



Philippine  
Overseas  
Employment  
Administration

Republic of the Philippines  
Department of Labor and Employment  
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GOVERNING BOARD RESOLUTION 07  
Series of 2016

**Whereas**, the mandate of the POEA is to protect and monitor the welfare of Overseas Filipino Workers;

**Whereas**, it is likewise within the mandate of the Philippine Overseas Employment Administration (POEA) to regulate the participation of the private sector and foreign principals in the recruitment and placement of Overseas Filipino Workers, and to uphold the dignity and fundamental rights of Overseas Filipino Workers and promote full employment and equality of employment opportunity for all;

**Whereas**, POEA has the rule-making power pursuant to E.O. 247, series of 1987, to enact rules and regulations governing overseas employment of Filipino workers;

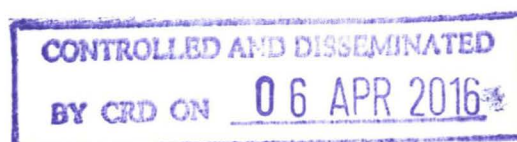
**Whereas**, the 2002 POEA Rules and Regulations is the prevailing governing rules on the Recruitment and Employment of Land-based Overseas Workers;

**Whereas**, Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995 was amended by Republic Act 10022 on 08 July 2010;

**Whereas**, in order to adapt to the present and changing times and to be in harmony with the said RA 10022, there is a need to amend the 2002 POEA Rules and Regulations;

**Whereas**, the private sector, the stakeholders and the Overseas Filipino Workers (OFWs) consisting of women, sea-based and the land-based workers have been duly represented by the POEA Governing Board members in the drafting of the proposed POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas workers;


**NOW, THEREFORE**, premises considered, the POEA Governing Board, in a meeting duly convened, **RESOLVES AS IT IS HEREBY RESOLVED**, to adopt these Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Workers of 2016.





This shall take effect fifteen days (15) after publication in a newspaper of general circulation and in the Office of the National Administrative Register (ONAR).


Done in the City of Manila, Philippines, this 26 FEB 2016 day of \_\_\_\_\_

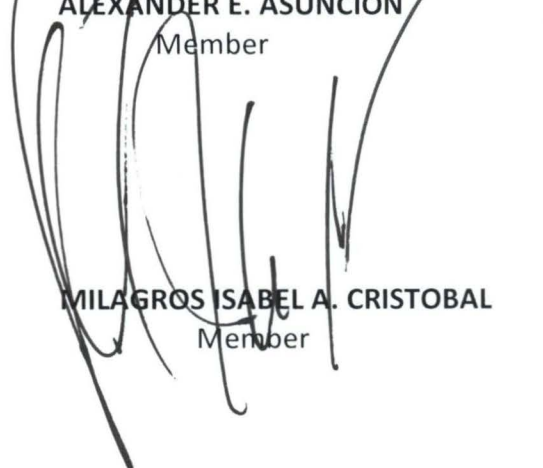
  
**ROSALINDA DIMAPILIS-BALDOZ**  
Secretary of Labor and Employment and  
Chairman of the Board

  
**HANS LEO J. CACDAC**  
POEA Administrator and  
Vice-Chair of the POEA Governing Board

  
**ESTRELLA S. HIZON**  
Member

  
**FELIX M. OCA**  
Member

  
**ALEXANDER E. ASUNCION**  
Member

  
**MILAGROS ISABEL A. CRISTOBAL**  
Member

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**REVISED POEA RULES AND REGULATIONS  
GOVERNING THE RECRUITMENT AND EMPLOYMENT OF  
LANDBASED OVERSEAS FILIPINO WORKERS OF 2016**

**PART I  
General Provisions**

**RULE I  
Statement of Policy**

It is the policy of the Administration:

1. To uphold the dignity and fundamental human rights of Overseas Filipino Workers and promote full employment and equality of employment opportunities for all;
2. To protect every citizen desiring to work overseas by securing the best possible terms and conditions of employment;
3. To allow the deployment of Overseas Filipino Workers only in countries where their rights are protected;
4. To provide an effective gender-sensitive mechanism that can adequately protect and safeguard the rights and interest of Overseas Filipino Workers;
5. To educate Overseas Filipino Workers through dissemination of information, not only of their rights as workers but also of their rights as human beings, as well as instruct and guide the workers on how to assert their rights, and provide available mechanisms to redress violations of their rights;
6. To ensure careful selection of Filipino workers for overseas employment in order to protect the good name of the Philippines abroad;
7. To institute a system to guarantee that Overseas Filipino Workers possess the necessary skills, knowledge and experience for their overseas jobs;
8. To recognize the participation of the private sector in the ethical recruitment and placement of Overseas Filipino Workers to serve national development objectives;
9. To regulate private sector participation in the recruitment and placement of workers for overseas employment;
10. To support programs for the reintegration of returning Overseas Filipino Workers into Philippine society;
11. To pursue, with the active participation of the private sector, the creation of an environment conducive to the overseas employment program in order to maximize opportunities for employment generation, facilitation, enhancement and preservation;
12. To promote and support the establishment of a shared government information system on the overseas employment program, using a computer database to allow verification and freeflow of data exchanges;
13. To formulate and implement, in coordination with appropriate entities concerned, a system of promoting and monitoring the overseas employment of Filipino workers, taking into consideration their welfare and the domestic manpower requirements;
14. To recognize recruitment agencies, non-governmental organizations, trade unions, workers' associations, and other stakeholders, as partners of the State in the protection of Overseas Filipino Workers and the promotion of their welfare, and to cooperate with them in a spirit of trust, mutual respect and tripartism; and
15. To strengthen conciliation and mediation as primary modes of dispute resolution.

**RULE II  
Definition of Terms**

For purposes of these Rules, the following terms are defined as follows:

1. Accreditation — refers to the grant of authority by the Administration to a foreign principal/employer to recruit and hire Filipino workers through a licensed recruitment agency for overseas employment.
2. Administration — refers to the Philippine Overseas Employment Administration (POEA).
3. Administrator — refers to the Administrator of the POEA.
4. Authentication — refers to the attestation by the Philippine Consular Office or competent authority of the genuineness of the signature appearing on the document, for the purpose of identifying a specific document and giving credence to the official act of the notary public or certifying officers thereon for use, if and when required, as an instrument of evidence in a foreign country.
5. Contracted worker — refers to an Overseas Filipino Worker with employment contract/offer of employment already processed by the POEA for overseas deployment, whether as an agency-hire or a direct-hire.
6. Derogatory record — refers to the resolution on the finding of probable cause by the Department of Justice for illegal recruitment or for other related crimes or offenses, or a licensed recruitment agency whose license had been cancelled or revoked by the POEA, including its proprietors, partners or officers, directors, and employees responsible for the commission of the crime or offense. This includes a certification from the NBI that the person has a derogatory record.
7. DOLE — refers to the Department of Labor and Employment.
8. Domestic worker— refers to any person engaged in domestic work(work performed in or for a household) within an employment relationship.
9. DFA — refers to the Department of Foreign Affairs.
10. Documentation cost — refers to the actual costs incurred in the documentation of an applicant-worker in relation to his/her application for overseas employment.
11. Employer — refers to a person, partnership, or corporation that directly signs an employment contract, and employs, and pays salaries and benefits of workers, as well as repatriates hired Overseas Filipino Workers.
12. Employment Contract/Offer of Employment — refers to an individual written agreement between the principal/employer and the worker who is hired through a licensed recruitment agency or through the Administration, containing the minimum terms and conditions of employment as provided under these Rules.
13. Foreign Placement Agency or FPA — refers to any single proprietor, partnership or corporation duly licensed in the host country to engage in the recruitment of foreign workers for placement with their clients.
14. Foreign Service Contractor/Staffing Agency — refers to any single proprietor, partnership or corporation duly licensed in the host country to recruit foreign workers for its projects or for the projects of its clients, and remains as the employer of the deployed workers.
15. Jobs Fair — refers to an employment facilitation service that is a venue for licensed recruitment agencies to advertise job vacancies for the purpose of recruiting qualified job applicants.
16. Jobsite — refers to the country/territory of employment as indicated in the POEA-approved employment contract.
17. Joint and Several Liability — refers to the nature of liability of the principal/employer and the licensed recruitment agency, for any and all claims arising out of the implementation of the employment contract involving Overseas Filipino Workers. It shall likewise refer to the nature of liability of partners, or officers and directors with the partnership or corporation over claims arising from an employer-employee relationship.
18. LAC — refers to the Labor Assistance Center of the POEA located in international airports and other exit points.
19. LOA — refers to the Letter of Authority issued by the Administration authorizing an accredited foreign principal or its representative/s to participate in the screening, interview and selection of applicants for their approved job orders, in places outside the registered business address of the licensed recruitment agency as indicated in the Special Recruitment Authority.
20. License — refers to the document issued by the Secretary or his/her duly authorized representative authorizing a person, partnership or corporation to operate a recruitment agency.



21. Licensed Recruitment Agency — refers to any person, partnership or corporation duly authorized to engage in the recruitment and placement of workers for overseas employment.
22. Master Employment Contract — refers to the model employment agreement submitted by the principal/employer as defined under these Rules, which contains the terms and conditions of employment of each worker to be hired by such principal/employer, with such contract to be duly verified by the POLO or authenticated by the Philippine Embassy/Consulate and approved by the POEA.
23. NBI — refers to the National Bureau of Investigation.
24. NLRC — refers to the National Labor Relations Commission.
25. Non-licensee — refers to a person, sole proprietor, partnership or corporation without a license to engage in the recruitment and placement of Overseas Filipino Workers, or a licensed recruitment agency whose license has been revoked, cancelled, expired or delisted from the roll of licensed recruitment agencies.
26. Overseas Employment Certificate (OEC) — refers to the document issued to Overseas Filipino Workers, which serves as proof that the worker has been processed by the Administration or POLO.
27. Overseas Filipino Worker or Migrant Worker — refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State or country of which the worker is not a citizen. A "person to be engaged in a remunerated activity" refers to an applicant worker who has been promised or assured employment overseas.
28. OWWA — refers to the Overseas Workers Welfare Administration.
29. PAOS — refers to the Post-Arrival Orientation Seminar.
30. PDOS — refers to the Pre-Departure Orientation Seminar.
31. PEOS — refers to the Pre-Employment Orientation Seminar.
32. Placement Fee — refers to any and all amounts charged by a recruitment agency from a worker for its recruitment and placement services as prescribed by the Secretary of Labor and Employment.
33. POLO — refers to the Philippine Overseas Labor Office.
34. Principal — refers to the employer, or to a foreign placement agency or a foreign service contractor/staffing agency, hiring Filipino workers for overseas employment through a licensed recruitment agency or through the Administration.
35. POCB — refers to the Philippine Overseas Construction Board.
36. Recruitment Agreement — refers to an agreement by and between the principal and the licensed recruitment agency or the Administration defining their rights and obligations on the recruitment and employment of workers.
37. Recruitment and Placement — refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referring, contracting services, promising or advertising for employment abroad, whether for profit or not.
38. Registration of Worker — refers to the act of entering in the official records of the Administration the names of overseas job seekers and contracted workers.
39. Regular/Documented Overseas Filipino Worker — refers to one:
  - a. who possesses a valid passport and appropriate visa or permit to stay and work in the receiving country; and
  - b. whose contract of employment has been processed by the POEA or the POLO.
40. Returning Worker or Balik-Manggagawa — refers to an Overseas Filipino Worker who has served or is serving his/her employment contract and is:
  - a. returning to the same employer and the same job site; or
  - b. returning to the same employer in a new job site.

It shall also include an Overseas Filipino Worker who has started employment with a new employer and is returning to the said employer.
41. SEC — refers to the Securities and Exchange Commission.
42. Service Fee — refers to the amount paid to a licensed recruitment agency or to the Administration (in the case of government-to-government hired workers) by foreign principals/employers, as payment for actual services rendered in relation to the recruitment and placement of workers.
43. Special Recruitment Authority — refers to the authority granted to a licensed recruitment agency to conduct recruitment outside of its registered business address.
44. Standard Employment Contract — refers to the POEA-prescribed contract containing the minimum terms and conditions of employment.
45. TESDA — refers to the Technical Education and Skills Development Authority.
46. Underage Migrant Worker — refers to one who is below the minimum age requirement for overseas employment as prescribed by the POEA Governing Board.

## PART II LICENSING AND REGULATION

### RULE I Private Sector Participation in the Overseas Employment Program

**SECTION 1. Participation of the Private Sector.**— The private sector shall participate in the recruitment of Filipino workers for overseas employment in accordance with these Rules and any subsequent guidelines that may be issued by the POEA Governing Board and the Administration.

**SECTION 2. Who may participate; Required Capitalization.** — Any Filipino citizen acting as a sole proprietor or a partnership, or a corporation at least seventy-five percent (75%) of the authorized and voting capital stock of which is owned and controlled by Filipino citizens, may engage in the business of recruitment and placement of Filipino workers.

The sole proprietor and partnership shall have a minimum capitalization of Five Million Pesos (PhP5,000,000.00) and a minimum paid up capital of Five Million Pesos (PhP5,000,000.00) in case of a corporation.

Those with existing licenses shall, within four (4) years from effectivity hereof, increase their capitalization or paid up capital, as the case may be, to Five Million Pesos (PhP5,000,000.00) at the rate of Seven Hundred Fifty Thousand Pesos (PhP750,000.00) every year.

**SECTION 3. Who are Disqualified.** — The following persons and entities are disqualified to participate or engage in the recruitment and placement of workers for overseas employment:

- a. Travel agencies and sales agencies of airline companies;
- b. Officers or members of the Board of any corporation or partners in a partnership engaged in the business of a travel agency;
- c. Corporations and partnerships, where any of its officers, members of the board or partners is also an officer, member of the board or partner of a corporation or partnership engaged in the business of a travel agency;
- d. Individuals, partners, officers or directors of an insurance company who make, propose or provide an insurance contract under the compulsory insurance coverage for agency-hired Overseas Filipino Workers;
- e. Sole proprietors, partners or officers and members of the board with derogatory records, such as, but not limited to the following:
  1. Those convicted, or against whom probable cause or *prima facie* finding of guilt is determined by a competent authority, for illegal recruitment, or for other related crimes or offenses committed in the course of, related to, or resulting from, illegal recruitment, or for crimes involving moral turpitude;



2. Those agencies whose licenses have been revoked for violation of RA 8042 (Migrant Workers and Overseas Filipinos Act of 1995), as amended, PD 442 (Labor Code of the Philippines), as amended, and RA 9208 (Trafficking in Persons Act of 2003), as amended, and their implementing rules and regulations;
  3. Those agencies whose licenses have been cancelled, or those who, pursuant to the Order of the Administrator, were included in the list of persons with derogatory record for violation of recruitment laws and regulations; and
- f. Any official or employee of the DOLE, POEA, OWWA, DFA, DOJ, DOH, BI, IC, NLRC, TESDA, CFO, NBI, PNP, Civil Aviation Authority of the Philippines (CAAP), international airport authorities, and other government agencies directly involved in the implementation of RA 8042, as amended, and/or any of his/her relatives within the fourth civil degree of consanguinity or affinity.

**RULE II**  
**Issuance of License**

**A. APPLICATION**

**SECTION 4. Pre-Qualification Requirements.**— Any person applying for a license to operate a recruitment agency shall file a written application with the Administration, together with the following requirements:

- a. Business Name Certificate issued by the Department of Trade and Industry (DTI) in the case of a single proprietorship, or a certified copy of the Articles of Partnership or Articles of Incorporation duly registered with the SEC in the case of a partnership or corporation;
- b. Proof of financial capacity:
  - i. Bank certificate showing a deposit of at least Five Million Pesos (PhP5,000,000.00), with authority to examine the bank account;
  - ii. Duly filed Income Tax Returns (ITR) for the last two (2) years of the proprietor, partners, members of the Board of Directors and major stockholders of a corporation and official receipts showing payment of income tax; and
  - iii. Proof of sources of investment.
- c. Proof of existence of new market:
  - i. POLOverfied and/or consulate authenticated Recruitment/Service Agreement (RA/SA) duly concluded by the applicant and the new principal/employer.  
  
For this purpose, a new principal/employer refers to a principal/employer which has never been accredited/registered with any licensed recruitment agency or with the Administration and has been existing for at least a year; Provided, that in the case of a foreign placement agency, its client employer/s must be identified and must not have been accredited with any licensed recruitment agency or with the Administration.
  - ii. Employer's profile to include:
    - a. Valid business license or commercial registration of the principal/employer, with English translation;
    - b. Information on business activities;
    - c. Number of years in operation; and
    - d. Number of workers.
- d. Proof of possession by the sole proprietor, managing partner, president or chief executive officer, as the case may be, of a bachelor's degree or at least four (4) years experience in human resource management or experience in heading or managing a manpower business;
- e. Valid clearances from the NBI and the Anti-Illegal Recruitment Branch of the Administration for the proprietor, partners, and all members of the board of directors of the applicant agency. If a member of the board is a foreign national, a duly authenticated police clearance from his/her country of origin shall be required;
- f. A duly notarized undertaking by the sole proprietor, the managing partner, or the president of the corporation stating that the applicant shall:
  1. Negotiate for the best terms and conditions of employment for the workers;
  2. Select and deploy only medically fit and competent workers as tested by the employers or certified by TESDA or by other competent authority;
  3. Provide orientation to the workers on recruitment procedures, as well as the country profile and the working and living conditions, and other relevant information about the host country and work site;
  4. Obtain compulsory insurance coverage for its hired workers for the duration of the contract of employment, at no cost to the workers;
  5. Provide the worker a copy of the contract upon signing and provide the OEC upon issuance;
  6. Guarantee that there is no officer or employee of the recruitment agency related within the fourth civil degree of consanguinity or affinity to any official or employee of any government agency engaged, directly or indirectly, in the implementation of RA 8042, as amended;
  7. Assume full and complete responsibility for all claims and liabilities which may arise in connection with the use of the license;
  8. Assume joint and several liability with the employer for all claims and liabilities which may arise in connection with the implementation of the contract, including but not limited to unpaid wages, death and disability compensation and repatriation;
  9. Assume full and complete responsibility for all acts of its officers, employees and representatives done in connection with recruitment and placement;
  10. Adhere to the ethical standards as prescribed in the Code of Conduct for Ethical Recruitment as endorsed by recruitment industry associations and the Administration; and
  11. Guarantee compliance with existing labor and social legislation of the Philippines and of the country of employment of the recruited workers.
- g. In case of a corporation or partnership, a duly notarized undertaking by the corporate officers and directors, or partners, that they shall be jointly and severally liable with the corporation or partnership for claims and/or damages that may be awarded to the workers;
- h. List of all officials and personnel involved in recruitment and placement, together with their appointment, signed bio-data and two (2) copies of their passport-size pictures, as well as their clearances from the NBI and their individual affidavits, declaring that they have no conviction or pending criminal case for illegal recruitment or case involving moral turpitude;
- i. Certificate of attendance of the sole proprietor, managing partner, president, chief executive officer and/or operations manager in a Pre-Licensing Orientation Seminar (PLOS);



- j. Flowchart detailing step-by-step recruitment procedures, documentary requirements, briefings and orientations required, authorized fees and costs, deployment timeframes, and the responsible officer/s and process cycle time for every phase of the process; and
- k. Four-year business plan detailing financial, market and operational viability, including projected income and a risk management plan.

SECTION 5. Payment of Filing Fee.— Upon receipt of the complete requirements for application, the Administration shall require payment of a non-refundable filing fee of Twenty-Five Thousand Pesos (PhP25,000.00) and submission of proof of payment thereof.

SECTION 6. Panel Interview.— The proprietor, partners and members of the Board of Directors, including the major stockholders, shall undergo a panel interview to ascertain their qualifications and fulfillment of the requirements under Rules I and II, Part II of these Rules.

SECTION 7. Decision on the Application.— The Administration shall notify the applicant in writing of the decision on the application within three (3) working days after interview.

SECTION 8. Grounds for Denial of Application.— An application for license shall be denied when the applicant fails to satisfy any of the requirements or gives any false information or documents.

SECTION 9. Submission of Post-Qualification Requirements.— Upon receipt of the notification, the applicant shall submit the following post-qualification requirements prior to the issuance of the provisional license:

- a. A lease contract for an office space measuring at least one hundred (100) square meters, or proof of building ownership that will be used as an office or an identified portion thereof measuring at least 100 square meters;
- b. An office layout providing and clearly delineating adequate spaces that will serve as receiving area, interview room, administrative and finance area, conference/training room, and an executive office;
- c. An inventory of office equipment and facilities, which at the minimum, shall include the following:
  - i. Office furniture such as tables and chairs for the president and other officers and employees, as well as similar furniture for the receiving area, interview room and conference/training room;
  - ii. Secured filing cabinets; and
  - iii. Office equipment which shall, at the minimum, include two (2) computers, computer printer and scanner, photocopying machine, fax machine, landline telephone, internet connection, and multi-media equipment (i.e. LCD projector, and other similar audio-visual equipment).
- d. Organizational chart indicating the duties and responsibilities and names of officers and staff, which shall, at the minimum, consist of the President, Chief Executive Officer, Recruitment and/or Documentation Officer, Accountant or Bookkeeper, Cashier and Liaison Officer;
- e. Payment of license fee of One Hundred Thousand Pesos (PhP100,000.00); and
- f. An escrow agreement with a bank authorized by the *Bangko Sentral ng Pilipinas* to handle trust accounts, with deposit in the amount of One Million Pesos (PhP1,000,000.00).

The escrow deposit shall answer for all valid and legal claims arising from contracts of employment and violations of the conditions for the grant and use of the license, including fines imposed by the Administration. The escrow shall likewise guarantee compliance with prescribed recruitment procedures, rules and regulations, appropriate terms and conditions of employment, and relevant issuances of the DOLE.

The escrow deposit shall not be sourced from the capitalization requirement.

SECTION 10. Assessment Prior to Issuance of License. — The Administration shall assess the applicant's compliance with paragraphs (a), (b) and (c) of the preceding section. The Labor Laws Compliance Officer (LLCO) shall determine the size of the office space and the existence of the facilities and equipment as shown in the applicant's floor plan and inventory of equipment.

The assessment shall be conducted in accordance with the provisions of Rule III, Part II of these Rules.

#### B. PROVISIONAL LICENSE

SECTION 11. Issuance and Validity of a Provisional License. — Within five (5) working days from satisfaction of the post-qualification requirements, the Administration shall issue a provisional license which shall be valid within a non-extendible period of two (2) years from date of issuance.

SECTION 12. Prohibition.— The agency granted with a provisional license shall not deploy domestic workers during the validity of the provisional license.

#### C. REGULAR LICENSE

SECTION 13. Application for Upgrading of Provisional License to a Regular License.— Upon application, a provisional license may be upgraded to a regular license at any time during its validity upon deployment of one hundred (100) workers to its new principal/s, and upon submission of the following:

- a. Quality Management System (QMS) manual, defining the scope of the agency's quality management system that includes, among others, the quality policy and objectives, organizational structure and management responsibilities, and documented recruitment and deployment processes;
- b. Updated bank certificate stating that the escrow deposit remains at One Million Pesos (PhP1,000,000.00);
- c. Certificate of no pending case or any substantiated adverse report during the validity of the provisional license;
- d. Certificate of attendance to the Continuing Agency Education Program (CAEP) of all its officers and staff; and
- e. Latest audited financial statement.

