



GOVERNING BOARD RESOLUTION NO. 01
Series of 2005

WHEREAS, it is the general policy of government to promote the welfare and protection of Filipino migrant workers as well as establish an environment conducive to the continued operations of responsible, qualified and professional overseas employment agencies;

WHEREAS, the Board continues to adhere to the policy of "difficult to enter for new applicants for license" and "easy to go for violators of recruitment rules and regulations";

WHEREAS, the intention of the New POEA Rules and Regulations is to impose sanctions on agencies found liable for violating grave offenses through cancellation of license and that the mitigating circumstances and alternative circumstances were not intended to apply to them;

WHEREAS, to achieve this purpose, certain provisions in the POEA Rules and Regulations, both for Landbased and Seabased, have to be clarified;

NOW THEREFORE, the POEA Governing Board, in a meeting duly convened, hereby resolves to adopt the following measures:


1. Limit strictly the application of mitigating, aggravating and alternative circumstances to less serious and light offenses. Hence, Section 3, Rule IV, Part VI of 2002 Landbased Rules and Regulations and Section 3, Rule V, Part V of the 2003 Seabased Rules and Regulations are hereby amended to include at the end of the aforementioned section the following:

"Mitigating or alternative circumstances shall not apply to serious offenses punishable by cancellation of license".

2. Provide the automatic cancellation of license for agencies that fail to maintain an office for a continuous period of one year. For this purpose, Section 17, Rule II, Part II of the Landbased Rules and Section 16, Rule II, Part II of the Seabased Rules are hereby amended to include at the end of the aforementioned section the following additional paragraph:

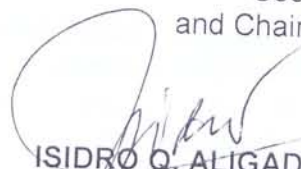
"The license of an agency that fails to maintain an office for a continuous period of one year shall be automatically cancelled".

Done in Mandaluyong City, this 9th day of March 2005.


PATRICIA A. STO. TOMAS

Secretary of Labor and Employment
and Chairperson of the POEA Governing Board




ISIDRO Q. ALIGADA
Member


GREGORIO S. OCA
Member

ALEXIS P. CRUEL
Member


GUILLERMINA T. GABOR
Member


ROSALINDA DIMAPILIS-BALDOZ
Administrator