



**Philippine
Overseas
Employment
Administration**

Republic of the Philippines
Department of Labor & Employment
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GOVERNING BOARD RESOLUTION NO. 05
Series of 2003

WHEREAS, Section 5, Rule II, Part II of the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers provides that applicants for new license shall be issued a provisional license which shall be valid for a limited period of one (1) year within which the applicant should be able to comply with its undertaking to deploy 100 workers to its new principal. The license of a complying agency shall be upgraded to a full license entitling them to another three years of operation. Non-complying agencies will be notified of the expiration of their license.

WHEREAS, the global effects of the recent Iraq conflict and the Severe Acute Respiratory Syndrome (SARS) epidemic which have resulted in the temporary ban on entry of overseas Filipino workers in some host countries as well as the slow processing of work/entry permits by the host country have been raised by agencies with newly issued licenses as the reason for their failure to comply with the required deployment of at least 100 workers within the period covered by the provisional license.

WHEREAS, several newly licensed agencies have requested the POEA for extension of their provisional license because they failed to meet the required deployment level in view of the aforementioned crises and delay in processing of documents by host countries.

WHEREAS, it is necessary to preserve new employment opportunities that may be jeopardized in the event the provisional licensee is disqualified from continuing its operations.

NOW, THEREFORE, the POEA Governing Board, in a meeting duly convened, hereby resolves to extend the provisional license for a period of six months without further extension, in the following instances:

1. A ban on deployment has been declared in the affected new market in view of epidemic (health concerns), outbreak of war or impending hostilities, or imminent threat to the host country's national security or similarly related situations which is of public notice or verified by the Philippine government and the agency has presented proof that it has 100 qualified workers with processed documents but who were not deployed

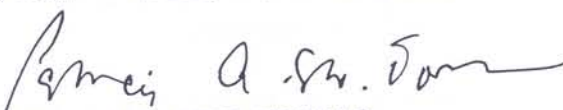
due to the ban or whose documents are ready for processing/submitted for processing but could not be processed due to the ban on deployment.

2. There is a problem in the processing of work permit/entry permit in the host country which is attributable to the host country and such delay has been confirmed by the POLO/Embassy and the agency concerned has presented proof showing that it had submitted to the concerned host country authorities complete requirements for issuance of work permit/entry permit for a number of workers corresponding to the balance of the deployment quota.

The extension of provisional license may also apply to agencies whose licenses have earlier been re-issued insofar as determining their compliance with the 100 deployment quota; *provided* that the above mentioned causes/circumstances are present.

It is further resolved that other requests for extension of provisional license citing extraordinary circumstances leading to loss of employment and subject to verification and submission of undertaking to comply with the market requirement shall be decided by the Administrator.

Done in Mandaluyong City, this 28th day of August, 2003.



PATRICIA A. STO. TOMAS

Secretary of Labor and Employment and
Chairperson of the Governing Board



ROSALINDA DIMAPILIS- BALDOZ
Member



ALEXIS P. CRUEL
Member



GREGORIO S. OCA
Member



VICENTE F. ALDANESE
Member



LUZVIMINDA L. ELBINIAS
Member