SECTION 14. Validity of a Regular License.— The regular license shall be valid up to the full term of four (4) years from the date of issuance of the provisional license.

The application for upgrading of the provisional license shall be filed within three (3) months before the expiration of the provisional license.

#### D. RENEWAL OF LICENSE

SECTION 15. Renewal of License. — A licensed recruitment agency should submit an application for the renewal of its license within three (3) months before the expiration of its license. The application shall be supported by the following documents:



- a. Updated DTI registration in case of sole proprietorship, or General Information Sheet in case of partnership and corporation;
- b. Renewed/new escrow agreement with a commercial bank authorized to handle trust accounts by the *Bangko Sentral ng Pilipinas*, supported by a bank certification;

Provided, that, if during the renewal, the applicant has pending recruitment violation case/s before the Administration, an additional escrow deposit shall be required in accordance with the following schedule:

NO. OF PENDING CASE/S	ADDITIONAL ESCROW DEPOSIT
1 to 5	PhP50,000.00 per case
6 to 10	PhP75,000.00 per case
11 or more	PhP100,000.00 per case

The total escrow deposit shall, in no case, exceed Two Million Pesos (PhP2,000,000.00).

Provided, further, that, if in the succeeding renewal, the licensed recruitment agency has no pending case, the Administration shall allow the withdrawal of the additional escrow deposit.

- c. Duly filed latest audited financial statements and income tax returns of the licensed recruitment agency. In case the equity of the licensed recruitment agency is below the minimum capitalization requirement, it shall be given thirty (30) days from release of the renewed license to submit an SEC certification on capital infusion, otherwise the license shall be suspended until it has complied with such requirement;
- d. Clearances from the NBI and the Anti-Illegal Recruitment Branch of the sole proprietor, partners, members of the board of directors, officers, and personnel; and
- e. Valid Certificate of Compliance with general labor standards and valid Certificate of Compliance with occupational safety and health standards.

The Administration shall only accept applications with complete requirements based on the checklist for renewal of license. No application shall be accepted after the date of expiration of the license.

SECTION 16. Action on Renewal of License.—The Administration shall evaluate the application within five (5) working days from receipt of such application. The license remains valid until the application shall have been finally acted upon.

#### E. ESCROW DEPOSIT

SECTION 17. Maintenance of Escrow Deposit.— A licensed recruitment agency shall maintain at all times its escrow deposit in the minimum amount of One Million Pesos (PhP1,000,000.00). In case the licensed recruitment agency is required an additional escrow pursuant to Section 15, it shall maintain the escrow deposit of One Million Pesos (PhP1,000,000.00) plus the additional escrow.

In case the escrow deposit has been garnished, the licensed recruitment agency shall replenish the escrow deposit within fifteen (15) days from receipt of the Notice to Replenish Escrow Deposit. Failure to comply with such notice will result in the suspension of the license of the recruitment agency. Within the same fifteen (15) day period, the licensed recruitment agency may explain why it should not be suspended for such failure to comply.

The Administration shall ensure compliance with the increased escrow deposit as provided in this Rule.

SECTION 18. Monitoring Compliance with Conditions for the Issuance of the License. — The Administration shall monitor the compliance of licensed recruitment agencies with the conditions for the issuance of license, recruitment laws, rules and regulations on the use of license, and general labor standards and occupational safety and health standards in coordination with the DOLE Regional Office.

The Administration shall suspend or revoke the license of a recruitment agency for failure to maintain the required qualifications or conditions for the issuance of a license as provided in this Rule.

SECTION 19. Release of Deposit in Escrow. — The deposit in escrow of a licensed recruitment agency that voluntarily surrenders its license or has not renewed its license shall be released upon submission of the following:

- a. Copy of the duly executed/signed escrow agreement;
- b. Bank certification on the status of escrow deposit;
- c. Certificate of No Pending Case from the NLRC;
- d. Clearance from the Adjudication Office;
- e. Notarized Board Resolution/Partnership Resolution duly received by the SEC on the decision to withdraw escrow deposit, indicating the name of the person to process and receive the check representing the escrow deposit; and
- f. Surety bond equivalent to the amount of the escrow deposit valid for four (4) years from expiration of the license, if applicable.

#### F. COMMON PROVISIONS

SECTION 20. Derogatory Record after Issuance/Renewal of License. — The license of a single proprietorship or a partnership shall be suspended, until cleared by the Administration, should any derogatory record as provided in Section 3 herein be found to exist against the single proprietor or any or all of the partners, as the case may be.

The appointment of any officer or employee of any licensed recruitment agency may be cancelled or revoked by the Administration at any time, with due notice to the licensed recruitment agency concerned, whenever said officer or employee is found to have any derogatory record.

SECTION 21. Non-Transferability of License. — No license shall be used, directly or indirectly, by any person other than the one in whose favor it was issued, nor at any place other than that stated in the license, nor may such license be transferred, conveyed or assigned to any other person or entity.

SECTION 22. Revocation of License of Sole Proprietorship. — The license of the sole proprietorship shall automatically be revoked upon the death of the sole proprietor. The next-in-rank officer of the agency shall, within ten (10) days, report such death to the Administration. Failure to report shall automatically include such next-in-rank officer in the list of persons with derogatory record.



SECTION 23. Revocation of License of a Partnership Due to Death or Withdrawal of Partner. — The license of a partnership shall be automatically revoked upon the death or withdrawal of a partner which materially interrupts the course of business or results in the actual dissolution of the partnership. The surviving partner/s shall, within ten (10) days, report such death or withdrawal to the Administration. Failure to report shall automatically include the surviving partner/s in the list of persons with derogatory record.

SECTION 24. Upgrading, Merger or Consolidation of Licensed Recruitment Agencies. — The upgrading, merger or consolidation of licensed recruitment agencies shall be undertaken in accordance with the regulations of the SEC, without prejudice to the determination by the Administration of the qualifications of the new partners or directors.

The upgraded licensed recruitment agencies, the surviving corporation, or the new corporation, as the case may be, shall inform the Administration of such changes within thirty (30) days from confirmation by SEC of such upgrading, merger or consolidation.

SECTION 25. Change in the Composition of Partners/Board of Directors. — The licensed recruitment agency shall notify the Administration of every change in the composition of the partnership or board of directors within thirty (30) calendar days from the date of such change, and submit the following supporting documents:

- a. In case of change of partners, the amended articles of partnership, and bio-data, pictures, NBI clearances, AIRB clearances and income tax returns with proof of payment, for the last two (2) years of the new partners; and
- b. In case of election of new members of the Board of Directors, the amended General Information Sheet and the bio-data, pictures, NBI clearances, AIRB clearances and income tax returns with proof of payment for the last two (2) years of the new directors.

In case of change in the controlling shares or composition of the board of directors/partnership or any transfer of control in the operations of a licensed recruitment agency, the new set of board of directors/partners shall be subject to a panel interview to ascertain their qualifications as provided in these Rules.

SECTION 26. Transfer of Shares of Stocks. — A licensed recruitment agency operating as a corporation shall notify the Administration of any transfer of shares of stocks of the corporation within thirty (30) calendar days from approval of such transfer by SEC, together with the updated General Information Sheet reflecting such transfer, and a certified true copy of the Stock and Transfer Book.

SECTION 27. Appointment, Termination, or Resignation of Officers and Personnel. — The licensed recruitment agency shall notify the Administration of the appointment, termination or resignation of any officer and personnel of the agency within thirty (30) days from such appointment, termination or resignation. In case of appointment, the notification shall include the following documents:

- a. Letter of appointment containing duties and responsibilities duly accepted by the appointee;
- b. NBI and AIRB clearances; and
- c. Bio-data and two (2) recent passport size pictures.

SECTION 28. Transfer of Business Address. — A licensed recruitment agency may transfer its business address upon submission of the following:

- a. Letter of Intent to transfer office in the case of sole proprietorship, or a partnership or Board Resolution approving the transfer of office in case of a partnership or a corporation; and
- b. Copy of lease contract or proof of building ownership.

The Administration shall acknowledge such transfer after an assessment of compliance with space, office layout and equipment requirements has been completed.

The licensed recruitment agency shall publish a notice to the public of the new business address in a newspaper of general circulation within thirty (30) days from such transfer. The proof of publication shall be provided to the Administration within five (5) days from publication.

SECTION 29. Establishment of a Branch. — A licensed recruitment agency may request for an authority to establish a branch specifying the location, area and personnel. In case of a corporation, a board resolution authorizing the establishment of a branch shall be submitted. The request shall be subject to evaluation taking into account the track record of the agency and the number of job orders.

SECTION 30. Additional Office Space. — A licensed recruitment agency shall report to the Administration the acquisition of additional office space. The additional office space shall be adjacent to the registered main office or within the same building, provided, that, it is properly identified and covered by a duly notarized lease contract.

### **RULE III Overseas Employment and Labor Laws Compliance System**

SECTION 31. Assessment of Agencies and Labor Laws Compliance. — The Administration, in coordination with DOLE, shall assess, validate and monitor compliance of licensed recruitment agencies with these Rules and applicable labor laws and social legislation.

An Assessment shall refer to the process of evaluating compliance with these Rules, labor laws and social legislation, undertaken by qualified labor laws compliance officers (LLCOs) using a prescribed checklist in accordance with the pertinent provisions of the Rules on Labor Laws Compliance System (LLCS) issued by the Secretary of Labor and Employment through Department Order No. 131-13. The Assessment shall include matters relating to the maintenance of requirements on capitalization/equity, office space, equipment, facilities, and postings.

The Assessment shall be conducted prior to the issuance of a license (post qualification assessment), upgrading of provisional license to a regular license, issuance of branch authority, renewal of license and branch authority, and transfer of office. The Assessment shall likewise be conducted once every two (2) years after renewal of license.

#### **A. ASSESSMENT PRIOR TO THE ISSUANCE OF A LICENSE (POST QUALIFICATION ASSESSMENT)**

SECTION 32. Scope of Assessment. — The post-qualification assessment shall cover compliance with minimum office space, facilities and equipment under Section 9 hereof by the applicant whose license application has been approved. The Assessment shall be conducted prior to the issuance of the provisional license.

SECTION 33. Issuance of Authority to Assess. — The Licensing Regulations Office (LRO) Director or his/her authorized representative shall issue the Authority to Assess, indicating the names of the LLCO or POEA personnel, the applicant and its registered address, the purpose of the assessment and the validity period of the authority.



SECTION 34. Conduct and Report of Assessment. — The LLCO/POEA personnel shall proceed to the establishment and present the authority to the applicant agency. A responsible representative of the applicant shall receive and sign a copy of the authority. The assessment shall be conducted in the presence of such representative.

The assessment report shall be forwarded to the Licensing Branch of the Administration.

#### B. REGULAR ASSESSMENT

SECTION 35. Scope of Regular Assessment. — The Assessment shall be undertaken as a requirement for upgrading of the provisional license to a regular license, renewal of license and branch authority, transfer of office, and once every two (2) years after renewal of license. The Assessment shall cover the following:

- a. Maintenance of the minimum office space, facilities and equipment;
- b. Maintenance of the required signs and postings, such as POEA door sticker, agency license, organizational chart, "Kaukulang Bayad" poster and anti-illegal recruitment campaign posters;
- c. Examination of books of accounts, official receipts, and financial statements; and
- d. Compliance with general labor standards and occupational safety and health standards.

SECTION 36. Issuance of Authority to Assess. — The LRO Director or his/her duly authorized representative shall issue the authority to assess to its duly authorized LLCOs, indicating the names of the LLCOs, the licensed recruitment agency to be assessed, the purpose of the assessment and the validity period of the authority.

The LRO Director or his/her duly authorized representative may also request the DOLE Regional Director for the conduct of assessment of licensed recruitment agencies, including their branches.

SECTION 37. Conduct and Report of Assessment. — The LLCO shall proceed to the establishment and present the authority to the licensed recruitment agency. A responsible representative of the licensed recruitment agency shall receive and sign a copy of the authority. The Assessment shall be conducted in his/her presence, including a representative designated by the rank and file employees at the time of Assessment.

The Assessment shall proceed based on the Assessment Checklist contained in **Annex "A"** hereof.

SECTION 38. Issuance of Notice of Results. — The LLCO shall issue the Notice of Results indicating compliance or deficiencies with POEA rules, labor laws and social legislation. The licensed recruitment agency representative shall acknowledge such results.

SECTION 39. Report of Assessment. — The LLCO shall endorse to the LRO Director the results relating to overseas employment, or to the DOLE Regional Director for general labor standards and occupational safety and health standards.

SECTION 40. Issuance of Certificate of Compliance. — Licensed recruitment agencies that have complied with overseas employment rules and regulations shall be issued, within five (5) days from such compliance, a Certificate of Compliance with a validity period of two (2) years by the POEA Administrator.

The Certificate of Compliance with general labor standards and occupational safety and health shall be issued by the DOLE Regional Director who has territorial jurisdiction over the establishment.

The Certificate of Compliance issued to a licensed recruitment agency shall cover branch offices that have been included in the renewal of license.

SECTION 41. Compliance with Deficiencies. — In case of non-compliance, the LLCO shall issue a Notice of Results, together with the accomplished assessment checklist indicating the deficiencies. The licensed recruitment agency shall comply with the deficiencies or findings in accordance with the following:

- a. In case of deficiencies on office facilities, equipment, postings and signs, the agency shall, within five (5) working days from the date of assessment, correct the deficiencies and submit proof of compliance for verification. Failure to comply shall cause the imposition of suspension of documentary processing, until compliance.
- b. For failure to maintain the required minimum office space, the agency shall submit proof of compliance within thirty (30) days from assessment. Failure to comply shall cause the imposition of suspension of documentary processing, until compliance.
- c. In case the audited financial statement indicates an amount lower than the required capitalization, the agency shall, within thirty (30) days from the date of assessment, infuse additional capital up to the required minimum level and submit the certificate of corporate filing/information on the present paid-up capital issued by the SEC. Failure to comply shall cause the suspension of license, until compliance.
- d. In case of non-presentation of the books of accounts and official receipts during assessment, the agency shall be given forty eight (48) hours to present such books and receipts; otherwise, a suspension of documentary processing shall be imposed.
- e. If an unauthorized person is present in the agency's premises, the LLCO shall report such findings for review and endorsement to the Adjudication Office for administrative proceedings.

In case of deficiencies on general labor standards and occupation safety and health standards, the DOLE shall have jurisdiction over the agency's compliance in accordance with the Rules on LLCS.

#### C. SALVO/SPOT INSPECTION

SECTION 42. Scope of Salvo/Spot Inspection. — The Administration shall undertake inspection in response to a complaint or report of illegal recruitment activities and recruitment violations. Such inspection shall be conducted in accordance with the POEA labor laws compliance manual.

#### RULE IV Licensing of Companies Registered with Philippine Overseas Construction Board (POCB)

SECTION 43. Licensing of POCB-Registered Companies. — POCB-registered companies with overseas projects may apply in writing for a special license to deploy their workers to their overseas projects, subject to submission of the following requirements:

- a. Articles of Incorporation;
- b. A certified true copy of the POCB certificate of registration;
- c. POCB certification of an existing overseas project;

- d. Affidavit of Undertaking that the company will submit the renewed POCB registration upon its expiration; and
- e. Proof of payment of the non-refundable filing fee of Twenty Five Thousand Pesos (PhP25,000.00).

SECTION 44. Payment of Fees. — Upon approval of the application, the applicant shall:

- a. Pay a license fee of Fifty Thousand Pesos (PhP50,000.00); and
- b. Submit an Escrow Deposit Agreement of Two Hundred Fifty Thousand Pesos (PhP250,000.00) with an accredited bank authorized to handle trust accounts by the *BangkoSentral ng Pilipinas*.

SECTION 45. Issuance of Special License. — The Administration shall issue a special license to the POCB-registered companies within twenty-four (24) hours from receipt of application, provided all the requirements are met by the applicant. Only applications with complete supporting documents shall be deemed filed.

SECTION 46. Validity Period of Special License. — The special license shall be valid for four (4) years from date of issuance subject to the validity of the POCB-registration, or unless sooner revoked, terminated, suspended, or cancelled by the Secretary or his/her duly authorized representative.

SECTION 47. Requisites for Renewal. — Within three (3) months prior to the expiration of the license, the POCB-registered company shall submit a written application together with the following requirements:

- a. Certified copy of valid POCB Certificate of Registration;
- b. Bank Certificate indicating that the escrow of Two Hundred Fifty Thousand Pesos (PhP250,000.00) is still intact;
- c. POCB certification of an existing overseas project; and
- d. Proof of payment of license fee of Fifty Thousand Pesos (PhP50,000.00).

SECTION 48. Prohibition on Collection of Fees from Overseas Filipino Workers.— POCB-registered companies shall not collect any fee from the workers deployed to their projects overseas.

SECTION 49. POCB-registered Companies without Overseas Projects. — POCB-registered companies without POCB-certified overseas projects that intend to deploy workers overseas may apply for a regular license pursuant to Rule II, Part II of these Rules.

#### **RULE V Fees, Costs and Contributions**

SECTION 50. Fees and Costs Chargeable to the Overseas Filipino Workers. — The Overseas Filipino Worker shall pay the following fees and costs:

- a. Documentation costs:
  - 1. Passport;
  - 2. NBI/Police/Barangay Clearance;
  - 3. NSO authenticated birth certificate;
  - 4. Transcript of Records and diploma issued by the school, certified by the CHED and authenticated by the DFA;
  - 5. Professional license issued by the PRC, authenticated by the DFA;
  - 6. Certificate of Competency issued by TESDA or other competent certifying body for the job applied for; and
  - 7. DOH prescribed medical/health examination, based on the host country medical protocol.
- b. Membership with Philhealth, Pag-Ibig and the Social Security System.

SECTION 51. Placement Fee.— A placement fee may be charged against the Overseas Filipino Worker equivalent to one (1) month basic salary specified in the POEA approved contract, except for the following:

- a. Domestic workers; and
- b. Workers to be deployed to countries where the prevailing system, either by law, policy or practice do not allow, directly or indirectly, the charging and collection of recruitment/placement fee.

The worker shall pay the placement fee to the licensed recruitment agency only after signing the POEA-approved contract. The agency must issue a BIR-registered receipt stating the date of payment and the exact amount paid.

SECTION 52. Payment of Insurance Premium. — The licensed recruitment agency shall be responsible for the payment of the premium for the compulsory insurance coverage under Section 37-A of RA 8042, as amended.

SECTION 53. Costs and Fees Chargeable Against the Principal/Employer. — The costs of recruitment and placement shall be the responsibility of principal/employer, which cover payment for the following:

- a. Visa, including the stamping fee;
- b. Work permit and residence permit;
- c. Round trip airfare;
- d. Transportation from the airport to the jobsite;
- e. POEA processing fee;
- f. OWWA membership fee; and
- g. Additional trade test/assessment, if required by the principal/employer.

SECTION 54. Prohibition Against Charging of Other Fees. — No other charges in whatever amount, form, manner or purpose shall be charged against the Overseas Filipino Worker, except those specified in this Rule.

SECTION 55. Service Fees. — Licensed recruitment agencies shall charge principals/employers service fees commensurate to the fair market value of their services.

#### **RULE VI Skills Test and Medical Examination for Overseas Employment**

SECTION 56. Skills Testing for Applicant. — An applicant for overseas employment shall undergo a skills test in a TESDA-accredited skills testing center only after the licensed recruitment agency and/or its principal/employer has pre-qualified him/her for work covered by an approved job order. The licensed recruitment agency shall ensure that the appropriate skills test shall be administered to the worker, corresponding to the position/job category applied for.



SECTION 57. Medical/Health Examination. — The licensed recruitment agency shall require an applicant to undergo a medical/health examination as required by the medical protocol of the host country. The medical examination shall be conducted through a DOH-accredited medical clinic of his/her choice, and only after reasonable certainty that the worker shall be hired by the principal/employer under an approved job order.

The licensed recruitment agency shall ensure that the coverage of medical examination is in accordance with the standard requirements of the host government and the principal/employer.

#### **RULE VII Recruitment Outside Registered Office**

SECTION 58. Special Recruitment Activity. — A licensed recruitment agency may conduct recruitment activities outside its registered address by securing a Special Recruitment Authority prior to the conduct of the recruitment.

SECTION 59. Requirements for the Issuance of Special Recruitment Authority.— A Special Recruitment Authority (SRA) may be issued upon submission of the following requirements:

- a. Letter request from the agency stating the exact date and venue of the special recruitment activity, as well as the name(s) of the designated representative/s;
- b. List of accredited principals/employers with sufficient job order balance;
- c. Proof of notice to the local government unit through the Public Employment Service Office (PESO); and
- d. An undertaking that the agency shall take full responsibility for the acts of its representative officers and employees, and/or the employer or his/her authorized representative.

SECTION 60. Filing of Application. — An application for issuance of SRA shall be filed at least three (3) days prior to the date of the activity with any of the following POEA offices:

- a. POEA Central Office;
- b. POEA Regional Center or Regional Extension Unit (REU) under whose area of jurisdiction the agency is located; or
- c. POEA Regional Center or REU under whose area of jurisdiction the special recruitment activity will be conducted.

SECTION 61. Validity of SRA. — The SRA shall be valid for the date and venue as indicated, unless extended, modified or revoked by the Administration for violation of the conditions for its issuance.

SECTION 62. Letter of Authority (LOA). — The licensed recruitment agency shall notify the Administration of the participation of an accredited principal/employer or its registered/authorized representative in a recruitment activity within its registered office within three (3) days prior to the activity. If the accredited principal/employer or its registered authorized representative shall participate in a recruitment activity outside its registered office, the application for LOA shall be filed at least three (3) days prior to the date of the activity.

SECTION 63. Venue and Supervision of Special Recruitment Activities. — Recruitment activities outside the registered office of the licensed recruitment agency shall be conducted only at venues indicated in the authority, and shall be supervised by the Administration in coordination with the DOLE or PESO.

SECTION 64. Terminal Reports. — A terminal report shall be submitted to the POEA office which issued the SRA within ten (10) days, and a Progress Deployment Report within ninety (90) days after the activity. No subsequent SRA shall be issued until the licensed recruitment agency has submitted the required reports.

SECTION 65. Participation in Jobs Fair.— A licensed recruitment agency may participate in a jobs fair and conduct recruitment activities based on POEA-approved job orders, provided, that, a corresponding DOLE permit has been issued to the organizer of the jobs fair. Prior written notification which includes a list of authorized representatives who will be participating in the jobs fair, including the venue, date, and list of principals/employers, shall be submitted to the Administration for monitoring and supervision.

If the jobs fair is being organized by the PESO, no such permit shall be required, except for the prior notification requirement as mentioned above.

SECTION 66. Cancellation of SRA/LOA. — The Administration reserves the right to cancel the SRA/LOA for violation of the conditions set therein.

#### **RULE VIII Advertisement for Overseas Job Vacancies**

SECTION 67. Advertisement for Overseas Employment.—Advertisement for overseas employment shall include the publication of job vacancies in any form of communication, such as press releases, printed materials, or advertisements in radio, television, cinemas, internet, social media and other electronic forms, billboards, moving and human advertisements, and ad boards.

