ

a. Service of Writ

The POEA Regional Center/Regional Office Sheriff/s shall serve the writ if the agency is located within the jurisdiction of the POEA Regional Center or the Regional Office. If the place of business of the agency is within Metro Manila the POEA Head Office Enforcement Officer/s shall serve the writ.

b. Garnishment Against Cash Bond

In all instances, garnishment is with the Administration as cash bond is with the Head Office.

3. Preparation of Sheriff's Report

For writs served by the POEA Regional Center/Regional Office Sheriff/s they shall prepare the report while for writs by the POEA Head Office Enforcement Officer, the report shall be prepared by them. In both cases a copy of the report should be given to the POEA Head Office or POEA Regional Center/Regional Office as the case may be.

For compliance effective immediately.

FELICITIMO O. JOSON
Administrator

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