



GOVERNING BOARD RESOLUTION NO. 08
Series of 2010

WHEREAS, Republic Act 10022, amending Republic Act 8042, otherwise known as the Migrant Workers and Overseas Filipino Act of 1995 took effect on 08 May 2010, introducing Section 37-A that requires compulsory insurance coverage for departing overseas Filipino workers;

WHEREAS, the Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Act of 1995, as amended by R.A. 10022 (IRR) was approved by the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Department of Health (DOH), National Labor Relations Commission (NLRC) and the Insurance Commission (IC) on 08 July 2010 and took effect on August 14, 2010 except those provisions relating to the issuance of certifications by DFA on compliance/non-compliance with the requisites for deployment under Section 4 of RA 10022 to be issued by the DFA and the compulsory insurance coverage;

WHEREAS, within thirty (30) days from the effectivity of the IRR, and pursuant to Section 37-A of R. A. 8042, as amended, the Inter-Agency Committee composed of IC, as the lead agency, together with DOLE, NLRC and the Philippine Overseas Employment Administration (POEA) shall issue the necessary rules and regulations of Section 37-A and Rule XVI of the IRR;

WHEREAS, the Insurance Guidelines on Rule XVI of the IRR relative to the compulsory insurance coverage was published on September 17, 2010 in a newspaper of general circulation.

NOW THEREFORE, the POEA Governing Board, in a meeting duly convened, **RESOLVES, AS IT IS HEREBY RESOLVED**, to ensure the proper implementation of the provisions of Section 37-A of Republic Act No. 8042, as amended by R. A. 10022, in relation to Rule XVI of the IRR through the following:

1. Prior to the issuance of the Overseas Employment Certificate (OEC) or exit clearance by POEA to an agency-hired OFW, a certificate of cover (COC) provided by an insurance company duly licensed and qualified/certified by the IC shall be submitted to POEA by the recruitment/manning agency. The COC must cover all of the benefits enumerated in sub-paragraphs (a) to (i) of Section 37-A of Republic Act 8042, as amended;
2. In the case of seafarers, a certificate of entry or other proofs of certificate of cover from the manning agencies shall be accepted if the vessel is covered by protection and indemnity, provided that the minimum coverages under sub-paragraphs (a) to (i) of Section 37-A of Republic Act 8042, as amended, are included;
3. For workers who are recruited by agencies that are allowed by the Administration to process employment documents through the in-house processing scheme, the COC, or the certificate of entry or other proofs of certificate of cover, as the case may be, shall be presented to the Administration prior to the issuance of the OEC or exit clearance and the

deployment of the OFWs. Failure to present the COC prior to the deployment of the OFW shall be penalized in accordance with existing POEA rules and regulations;

4. For name-hires and rehires (balik-manggagawa or vacationing workers), the COC is not required for the issuance of the OEC or exit clearance. However, they may opt to apply for an insurance coverage by requesting their employers to pay for the cost of the insurance coverage or they may pay for the premiums themselves;
5. No agency and/or foreign employer shall charge the premium for the above-mentioned insurance coverage for agency-hired workers to the OFW, directly or indirectly. Violation hereof shall be considered as serious offense and shall be penalized in accordance with existing POEA rules and regulations;

The POEA is directed to formulate the necessary procedures and requirement to ensure compliance of the above policies.

Administrative issuances inconsistent with this resolution are hereby repealed or modified accordingly.

This Resolution shall take effect fifteen (15) days from publication of the implementing guidelines in a newspaper of general circulation.

Done in the City of Manila, Philippines, this 4th day of October 2010.




DANILO P. CRUZ


Undersecretary of Labor and Employment
Chairman of the Governing Board (Designate)



JENNIFER JARDIN-MANALILI
Vice Chairman



GREGORIO S. OCA
Member



LEONARDO B. DE OCAMPO
Member



GUILLERMINA T. GABOR
Member