SECTION 68. Advertisement of Job Vacancies with Approved Job Orders.— Licensed recruitment agencies may advertise job vacancies covered by approved job orders of accredited principals/employers without prior approval from the Administration and within the validity of its accreditation. The advertisement shall indicate the following information:

- a. Name, address and POEA license number of the agency;
- b. Name, address, POEA registration/accreditation number and worksite of the accredited principal/employer;
- c. Skill categories and qualification standards; and
- d. Number of available positions and salaries net of foreign income tax.

SECTION 69. Advertisement for Manpower Pooling. — Licensed recruitment agencies may advertise for manpower pooling, subject to prior approval of the Administration and compliance with the following conditions:

- a. The advertisement shall indicate the phrases "for manpower pooling only", "no fees in any form and/or purpose will be collected from the applicants", and "beware of illegal recruiters and human traffickers", using large font in the advertisement; and
- b. The advertisement shall specify the name, address and POEA license number of the agency, name and worksite of the prospective or accredited principal/employer, and the skill categories and qualification standards.

SECTION 70. Advertisement for Overseas Job Vacancies by Principals/Employers. — Accredited principals/employers may advertise overseas job vacancies only through POEA-licensed recruitment agencies or through the Administration.



SECTION 71. Monitoring of Advertisements. — The Administration shall monitor all advertisements, and non-compliant advertisements are considered as recruitment violations which shall be penalized in accordance with the schedule of offenses and penalties.

**RULE IX**  
**Departure and Arrival of Overseas Filipino Workers**

SECTION 72. Departure of Workers. — All departing Overseas Filipino Workers shall present their OECs to the Immigration Officer. For this purpose, the Administration, in coordination with the Bureau of Immigration, shall establish a one-stop validation procedure in all exit points for all departing Overseas Filipino Workers.

In the absence of the one-stop validation procedure, Overseas Filipino Workers shall present their OECs to the POEA-LAC.

SECTION 73. Issuance of OEC at LAC. — The Administration may issue OEC at the LAC only to the following:

- a. Workers on special/emergency leave; and
- b. Cabin crew/flight attendants.

SECTION 74. Lost OEC. — In case of a lost OEC, Overseas Filipino Workers may request in writing a certification from the LAC or the Administration stating that the worker has been issued OEC and specifying the details of the lost OEC.

SECTION 75. Arrival of Overseas Filipino Workers. — The Administration, through the LAC, shall support OWWA and other government agencies in providing assistance to arriving Overseas Filipino Workers, particularly those who are in distress.

**RULE X**  
**Illegal Recruitment**

SECTION 76. Acts Constituting Illegal Recruitment. — Illegal Recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers and includes referrals, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: Provided, that any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged.

It shall likewise include the following prohibited acts committed by any person whether or not a licensee or a holder of authority:

- a. To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary or to make a worker pay the recruiter or its agents or acknowledge any amount greater than that actually loaned or advanced to him;
- b. To furnish or publish any false notice or information or document in relation to recruitment or employment;
- c. To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;
- d. To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of documenting hired workers with the POEA, which include the act of reprocessing workers through a job order that pertains to non-existent work, work different from the actual overseas work, or work with a different employer whether registered or not with the POEA;
- e. To induce or attempt to induce a worker already employed to quit his/her employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;
- f. To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his/her agency or who has formed, joined or supported, or has contacted or is supported by any union or workers' organization;
- g. To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines as may be prohibited by law or duly constituted authority;
- h. To obstruct or attempt to obstruct inspection by the Secretary or by his/her duly authorized representative;
- i. To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary under penalty of law;
- j. To substitute or alter to the prejudice of the worker, employment contract approved and verified by the DOLE from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the DOLE;
- k. For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or insurance agency or to be engaged directly or indirectly in the management of a travel agency or insurance agency;
- l. To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations, or for any other reasons, other than those authorized under the Labor Code and its implementing rules and regulations;
- m. To fail to actually deploy a contracted worker without valid reason as determined by the DOLE;
- n. To fail to reimburse expenses incurred by the worker in connection with his/her documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault;
- o. To allow a non-Filipino citizen to head or manage a recruitment agency;
- p. To arrange, facilitate or grant a loan to an Overseas Filipino Worker with interest exceeding eight percent (8%) per annum, which will be used for payment of legal and allowable placement fees and make the migrant worker issue, either personally or through a guarantor or accommodation party, postdated checks in relation to the said loan;
- q. To impose a compulsory and exclusive arrangement whereby an Overseas Filipino Worker is required to avail of a loan only from specifically designated institutions, entities or persons;
- r. To refuse to condone or renegotiate a loan incurred by an Overseas Filipino Worker after the latter's employment contract has been prematurely terminated through no fault of his/her own;
- s. To impose a compulsory and exclusive arrangement whereby an Overseas Filipino Worker is required to undergo health examinations only from specifically designated medical clinics, institutions, entities or persons, except in the case of a worker whose medical examination cost is shouldered by the principal;
- t. To impose a compulsory and exclusive arrangement whereby an Overseas Filipino Worker is required to undergo training, seminar, instruction or schooling of any kind only from specifically designated institutions, entities or persons, except for recommendatory trainings mandated by principals where the latter shoulder the cost of such trainings;
- u. For a suspended recruitment agency to engage in any kind of recruitment activity including the processing of pending workers' applications; and
- v. For a recruitment agency or a foreign principal/employer to pass on to the Overseas Filipino Worker or deduct from his/her salary the payment of the cost of insurance fees, premium or other insurance related charges, as provided under the compulsory worker's insurance coverage.



SECTION 77. Independent Administrative Action.— The institution of criminal action is without prejudice to any administrative action against the licensee or holder of authority cognizable by the Administration, which could proceed independently of the criminal action.

#### RULE XI Legal Assistance and Enforcement Measures

SECTION 78. Anti-Illegal Recruitment and Anti-Trafficking in Persons Programs. — The Administration shall adopt policies and procedures, prepare and implement programs toward the eradication of illegal recruitment and trafficking in persons committed by means of, or in the guise of recruitment for overseas employment such as, but not limited to the following:

- a. Legal assistance and counseling to victims on criminal and/or administrative actions;
- b. Investigation and conduct of operations such as surveillance of persons and entities, closure of establishment, and assistance during entrapment/arrest;
- c. Prosecution including legal assistance to victims during preliminary investigation and during trial in collaboration with the prosecutors of the Department of Justice; and
- d. Information and education campaign on overseas employment and anti-illegal recruitment and anti-trafficking in persons.

Whenever necessary, the Administration shall coordinate with other appropriate entities in the implementation of said programs.

SECTION 79. Anti-Illegal Recruitment Fund. — The Administration shall establish an anti-illegal recruitment fund to support victims of illegal recruitment and trafficking in persons during investigation and prosecution, and for other anti-illegal recruitment and anti-trafficking in persons programs.

In furtherance of this objective, the Administration may enter into partnerships with the private sector, local or international organizations and other government agencies.

SECTION 80. Receiving Complaints.— Victims of illegal recruitment or trafficking in persons involving recruitment for overseas employment and related cases may report or file a complaint with the DOLE or its regional offices, or the Administration or its regional centers/extension units.

SECTION 81. Action on the Complaint/Report.— Where the complaint/report alleges that illegal recruitment and/or trafficking in persons involving recruitment for overseas employment are on-going, and such activities are confirmed in the preliminary examination of the complainants and the witnesses or through the conduct of surveillance, the Director of the Licensing and Regulation Office (Director-LRO) shall recommend to the Administrator the issuance of a Closure Order.

SECTION 82. Surveillance.— The Administrator and/or designated official in the DOLE regional offices may, on his/her own initiative, conduct surveillance on the alleged illegal recruitment activities and trafficking in persons involving recruitment for overseas employment.

Within two (2) days from the termination of surveillance, a report supported by an affidavit shall be submitted to the Director-LRO or the DOLE Regional Director concerned, as the case may be.

SECTION 83. Issuance of Closure Order.— The Secretary or the Administrator or the DOLE Regional Director of the appropriate regional office outside the National Capital Region, or their duly authorized representatives, may conduct an ex-parte preliminary examination to determine whether the activities of a non-licensee violate existing laws or constitute a danger to national security and public order or will lead to further exploitation of job seekers. The Secretary, the Administrator or the DOLE Regional Director concerned or their duly authorized representatives, may also examine personally the complainants and/or their witnesses in the form of searching questions and answers and shall take their testimony under oath. The testimony of the complainants and/or witnesses shall be reduced in writing and signed by them.

If upon the preliminary examination or surveillance, the Secretary, the Administrator or DOLE Regional Director is satisfied that there is a violation of the law or such danger or exploitation exists, a written order shall be issued for the closure of the establishment.

SECTION 84. Implementation of Closure Order. — The Closure Order shall be served upon the offender or the person-in-charge of the establishment subject thereof. The closure shall be effected by sealing and padlocking the establishment and posting a notice of such closure in bold letters in a conspicuous place in the premises of the establishment. Whenever necessary, the assistance and support of the appropriate law enforcement agencies may be requested for this purpose.

The Secretary, the Administrator or the DOLE Regional Director concerned shall recommend the immediate cancellation/revocation of the business permit to the local government unit where such establishment operates.

SECTION 85. Effect of Closure Order.— All officers and employees of the entity responsible for the illegal recruitment activity shall be ordered included in the list of persons with derogatory records as provided in Section 3, and will be disqualified from participating in the overseas employment program of the government.

SECTION 86. Report on Implementation. — A report on the implementation of the closure order executed under oath shall be submitted to the LRO Director or the DOLE Regional Director concerned, as the case may be, within two (2) days from the date of implementation.

SECTION 87. Institution of Criminal Action. — The Secretary, the Administrator or the DOLE Regional Director concerned, or their duly authorized representatives or any aggrieved person, may initiate the corresponding criminal action.

Where a complaint is filed with the Administration and the same is proper for preliminary investigation, it shall endorse the corresponding complaint and supporting documents to the proper prosecution office.

SECTION 88. Who May File a Motion to Re-Open Establishment. — The motion to re-open may be filed only by the following:

- a. The owner of the building or his/her duly authorized representative;
- b. The building administrator or his/her duly authorized representative;
- c. The persons or entity against whom the closure order was issued or the duly authorized representative; or
- d. Any other person or entity legitimately operating within the premises closed/padlocked and whose operations/activities are distinct from the recruitment activities of the person/entity subject of the closure order.

SECTION 89. Grounds for Re-Opening the Establishment.— An establishment which has been closed by the Administration may be re-opened on the following grounds:

- a. The office is not the subject of the Closure Order;
- b. The contract of lease with the owner of the building or the building administrator has already been cancelled or terminated. The request to re-open shall be duly supported by an affidavit of undertaking either of the owner of the



- building or the building administrator that the same will not be leased/rented to any other person/entity for recruitment purposes without a license; or
- c. The office is shared by a person/entity not involved in illegal recruitment activities, whether directly or indirectly.

SECTION 90. Motion to Lift a Closure Order.— A Motion to Lift a Closure Order may be entertained only when it is verified and filed by the person or entity against whom the closure order was issued or its duly authorized representative, with the LRO or the DOLE Regional Director within ten (10) calendar days from the date of implementation thereof.

The Motion shall clearly state the ground/s upon which it is based, attaching thereto the documents in support thereof. A Motion to Lift which does not comply with the requirements herein set forth shall be denied.

SECTION 91. Grounds for Lifting a Closure Order. — The lifting of the Closure Order may be granted when the person/entity has proven that it is not involved in illegal recruitment activities, whether directly or indirectly.

The lifting of the Closure Order shall include the removal of the entity and the names of the persons from the list of persons with derogatory record. The lifting of a Closure Order is, however, without prejudice to filing of criminal action with the appropriate office against any other person alleged to have conducted illegal recruitment activities that led to the issuance of the Closure Order.

SECTION 92. Appeal. — The Order of the Administrator denying the Motion to Lift a Closure Order or Motion to Re-open may be appealed to the Secretary within ten (10) days from the service or receipt thereof.

Any motion filed on the denial of a motion to lift shall be treated as an appeal.

SECTION 93. Re-padlocking of Office. — The Administration shall monitor establishments that are subject of Closure Orders. Where a re-opened office is subsequently confirmed as still being used for illegal recruitment activities, a new Closure Order shall be issued which shall no longer be subject to a Motion to Lift.

SECTION 94. Prohibition on the Use of Establishment or Space Subject of a Closure Order.— The establishment or space subject of an existing Closure Order shall not be used for any purpose. Violation of this section shall be dealt with accordingly.

### PART III PLACEMENT BY THE PRIVATE SECTOR

#### RULE I Accreditation and Registration of Principals/Employers

SECTION 95. Accreditation of Principals/Employers. — The Administration shall accredit principals/employers. This authority may be delegated to the POLO in countries/territories where it has jurisdiction. In this regard, the following rules shall govern:

- a. All documents for accreditation shall be verified by the POLO.
- b. In the absence of the POLO, the documents shall be duly authenticated by the Philippine Embassy/consulate which has jurisdiction over the jobsite.
- c. In cases where there is no Philippine Embassy or Consulate in the jobsite, the principal/employer may submit the documents to the Administration for attestation.

For this purpose, verification shall refer to the procedure being conducted or applied by the Labor Attaché to ensure that all the employment rights, benefits and welfare of Filipino migrant workers at the worksite are duly protected. The Labor Attaché shall also ensure that the employment contracts of Overseas Filipino Workers are consistent with the prevailing employment laws, standards and practices in both the Philippines and the host country, and that the documentary requirements for overseas employment as required by the Administration are complied with.

SECTION 96. Requirements for Accreditation of the Principal/Employer. — The following are the requirements for accreditation of the principal/employer:

#### A. General Requirements

1. Recruitment Agreement;
2. Job order indicating the positions, the number of positions required and salary per position;
3. Copy of valid commercial registration and business license of the principal issued and authenticated by the chamber of commerce or a relevant government office, including information on business activities, number of years in operation and volume/size of current labor force;
4. Master employment contract signed on all pages by the principal or his/her authorized representative; and
5. Contingency plan as may be applicable.

#### B. Additional Requirements

##### B.1. For Foreign Placement Agencies

1. Business license or valid commercial registration of the actual employer hiring skilled Overseas Filipino Workers;
2. Master employment contract from the employer, signed jointly in all pages by the FPA and the actual employer or his/her authorized representative;
3. Manpower request from the employer;
4. Service agreement between the FPA and the client/employer;
5. FPAs hiring domestic workers shall be required to put up an escrow account with a bank authorized by the *Bangko Sentral ng Pilipinas* to handle trust accounts, with deposit in the amount of Fifty Thousand United States Dollars (USD50,000.00). The escrow deposit shall answer for all valid and legal claims arising from violations of contracts of employment; and
6. Undertaking by the FPA/employer to monitor the employment of Overseas Filipino Workers and to submit a report of significant incidents relative thereto.

##### B.2. For Staffing/Sourcing Company:

1. The list of names and addresses of its clients;
2. Manpower request from the client; and
3. Service agreement between the company and its clients.



SECTION 97. Issuance of Accreditation Certificate. — The Administration/POLO shall issue, upon full compliance with the requirements, a certificate of accreditation duly signed by an authorized officer, which shall contain the following information:

- a. Name of the employer/company;
- b. Complete business address, email address, contact number;
- c. Name of authorized representative;
- d. Validity period; and
- e. Date of issuance.

SECTION 98. Registration of Principal/Employer.— The POEA shall register a principal/employer duly accredited by the POLO upon submission of the certificate of accreditation by the POLO, including the supporting documents.

Section 99. Registration of POEB-registered Projects.— The Administration shall register POEB-registered projects upon submission of the following requirements:

- a. Project authorization from POEB including manpower requirement of the project, compensation, and mobilization schedule; and
- b. Master employment contract.

SECTION 100. Validity of Accreditation. — The accreditation shall be valid for four (4) years.

SECTION 101. Suspension of Accreditation by the POLO. — The POLO may suspend accreditation based on any of the following grounds:

- a. Unjustified refusal to assist/repatriate distressed Overseas Filipino Worker/s;
- b. Deliberate violation/non-compliance of the principal/employer with its contractual obligations to its hired Overseas Filipino Worker/s;
- c. Continued processing and deployment of the Overseas Filipino Workers for the principal/employer will lead to the further exploitation of any or all of its applicants and Overseas Filipino Workers or pose imminent danger to the lives and safety of its Overseas Filipino Worker/s; or
- d. When found to have hired and employed an Overseas Filipino Worker who is either a minor or below the prescribed minimum age requirement.

SECTION 102. Procedures for Suspension of Accreditation.— Upon receipt of the advice or complaint or report of an alleged violation, the POLO shall require the principal/employer to comment in writing within two (2) days from receipt of the POLO advice, complaint or report.

After evaluating the comment submitted by the principal/employer, and the POLO has determined that there exists a valid ground for suspension of accreditation, the POLO shall issue a notice of suspension. The suspension of accreditation may be imposed for a maximum period of sixty (60) days, which may be lifted upon satisfactory settlement of Overseas Filipino Worker's claim/s or upon compliance with the conditions for lifting the suspension.

The principal/employer may file an appeal from the denial of the lifting of the suspension before the DOLE. The appeal shall be filed through the POLO within fifteen (15) days from receipt of the denial.

The POLO shall notify the Administration of the suspension of the accreditation imposed against the principal/employer. The POLO may also recommend the filing of a disciplinary action case against the principal/employer before the Administration.

If the case against the principal/employer is filed before the POEA, the procedure shall be governed by the rules on disciplinary action cases against a principal/employer.

SECTION 103. Effect of Suspension of Accreditation by the POLO.— The suspension of accreditation by the POLO shall have the effect of suspending the documentary processing of the principal/employer at the POLO and the Administration.

SECTION 104. Revocation of Accreditation and Registration.— The POLO or the Administration shall automatically revoke the accreditation of a principal/employer on any of the following grounds:

- a. Expiration of the principal's/employer's business license or cessation of business or recruitment activity, after a period of one (1) year from expiration or cessation;
- b. Upon written mutual agreement by the principal/employer and the licensed recruitment agency to terminate the agreement;
- c. When the principal/employer is meted the penalty of disqualification from participation in the overseas employment program; and
- d. Failure to comply with the undertaking submitted as requirement for accreditation.

SECTION 105. Procedure for Revocation/Cancellation of Accreditation by the POLO.— The following procedures shall apply in the revocation/cancellation of accreditation:

- a. Upon the existence of any of the foregoing grounds for revocation/cancellation of accreditation, the POLO shall verify/communicate with the principal/employer and licensed recruitment agency, and require them to submit their comments within a period of five (5) days from receipt of the POLO notice;
- b. Upon receipt of the comments, the POLO shall evaluate the merits of the response of the principal/employer and licensed recruitment agency. Failure of the concerned parties to comment within the prescribed period shall be construed as a waiver, and the POLO shall immediately proceed with the investigation based on the available records; and
- c. After evaluation of the comments and the available documents, the POLO shall render a decision. In case of revocation/cancellation of accreditation, the POLO shall immediately notify in writing the concerned parties and the Administration.

SECTION 106. Validity of Manpower Request/Job Order.— Job orders approved by the Administration shall be valid for a period of two (2) years, subject to revalidation for another two years upon confirmation of the principal/employer.

SECTION 107. Renewal of Accreditation. — The accreditation may be renewed at the request of the principal/employer or licensed recruitment agency and upon submission of the following:

- a. Reconfirmed recruitment agreement; and
- b. Revalidated or new job order.

SECTION 108. Dual/Multiple Accreditation of Principal/Employer. — A principal which is a foreign placement agency may be accredited to only two (2) licensed recruitment agencies, while an employer may be accredited up to a maximum of five (5) licensed recruitment agencies, provided that:

- a. A uniform or upgraded compensation package shall be adopted by the principal/employer and the agencies for the same project in the same job site;
- b. The principal/employer has a new job order of at least one hundred (100) workers for the same project in the same job site as verified by the POLO, or the principal/employer must have hired and employed at least one hundred (100) workers for the same project in the same job site within a period of one year immediately preceding the request for dual/multiple registration/accreditation; and
- c. The principal/employer shall submit an undertaking that it will comply with all its obligations to other licensed recruitment agencies to which it is currently accredited.

SECTION 109. Transfer of Accreditation. — The accreditation of a principal/employer may be transferred to another licensed recruitment agency, provided, that:

- a. There is no downgrading of the compensation package adopted by the principal with the licensed recruitment agency to which it is currently/previously accredited;
- b. The transferee agency shall assume full and complete responsibility for all contractual obligations of the principal/employer to the Overseas Filipino Workers originally recruited and deployed by the former licensed recruitment agency, by submitting to the POLO or to the Administration, as the case may be, an undertaking to that effect; and
- c. The principal/employer must have no pending disciplinary action case.

For this purpose, any accreditation within six (6) months immediately following its cancellation by the principal/employer shall be deemed a transfer of accreditation.

SECTION 110. Action on Applications for Transfer of Accreditation of a Principal/Employer with Outstanding Obligations. — Money claims or obligations arising out of their recruitment agreement shall not prevent the POLO or the Administration from acting on the request for registration or accreditation, if public interest so requires.

SECTION 111. Accreditation of Principal/Employer in Countries Covered by a Special Agreement. — The accreditation of a principal/employer in countries covered by any special agreement entered into by the Philippine government shall be in accordance with guidelines prescribed by the Administration.

SECTION 112. Suspension of the Authority of the POLO to Accredit Principal/Employer.— The authority granted to POLO by the POEA to accredit principal/employer may be suspended by the Administrator when there is evidence of persistent/habitual negligence resulting in erroneous accreditation on any of the following grounds:

- a. Accreditation which is not in compliance with the POEA Rules and Regulations on principal/employer accreditation;
- b. Non-compliance with established POLO verification procedures; or
- c. Accreditation of a watchlisted principal/employer.

The International Labor Affairs Bureau (ILAB)/DOLE shall be duly notified of such suspension for its appropriate action.

SECTION 113. Lifting of Suspension. — The Administrator may, upon recommendation by the ILAB-DOLE, reinstate the authority to accredit a principal/employer.

## RULE II Documentation and Deployment of Overseas Filipino Workers

SECTION 114. Deployment of Overseas Filipino Workers. — The State shall allow the deployment of Overseas Filipino Workers only in countries where the rights of Overseas Filipino Workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection of the rights of Overseas Filipino Workers:

- a. It has existing labor and social laws protecting the rights of workers, including migrant workers;
- b. It is a signatory to and/or ratifier of multilateral conventions, declarations or resolutions relating to the protection of workers including migrant workers; or
- c. It has concluded a bilateral agreement or arrangement with the government on the protection of the rights of OFWs.

Provided, that, the receiving country is taking positive, concrete measures to protect the rights of workers in furtherance of any of the guarantees under subparagraphs (a), (b) and (c) hereof.

The DFA, through its foreign posts, shall issue a certification to the Administration, specifying therein the pertinent provisions of the receiving country's labor/social law, or the convention/declaration/resolution, or the bilateral agreement/arrangement which protect the rights of Overseas Filipino Workers.

The Administration, through a Governing Board Resolution, shall allow the deployment of Overseas Filipino Workers only to countries certified by the DFA as compliant with the guarantees for the protection of the rights of Overseas Filipino Workers.

SECTION 115. Deployment of Overseas Filipino Workers to Companies and Contractors with International Operations in Countries not Certified by the DFA as Compliant.— The Administration shall allow the deployment of Overseas Filipino Workers to companies and contractors with international operations in countries not certified by the DFA as compliant: Provided, such companies and contractors are compliant with standards, conditions and requirements, as embodied in the employment contracts prescribed by the Administration and in accordance with internationally-accepted standards.

