08 March 1985

MEMORANDUM

TO: The Labor Assistance Center Staff
    Attn: MR. ARMAND ROA, OIC

SUBJECT: GUIDELINES ON THE USE OF DISCRETION

In order to minimize problems and avoid inconvenience to departing contract workers whose travel and employment documents are either expired or incomplete or found to contain inaccurate or conflicting information, the following guidelines should be observed:

1. On Falsified or Fake TEPs or Notices of Employment:

   Workers found in possession of fake or falsified TEPs or notices of employment shall not be allowed to depart. The TEPs, notices of employment, passports and other documents shall be confiscated as evidence for subsequent investigation. The workers involved should be immediately brought to the AVSECOM whose assistance shall be sought in obtaining statements from the workers. The workers should be made to understand that this action is taken precisely for their protection and that their cooperation is therefore necessary. Where AVSECOM assistance will not be possible, the assistance of immigration lawyers/agents may be sought or the workers may be brought to POFPA. If not, a hearing officer may be requested to proceed to the airport.

   If the workers are accompanied by the recruiters, the latter shall also be brought to the AVSECOM, or Immigration or POFPA whichever is convenient or necessary under the circumstances. Direct and immediate action by our POFPA-CIS team is strongly recommended and every effort shall be undertaken to contact Atty. Ronnie Redilla for this purpose.
2. **On Expired TEP**

   Deployment of the workers may be allowed provided the following are observed:

   a) the expiration is not more than five (5) days; and

   b) the identified liaison officer or official of the agency accompanying the workers files an affidavit of undertaking with LAC to submit the reprocessed TEP within five (5) days and that their failure to do so will mean automatic suspension of the agency.

   A report shall be immediately submitted to RRD and a monitoring of compliance with the undertaking shall be made by LAC. If on deadline time the agency failed to submit the reprocessed TEP, RRD shall be duly informed after which RRD automatically issues the suspension order.

   LAC should be on the look out for agencies/entities which often submit expired TEPs. In an agency/entity does this more than twice in a month, a request for investigation of the agency/entity should be filed at RRD.

3. **On Absence of PDOS Certificates**

   PDOS certificates of attendance (whether individual or group certificates) shall be collected for newly hired workers. Rehired workers or Balik-manggagawa need not present PDOS certificates of attendance.

   No worker shall be refused departure just because he has no PDOS certificate. However, instances of this nature shall be noted, the name of worker taken and so with the name of agency and a report submitted to PDOS division.

4. **On TEPs and Notices of Employment with Conflicting Information**

   Where it is observed that the information or data contained in the TEP and Notice of Employment are in conflict or inaccurate, both documents shall be segregated and the incident reported to RRD with the documents properly attached. The worker should be allowed to depart however.
5. On Workers without Notices of Employment

Departing workers with valid TEPs but without notices of employment or copies of the employment contract shall be allowed to leave. Incidents of this nature shall, however, be noted and a report submitted to RRD. Reports shall also be made of instances where workers who appeared to have complete documents when checking at LAC where found at the holding area to be without notices of employment. Where material time is available it is suggested that statements of the workers be taken. Workers should sign every statements they make.

6. On All Other Observed Infraction of Rules

Any observation of infraction of the Rules and Regulations Governing Overseas Employment shall be reported to the appropriate office which has jurisdiction over that particular rule or regulation. Specific information like name of worker, destination, employer, name of agency, date and time infraction happened, etc., should be included in the report.

7. On Documents to Inspect

Unless otherwise instructed, no other documents or papers shall be asked of the departing worker except his passport, TEP and notice of employment/employment contract.

The LAC shall not entertain warrants of arrest or hold departure orders unless so instructed by the court and which instructions are contained in the warrant or hold order. Request of this kind should be endorsed to Immigration. Request to check insurance certificates of cover and other documents shall be referred to the Directorate for appropriate action.

In the event that a situation not covered by any of the above enumerated instance shall arise, LAC should seek advice from the Directorate on the appropriate course of action to take.

For compliance.


PATRICIA A. STO. TOMAS
Administrator

cc: DA Siddayao
    RRD
    PDOS
    Directorate