SECTION 116. Ban or Termination of Deployment.— Notwithstanding the provisions of the preceding sections, in pursuit of national interest or when public welfare so requires, the POEA Governing Board may, after consultation with the DFA, at any time impose or terminate a ban on the deployment of Overseas Filipino Workers.

The Administration, based on reports, may recommend to the POEA Governing Board a reduction in the deployment of Overseas Filipino Workers.

SECTION 117. Documentary Requirements for the Processing of Agency-Hires.— The following documents shall be submitted for contract processing and documentation of new hires:



- a. Request for processing (RFP) using the POEA-prescribed form indicating the following:
  1. name of OFW;
  2. position;
  3. salary;
  4. contract duration;
  5. job site;
  6. particulars of certificate of cover of mandatory insurance; and
  7. name of principal based on the POEA-approved master employment contract.
- b. Passport valid at least six (6) months from the intended date of departure;
- c. Valid and appropriate visa;
- d. Individual verified employment contracts for low/semi-skilled workers;
- e. One-page summary of the contract for other highly-skilled and professional Overseas Filipino Workers containing the following basic contract provisions:
  1. name, birthdate, and sex of the worker;
  2. name of employer;
  3. job site;
  4. position;
  5. basic salary, overtime pay, and allowances;
  6. food and accommodation;
  7. contract duration; and
  8. mandatory insurance provider and certificate of cover/policy number.
- f. Pre-Employment Orientation Seminar (PEOS) and Pre-Departure Orientation Seminar (PDOS) Certificates;
- g. Certificate of medical fitness issued by DOH-accredited medical clinics for OFWs;
- h. Educational attainment; and
- i. TESDA Skill Certification.

SECTION 118. Documentary Requirements for the Processing of Domestic Worker.— The following documents shall be submitted for contract processing and documentation of newly hired domestic workers:

- a. Request for processing (RFP) using POEA prescribed form indicating the following:
  1. name of OFW;
  2. position;
  3. salary;
  4. contract duration;
  5. job site;
  6. particulars of certificate of cover of mandatory insurance; and
  7. name of the foreign placement agency and the employer.
- b. Passport valid at least six (6) months from the intended date of departure;
- c. Valid and appropriate visa;
- d. Individual verified employment contract;
- e. Pre-Employment Orientation Seminar (PEOS), Pre-Departure Orientation Seminar (PDOS), and Comprehensive Pre-Departure Education Program (CPDEP) Certificates;
- f. Certificate of medical fitness issued by DOH-accredited medical clinics for OFWs; and
- g. TESDA Skill Certification.

SECTION 119. Minimum Age for Deployment and Compensation of Domestic Worker.— The minimum deployment age and the minimum salary of a domestic worker shall be determined by the POEA Governing Board.

SECTION 120. Issuance of Overseas Employment Certificate.— An OEC shall be issued only upon compliance with the documentary requirements for contract processing and payment of POEA processing fee and OWWA Membership contribution.

SECTION 121. Validity of Overseas Employment Certificate and Period to Deploy. — An OEC shall be valid for sixty (60) days from date of issuance within which period the licensed recruitment agency shall deploy its documented Overseas Filipino Workers. The licensed recruitment agency shall report to the Administration within fifteen (15) days from the expiry date of the OEC, in case of non-deployment and the reason/s therefor.

In case of issuance of multiple OEC, its validity shall depend on contract duration.

SECTION 122. Registration of Returning Overseas Filipino Workers. — A. The registration of the returning Overseas Filipino Workers as defined in these Rules shall be through on-line or by submission of the following documents to the Administration or to the POLOs for registration:

1. Passport valid at least six (6) months from the date of intended departure;
2. Valid and appropriate visa or work permit; and
3. Certificate of insurance coverage similar to the benefits provided under the mandatory insurance coverage contained in Section 37-A of RA 8042, as amended, at the option of the Overseas Filipino Worker.

B. For returning Overseas Filipino Workers who are not registered with the Administration or who changed employers on-site, the following additional requirements shall be required:

1. Proof of existing employment such as payroll slip or valid company identification card;
2. Existing employment contract;
3. Affidavit stating the circumstances regarding the deployment; and
4. Certificate of insurance coverage similar to the benefits provided under the mandatory insurance coverage contained in Section 37-A of RA 8042, as amended, at the option of the worker.

C. In case of issuance of multiple OECs, its validity shall depend on contract duration.

SECTION 123. Ban on Direct Hires. — No employer shall directly hire an Overseas Filipino Worker for overseas employment.

SECTION 124. Exemption from the Ban on Direct Hiring. — The following are exempted from the ban on direct hiring:

- a. Members of the diplomatic corps;
- b. International organizations;
- c. Heads of state and government officials with the rank of at least deputy minister; or
- d. Other employers as may be allowed by the Secretary of Labor and Employment, such as:
  1. Those provided in (a), (b) and (c) who bear a lesser rank, if endorsed by the POLO, or Head of Mission in the absence of the POLO;
  2. Professionals and skilled workers with duly executed/authenticated contracts containing terms and conditions over and above the standards set by the POEA. The number of professional and skilled Overseas Filipino Workers hired for the first time by the employer shall not exceed five (5). For the purpose of determining the number, workers hired as a group shall be counted as one; or
  3. Workers hired by a relative/family member who is a permanent resident of the host country.

SECTION 125. Documentary Requirements for Registration of Overseas Filipino Workers Hired by Employers who are Exempted from the Ban on Direct Hiring. — The Overseas Filipino Workers hired by those employers exempted from the ban on direct hiring may be registered by the Administration upon submission of the following documents:

- a. Verified/authenticated original employment contract which is over and above the POEA-prescribed employment contract;
- b. Passport valid at least six (6) months from the date of intended departure;
- c. Valid and appropriate visa or work permit;
- d. Certificate of medical fitness;
- e. Proof of certificate of insurance coverage covering at least the benefits provided under Section 37-A of RA 8042, as amended;
- f. Certificate of attendance to the required employment orientation/briefing; and
- g. Clearance from the Secretary of Labor and Employment for those covered under Section 124 (d) of these Rules.

The Administration shall ensure that the worker is made fully aware of the terms and conditions of the employment contract and the advantages and disadvantages of direct-hiring.

SECTION 126. In-House Processing Facility. — The Administration shall develop and create a system for in-house processing through electronic submission at the Land-based Center for all agencies.

#### PART IV PLACEMENT BY THE ADMINISTRATION

##### RULE I Recruitment and Placement Through the Administration

SECTION 127. Hiring through the Administration. — The Administration shall recruit and place Overseas Filipino Workers primarily on government-to-government arrangements and shall therefore service the hiring of foreign governments and their instrumentalities. The Administration shall deploy only to countries where the Philippines has concluded bilateral labor agreements or arrangements.

As far as practicable, the Administration shall recruit and place Overseas Filipino Workers primarily on a government-to-government arrangement, or to labor markets not being serviced by the private sector.

In pursuance thereof, the Administration shall, among others:

- a. Administer programs and projects that may support the employment development objectives of the Administration;
- b. Set parameters in servicing other foreign clients; and
- c. Undertake, in coordination with POEA Regional Centers and Extension Units as well as DOLE Regional Offices and concerned local government units, organized recruitment activities in the provinces in aid of the employment dispersal efforts of the government.

SECTION 128. Recruitment and Placement of Overseas Filipino Workers. — All employers hiring through the Administration shall undertake the recruitment and placement of Overseas Filipino Workers through the facilities of the Administration. The activities shall include, but not be limited to: interview and selection, referral for medical examination, processing of contracts, assistance in securing passports and appropriate visas, pre-employment orientation, pre-flight briefing, and travel arrangements.

SECTION 129. Fees and Costs Chargeable to Principal/Employer. — Unless otherwise provided by law, regulations, or bilateral agreement or arrangement, the principal/employer shall be responsible for the payment of the following:

1. Visa and/or work permit fee;
2. Air fare;
3. POEA processing fee; and
4. OWWA Membership contribution.

SECTION 130. Fees/Costs Chargeable to the Overseas Filipino Workers. — Unless otherwise provided by law, regulations, or bilateral agreement or arrangement, the Overseas Filipino Worker shall pay for the following documentation costs:

1. Passport;
2. NBI/police/barangay clearance;
3. Authentication/notarization;
4. Birth certificate;
5. School credentials;
6. Trade test/assessment, if necessary;
7. Medical/health examination; and
8. Inoculation, when required by host country.

SECTION 131. Foreign Employer's Guarantee Fund. — For Overseas Filipino Workers recruited through a government-to-government arrangement, the Administration shall, through relevant guidelines, establish and administer a Foreign Employer's Guarantee Fund (FEGF) which shall be answerable for the Overseas Filipino Workers' monetary claims arising from breach of contractual obligations. The same must be included in bilateral agreements on government-to-government hiring.



SECTION 132. Fees and Contributions.— All employers hiring through the Administration shall pay to the Administration a service fee, inclusive of the OWWA contribution, payable prior to the issuance of the OEC of the Overseas Filipino Worker. Such payment shall not be levied on the selected applicant by the employer.

Prior to the worker's departure, the employer shall be required to contribute to the FEGF to cover the worker's monetary claims arising from breach of contractual obligations of the employer, including attendant repatriation expenses.

Over and above the contribution to the FEGF, and in case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, the employer shall pay the worker his/her salaries for the unexpired portion of the employment contract.

SECTION 133. Parameters for Government-to-Government Hiring.— The Administration shall recruit and place workers for foreign employers under the following parameters and criteria:

- a. As may be requested and specified by the foreign government employer;
- b. As a ready "good will vehicle" for prospective employers endorsed by diplomatic missions or as a result of high-level meetings; and
- c. For new or novel markets or alternative manpower mobilization arrangements on a pilot or experimental basis, or for hiring projects triggered by certain recruitment violations and exploitative practices of licensed recruitment agencies.

## PART V EMPLOYMENT STANDARDS

### RULE I Formulation of Employment Standards

SECTION 134. Employment Standards. — The Administration shall secure the best possible terms and conditions of employment for Overseas Filipino Workers. As such, it shall develop and continually review employment standards in accordance with policy thrusts and market developments.

SECTION 135. Minimum Provisions of Employment Contracts. — Consistent with welfare promotion thrusts of the Administration, the following shall be the minimum provisions in employment contracts for Overseas Filipino Workers:

- a. Complete name and address of the employer/company;
- b. Position and jobsite of the Overseas Filipino Worker;
- c. Basic monthly salary, including benefits and allowances and mode of payment. The salary shall not be lower than the prescribed minimum wage in the host country or prevailing minimum wage in the National Capital Region of the Philippines, whichever is higher;
- d. Food and accommodation or the monetary equivalent which shall be commensurate to the cost of living in the host country, or off-setting benefits;
- e. Commencement and duration of contract;
- f. Free transportation from and back to the point of hire, or off-setting benefits, and free inland transportation at the jobsite or off-setting benefits;
- g. Regular work hours and day off;
- h. Overtime pay for services rendered beyond the regular working hours, rest days and holidays;
- i. Vacation leave and sick leave for every year of service;
- j. Free emergency medical and dental treatment;
- k. Just/valid/authorized causes for termination of the contract or of the services of the workers, taking into consideration the customs, traditions, norms, mores, practices, company policies and the labor laws and social legislations of the host country;
- l. Settlement of disputes;
- m. Repatriation of worker in case of imminent danger due to war, calamity, and other analogous circumstances, at the expense of employer; and
- n. In case of worker's death, repatriation of Overseas Filipino Workers human remains and personal belongings, at the expense of the employer.

The Administration may formulate country- or skills-specific policies and guidelines based on the following:

- a. Existing labor and social laws of the host country;
- b. Relevant bilateral and multilateral agreements or arrangements with the host country; and
- c. Prevailing conditions/realities in the market.

SECTION 136. Freedom to Stipulate. — Parties to overseas employment contracts are allowed to stipulate other terms and conditions and other benefits. These benefits should be over and above the minimum requirements. Said benefits shall not be contrary to law, public policy and morals.

SECTION 137. Disclosure of Terms and Conditions of Employment. — The licensed recruitment agency shall, prior to the signing of the employment contract, inform the Overseas Filipino Workers of their rights and obligations, and disclose the full terms and conditions of employment. The licensed recruitment agency shall likewise ensure that the Overseas Filipino Worker is provided with a copy of the POEA-approved contract, to give the Overseas Filipino Worker ample opportunity to examine the same.

## PART VI RECRUITMENT VIOLATIONS AND DISCIPLINARY ACTION CASES

### RULE I Jurisdiction

SECTION 138. Jurisdiction. — The Administration shall exercise original and exclusive jurisdiction to hear and decide all cases which are administrative in character, involving or arising out of violations of recruitment rules and regulations, including refund of fees collected from Overseas Filipino Workers and any violation of the conditions for the issuance of the license to recruit Overseas Filipino Workers.

The Administration shall likewise exercise original and exclusive jurisdiction to hear and decide disciplinary action cases against Overseas Filipino Workers and principals/employers that are administrative in character, excluding money claims.

### RULE II Conciliation of Complaints

SECTION 139. Mandatory Conciliation of Complaints. — Before docketing, the Administration or the POLO, shall mandatorily conciliate any complaint involving an Overseas Filipino Worker, licensed recruitment agency, or principal/employer relating to overseas employment.

In case of money claims, the same will also be conciliated in accordance with the Single Entry Approach (SEnA). The failure to arrive with a settlement shall cause the endorsement of the complaint to the appropriate office. In cases falling under Section 143 (g) and (h) herein, the settlement shall be for the return of the full amount excessively/illegally collected.

However, the following cases are not subject to SEnA:

- a. Cases referred by the POLO or any other government agency;
- b. Cases initiated by the Administration; and
- c. Cases involving acts of misrepresentation for the purpose of securing a license.

SECTION 140. Conciliation Proceedings. — Within five (5) days upon receipt of the complaint, the Administration shall notify the respondent and schedule a conference between the parties to discuss the possibility of arriving at an amicable settlement.

Where an amicable settlement is reached, the Administration shall approve the same and the settlement shall be final and binding upon the parties.

Where efforts for amicable settlement fail, the conciliation proceedings shall be terminated and the complaint shall be referred to the appropriate office immediately.

SECTION 141. Administrative Sanction. — Unjustified failure by the licensed recruitment agencies, principal/employer or an Overseas Filipino Worker to abide by the terms of the approved settlement shall warrant suspension from participation in the overseas employment program, until compliance with or satisfaction of the approved settlement.

In case of failure of any party to comply with terms of the approved settlement despite the lapse of thirty (30) days from date of imposition of suspension from participation in the overseas employment program, the Administration shall, upon motion of the aggrieved party or on its own initiative, issue a Writ of Execution for the enforcement of the settlement award.

SECTION 142. Confidentiality of the Conciliation Proceeding. — The proceeding for conciliation is confidential in nature. No evidence or testimony introduced therein shall be admissible as evidence in any other proceedings.

### RULE III Recruitment Violation Cases, Classification of Offenses and Schedule of Penalties

SECTION 143. Grounds for Imposition of Administrative Sanctions Againsts Licensed Recruitment Agency. — Commission by a licensed recruitment agency of any of the offenses below shall be a ground for the imposition of the corresponding penalty.

I. SERIOUS OFFENSES are those that, by their nature and effect, are punishable by cancellation of license.

- a. Knowingly deploying a minor.  
Penalty: Cancellation of License
- b. Engaging in acts of gross misrepresentation for the purpose of securing a license or renewal thereof, such as violation of the Anti-Dummy Law, or giving false information or fictitious documents in relation to a matter that is material for the approval of the license application or renewal.  
Penalty: Cancellation of License
- c. Engaging in an act of reprocessing by documenting workers through a job order that pertains to: (1) non-existent work; (2) positions different from the actual overseas work or for positions different from the actual visa category, unless covered by an undertaking of visa usage by the licensed recruitment agency and an affidavit of awareness and consent by the worker, and a job description signed by the worker and approved by the Administration; or (3) a different principal/employer whether or not accredited with the POEA.  
Penalty: Cancellation of License
- d. Engaging in the recruitment or placement of workers in jobs declared by the Administration as harmful to public health or morality or to the dignity of the Republic of the Philippines.  
Penalty: Cancellation of License
- e. Transfer or change of ownership or control of a single proprietorship licensed to engage in overseas employment.  
Penalty: Cancellation of License
- f. For the sole proprietor, partner, or officer/s or member/s of the Board of any licensed recruitment agency to become an officer or member of the Board of any corporation or partnership engaged directly or indirectly in the management of a travel agency.  
Penalty: Cancellation of License
- g. Charging and collecting of placement fee for deployment to countries where the prevailing system, either by law, policy or practice does not allow the charging and collection of placement and recruitment fees as determined by the Administration.  
Penalty: Cancellation of License and refund of the placement and recruitment fee collected from the worker, with interest at 6% per annum from collection.
- h. Charging and accepting directly or indirectly any amount greater than that specified in the schedule of allowable placement fees, or when such charging or collection is prohibited by any law, rules or policy, or making a worker pay or acknowledge any amount greater than that actually received by him/her as loan or advance.



Penalty: Cancellation of License plus refund of the excess placement fee collected from the worker, with interest at 6% per annum from collection.

- i. Passing on to the worker fees and costs chargeable to the principal/employer.

Penalty: Cancellation of License plus refund of the fees and costs collected from the worker, with interest at 6% per annum from collection.

- j. Deploying workers whose employment and travel documents were not processed by the Administration.

Penalty: Cancellation of License

- k. Allowing a non-Filipino citizen to head or manage, directly or indirectly, a licensed recruitment agency. For this purpose, "heading or managing" a licensed recruitment agency shall refer to:

1. controlling and supervising the operations of the licensed recruitment agency or any branch thereof; or
2. exercising the authority to hire or fire employees and to lay down and execute management policies of the licensed recruitment agency or branch thereof.

Penalty: Cancellation of License

II. LESS SERIOUS OFFENSES are those that by their nature and effect are punishable by the penalty of suspension to cancellation of license.

- l. Knowingly deploying a worker below the minimum age requirement.

Penalty:

1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- m. Charging, imposing and accepting directly or indirectly, any amount of money, goods or services, or any fee or bond for any purpose whatsoever before employment is obtained for an applicant worker.

Penalty:

1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

The penalty shall carry the accessory penalty of refund of the fee collected from the worker in case of non-deployment, with interest at 6% per annum.

- n. Collecting any fee from a worker without issuing the official receipt clearly showing the amount paid and the purpose for which payment was made.

Penalty:

1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- o. Engaging in any other acts of misrepresentation in connection with recruitment and placement of workers, such as furnishing or publishing any false notice, information or document in relation to recruitment or employment.

Penalty:

1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- p. Obstructing inspection by the Secretary, the Administrator or their duly authorized representatives.

Penalty:

1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- q. Substituting or altering, to the prejudice of the worker, a POEA-approved employment contract, from the time of actual signing thereof by the parties up to and including the period of the expiration of the same, without the approval of the POLO or POEA.

Penalty:

1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- r. Withholding or denying release of travel or other pertinent documents from a worker despite demand.

Penalty:

1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year to Two years)

4<sup>th</sup>Offense — Cancellation of License

Plus return of the documents, or refund of the cost of the documents that the licensed recruitment agency failed to return.

- s. Engaging in recruitment activities in places other than that specified in the license or branch authority without a special recruitment authority.

Penalty:

1<sup>st</sup>Offense — Suspension of License (Two Months to Six Months)  
2<sup>nd</sup> Offense — Suspension of License (Six Months and One day toOne year)  
3<sup>rd</sup>Offense — Suspension of License (One year and One day to Two years)  
4<sup>th</sup>Offense — Cancellation of License

- t. Appointing or designating, representatives or employees without notice to the Administration, in accordance with Section 27 of these Rules.

Penalty:

1<sup>st</sup>Offense — Suspension of License (Two Months to Six Months)  
2<sup>nd</sup> Offense — Suspension of License (Six Months and One day toOne year)  
3<sup>rd</sup>Offense — Suspension of License (One year and One day to Two years)  
4<sup>th</sup>Offense — Cancellation of License

- u. Allowing an accredited principal/employer or its representative to conduct or participate in recruitment activities outside the registered business address of the licensed recruitment agency without prior approval from the Administration.

Penalty:

1<sup>st</sup>Offense — Suspension of License (Two Months to Six Months)  
2<sup>nd</sup> Offense — Suspension of License (Six Months and One day toOne year)  
3<sup>rd</sup>Offense — Suspension of License (One year and One day to Two years)  
4<sup>th</sup>Offense — Cancellation of License

- v. Allowing persons who are disqualified to participate in the overseas employment program under existing laws, rules and regulations to participate in the ownership, management and operation of the recruitment agency.

Penalty:

1<sup>st</sup>Offense — Suspension of License (Two Months to Six Months)  
2<sup>nd</sup> Offense — Suspension of License (Six Months and One day toOne year)  
3<sup>rd</sup>Offense — Suspension of License (One yearand One day to Two years)  
4<sup>th</sup>Offense — Cancellation of License

- w. Failure to reimburse expenses incurred by the worker in connection with his/her documentation and processing for purposes of deployment, where deployment does not take place without any fault on the part of the worker.

Penalty:

1<sup>st</sup>Offense — Suspension of License (Two Months to Six Months)  
2<sup>nd</sup> Offense — Suspension of License (Six Months and One day toOne year)  
3<sup>rd</sup>Offense — Suspension of License (One year and One day to Two years)  
4<sup>th</sup>Offense — Cancellation of License

The penalty shall carry the accessory penalty of immediate refund of expenses incurred by the worker.

- x. Failure to comply with any of the undertakings submitted to the Administration in relation to Section 4(F).

Penalty:

1<sup>st</sup>Offense — Suspension of License (Two Months to Six Months)  
2<sup>nd</sup> Offense — Suspension of License (Six Months and One day toOne year)  
3<sup>rd</sup>Offense — Suspension of License (One year and One day to Two years)  
4<sup>th</sup>Offense — Cancellation of License

- y. Imposing a compulsory and exclusive arrangement whereby an OFW is required to undergo health examinations, training, seminar, instruction or schooling of any kind only from specifically designated institutions, entities, or persons or medical clinics, as the case may be, unless the cost is shouldered by the principal or licensed recruitment agency.

Penalty:

1<sup>st</sup>Offense — Suspension of License (Two Months to Six Months)  
2<sup>nd</sup> Offense — Suspension of License (Six Months and One day toOne year)  
3<sup>rd</sup>Offense — Suspension of License (One year and One day to Two years)  
4<sup>th</sup>Offense — Cancellation of License

- z. Imposing a compulsory and exclusive arrangement whereby an OFW is required to avail of a loan from a specifically designated institution, entity, or person.

Penalty:

1<sup>st</sup>Offense — Suspension of License (Two Months to Six Months)  
2<sup>nd</sup> Offense — Suspension of License (Six Months and One day toOne year)  
3<sup>rd</sup>Offense — Suspension of License (One yearand One day to Two years)  
4<sup>th</sup>Offense — Cancellation of License

- aa. Refusing to condone or renegotiate a loan incurred by an OFW after the latter's employment contract has been prematurely terminated through no fault of his/her own.

Penalty:



1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- bb. Facilitating, arranging or granting of a loan to an OFW with interest exceeding eight percent (8%) per annum which will be used for payment of legal and allowable placement fees and making the OFW issue, either personally or through a guarantor or accommodation party, postdated checks in relation to the said loan.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- cc. Failure to monitor and report significant incidents regarding the condition and status of the deployed worker in relation to Section 209.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- dd. Collecting any amount as payment for documentation costs not prescribed by these Rules or other issuances of the Administration, or an amount greater than the actual documentation costs, as covered by official receipts issued by entities which received the payments.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

The penalty shall carry the accessory penalty of immediate refund of the excess amount of documentation costs collected.

- ee. Falsifying or altering employment or travel documents of applicant worker.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- ff. Inducing a worker already pre-qualified/ contracted, whether deployed or not, to withdraw from or to abandon his/her employment in order to offer him/her another, unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- gg. Willful disobedience of lawful orders, notices, or other legal processes issued by the Administration.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

- hh. Failure to submit reports as required under the rules and other issuances of the Administration.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension of License (Two Months to Six Months)
2 <sup>nd</sup> Offense	—	Suspension of License (Six Months and One day to One year)
3 <sup>rd</sup> Offense	—	Suspension of License (One year and One day to Two years)
4 <sup>th</sup> Offense	—	Cancellation of License

III. LIGHT OFFENSES are those that by their nature and effect are punishable by the penalty of reprimand to suspension of license.

- ii. Influencing any person or entity not to employ any worker who has not applied for employment through his/her agency, or influencing any person or entity not to employ any worker who has formed, joined or supported, or has contacted or is supported by any union or workers' organization;

Penalty:		
1 <sup>st</sup> Offense	—	Reprimand
2 <sup>nd</sup> Offense	—	Fine of PhP20,000.00
3 <sup>rd</sup> Offense	—	Suspension of License (One month to Three months)
4 <sup>th</sup> Offense onwards	—	Suspension of License (Three months to Six months)

- jj. Failure to actually deploy a contracted worker within sixty (60) days from the issuance of OEC without valid reason.

Penalty:		
1 <sup>st</sup> Offense	—	Reprimand
2 <sup>nd</sup> Offense	—	Fine of PhP20,000.00
3 <sup>rd</sup> Offense	—	Suspension of License (One month to Three months)
4 <sup>th</sup> Offense onwards	—	Suspension of License (Three months to Six months)

- kk. Violations of other pertinent provisions of the Labor Code and other relevant laws, rules and regulations, guidelines and other issuances on recruitment and placement of workers for overseas employment and the protection of their welfare.

Penalty:		
1 <sup>st</sup> Offense	—	Reprimand
2 <sup>nd</sup> Offense	—	Fine of PhP20,000.00
3 <sup>rd</sup> Offense	—	Suspension of License (One month to Three months)
4 <sup>th</sup> Offense onwards	—	Suspension of License (Three months to Six months)

**RULE IV**  
**Disciplinary Actions Against Principals/Employers**

SECTION 144. Grounds for Disciplinary Action Against Principals/Employers and Penalties. — Commission by a principal/employer of any of the offenses below shall be a ground for disciplinary action for which the corresponding penalty shall be imposed.

I. The following are SERIOUS OFFENSES with their corresponding penalties:

- a. Unauthorized/unjustified collection of fee or illegal exaction from an Overseas Filipino Worker through whatever means, including salary deduction.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

- b. Passing on to the worker or deducting from the Overseas Filipino Worker's salary the payment of the cost of the premiums, as provided under the compulsory worker's insurance coverage.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

- c. Gross negligence leading to serious injury or illness or disability or death of the Overseas Filipino Worker.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

- d. Grave misconduct against the Overseas Filipino Worker.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employer

- e. Conviction of an offense against the Overseas Filipino worker.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

- f. Compelling an Overseas Filipino Worker to work for another principal/employer or in another jobsite/worksite, or perform work different from what is provided in the contract.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

- g. Unreasonable/unjustifiable delay and refusal in securing an exit visa for an Overseas Filipino Worker who needs to be repatriated.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

- h. Non-payment or underpayment of wages and benefits.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

- i. Substitution or alteration of the POEA-approved contract to the prejudice of the Overseas Filipino Worker.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

- j. Violation of the Anti-Human Trafficking Law.

Penalty:  
Permanent Disqualification and delisting from the roster of accredited principals/employers

II. The following are LESS SERIOUS OFFENSES with their corresponding penalties:

- k. Default on other contractual obligations to the Overseas Filipino Worker.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Six months to One year)
2 <sup>nd</sup> Offense	—	Permanent Disqualification and delisting from the roster of accredited principals/employers

- l. Withholding or denying of the worker's travel and other pertinent documents.
- Penalty:
- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Six months to One year)   |
| 2 <sup>nd</sup> Offense | — | Permanent Disqualification and delisting from the roster of accredited principals/employers |
- m. Non-acceptance of the results of valid health examinations conducted by a DOH-accredited or DOH-operated clinic.
- Penalty:
- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Six months to One year)   |
| 2 <sup>nd</sup> Offense | — | Permanent Disqualification and delisting from the roster of accredited principals/employers |
- n. Failure to monitor and report the status, condition, or significant events relating to its hired worker.
- Penalty:
- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Six months to One year)   |
| 2 <sup>nd</sup> Offense | — | Permanent Disqualification and delisting from the roster of accredited principals/employers |
- o. Negligence leading to injury or illness of the worker.
- Penalty:
- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Six months to One year)   |
| 2 <sup>nd</sup> Offense | — | Permanent Disqualification and delisting from the roster of accredited principals/employers |
- p. Simple misconduct against the worker.
- Penalty:
- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Six months to One year)   |
| 2 <sup>nd</sup> Offense | — | Permanent Disqualification and delisting from the roster of accredited principals/employers |

**RULE V**  
**Disciplinary Action Against Overseas Filipino Workers**

SECTION 145. Grounds for Disciplinary Action and their Penalties. — Commission by an Overseas Filipino Worker of any of the offenses enumerated below shall be a ground for disciplinary action for which the corresponding penalties shall be imposed:

**I. SERIOUS OFFENSES:**

**A. Pre-Employment Offenses**

- a. Submitting, furnishing or using false information or documents or any form of misrepresentation for the purpose of job application or employment.
- Penalty:
- |                         |   |  |
|-------------------------|---|--|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Six months to One year)            |
| 2 <sup>nd</sup> Offense | — | Suspension from participation in the overseas employment program (One year and one day to Two years) |
| 3 <sup>rd</sup> Offense | — | Permanent Disqualification from participation in the overseas employment program.                    |
- b. Unjustified refusal to continue his/her application after signing an employment contract, or to depart for the worksite after all employment and travel documents have been duly approved by the appropriate government agencies.
- Penalty:
- |                         |   |  |
|-------------------------|---|--|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Six months to One year)            |
| 2 <sup>nd</sup> Offense | — | Suspension from participation in the overseas employment program (One year and one day to Two years) |
| 3 <sup>rd</sup> Offense | — | Permanent Disqualification from participation in the overseas employment program.                    |

**B. Offenses during Employment**

- a. Commission of a felony, or crime punishable by the laws of the Philippines or by the host country, committed during employment.
- Penalty:
- |                         |   |  |
|-------------------------|---|--|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Six months to One year)            |
| 2 <sup>nd</sup> Offense | — | Suspension from participation in the overseas employment program (One year and one day to Two years) |
| 3 <sup>rd</sup> Offense | — | Permanent Disqualification from participation in the overseas employment program.                    |



- b. Assaulting a fellow worker, the principal/employer or any member of his/her family, or any of the directors, officers, managerial or supervisory staff of the principal/employer.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Six months to One year)
2 <sup>nd</sup> Offense	—	Suspension from participation in the overseas employment program (One year and one day to Two years)
3 <sup>rd</sup> Offense	—	Permanent Disqualification from participation in the overseas employment program.

- c. Grave abuse of authority by an officer exercising supervision over other employees.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Six months to One year)
2 <sup>nd</sup> Offense	—	Suspension from participation in the overseas employment program (One year and one day to Two years)
3 <sup>rd</sup> Offense	—	Permanent Disqualification from participation in the overseas employment program.

- d. Possession or use of prohibited drugs, contraband, alcohol or pornographic materials in violation of company policy or laws of the host country.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Six months to One year)
2 <sup>nd</sup> Offense	—	Suspension from participation in the overseas employment program (One year and one day to Two years)
3 <sup>rd</sup> Offense	—	Permanent Disqualification from participation in the overseas employment program.

- e. Unjustified refusal to be repatriated in case of mandatory repatriation in accordance with the declaration of the Philippine government.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Six months to One year)
2 <sup>nd</sup> Offense	—	Suspension from participation in the overseas employment program (One year and one day to Two years)
3 <sup>rd</sup> Offense	—	Permanent Disqualification from participation in the overseas employment program.

## II. LESS SERIOUS OFFENSES

- f. Unjustified breach of employment contract.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Two months to Six months)
2 <sup>nd</sup> Offense	—	Suspension from participation in the overseas employment program (Six months and One day to One year)
3 <sup>rd</sup> Offense	—	Permanent Disqualification from participation in the overseas employment program.

- g. Embezzlement of company funds or monies and/or properties of a fellow worker entrusted for delivery to kin or relatives in the Philippines.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Two months to Six months)
2 <sup>nd</sup> Offense	—	Suspension from participation in the overseas employment program (Six months and One day to One year)
3 <sup>rd</sup> Offense	—	Permanent Disqualification from participation in the overseas employment program.

- h. Violation of the religious and cultural practices of the host country.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Two months to Six months)
2 <sup>nd</sup> Offense	—	Suspension from participation in the overseas employment program (Six months and One day to One year)
3 <sup>rd</sup> Offense	—	Permanent Disqualification from participation in the overseas employment program.

- i. Violation of company policies and regulations.

Penalty:		
1 <sup>st</sup> Offense	—	Suspension from participation in the overseas employment program (Two months to Six months)
2 <sup>nd</sup> Offense	—	Suspension from participation in the overseas employment program (Six months and One day to One year)
3 <sup>rd</sup> Offense	—	Permanent Disqualification from participation in the overseas employment program.



- j. Insubordination or refusal to obey a lawful order of the employer or the duly authorized representative.
- Penalty:
- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Two months to Six months)           |
| 2 <sup>nd</sup> Offense | — | Suspension from participation in the overseas employment program (Six months and One day to One year) |
| 3 <sup>rd</sup> Offense | — | Permanent Disqualification from participation in the overseas employment program.                     |
- k. Failure to refund the cost of his/her repatriation advanced by the principal or recruitment agency, where termination of employment was due to his/her own fault as determined by final judgment.
- Penalty:
- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Two months to Six months)           |
| 2 <sup>nd</sup> Offense | — | Suspension from participation in the overseas employment program (Six months and One day to One year) |
| 3 <sup>rd</sup> Offense | — | Permanent Disqualification from participation in the overseas employment program                      |
- l. Violation of the Code of Discipline for Overseas Filipino Workers.
- Penalty:
- |                         |   |   |
|-------------------------|---|---|
| 1 <sup>st</sup> Offense | — | Suspension from participation in the overseas employment program (Two months to Six months)           |
| 2 <sup>nd</sup> Offense | — | Suspension from participation in the overseas employment program (Six months and One day to One year) |
| 3 <sup>rd</sup> Offense | — | Permanent Disqualification from participation in the overseas employment program.                     |

**RULE IV**  
**Filing of Complaints and Venue of Action**

SECTION 146. Who May File. — An aggrieved person may file a complaint in writing and under oath for violation of laws, rules and regulations or other issuances relating to overseas employment.

For this purpose, an aggrieved person is one who is prejudiced by the commission of a violation as enumerated in the immediately preceding rules.

The Administration may, on its own initiative, conduct proceedings based on reports of violation of these Rules and other issuances on overseas employment, subject to preliminary evaluation. The report should state clearly the facts constituting the offense, attaching all available evidence relative thereto. The report shall be investigated by the Adjudication Office or the POEA regional center/extension units.

SECTION 147. On-Site Complaints for Violation of the POEA Rules and Regulations. — The procedures under Department Order No. 87-08 and/or Manual of Operations of the POLO shall be observed for on-site complaints on violation/s of the POEA rules and regulations.

The complaint shall be in affidavit form and subscribed and sworn before a consular official of the Philippine Embassy. It shall be accompanied by available supporting documents and a Certification of Non-Forum Shopping and Certificate of Failure to Conciliate.

The verified complaint shall be filed with the POLO that has jurisdiction over the worksite of the complainant. The POLO shall endorse to the Administration the complaint filed on-site, together with the available supporting documents, for investigation.

SECTION 148. Contents of the Complaint. — All complaints must contain the following:

- a. The complete name and complete address of the complainant;
- b. The complete name and complete address of the respondent;
- c. Specific complaint referred to in the classification of offenses;
- d. The substance, cause/grounds of the complaint;
- e. When and where the action complained of happened;
- f. The amount of claim, if any; and
- g. The relief/s sought.

The complaint shall be under oath and must be accompanied by the following:

- a. Supporting documents;
- b. Certificate of failure to conciliate; and
- c. Certificate of non-forum shopping.

SECTION 149. Docket and Assignment of Cases. — Complaints duly received and cases initiated by the Administration shall be docketed and raffled for investigation and hearing.

SECTION 150. Venue. — Any complaint against a licensed recruitment agency arising out of a recruitment violation or violation of the conditions of the license, or complaint against an Overseas Filipino Worker or a principal/employer for disciplinary action may be filed with the Adjudication Office, or with the POEA Regional Centers/Extension Units having jurisdiction over the place where the complainant was recruited or resides, at the option of the complainant. The Office where the complaint was first filed shall take cognizance of the case.

SECTION 151. Change of Venue. — A complaint filed before the Adjudication Office may be transferred to the POEA Regional Center/Extension Unit before the respondent files the Answer upon motion/request of either party and on meritorious grounds, subject to the approval by the Administration.

SECTION 152. Referral to the POEA Regional Center/Extension Unit for Reception of Documentary Evidence. — The Adjudication Office may, upon request of the parties, refer to the POEA Regional Center/Extension Unit the reception of documentary evidence. The Regional Center/Extension Unit shall endorse the received evidence to the Adjudication Office for inclusion in the case record.

**RULE V**  
**Action upon Complaint/Report**

SECTION 153. Issuance and Service of Show Cause Order/Summons and Filing of Answer. — Upon receipt of the duly docketed complaint/report, the Administration shall issue a Show Cause Order/Summons directing the respondent to file a verified Answer and not a motion to dismiss within ten (10) calendar days from receipt, attaching proof that a copy was sent to the complainant. The Show Cause Order/Summons including a copy of the complaint/report and its supporting documents shall be served upon the respondent.

SECTION 154. Failure to File Answer. — In case the respondent recruitment agency fails to file an Answer, the assigned Overseas Employment Adjudicator (OEA) shall proceed with the investigation/hearing of the case.

An Answer filed out of time shall not be admitted except on meritorious grounds and upon motion.

In case the respondent principal/employer or the Overseas Filipino Worker fails to file the required Answer, the case shall be archived and the respondent shall be temporarily disqualified from participating in the overseas employment program until the respondent files an Answer.

SECTION 155. Motion for Extension. — Only one motion for extension of time to file Answer shall be allowed. The OEA, upon receipt of such motion may, upon meritorious grounds, grant a non-extendible period of ten (10) calendar days. However, if the allegations in the complaint/report refer to facts or circumstances which occurred abroad, thereby making it necessary to verify with the concerned principal/employer, a longer period not exceeding fifteen (15) days may be granted. A ruling on the motion made by the OEA shall be entered into the minutes, or sent by personal service or by registered mail.

SECTION 156. Proof and Completeness of Service. — The contents of the return shall be proof of the facts stated therein. Service by registered mail or through courier is complete upon receipt by the addressee or agent, but if the addressee fails to claim the mail from the postmaster, service shall take effect a day after the date of the last notice. Service made at the last known address shall be sufficient in case the office of the licensed recruitment agency is closed and no notice of change of address or cessation of operation has been filed.

Personal service made in any registered office or officer or personnel of the licensed recruitment agency shall likewise be sufficient. For this purpose, in case the office of the licensed recruitment agency is closed and no notice of change of address or cessation of operation has been filed, service to the last known address shall be deemed completed.

SECTION 157. Nature of Proceedings. — The proceedings shall comply with the requirements of due process without strictly adhering to the technical rules of procedure and evidence applicable to judicial proceedings. The OEA may avail himself of all reasonable means to ascertain the facts of the case.

SECTION 158. Preliminary Hearing. — The OEA may conduct a preliminary hearing with due notice to the parties, for the purpose of:

- a. The possibility of an amicable settlement;
- b. The simplification of the issues;
- c. The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;
- d. The names and number of witnesses to be presented;
- e. The propriety of rendering judgment on the pleadings, or summary judgment, or of dismissing the action should a valid ground exist; and
- f. Such other matters that may aid in the prompt disposition of the action.

SECTION 159. Non-Appearance of Parties. — The OEA shall schedule a maximum of two (2) hearings. If the complainant fails to appear in all of the scheduled hearings despite notice, the complaint shall be dismissed without prejudice to the re-filing of the complaint within the prescriptive period.

If the respondent fails to appear in all of the scheduled hearings despite notice, the complaint shall be resolved based on the evidence on record.

Non-appearance of both parties in all scheduled hearings will result in outright dismissal of the complaint without prejudice. If the case is re-filed and dismissed again due to non-appearance of the complainant, the dismissal shall already be with prejudice.

SECTION 160. Clarificatory Questions. — At any stage of the proceedings and before the case is submitted for resolution, the OEA may ask clarificatory questions to the parties or their witnesses to further elicit relevant facts or information.

The OEA may set a hearing where the parties shall be given an opportunity to be present but without right to examine or cross-examine. If the parties so desire, they may submit questions to the OEA who may ask the parties or witnesses concerned.

SECTION 161. Service of Order to Appear/to Produce Documents. — The Administration may issue an Order to appear/to produce documents specified in the Order.

The process server who personally served the Order to appear/produce documents, notice of order, resolution or decision shall submit his/her return within five (5) calendar days from the date of his/her service thereof, stating legibly in the return his/her name, the mode of service, the name of the other person to whom it was served and the date of receipt. If no service was effected, the serving officer shall state the reason. The return shall form part of the records of the case.

SECTION 162. Failure or Refusal to Obey Order to Appear/to Produce Documents. — The failure of the officers or employers of the licensed recruitment agency to comply with an Order to appear/to produce documents without justifiable reason shall be deemed a waiver of their right to present evidence, and the case shall be decided in accordance with available evidence and without prejudice to the filing of a case for non-compliance.

SECTION 163. Summary Judgment. — Should the OEA find, motu proprio or upon motion, that a resolution/decision may be rendered on the basis of the complaint, answer and evidence submitted, the case shall be deemed submitted and a summary judgment shall be issued.

SECTION 164. Effects of Withdrawal of Complaint/Desistance. — The withdrawal of complaint/desistance shall not bar the Administration from proceeding with the investigation of the recruitment violation. The Administration shall resolve the case on the merits, if there is evidence warranting the imposition of appropriate penalties.

SECTION 165. Resolution of the Case. — The OEA shall submit his/her findings and recommendations in the form of a draft Order within six (6) months from the date of filing of the complaint. The Administrator shall render a decision within two (2) months from receipt of the findings and recommendations.

SECTION 166. Contents of Order/Resolution. — The Order/Resolution issued by the Administration shall be clear and concise and shall include the following:



- a. facts of the case;
- b. issue/s involved;
- c. applicable laws or rules;
- d. conclusions and reasons therefor; and
- e. the specific sanction, remedy or relief granted.

SECTION 167. Issuance of Order of Preventive Suspension. — Pending investigation of the recruitment violation or a disciplinary action case, the license of the respondent recruitment agency or the accreditation of the principal/employer, or the processing of documents of the Overseas Filipino Worker, may be suspended for a period not exceeding the imposable penalties under the schedule of penalties.

SECTION 168. Grounds for the Issuance of Order of Preventive Suspension.—

- (1) For the recruitment agency:
  - a. There exist reasonable grounds to believe that the continued operation of the licensed recruitment agency will lead to further violation or exploitation of workers being recruited or will adversely affect friendly relations with any country or will prejudice national interest; and
  - b. The evidence of guilt is strong that there is a case for violation of the pertinent provisions of the Labor Code, its implementing rules and regulations, and POEA Rules and Regulations pertaining to serious or less serious offenses as described in these Rules or any issuance of the Administration.
- (2) For a Foreign Principal/Employer:
  - a. When the evidence of guilt is strong; and
  - b. There is reasonable ground to believe that the continued deployment to the principal will result in further violation or exploitation of Overseas Filipino Workers.
- (3) For a Migrant Worker:
  - a. When the evidence of guilt is strong; and
  - b. The charge involves a serious offense.

SECTION 169. Imposition of Preventive Suspension. —

A) After submission of the Answer in accordance with Section 153 or after the lapse of the period within which to file an Answer and after the conduct of a hearing, the Administrator may issue an Order of Preventive Suspension in accordance with Section 168.

B) The Administration may, upon docketing of a recruitment violation case and without prior notice and hearing, issue an Order of Preventive Suspension when the worker is a minor at the time of deployment.

C) The Administration may likewise issue an Order of Preventive Suspension upon recommendation of the embassy/POLO, or when recommended by any government agencies who are members of the Inter-Agency Council Against Trafficking (IACAT) or the Presidential Task Force Against Illegal Recruitment (PTFAIR), supported by a detailed report, sworn statement/s of worker/s, and other evidence; Provided that, the concerned party shall be given a period of five (5) days from receipt of the Show Cause Order within which to file an Answer/Explanation. Failure to file such Answer/Explanation within the prescribed period may result in the imposition of Order of Preventive Suspension on the agency concerned. No Motion for Extension to file an Answer/Explanation shall be allowed.

On the other hand, the Administration may, upon docketing of the case against a principal or employer, issue an Order of Preventive Suspension in the following instances:

- a. When there are five (5) or more complainants and the nature of the offense involves serious or less serious offense;
- b. When the worker involved is an underage migrant worker;
- c. When the worker dies or suffers severe physical/psychological maltreatment or sexual abuse in the course of the employment; or
- d. When recommended by the embassy/POLO supported by a detailed report and sworn statement/s of workers.

In case of a foreign placement agency, an Order of Preventive Suspension shall be issued on the basis of direct or indirect participation in the above-mentioned circumstances.

The Administrator shall render a decision within ninety (90) days from the date of receipt of the Order of Preventive Suspension. Otherwise, the suspension shall be deemed lifted without prejudice to the outcome of the investigation.

SECTION 170. Effects of Orders of Preventive Suspension and Suspension or Cancellation of License. — An Order of Preventive Suspension, Suspension or Cancellation of License shall have the effect of suspending or terminating all activities of the recruitment agency which fall under the definition of recruitment and placement, including the processing of pending contracts of applicant workers. The suspension or cancellation shall not, however, affect the transfer of accreditation of the principal/employer to another licensed recruitment agency.

SECTION 171. Imposition of Fines. — In lieu of the penalty of suspension of license of the recruitment agency, the Administration may impose the penalty of fine which shall be computed at Fifty Thousand Pesos (PhP50,000.00) for every month of suspension.

SECTION 172. Mitigating, Aggravating or Alternative Circumstances. — In the determination of the penalties to be imposed against a licensed recruitment agency, the following mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered:

- a. First offender;
- b. Admission of guilt and voluntary restitution, where applicable;
- c. Good faith;
- d. Exemplary performance;
- e. Habitual offender;
- f. Prejudice to the worker;
- g. Gross negligence; or
- h. Other analogous circumstances.



The party must invoke in the complaint or Answer/Explanation the existence of any of the above enumerated circumstances. However, when the impossible penalty is cancellation of license, the attendant circumstances shall not be applied.

SECTION 173. Imposition of Penalty. — When applicable, the imposition of the penalty may be made in accordance with the following:

- a. The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- b. The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.
- d. Where aggravating and mitigating circumstances are present, paragraph (a) shall be applied where there are more mitigating circumstances present; paragraph (b) shall be applied when the circumstances equally offset each other; and paragraph (c) shall be applied where there are more aggravating circumstances.

SECTION 174. Penalty When a Case Involves Five or More Workers. — The penalty of cancellation of license shall be imposed upon a respondent agency found liable for committing a less serious or light offense against five (5) or more workers in a single case.

SECTION 175. Exempting Circumstances. — The following are considered as legitimate reasons for an Overseas Filipino Worker not to depart for the worksite, or to abandon or withdraw from employment:

- a. Exposure to hazardous or demeaning working and living conditions;
- b. Refusal of the principal to grant, release or remit wages and other benefits due the worker;
- c. War, plague or other calamities or other dangerous situations at the worksite as determined by the POEA Governing Board; and
- d. Violation by the principal/employer of labor laws of the Philippines, the host country or international labor laws.

SECTION 176. Motion for Reconsideration. — A motion for reconsideration shall be treated as an appeal.

#### RULE VI Disqualification of Principal/Employer and Overseas Filipino Worker

SECTION 177. Failure To File The Required Answer. — In accordance with Section 154, a respondent principal/employer or an Overseas Filipino Worker subject of a pending complaint for disciplinary action who fails to submit to the jurisdiction of the POEA shall be disqualified from participating in the overseas employment program until the respondent files an Answer.

SECTION 178. Automatic Disqualification of Principal/ Employer. — The name of the principal/employer shall be automatically included in the list of disqualified principal/employer without further proceedings, in case a final and executory judgment issued by the NLRC against the principal/employers shall not have been satisfied. An Order to this effect shall be issued by the Administrator.

For this purpose, any party shall furnish the Administration certified true copies of the Order stating the judgment award and the sheriff's return indicating the failure of the principal/employer to fully satisfy the final and executory judgment against it.

SECTION 179. Lifting of the Automatic Disqualification. — The automatic disqualification referred to in the preceding section shall be lifted upon full satisfaction of the judgment award, as evidenced by certified true copies of the sheriff's return indicating full compliance/satisfaction of the judgment award by the principal/employer.

SECTION 180. Temporary Disqualification of Principal/Employer and Overseas Filipino Worker. — A principal/employer who refused to honor the medical result of a DOH-accredited medical clinic shall be temporarily disqualified to participate in the overseas employment program.

An Overseas Filipino Worker against whom a Warrant of Arrest or a Hold Departure Order was issued by a competent authority shall be disqualified to participate in the overseas employment program, unless cleared by the Administration.

SECTION 181. Effect of Disqualification of Principal/Employer. — The principal/employer against whom the penalty of disqualification had been imposed through an Order, Decision or Resolution shall be disqualified from participating in the overseas employment program, unless cleared by the Administration or the penalty imposed is lifted.

An Order of permanent disqualification and delisting from the roster of accredited principals/employers is immediately executory pending appeal.

SECTION 182. Grant of Clemency to a Principal/Employer. — The Administration may, upon motion by the principal/employer, grant clemency to a principal/employer who is penalized with the penalty of disqualification from participation in the overseas employment program, provided, that the following conditions exist:

- a. the respondent is a first time offender;
- b. the respondent did not commit a serious offense;
- c. the claims against respondent have been settled;
- d. the offended party has pardoned the respondent; and
- e. the principal/employer has the capacity to provide decent employment for Overseas Filipino workers.

The respondent may file a Motion for Clemency in lieu of an appeal. The filing of a Motion for Clemency shall be deemed a waiver of the right to appeal, or the automatic withdrawal of a pending appeal.

SECTION 183. Grant of Clemency to an Overseas Filipino Worker. — The Administration may, upon motion, grant clemency to an Overseas Filipino Worker who is penalized with the penalty of disqualification from participation in the overseas employment program, provided, that any of the following conditions exists:

- a. The offense committed does not involve a serious offense, or crime involving moral turpitude, misrepresentation or theft; or
- b. There is a settlement of claims or the complainant has condoned the acts of respondent.

SECTION 184. Grant of Clemency to a Partner, Officer, or Director, of a Cancelled Licensed Recruitment Agency. — The Administration, upon motion, may grant clemency to a partner, officer or a director of a recruitment agency whose license has been cancelled and whose name has been included in the list of persons with derogatory record, provided, that the following conditions are met:

- a. the licensed recruitment agency has only one (1) case involving not more than ten (10) workers for which the license has been cancelled as certified by the Adjudication Office;
- b. the Officer or Director must prove that he/she did not participate in the commission of the charged violation;
- c. proof of the full satisfaction of the awards on the case, if any;



- d. the complainant/s had condoned the acts of the licensed recruitment agency;
- e. the partner, officer, or director has not participated in the overseas employment program for at least four (4) years from the time of cancellation of license;
- f. submission of NBI clearance; and
- g. proof of publication in a newspaper of general circulation of the movant's intent to apply for re-admission to the overseas employment program.

The grant of clemency under this section may be availed of only once.

#### **RULE VII Appeal**

**SECTION 185. Jurisdiction.** — The Office of the DOLE Secretary shall have exclusive jurisdiction to act on appeals from the Orders of the Administration.

**SECTION 186. Period to Appeal.** — The party aggrieved by a decision of the Administration may appeal the same to the office of the DOLE Secretary within fifteen (15) calendar days from receipt of a copy of the decision. Failure of the aggrieved party to perfect the appeal within the reglementary period shall render the decision of the Administration final and executory.

The Docket and Enforcement Division shall not accept an appeal that is filed beyond the reglementary period of appeal.

**SECTION 187. Entry of Judgment.** — The Administration shall issue an entry of judgment upon failure to file an appeal within the reglementary period.

**SECTION 188. Requirements for Appeal.** — The appealing party shall file a Notice of Appeal and an Appeal Memorandum with the Docket and Enforcement Division of the Administration.

It shall clearly point out the errors of law and/or fact in the decision appealed from and shall be verified.

In case a fine and/or monetary award is imposed against the appealing party, the appealing party shall also file with the Administration a supersedeas bond in the amount of such fine and/or monetary award. The supersedeas bond shall be in cash, or in a surety bond acceptable to the Administration, and shall be valid until the case is finally resolved.

To be acceptable, the following documents shall be attached to the surety bond submitted:

- a. certified copy of a valid certificate of accreditation and authority issued by the Office of the Court Administrator of the Supreme Court containing the photograph of the authorized agent;
- b. copy of the certificate of compliance with Circular No. 66 of the Insurance Commission duly certified by the Insurance Commission; and
- c. corporate secretary's certificate containing the specimen signatures of the agents authorized to transact business with courts.

In case any of the above requirements is not complied within the period provided above, the appeal shall not be given due course and Entry of Judgment shall be issued by the Administration in accordance with the Rules of Court.

**SECTION 189. Transmittal of the Records of the Case on Appeal.** — Within five (5) days from receipt of the appeal seasonably filed with the corresponding requirements, the Docket and Enforcement Division of the Administration shall transmit the entire records of the case to the Office of the Secretary.

**SECTION 190. Stay of Execution.** — The Order of the Administration shall be stayed during the pendency of the appeal except:

- a. when the penalty imposed is suspension of license for twelve (12) months or more;
- b. when the penalty imposed is cancellation of license; or
- c. when the penalty imposed is permanent disqualification against the principal/employer.

**SECTION 191. Period to Resolve the Appeal.** — An Appeal from the Order of the Administration shall be resolved by the Office of the Secretary within sixty (60) calendar days from receipt of the transmittal of the entire records of the case.

#### **RULE VII Execution of Decisions**

**SECTION 192. Issuance of Writ of Execution.** — Unless otherwise provided in these Rules, after the Order has become final and executory, the Administration, upon motion or on its own initiative, shall issue a writ of execution requiring the Enforcement Officer to enforce a monetary award and/or fine imposed in the decision.

**SECTION 193. Issuance, Form and Contents of a Writ of Execution.** — The writ of execution must be issued in the name of the Republic of the Philippines, requiring the Enforcement Officer to execute the Orders of the Administrator or the Office of the Secretary or his/her duly authorized representative, as the case may be.

The writ of execution must contain the dispositive portion of the Order or decision sought to be executed. It must require the Enforcement Officer to serve the writ upon the losing party or upon any other person required by law to obey the same before proceeding to satisfy the judgment.

Execution shall proceed against the assets of the losing recruitment agency in the following Order:

- a. supersedeas bond;
- b. escrow deposit;
- c. personal property; and
- d. real property.

A writ of execution shall not be necessary for the enforcement of Orders in the following cases:

- a. For the return of travel and other related documents. A copy of the Order served upon the losing party or upon any other person required by law to obey such Order is sufficient; and
- b. Where the agency had earlier posted a cash bond in relation to an appeal. Certified copies of the final and executory Order and official receipt of the cash bond shall be sufficient basis for the preparation of the voucher for the release of the amount to be refunded, or for the confiscation/forfeiture of the amount equivalent to the fine.

The writ of execution shall be valid and effective for a period of sixty (60) calendar days from issuance thereof.

SECTION 194. Motion to Cancel/Quash Writ of Execution. — Within five (5) days from receipt of a copy of Writ of Execution, the judgment debtor may file a Motion to Cancel/Quash the Writ of Execution on meritorious ground. The filing of such motion shall not stay the execution of the writ, unless a cash or surety bond is posted equivalent to the judgment award and/or fine which shall answer for the same in the event that the motion is denied.

An Order denying a Motion to Quash the Writ of Execution is final and no further motions of similar nature shall be entertained.

SECTION 195. Enforcement of Writs. — In executing an Order, the Enforcement Officer shall be guided strictly by the Manual of Instructions for Enforcement Officers of the POEA.

SECTION 196. Garnishment. — By virtue of the Writ of Execution, the enforcement officer shall issue a notice of garnishment to the person/entity having in possession or control of any property belonging to the licensed recruitment agency, directing said person/entity not to deliver, transfer or otherwise dispose of such property except to the above-mentioned enforcement officer.

In cases where several writs of execution are issued against the same licensed recruitment agency, satisfaction of the claims of Overseas Filipino Workers against the escrow deposit shall be on a "first come, first serve" basis, irrespective of the date of filing of the case or date of the decision or date of the writ of execution; Provided, that where the Orders of garnishment are served simultaneously, the escrow deposit shall be given pro-rated among the claimants.

For fine imposed against a cancelled/delisted agency, its escrow deposit shall be subjected to garnishment.

SECTION 197. Return of Writ of Execution. — The Enforcement Officer implementing the writ of execution shall submit his/her return immediately upon the satisfaction of the judgment award. However, regardless of the outcome of implementation, the enforcement officer shall submit the return not later than sixty (60) calendar days from date of issuance thereof. The return shall state the mode of service, the name of the person served and the date of receipt. The return shall also indicate legibly the full name of the officer who served the writ. The return shall form part of the records of the case.

#### **RULE VIII Miscellaneous Provisions**

SECTION 198. Records of Proceedings. — The records of all proceedings before the OEA, which must be chronologically arranged and appropriately paginated, shall be summarized in writing by the OEA, including the substance of the evidence presented. The minutes of proceedings shall be signed by the parties and shall form part of the records. In case the parties refuse to sign, the refusal and reason/s given must be indicated by the OEA in the minutes.

Section 199. Appearances. — A party may appear personally in his/her own behalf or through a duly authorized representative.

A lawyer appearing for a party shall indicate in his/her pleadings and motions, attorney's roll number, PTR number, IBP number for the current year, valid Mandatory Continuing Legal Education Compliance and complete address.

Appearances shall be made in writing with proof of authority to represent. The complete name and office address of counsel/representative of either party shall be made part of the record and the adverse party or his/her counsel/representative shall be properly notified.

Any change in the address of counsel/representative shall likewise be put on record with notice served upon the adverse party or counsel/representative.

Any change or withdrawal of counsel/representative shall be made in accordance with the Rules of Court.

SECTION 200. Action on Motions. — Within the period required to file an Answer, the OEA shall have the authority to rule on motions for extension of time to file pleadings, resetting and other similar motions, which may be done in writing or orally during the proceedings/conferences.

SECTION 201. Consolidation of Cases. — Where there are two (2) or more cases pending before different OEA, involving the same respondent/s and issues, the case which was filed last may, upon written motion and with notice to all parties, be consolidated with the first to avoid unnecessary cost or delay. Such cases shall be handled by the OEA to whom the first case was assigned/raffled.

SECTION 202. Discovery of Another Offense. — When in the course of investigation, another offense is discovered, the Administration may issue the necessary supplemental Show Cause Order or Summons or inform the respondent of the charge discovered during the investigation and enter the same in the minutes. The Administration shall allow the respondent the requisite period within which to file an Answer to the supplemental show cause Order or summons.

SECTION 203. Discovery of Another Respondent. — When in the course of the investigation, another licensed recruitment agency, principal/employer or Overseas Filipino Worker is found to have committed an offense related to the subject of the investigation, the OEA shall automatically implead said licensed recruitment agency, principal/employer or Overseas Filipino Worker in the pending case. For this purpose, a Show Cause Order or Summons shall be issued to the licensed recruitment agency, principal/employer or Overseas Filipino Worker in accordance with these Rules.

SECTION 204. Who May Issue Orders. — The Administrator shall issue Orders of suspension of documentary processing, preventive suspension, suspension, cancellation or revocation of license, or dismissal of the case, lifting of penalties, and all other Orders as may be necessary.

Interlocutory Orders may be signed by the Director-Adjudication Office.

SECTION 205. Prescription. — All cases enumerated in these Rules shall be barred if not commenced or filed with the Administration within three (3) years after such cause of action accrued.

SECTION 206. Applicability of the Rules of Court. — The Revised Rules of Court of the Philippines shall, whenever practicable, supplement these Rules in similar or analogous character in proceedings brought before the Administration.

#### **PART VIII ASSISTANCE TO OVERSEAS FILIPINO WORKERS**

##### **RULE I Assistance to Overseas Filipino Workers**



SECTION 207. Responsibility to Overseas Filipino Workers. — The Administration shall ensure that Overseas Filipino Workers are amply protected, and that their interests, well-being and welfare are promoted. Licensed recruitment agencies shall be responsible for the faithful compliance by their principals/employers of all obligations under the employment contract.

SECTION 208. Request for Assistance. — The Administration may take cognizance of any request for assistance from the Overseas Filipino Worker or his/her family on matters relating to overseas employment, or may refer them to the proper government agencies or the licensed recruitment agencies concerned, for appropriate action.

SECTION 209. Monitoring of Deployed Workers and Submission of Reports. — The licensed recruitment agency shall monitor the status or condition of its deployed Overseas Filipino Workers and submit a corresponding quarterly report to the Administration. It shall likewise immediately act on complaints or problems brought to its attention and submit corresponding reports to the Administration.

In case of significant incidents regarding the status and condition of Overseas Filipino Workers, the licensed recruitment agency shall submit a report regarding the same to the welfare and employment office of the Administration within five (5) working days from the occurrence of the incident.

After thirty (30) days from the effectivity of these Rules, the licensed recruitment agencies that deployed at least one hundred (100) domestic workers shall employ at least one (1) welfare officer/counselor in its office to monitor and resolve domestic worker problems/complaints at the job site.

SECTION 210. Reporting of Erring Employer/Principal. — The licensed recruitment agency shall report to the Administration any information that comes to the knowledge of the agency, with respect to any violation of these Rules by their principal/employer. The matter shall be referred to the Adjudication Office or LRO for appropriate action.

SECTION 211. Administrative Sanctions. — Failure by licensed recruitment agencies and/or principals/employers to submit reports or to act on requests for assistance and/or complaints of Overseas Filipino Workers and/or their families shall warrant imposition by the Administration of such sanctions as it may deem appropriate.

SECTION 212. Welfare Programs and Activities. — The Administration shall support and coordinate with other institutions on projects and activities that will enhance the welfare and promote the interest of Overseas Filipino Workers and their families, including those that will facilitate the psychosocial and economic reintegration of Overseas Filipino Workers who have decided to return home permanently.

## RULE II Repatriation

SECTION 213. Primary Responsibility to Repatriate Overseas Filipino Workers. — Notwithstanding the provisions on compulsory insurance coverage as required by law, the repatriation of an Overseas Filipino Worker or his/her remains, and the transport of his/her personal effects shall be the primary responsibility of the principal/employer and licensed recruitment agency that recruited and/or deployed him. This entails the obligation to cover repatriation and attendant costs, including airfare and immigration fines/penalties. This obligation shall be without prior determination of the cause of the need to repatriate the Overseas Filipino Worker. After the Overseas Filipino Worker has returned to the country, the principal/employer or licensed recruitment agency may, however, recover the cost of repatriation from the Overseas Filipino Worker if the termination of the employment was due solely to the Overseas Filipino Worker's fault.

SECTION 214. Repatriation Procedures. —

A) In case a request for repatriation is filed by an Overseas Filipino Worker at POLO, the Labor Attaché and/or Welfare Officer shall evaluate the request. Should there be a need for the immediate repatriation of the Overseas Filipino Worker, the Labor Attaché shall notify the principal/employer about the request for repatriation. If the principal/employer fails or refuses to provide for the ticket or costs thereof, the Labor Attaché shall notify the OWWA and the POEA simultaneously of such need to repatriate.

In case the request is received or filed at the POEA, the POEA shall immediately notify the principal/employer, the licensed recruitment agency, and the POLO, of such request.

B) The POEA shall immediately issue a notice requiring the licensed recruitment agency to provide, within forty eight (48) hours from such notice, the plane ticket or the prepaid ticket advice (PTA) to the POLO or Philippine Embassy. The licensed recruitment agency shall notify the POEA of such compliance, which shall then inform OWWA of the action of the licensed recruitment agency.

If the licensed recruitment agency fails to provide the ticket or PTA within forty-eight (48) hours from receipt of the notice, the Administration shall suspend the documentary processing of the licensed recruitment agency or impose such other sanctions as it may deem necessary.

C) In case the repatriation of the Overseas Filipino Worker is dependent upon the issuance of an exit visa/clearance, the principal/employer shall have fifteen (15) days from notice to secure such exit visa. The licensed recruitment agency which recruited and/or deployed said worker shall exert earnest efforts in coordinating with the principal/employer to ensure the issuance of said visa.

D) When the repatriation is dependent upon the issuance of an exit visa and the principal/employer fails to secure the exit visa within a period of fifteen (15) days from receipt of the POEA notice, the Administration shall suspend the principal/employer from participating in the overseas employment program. In the same manner, where the licensed recruitment agency, despite issuing the PTA for the repatriation of the Overseas Filipino Worker, does not exert earnest efforts in coordinating with the principal/employer to ensure the issuance of said visa, the Administration shall suspend the documentary processing of the licensed recruitment agency.

E) Upon request, the Administrator may issue an Order lifting the suspension of documentary processing only upon compliance with the directive for which the Order of suspension of documentary processing was issued.

F) When those primarily responsible for the repatriation fail to fulfill their obligations, the Administration shall notify OWWA to advance the costs of repatriation with right of reimbursement against the licensed recruitment agency or principal/employer. The OWWA shall notify the POEA of the arrival of the repatriated Overseas Filipino Worker. It shall likewise notify the agency that has the obligation to repatriate the Overseas Filipino Worker and demand payment, within fifteen (15) days from notice, of the costs it has advanced for the repatriation of the Overseas Filipino Worker, including legal interest in case of default.

In case the licensed recruitment agency fails to reimburse the OWWA, the latter may recommend to the POEA the imposition of suspension of documentary processing. The POEA will direct the licensed recruitment agency to settle its obligation with the OWWA within ten (10) days from notice. Non-compliance with the directive of the POEA shall result in the suspension of documentary processing.

The suspension of documentary processing imposed against the licensed recruitment agency and the principal/employer shall be lifted by the Administration only upon clearance by the OWWA.



SECTION 215. Prohibition Against Performance Bonds And Deposits. — The licensed recruitment agency shall not require any bond or cash deposit from the Overseas Filipino Worker to guarantee performance under the contract or for the Overseas Filipino Worker's repatriation.

SECTION 216. Emergency repatriation. — The OWWA, in coordination with DFA, and in appropriate situations, with international agencies, shall undertake the repatriation of Overseas Filipino Workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, without prejudice to reimbursement by the responsible principal/employer or licensed recruitment agency within sixty (60) days from notice. In such cases, the POEA shall simultaneously identify and give notice to the licensed recruitment agencies concerned, copy furnished the corresponding insurance companies.

SECTION 217. Mandatory Repatriation of Underaged Overseas Filipino Worker. — Upon discovery or upon being informed of the presence of an Overseas Filipino Worker whose actual age falls below the minimum age requirement for overseas deployment, the responsible officers in the foreign service shall, without delay, repatriate the said Overseas Filipino Worker and advise the DFA through the fastest means of communication available of such discovery and other relevant information.

### **RULE III War Risk Areas and Insurance**

SECTION 218. Declaration of War Risk Areas. — In order to protect Overseas Filipino Workers from the hazards of war or deteriorating political and security situations, the POEA Governing Board shall, pursuant to prior declaration by the DFA, declare specific areas as war risk areas.

SECTION 219. Mandatory War Risk Insurance for Overseas Filipino Workers. — In addition to the compulsory insurance coverage as required in these Rules, all Overseas Filipino Workers bound for areas declared as war risk areas shall be provided with war risk insurance coverage in such amount as may be determined by the POEA Governing Board. This war risk insurance shall be provided by the principal/employer at no cost to the Overseas Filipino Worker.

### **RULE IV Comprehensive and Integrated Public Education Program**

SECTION 220. Public Education Program. — The Administration shall undertake a comprehensive and integrated public education program on overseas employment involving workers, licensed recruitment agencies, principals/employers and government personnel, for the purpose of promoting safe and legal migration and preventing illegal recruitment and trafficking in persons.

SECTION 221. Workers Education Program. — The Administration shall disseminate information on labor and employment conditions and migration realities to adequately prepare individuals and empower them to make informed and intelligent decisions about overseas employment.

Toward this end, the Administration shall resort to modes of information and dissemination campaigns, such as the conduct of PEOS in the form of community/mass-based PEOS or PEOS online. Attendance to the PEOS shall be mandatory for all applicants for overseas employment. The PEOS shall cover all stages of employment and may be country and skill-specific.

For domestic workers, the mandatory PEOS shall include their immediate family members.

The Administration shall likewise conduct a nationwide, multi-media campaign to continuously disseminate anti-illegal recruitment laws and regulations, updated lists of licensed agencies and entities and other essential information through information and education materials such as brochures, pamphlets, posters, visual aids and other similar materials.

SECTION 222. Partnerships With Stakeholders. — The Administration shall maintain and strengthen its partnership with local government units, other government agencies, private sector and civil society organizations advocating the rights and welfare of Overseas Filipino Workers, for the purpose of dissemination of information on all aspects of overseas employment, including the conduct of information and education campaigns on anti-illegal recruitment and anti-trafficking in persons.

SECTION 223. Agency Education Program. — The Administration shall provide Pre-Licensing Orientation Seminars and a Continuing Agency Education Program for the officers and personnel of licensed recruitment agencies.

For this purpose, the Administration may charge reasonable fees to defray expenses to be incurred for such programs.

SECTION 224. Orientation of Principal/Employers and Overseas Filipino Workers On-Site. — The Administration in coordination with the POLO or concerned entities shall provide effective orientation to principals/employers on the requirements, standards, laws and regulations in the recruitment and employment of Filipino workers. The POLO, in coordination with the principals/employers, shall conduct a PAOS for Overseas Filipino Workers. The orientation of principals/employers and the PAOS may be conducted through an online system established by the POLO.

The licensed recruitment agencies shall undertake that their FPAs shall effectively orient the employer and the worker on their rights, duties and responsibilities stipulated in the employment contract.

SECTION 225. Training For POEA Personnel. — In order to be more effective resource persons and educators, the Administration shall endeavor to update POEA personnel on developments on the local and global labor markets, and promote their participation in conferences and missions concerning migration issues.

### **RULE V Registration of Applicant-Workers**

SECTION 226. Applicants-Workers' Registry. — The Administration shall adopt a system of registration of applicants-workers and maintain a registry of qualified applicants in accordance with the requirements of their occupations.

SECTION 227. Manpower Sourcing from the Registry. — Aside from the in-house placement facility of the Administration, licensed recruitment agencies may source their manpower requirements from the applicants-workers' registry.

SECTION 228. Referral of Qualified Applicants. — The Administration may refer qualified applicants from the registry to licensed recruitment agencies for possible placement.

SECTION 229. Agency Manpower Pool. — A licensed recruitment agency may maintain its own manpower pool for its prospective or accredited principal/employer, provided, no fee shall be charged to the applicant nor shall services be required in consideration of registration in the agency's manpower pool.

### **RULE VI Labor Market Research and Standards Development**



SECTION 230. Research Studies. — The Administration, in coordination with relevant entities, shall establish a labor market information system and conduct periodic and responsive research studies on the following:

- a. labor market demand and supply;
- b. prevailing labor market trends and conditions;
- c. employment standards;
- d. prevailing salary rates in the host countries;
- e. immigration and labor policies of host countries; and
- f. country and skill-specific employment contracts.

SECTION 231. Bilateral/Regional/Multilateral Agreements. — The Administration, in coordination with relevant entities, shall pursue the conclusion of bilateral/regional/multilateral agreements on labor cooperation with host countries.

#### RULE VII Code of Discipline for Overseas Filipino Workers

SECTION 232. Obligations of Overseas Filipino Workers. — It is the duty of all Overseas Filipino Workers to conduct themselves in the most professional, responsible and ethical manner in the performance of their duties and fulfill the following obligations:

**A. Family:**

1. provide the family ample financial and moral support;
2. communicate regularly; and
3. preserve the integrity of the family.

**B. Fellow Workers:**

1. assist, support, and cooperate with fellow workers; and
2. refrain from committing acts which are detrimental to the interest of fellow workers.

**C. Country:**

1. obey the laws of the Republic of the Philippines at all times;
2. abide by this rules and regulations; and
3. be an ambassador of goodwill of the country.

**D. Licensed Recruitment Agency and Principal/Employer:**

1. provide the licensed recruitment agency and principal/employer with accurate statements/certifications regarding his/her skill, experience and other qualifications;
2. understand and abide with the terms and conditions of the employment contract as wells as the company rules and regulations;
3. maintain a high level of professionalism and productivity in the performance of contractual obligations; and
4. refrain from committing acts which are detrimental to the interest of the licensed recruitment agency or principal/employer during the documentary processing and employment.

**E. Host Country:**

1. respect the customs, traditions and religious practices of the host country; and
2. obey the laws of the host country.

#### PART IX INCENTIVES AND AWARDS

##### RULE I Agency Awards

SECTION 233. Three-Tiered Award System for Licensed Recruitment Agencies.— The Administration shall confer awards to licensed recruitment agencies, in recognition of their consistent excellent performance in providing decent and remunerative employment to Overseas Filipino Workers, maintaining professionalism and upholding ethical recruitment practices.

The licensed recruitment agencies qualified for the awards shall be evaluated based on the following criteria:

- a. Compliance with Recruitment Rules and Regulations refers to the absence of record of adverse decision, preventive suspension, documentary suspension, and pending recruitment violation cases, and cases before the DOLE and NLRC.
- b. Technical Capability refers to the agency's management and recruitment capability in terms of qualification of personnel, office facilities/work environment, an ISO Certified Quality Management System, and an automated system of recruitment and deployment, including monitoring of workers onsite. It also covers the existence of a Human Resource Development Plan for agency personnel, as well as compliance with general labor standards and occupational safety and health standards, provision of in-house PEOS and other similar education programs to prepare workers for overseas employment.
- c. Industry Leadership (for Award of Excellence/ Presidential Award) refers to the agency's pioneering achievement in the entry to new or emerging markets (entirely new country and new market), no placement fees charged for workers deployed, expansion of market opportunities for Overseas Filipino Workers, membership in industry associations or positions of leadership in industry associations, and participation in the development and formulation of policies on overseas employment.
- d. Marketing Capability (for Top Performer candidates) refers to the agency's accomplishment in the generation of new principals/employers.
- e. Deployment refers to the volume and quality of deployment of a licensed recruitment agency during the period under review, terms and conditions of employment beyond minimum standards, ensuring good employers, and dealing with direct employers.
- f. Welfare Programs and Corporate Social Responsibility refers to the provision of responsive welfare and allied services for the Overseas Filipino Workers, their dependents/families, exemplary acts of assistance in times of hazardous, dangerous or distressed situations, corporate social responsibility (socio-economic and civic programs and projects) in coordination with government or with private entities/organizations, contribution to continuous manpower training and development, and skills upgrading of Overseas Filipino Workers.

The three-tiered award system consists of the following categories:

- a. Top Performer Award, the first level award which is given to a licensed recruitment agency that has been actively operating for at least four years and has passed the criteria and threshold for the said award, which shall be conferred once every two (2) years;
- b. Award of Excellence, the second level of award given to a licensed recruitment agency which has received the Top Performer Award for three (3) times, which shall be conferred once every two (2) years;
- c. Presidential Award, the highest level of award given to a licensed recruitment agency which has received the Award of Excellence for three (3) times, which shall be conferred once every six (6) years.

SECTION 234. Incentives and System of Recognition.— The recipients of Outstanding Agency Awards shall be entitled to the following package of incentives:

A. Presidential Awardees

1. Extension of license validity for three (3) full terms, effective upon expiration of license, subject to corresponding license fee and escrow agreement;
2. Exemption in the submission of requirements for the following applications/ requests upon notice:
  - a. Renewal of license, subject to corresponding license fee and escrow agreement;
  - b. Establishment of branch office and additional office;
  - c. Transfer of business address; and
  - d. Letter of Acknowledgement to principals'/employers' representatives.
3. Approval of the following applications/requests upon notice, subject to post submission and evaluation of documentary requirements:
  - a. Renewal of registration/accreditation of principals/employers;
  - b. Additional job order except for domestic worker;
  - c. Upgrading of registration/accreditation;
  - d. Revalidation of job order; and
  - e. Change of officers/personnel.

Except for item no. 1, all agencies previously conferred with Presidential Award of Excellence shall continue to enjoy the above incentives and privileges.

B. Awardees of Excellence

1. Extension of license validity for two (2) full terms, effective upon expiration of license, subject to corresponding license fee and adjustment of bonds;
2. Approval of the following applications/requests upon notice, subject to post submission and evaluation of documentary requirements:
  - a. Licensing concerns
    - i. Renewal of license
    - ii. Establishment of branch office and additional office
    - iii. Transfer of business address
    - iv. Change of officers/personnel
    - v. Letter of authority to principals'/employers' representatives
  - b. Registration/Accreditation concerns
    - i. Renewal of registration/accreditation of principals/employers
    - ii. Additional job orders except for domestic workers
    - iii. Upgrading of registration/accreditation
    - iv. Revalidation of job order

Except for item no. 1, the previous recipients of the Award of Excellence shall continue to enjoy the above incentives and privileges.

Further, the Presidential Awardees and Awardees of Excellence shall also enjoy the following incentives:

1. Exemption from Philippine Embassy/POLO authentication/verification of employment documents of principal/employer except for domestic workers;
2. Open job order system;
3. Waiver in the submission of requirements for special recruitment authority and jobs fair authority; and
4. Publication of list of awardees in the POEA website with link to their websites.

C. Top Performers

1. Extension of license validity for one (1) full term, effective upon expiration of license, subject to payment of corresponding license fees, adjustment of bonds and post submission of evaluation of documentary requirements; and
2. Publication of list of awardees in the POEA website, with links to their websites.

All other incentives shall be valid until a new set of awardees has been selected. Such incentives shall be revoked in case of suspension or cancellation of license of an awardee.

SECTION 235. Other Incentives and System of Recognition.— The Administration shall, other than those mentioned in the preceding paragraph, continue to recognize exemplary performance of licensed recruitment agencies and develop an incentive scheme to reward those that practice ethical recruitment standards, including the development of a "white list" of agencies and other similar schemes. It shall also continually review the awards system and its incentives for the purpose of enhancing the system, taking into consideration developments in migration policies and practices and trends in the global labor market, and affording the participation of various stakeholders in the process.

**RULE II**  
**Employers' Awards**



SECTION 236. Two-Level Award System for Principals/Employers.— The Administration shall confer every four (4) years a two-level award to deserving principals/employers who have been major providers of decent and quality employment to Overseas Filipino Workers and who have significantly contributed to their development as well as the protection and promotion of their well-being, as follows:

- a. MINISTERIAL AWARD OF COMMENDATION – The award shall be conferred once every two (2) years by the Secretary of Labor and Employment to principals/employers who, based on safe, fair and ethical recruitment, have continuously hired Overseas Filipino Workers during the past four (4) years.
- b. PRESIDENTIAL AWARD OF DISTINCTION – The award shall be conferred once every six (6) years by the President of the Philippines to principals/employers who, based on safe, fair and ethical recruitment, have continuously hired Overseas Filipino Workers during the past four (4) years and has been a Ministerial Awardee for three (3) consecutive times.

SECTION 237. Criteria for Ministerial Award.— The following shall be the criteria for the Ministerial Award:

1. Demonstrated preference and active hiring of Overseas Filipino Workers within the last four (4) years;
2. Provision of superior terms and conditions of work that will enhance the productivity of Overseas Filipino Workers;
3. Compliance with Philippine laws, rules and regulations on the recruitment and employment of Overseas Filipino Workers;
4. Active participation and contribution to the welfare and benefit of Overseas Filipino Workers' families;
5. Observance of no placement fee policy; and
6. No derogatory record within the last four (4) years.

SECTION 238. Qualification for Presidential Award.— A recipient of the Ministerial Award may qualify for Presidential Award on the basis of the following criteria:

1. Contribution to the continuous manpower training and development and skills upgrading of Overseas Filipino Workers;
2. Implementation of corporate social responsibility programs; and
3. Extraordinary acts of assistance to Overseas Filipino Workers in times of hazardous, dangerous or distressed situations.

SECTION 239. Incentives for the Ministerial Awardees — Ministerial awardees shall have the following incentives:

1. Exemption from POLO Verification of employment documents;
2. Exemption from securing Letters of Acknowledgment for the conduct of interviews of applicants;
3. Open job orders; and
4. Extension of validity period of accreditation to five (5) years.

Such incentives shall be automatically revoked in case of suspension or disqualification of the awardee.

SECTION 240. Incentives for the Presidential Awardees — In addition to the incentives provided in immediately preceding section, Presidential Awardees shall enjoy the following incentives:

1. Exemption from the maximum limit on multiple accreditation; and
2. Extension of validity period of accreditation to six (6) years.

Such incentives shall be automatically revoked in case of suspension or disqualification of the awardee.

#### **PART X General and Miscellaneous Provisions**

SECTION 241. Authority to Administer Oaths. — The Administrator, or any person authorized under existing laws, shall have the authority to administer oaths and require the attendance of witnesses or the production of any book, paper, correspondence, memoranda and other documents relevant or material to the case or inquiry.

The Administrator may authorize other POEA personnel to administer oaths.

SECTION 242. Construction. — These Rules shall be liberally construed to carry out the objectives of the Constitution, the Labor Code of the Philippines, as amended, and the laws pertaining to overseas employment and to assist the parties in obtaining just, expeditious and inexpensive settlement of disputes.

All doubts in the implementation or interpretation of these Rules shall be resolved in favor of labor.


SECTION 243. Amendments.— Governing Board Resolutions amending any part of these Rules shall be deemed incorporated herein.

SECTION 244. Separability Clause. — The provisions of these Rules and Regulations are declared to be separable and if any provision or the application thereof is held invalid or unconstitutional, the validity of the other provisions shall not be affected.

SECTION 245. Repealing Clause. — All policies, issuances, rules and regulations inconsistent with these Rules are hereby repealed or modified accordingly.

SECTION 246. Effectivity. — These Rules shall take effect fifteen (15) days from publication in a newspaper of general circulation and from filing with the Office of the National Administrative Registry of the University of the Philippines Law Center.

Signed this 26th day of February in the year of our Lord Two Thousand Sixteen (2016) at Manila, Philippines.

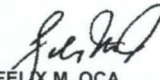
  
**ROSALINDA DIMAPILIS-BALDOZ**  
Secretary of Labor and Employment and  
Chairperson of the POEA Governing Board



HANS LEO J. CARDAS  
POEA Administrator and  
Vice-Chair of the Governing Board



ALEXANDER E. ASUNCION  
Board Member



FELIX M. OCA  
Board Member



ESTRELITA S. HIZON  
Board Member



MILAGROS ISABEL A. CRISTOBAL  
Board Member



# "ANNEX A "

Labor Laws Compliance Assessment Checklist, 2015

Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
Regional Office No. \_\_\_\_\_



## Labor Laws Compliance Assessment Checklist

Authority No. \_\_\_\_\_  
Date of First Assessment, \_\_\_\_\_  
Date of Follow-up Assessment, \_\_\_\_\_

Instructions: This checklist shall be accomplished by the Labor Laws Compliance Officer (LLCO) with the participation of the duly authorized representative of employer and worker. Please put a check (✓) mark in the appropriate column to indicate compliance with labor standards.

Part I GENERAL INFORMATION										
Name of Establishment				<input type="checkbox"/> Head Office <input type="checkbox"/> Branch		Address (Barangay - City/Municipality - Province - FO - Region)			GEO Code	
Owner/President/Manager				<input type="checkbox"/> Registered in PJJ <input type="checkbox"/> Vacancies Posted in PJJ		Kind of Business/Economic Activity/Principal Product			PSIC Code	
Contact No/s.		Email Address:		Kind of Ownership						
				<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Cooperative						
Age Group	Female	Male	Total	No. of Shifts: _____		Authorized Capitalization/Paid-up Capital (As of the latest date of audit)				
below 15				<b>Schedules</b>		No. of Workers/ Shift		Total Assets (as of the latest date of audit)		
15-17 yrs								<input type="checkbox"/> BMBE		
18-24 yrs										
25-59 yrs										
60-65 yrs										
<b>TOTAL</b>										
No. of Regular:				No. of Managerial:						
No. of Probationary:				No. of Supervisory:						
No. of Fixed-Term:				No. of Rank and File:						
No. of Casual:				<b>TOTAL:</b>						
No. of Regular-Seasonal:				<b>Special Industry</b> <input type="checkbox"/> Check if the establishment is Contractor/Subcontractor <input type="checkbox"/> Construction <input type="checkbox"/> Janitorial Agency <input type="checkbox"/> Security Agency <input type="checkbox"/> Service Provider						
No. of Contractors' employees deployed:				<input type="checkbox"/> Recruitment Agency <input type="checkbox"/> PRPA: <input type="checkbox"/> BPO <input type="checkbox"/> Manning Agency <input type="checkbox"/> Industry <input type="checkbox"/> Educational Institution <input type="checkbox"/> Bus Company <input type="checkbox"/> Domestic						
<b>TOTAL:</b>				<input type="checkbox"/> Sugar Mill <input type="checkbox"/> Biofuel Plant <input type="checkbox"/> Coco-Diesel <input type="checkbox"/> Sugar Planters' Association <input type="checkbox"/> Sugarcane <input type="checkbox"/> Sugar Planters' Cooperative <input type="checkbox"/> Molasses-Based						
No. of PWDs:				No. of Learners:						
No. of Aliens Employed:				No. of Trainees under DTS:						
No. of Bus Drivers:				No. of Trainees under DTP:						
No. of Conductors:				No. of SPES Beneficiaries:						
No. of Apprentices:				No. of Job Start Beneficiaries:						
No. of Unions: _____				No. of Trainees under YE-YE:						
Name of Union					Local or Independent? (L or I?)	SEBA (Y or N?)	Supervisory or Rank-and-File (S or R?)	No. of Members		
1										
2										
3										
with Collective Bargaining Agreement:										
<input type="checkbox"/> Yes <input type="checkbox"/> No										
No. of Contractors engaged: _____					Registered?			No. of employees deployed to Principal		
Name of Contractors:					Office Address			Yes   No		
No. of Principal Employers: _____					Registered?			No. of employees deployed to Principal		
Name of Principal Employers:					Office Address			Yes   No		
<input type="checkbox"/> Productivity or Performance-Based Pay Schemes, if any <input type="checkbox"/> monetary <input type="checkbox"/> Facilities Provided <input type="checkbox"/> meals <input type="checkbox"/> lodging <input type="checkbox"/> Others, specify _____										
Type of Workplace:										
<input type="checkbox"/> Non-hazardous <input type="checkbox"/> Hazardous <input type="checkbox"/> Highly-hazardous										
Type of Visit:										
<input type="checkbox"/> Joint Assessment <input type="checkbox"/> Compliance Visit <input type="checkbox"/> OSHS Investigation <input type="checkbox"/> SAVE <input type="checkbox"/> 1st assessment <input type="checkbox"/> from SENa Referral <input type="checkbox"/> Imminent Danger <input type="checkbox"/> Disabling Injury <input type="checkbox"/> Follow-up assessment <input type="checkbox"/> Complaint Filed <input type="checkbox"/> Dangerous Occurrence <input type="checkbox"/> Plain View										
Date of Last Assessment/Visit/Investigation:			Name of Employer's Representative:			Name of Employees' Representative:				

Part II-A.1	GENERAL LABOR STANDARDS COMPLIANCE INDICATORS												
COMPLIANCE INDICATORS	1st assessment						Follow-up assessment						Remarks/ Status
	Complying			Required Correction			Corrected			Workers Benefited			
	YES	NO	N/A	Amount	Workers Involved		Schedule of Correction	YES	NO	Date	Workers Benefited		
					Total	F					Total	F	
<b>Access Pursuant to Art. 128 of LCP</b>													
Records Keeping ( <i>Employment records e.g. payrolls, DTR kept at workplace for at least 3 yrs.</i> )													
<b>Minimum Wage</b>													
Basic Wage Pay													
Cost of Living Allowance (COLA), if applicable													
Facility Evaluation Order, if applicable													
Piece Rate/Production Standard Order, if applicable													
Time of Payment of Wages ( <i>wages shall be paid not less than once every 2 weeks or twice a month at intervals not exceeding 16 days</i> )													
Meal Period ( <i>not less than one hour time-off for regular meals, which is not compensable. Shorter meal period of not less than 20 minutes may be given provided that it is credited as compensable hours of work and subject to certain conditions</i> )													
Night Shift Differential pay ( <i>not less than 10% of regular wage for each hour of work performed between 10pm - 6am</i> )													
Overtime Pay ( <i>additional 25% of hourly rate for work performed on ordinary day; additional 30% for rest day, special or regular holiday</i> )													
Weekly Rest Periods ( <i>not less than 24 consecutive hours after every six (6) consecutive normal workdays</i> )													
Holiday Pay ( <i>with pay even if unworked; work on regular holiday shall be paid additional 100% of daily rate; work on regular holiday falling on employee rest day shall be paid 200% plus 30% thereof</i> )													
Premium Pay for Special Day ( <i>no work no pay; work on special days shall be paid regular wage plus at least 30%; special day work falling on employee's scheduled rest day shall be paid additional 50% of daily rate</i> )													
Premium Pay for Rest Day ( <i>additional 30% of daily rate for work performed on rest days; additional 50% for work performed on a rest day which is also a special day; additional 30% of the regular holiday rate of 200%</i> )													
Service Charge ( <i>collected by most hotels, restaurants and similar establishments. 85% shall be distributed equally among the rank-and-file employees and 15% for management to answer for losses and breakages and for distribution to managerial employees at the discretion of management.</i> )													
Service Incentive Leave pay ( <i>five days with pay per year for those with at least one year of service; commutable to its money equivalent if not used within one year</i> )													
Non-Interference in the Disposal of Wages and Allowable Deductions (Art. 113-115 of the LCP and Labor Advisory No. 11, S.2014)													
13th Month Pay (P.D. 851) ( <i>not less than 1/12 of total basic salary earned within calendar year. Does not include COLA and other benefits not integrated as part of basic salary. To be paid not later than 24 December of each year.</i> )													
Separation Pay ( <i>where termination is due to authorized causes-Art. 283 &amp; 284 of LCP</i> )													



Part II-A.1 GENERAL LABOR STANDARDS COMPLIANCE INDICATORS													
General Labor Standards (GLS)	1st assessment						Follow-up assessment						
	Complying			Required Correction			Corrected						
	YES	NO	N/A	Amount	Workers Involved		Schedule of Correction	YES	NO	Date	Workers Benefited		Remarks/ Status
					Total	F					Total	F	
Retirement Pay (R.A. 7641/R.A. 8558) (distinct and separate from SSS benefits) Optional - age 60 but not more than 65 & 5 years of service, Compulsory - age 65 & 5 years of service													
Maternity Leave (R.A. 8282) (60 days for normal delivery/ 78 days for cesarian section; benefit for first 4 deliveries, abortion/miscarriage)													
Paternity Leave (R.A. 8187) (seven days with pay including allowance for the first 4 deliveries; not convertible to cash)													
Parental Leave for Solo Parent (R.A. 8972) (not more than 7 working days every year)													
Leave for Victims of Violence Against Women and their Children (R.A. 9262) (10 days with full pay)													
Special Leave for Women (R.A. 9710) ( 2 months of leave with full pay based on her gross monthly compensation due to gynecological disorder surgery)													
Social Security Act of 1997 (R.A.8282 as amended) Registration and Remittance													
Coverage													
Remittance													
Home Development Mutual Fund Law of 2009 (R.A. 9679 as amended) Registration and Remittance													
Coverage													
Remittance													
National Health Insurance Act of 1995 (R.A. 7875 as amended) Registration and Remittance													
Coverage													
Remittance													

Part II-A.2 GENERAL LABOR STANDARDS COMPLIANCE INDICATORS													
COMPLIANCE INDICATORS	1st assessment						Follow-up assessment						
	Complying			Required Correction			Corrected						
	YES	NO	N/A	Amount	Workers Involved		Schedule of Correction	YES	NO	Date	Workers Benefited		Remarks/ Status
					Total	F					Total	F	
Flexible Work Arrangements (Dept. Advisory No. 2, Series of 2009)													
Agreement													
Notification to DOLE													
Apprenticeship Program (Art.71 of the LCP and TESDA Circular No. 16, s. 2004)													
Certificate of Registration from TESDA													
Not more than 20% of the total regular employees													
Allowance - 75% of the prevailing minimum wage													
Learnership Program (duly approved by TESDA)													
Not more than 20% of the total regular employees													
Wage/Salary Rate - not less 75% of the applicable minimum wage													
Mandatory absorption of trainees under Learnership Program													
Dual-Training System (TESDA Circular No. 31, s. 2012)													
Training duration is based on the approved Training Plan													
Allowance - it shall, in no way, start below 75% of the applicable minimum daily wage for the number of days actually spent by the student/trainee in the establishment for in-plan training. (Note: Under DTS 30% goes to the trainee while 70% goes to the Training Institution).													
Insurance coverage is provided for each trainee													
Alien Employment Permit (D.O. No. 97, s. 2009 as amended by D.O. No. 120, s. 2012)													
Persons with Disability (PWD) Accessibility in support of BP 344													
Provisions for Night Workers (R.A. 10151 and D.O. 119-12) (Health-Assessment, Mandatory Facilities, etc.)													
<b>Family Welfare Program (FWP) (Mandatory for large establishments/establishments employing 200 or more workers)</b>													
With free planning services to workers (Art. 134, Labor Code )													
With at least any 2 (two) dimensions of the nine other dimensions of the FWP (D.O. 56-03)													
With Family Welfare Committee (FWC) or similar body organized to implement FWP activities (D.O. 56-03; DOLE Advisory No. 3-09)													
<b>Lactation Station (R.A. 10028)</b>													
With designated area for lactation station in the workplace													
With facilities such as refrigerator/cooler, table and chair, sink with running water or access to washing facilities													
Observes Lactation Equivalency Guide if a designated area for workplace lactation station is not feasible due to peculiar workplace circumstances													
With workplace breastfeeding policy													
Observes lactation period													
With Certificate of Exemption issued by DOLE for qualified establishments (D.O. 143, s. 2015)													
<b>Protection against workplace gender-based</b>													
With CODI or Committee on Decorum and Investigation (RA 7877)													
Anti-Sexual Harassment policy in place (R.A. 7877)													
Copy of RA 7877 posted/available for information in the workplace													
Awareness-raising activities on the problem of violence and the elimination of all forms of violence against women and children (R.A. 10398)													



COMPLIANCE INDICATORS	1st assessment						Follow-up assessment				
	COMPLYING			REQUIRED CORRECTION			CORRECTED				
	YES	NO	N/A	Remarks	Workers Involved	Schedule of Correction	YES	NO	Date	Workers Benefitted	Remarks/ Status
Registration of Establishments (Rule 1020, OSHS)											
No Imminent Danger Situation (condition that could cause death or serious physical harm) (Rule 1012.02, OSHS)											
Fire Safety Inspection Certificate (FSIC) issued by BFP											
Fire Protection Equipment/Facilities (Rule 1940, OSHS)											
Fire extinguishers ( <i>inspected monthly</i> )											
Fire hoses ( <i>properly mounted, accessible and maintained</i> )											
Fire detection devices ( <i>installed and functional</i> )											
Emergency Exits ( <i>2 per floor with no obstructions</i> ) (Rule 1943.03, OSHS)											
Adequate Aisles/Passageways ( <i>sufficient width and height and with signs and markings</i> ) (Rule 1060, OSHS)											
Proper Office Spacing ( <i>between workers and machines</i> )(Rule 1062, OSHS)											
Good Housekeeping ( <i>conditions of floors, walls and storage rooms</i> ) (Rule 1060&1150, OSHS)											
Materials Handling and Storage ( <i>appropriate labels, dotting and storage</i> )(Rule 1150&1095, OSHS)											
Waste Disposal System ( <i>waste receptacle and its removal; drainage system</i> )											
Work Environment Measure ( <i>maintenance of WEM monitoring report</i> )(Rule 1077, OSHS)											
Adequate Lighting ( <i>in Work Areas, in aisles and passageways</i> ) (Rule 1075.01, OSHS)											
Noise Pollution Control ( <i>provide appropriate PPE or isolation of work area</i> )(Rule 1075.01, OSHS)											
Proper Ventilation ( <i>provision of natural or artificial air supply</i> )(Rule 1076.01, OSHS)											
Radiation Exposure Control ( <i>provide PPE, examination of work area</i> )											
Airborne Contaminant Control ( <i>provide PPE, improve technical process, improve ventilation</i> ) (Rule 1072.03, OSHS)											
Personal Protective Equipment ( <i>provision and appropriate training</i> ) (Rule 1080, OSHS)											
Provide Machine Guarding ( <i>railing or casing of moving parts</i> ) (Rule 1200, OSHS)											
Hazardous Materials (Rule 1090, OSHS)											
Hazardous Work Processes (Rule 1120, OSHS)											
Personal Facilities (Rule 1060.01, OSHS)											
a. Separate toilet for males and females											
b. Supply of potable water											
c. Washing facilities											
Safety and Health Organization ( <i>according to number of employees</i> ) (Rule 1045, OSHS)											
Safety Personnel (OSHS Rule 1033 OSHS as amended by DO 16 s.2001)											
a. Trained Safety Officer											
b. Accredited Safety Practitioner											
Health Personnel (Rule 1963.02, OSHS)											
a. Certified First-aider											
b. Trained Nurse											
c. Trained Physician											
d. Dentist											
Medical Facilities ( <i>treatment room, clinic, hospital</i> )(Rule 1963.02, OSHS)											
a. Treatment Room											
b. Clinic											
c. Hospital											
Emergency Medicines											
Pre-employment/Pre-placement Physical Examination (Rule 1967.01, OSHS)											
Continuing training on OSH											
Administrative Reports on OSH											
a. Minutes of Meeting of SHC ( <i>at least once a month</i> )											
b. Employee's Work Accident/Illness Exposure Data ( <i>for every accident/illness</i> )											
c. Annual Work Accident/Illness Exposure Data ( <i>whether or not there is an accident/illness</i> )											
d. Annual Medical Report ( <i>health record of program and activities</i> )											
Occupational Health Policies and Programs											
a. Guidelines for the Implementation of a Drug-Free Workplace Policies and Programs (D.O. No. 53-03)											
b. Guidelines for the Implementation of HIV and AIDS Prevention and Control in the Workplace Program (D.O. No. 102-10)											
c. Guidelines for the Implementation of a Workplace Policy and Program on Hepatitis B (Dept. Advisory No. 05, series of 2010)											
d. Guidelines for the Implementation of Policy and Program on Tuberculosis Prevention and Control in the Workplace (D.O. 73-05)											

Part II-C ANTI-CHILD LABOR LAW COMPLIANCE INDICATORS (REPUBLIC ACT 9231)

COMPLIANCE INDICATORS	1st assessment						Follow-up assessment			
	COMPLYING?		REQUIRED CORRECTION			CORRECTED?				Remarks/ Status
	YES	NO	Remarks	Workers Involved	Schedule of Correction	YES	NO	Date	Workers Benefited	
<b>Employment of children below 15 years of age</b>										
With work permit from the DOLE										
Work is not more than 4 hours a day / 20 hours a week										
Work is not between 8:00 pm to 6:00 am of the following day										
<b>Employment of children 15-17 years of age</b>										
Work is not more than 8 hours a day / 40 hours a week										
Work is not between 10:00 p.m. to 6:00 a.m. of the following day										
<b>Children below 18 years of age are <u>NOT</u> engaged in any of the following:</b>										
Prostitution										
Obscene or lewd shows										
Production of pornography or for pornographic performances										
Slavery or any similar practices, such as sale or trafficking of children, debt bondage, serfdom, forced labor, recruitment of children for armed conflict										
Illegal or illicit activities such as production/trafficking of dangerous drugs or volatile substances										
Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children										
As a model in any advertisement directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products, gambling or any form of violence or pornography										
<b>Violation, if any, did <u>NOT</u> result to:</b>										
Death of child										
Insanity of child										
Serious physical injuries of child										



With Workplace Cooperation and Partnership

- with Labor Management Cooperation \_\_\_\_\_
- with Other Similar Mechanisms \_\_\_\_\_

Date Created

\_\_\_\_\_

No. of Membership

Management: \_\_\_\_\_ Union: \_\_\_\_\_

Management: \_\_\_\_\_ Union: \_\_\_\_\_

With Labor Dispute Management Mechanism

**Organized**

- with Grievance Machinery in a CBA \_\_\_\_\_
- with GM as Sub-committee of LMC \_\_\_\_\_

Date Created

\_\_\_\_\_

No. of Membership

Management: \_\_\_\_\_ Union: \_\_\_\_\_

Management: \_\_\_\_\_ Union: \_\_\_\_\_

**Unorganized**

- with Grievance Machinery \_\_\_\_\_
- Other Similar Mechanisms \_\_\_\_\_
- with GM as Sub-committee of LMC \_\_\_\_\_

\_\_\_\_\_

Management: \_\_\_\_\_ Union: \_\_\_\_\_

Management: \_\_\_\_\_ Union: \_\_\_\_\_

Management: \_\_\_\_\_ Union: \_\_\_\_\_

With Pending Preventive Mediation Case

- Resolved Date: \_\_\_\_\_

With Pending Notice of Strike

- Resolved Date: \_\_\_\_\_

With Pending Notice of Lock Out

- Resolved Date: \_\_\_\_\_

Unfair Labor Practice

Cite: \_\_\_\_\_  
\_\_\_\_\_

Freedom of Association

Security of Tenure

Termination Case

Suspension Case

Other Labor Dispute

With Personnel/Employee Handbook on Company Policy

- Recommended for issuance of Certificate of Compliance
  - Will correct all noted deficiencies. Report on corrections/restitutions shall be submitted to the Regional Office not later than \_\_\_\_\_.
  - If there is difficulty in complying, please state the reason above.
- Note: Use separate sheet for details (FORM 8)

**NOTICE TO THE EMPLOYER**

If no action plan was formulated during the conduct of joint-assessment, the employer shall formulate the said action plan based on the accomplishment checklist issued by the Labor Laws Compliance Officer. The employer shall submit the accomplished Details of Action Plan to the Regional Office within ten (10) days from the conduct of joint assessment, otherwise, a Notice of Results shall be issued.

**Part V-A**

**FOR LABOR LAWS COMPLIANCE OFFICER USE ONLY**

**1st Assessment**

Brief Summary of Findings & Recommendation:

**Follow-up Assessment**

Brief Summary of Findings & Recommendation:

**Conducted By:**

\_\_\_\_\_  
Name and Position of LLCO

Findings/Recommendation explained to:

1. \_\_\_\_\_  
Name & Signature of Employer's Representative

2. \_\_\_\_\_  
Name & Signature of Employees' Representative

**Conducted By:**

\_\_\_\_\_  
Name and Position of LLCO

\_\_\_\_\_  
Date

Findings/Recommendation explained to:

1. \_\_\_\_\_  
Name & Signature of Employer's Representative

2. \_\_\_\_\_  
Name & Signature of Employees' Representative



**Part V-B FOR LABOR LAWS COMPLIANCE OFFICER USE ONLY**

PROVIDED APPROPRIATE ASSISTANCE LEADING TO COMPLIANCE	
	Date Assisted
<input type="checkbox"/> Advisory/Mentoring	_____
<input type="checkbox"/> Referral to Appropriate Agency	_____
<input type="checkbox"/> Provision of templates of OSH Policies and/or administrative reports	_____
<input type="checkbox"/> Preparation of Action Plan	_____
<input type="checkbox"/> Others. Specify assistance: _____	_____
_____	_____
_____	_____

DOLE PROGRAMS AND SERVICES	
DOLE Programs and Services Requested	Date Provided
<input type="checkbox"/> Kapatiran	_____
<input type="checkbox"/> Labor and Employment Education Service	_____
<input type="checkbox"/> Basic Occupational Safety and Health Training	_____
<input type="checkbox"/> Work Environment Measure	_____
<input type="checkbox"/> Family Welfare Program	_____
<input type="checkbox"/> Labor-Management Cooperation	_____
<input type="checkbox"/> Orientation	_____
<input type="checkbox"/> Setting-up	_____
<input type="checkbox"/> Enhancement	_____
<input type="checkbox"/> Grievance Machinery	_____
<input type="checkbox"/> Orientation	_____
<input type="checkbox"/> Setting-up	_____
<input type="checkbox"/> Enhancement	_____
<input type="checkbox"/> Grievance Handling/Management	_____
<input type="checkbox"/> Training for Work Scholarship (TWSP)	_____
<input type="checkbox"/> Assessment and Certification of Workers	_____
<input type="checkbox"/> Productivity Toolbox	_____
<input type="checkbox"/> Productivity Orientations	_____
<input type="checkbox"/> Productivity 101-LHP (Labor Relations + Human Relations = Productivity)	_____
<input type="checkbox"/> ISTIV - Productivity Awareness Program	_____
<input type="checkbox"/> 5S of Good Housekeeping	_____
<input type="checkbox"/> ISTIV Bayanihan	_____
<input type="checkbox"/> Productivity Enhancement Program for DOLE Livelihood Program Beneficiaries	_____
<input type="checkbox"/> ISTIV-Plus (Succeeding in Business)	_____
<input type="checkbox"/> Green My Enterprise	_____
<input type="checkbox"/> Service Quality (enterprise level)	_____
<input type="checkbox"/> Time and Motion Study	_____
<input type="checkbox"/> Innovation and Enterprise Development Training Program	_____
<input type="checkbox"/> Service Quality Plus (Tourism Value Chain)	_____
<input type="checkbox"/> Gainsharing Schemes	_____
<input type="checkbox"/> Green ME for Hotel Industry	_____
<input type="checkbox"/> WISE Program	_____
<input type="checkbox"/> Livelihood Assistance	_____
<input type="checkbox"/> Employee's Compensation and Rehabilitation	_____
<input type="checkbox"/> Request Specific Assistance In: _____	_____

FAMILY WELFARE PROGRAM	
For establishments employing more than 200 workers	
Type of FP Services Provided	
<input type="checkbox"/> Counselling / Information on FP methods	
<input type="checkbox"/> Provision of free FP commodities	
<input type="checkbox"/> Pills	
<input type="checkbox"/> Condoms	
<input type="checkbox"/> Others _____	
<input type="checkbox"/> Access to FP services/commodities from other sources	
<input type="checkbox"/> LGU	
<input type="checkbox"/> Others _____	
Incentive Schemes Provided to FP Acceptors	
<input type="checkbox"/> Available	
<input type="checkbox"/> Privilege Leave	
<input type="checkbox"/> Cash Bonuses	
<input type="checkbox"/> Others _____	
<input type="checkbox"/> Not Available	
<input type="checkbox"/> Education/Gender Equality	
<input type="checkbox"/> Spirituality/Value Formation	
<input type="checkbox"/> Income Generation/Livelihood/Cooperative	
<input type="checkbox"/> Medical Health Care	
<input type="checkbox"/> Nutrition	
<input type="checkbox"/> Environment Protection, Hygiene and Sanitation	
<input type="checkbox"/> Sports and Leisure	
<input type="checkbox"/> Housing	
<input type="checkbox"/> Transportation	
For establishments employing less than 200 workers	
<input type="checkbox"/> With Family Welfare Program	
<input type="checkbox"/> No Family Welfare Program	
<input type="checkbox"/> With Family Welfare Committee or similar body organized to implement FWP Activities	

GENDER-RELATED CONCERNS	
No. of women who availed VAWC Leave: ____	
No. of workers who availed of the Solo Parent Leave: ____	
Male: ____ Female: ____	
No. of workers-victims of sexual harrasment responded to by the CODI	
Male: ____ Female: ____	

CHILD LABOR FREEESTABLISHMENT	
<b>For Potential Child Labor Free-Establishment Applicants:</b>	
<input type="checkbox"/> With written company policy expressly prohibiting child labor which is displayed publicly	
<input type="checkbox"/> With contracts or terms of engagement with contractors and/or suppliers, if any, containing stipulations prohibiting child labor	





\*See Attached Government Safety Engineer's Accident Investigation Report

FOR THOSE ENGAGED IN CONTRACTING/SUBCONTRACTING ARRANGEMENT													
COMPLIANCE INDICATORS	1st assessment						Follow-up assessment						
	Complying			Required Correction			Corrected			Remarks/ Status			
	YES	NO	N/A	Amount	Workers Involved		Schedule of Correction	YES	NO		Date	Workers Benefited	
					Total	F						Total	F
<b>Legitimate Contracting/Subcontracting</b>													
Section 4. Legitimate contracting or subcontracting													
Registered													
With substantial Capital/Investment													
Distinct and Independent Business													
Control													
Section 7. Other Prohibitions													
1. Contracting out results in the termination or reduction of regular employees and reduction of workhours or reduction or splitting of the bargaining unit.													
2. Contracting out of work with a "Cabo".													
3. Taking undue advantage of the economic situation or lack of bargaining strength of the contractor's employees, or undermining their security of tenure or basic rights, or circumventing the provisions of regular employment, in any of the following instances:													
i. Requiring them to perform functions which are currently being performed by the regular employees of													
ii. Requiring them to sign, as a precondition to employment or continued employment, an antedated resignation letter; a blank payroll; a waiver of labor standards; or a quitclaim releasing the principal, contractor or from any liability as to payment of future													
4. Contracting out of a job, work or service through an in-house agency.													
5. Contracting out of a job, work or service that is necessary or desirable or directly related to the business or operation of the principal by reason of a strike or lockout whether actual or imminent.													
6. Contracting out of a job, work or service being performed by union members when such will interfere with, restrain or coerce employees in the exercise of their rights to self-organization as provided in Art. 248 (c) of the Labor Code, as amended.													
7. Repeated hiring of employees under an employment contract of short duration or under a Service Agreement of short duration with the same or different contractors, which circumvents the Labor Code provisions on Security of Tenure.													
8. Requiring employees under a subcontracting arrangement to sign a contract fixing the period of employment to a term shorter than the term of the Service Agreement, unless the contract is divisible into phases for which substantially different skills are required and this is made known to the employee at the time of engagement.													
9. Refusal to provide a copy of the Service Agreement and the employment contracts between the contractor and the employees deployed to work in the bargaining unit of the principal's certified bargaining agent to the sole and exclusive													
10. Engaging or maintaining by the principal of subcontracted employees in excess of those provided for in the CBA or as set by the Industry Tripartite Council (ITC).													
Section 8. Rights of contractor's employees.													
a. Safe and healthful working conditions;													
b. Labor standards such as but not limited to service incentive leave, rest days, overtime pay, holiday pay, 13th month pay, and separation pay as may be provided in the Service Agreement or under the Labor Code;													
c. Retirement benefits under the SSS or retirement plans of the contractor, if there is any;													
d. Social security and welfare benefits;													
e. Self-organization, collective bargaining and peaceful concerted activities; and													
f. Security of tenure													
Section 9. Required Contracts (Standard Computation and Standard Service Agreement)													
a. Employment Contract (contractor and employee)													
i. The specific description of the job, work or service to be performed;													
ii. The place of work and terms and conditions of employment, including the wage rate applicable; and													
iii. The term or duration of employment that must be co-extensive with the Service Agreement or with the specific phase of work for which the employee is engaged.													
b. Service Agreement (principal and contractor)													
i. The specific description of the job, work or service being subcontracted.													
ii. The place of work and terms and conditions governing the contracting arrangement, to include the agreed amount of the services to be rendered, the standard administrative fee of not less than 10% of the total contract cost.													
iii. Provisions ensuring compliance with all the rights and benefits of the employees under the Labor Code and existing													
iv. A provision on the Net Financial Contracting Capacity of the contractor, which must be equal to the total contract cost.													
v. A provision on the issuance of the bond/s renewable every year.													
vi. The term or duration of engagement. The Service Agreement must conform to the DOLE Standard Computation and Standard Service Agreement, which form part of these Rules as Annexes "A" and "B".													
Section 22. Semi-annual reporting													
Section 30. Presentation of contract/service agreement													









**FOR SUGAR MILL / BIOFUEL PLANT / PLANTERS' ASSOCIATIONS / COOPERATIVES**

COMPLIANCE INDICATORS	1st assessment						Follow-up assessment						Remarks/ Status
	Complying			Required Correction			Corrected						
	YES	NO	N/A	Amount	Workers Involved		Schedule of Correction	YES	NO	Date	Workers Benefited		
					Total	F					Total	F	
<b>For Sugar Mill / Biofuel Plant / Planters' Associations/Cooperative</b>													
<b>A. Social Amelioration Program (R.A. 6982) and Social Amelioration and Welfare Program (R.A. 9367), in case of sugarcane is used as feedstock</b>													
The Mill / Biofuel Plant and PA/Coop executed and submitted the following to the DOLE RO before the start of the crop year:													
1. <b>Trust Receipt Agreement</b> in favor of the DOLE													
2. <b>Letter of Authority /Waiver</b> to the DOLE to inquire into the CBF bank accounts													
Lien Collection and Remittance (Section 2, Rule VI of DO 114-11); ( <b>Section 2 Rule V of D.O. 100-10</b> )													
<b>Collection and Remittance of SAP lien on raw sugar produced or SAWP lien on sugarcane when used as biofuel feedstock</b>													
1. The 80% portion of the lien to the Mill or Biofuel Plant and/or Planters Association/Cooperative's (PA/Coop) Cash Bonus Fund (CBF) accounts supported by machine validated deposit slip and/or bank statement; and													
2. The 20% portion of the lien to the DOLE-BWSC's Socio-Economic Project Fund (SEPRF) account supported by machine validated deposit slip and/or bank statement													
3. Monthly Report of Sugar Production, Withdrawal, Lien Collection and Remittance (RSPWLCR) to DOLE RO within ten (10 working days from end of the reference month supported by machine validated deposit slip and/or bank statement													
Release of Cash Bonus Fund (Sec. 3, Rule VI of DO 114-11); ( <b>Section 10 Rule V of D.O. 100-10</b> ) as evidenced by duly signed Planters Payroll indicating CB amount released													
Liquidation of Unclaimed Cash Bonus Fund (Sec.3.1(c), Rule VI of DO 114-11) ; ( <b>Section 10 Rule V of D.O. 100-10</b> ) as evidenced by remittance all unclaimed CBF amounts to DOLE RO supported by													
1. Copy of Planters Payroll													
2. Remittance Report of Unclaimed CBF Releases													
3. Certified List of Planters who did not claim													
Distribution of Cash Bonus Fund (Sec. 2, Rule VII of DO 114-11); ( <b>Section 10 Rule V of D.O. 100-10</b> ) as evidenced by Duly signed Special Cash Bonus Payroll by workers													
Liquidation of Undistributed Cash Bonus Fund (Sec.1-3, Rule VIII of DO 114-11); ( <b>Section 10 Rule V of D.O. 100-10</b> ) as evidenced by Remittance of all undistributed CBF amount to DOLE RO, including interests and penalties earned, if any supported with the following:													
1. Copy of CBF Special Payroll (properly accomplished)													
2. Certified List of Undistributed CBF Beneficiaries													
<b>B. Social Amelioration and Welfare Program (R.A. 9367), for feedstock except sugarcane (DOLE D.O. 123-12 and DOLE D.O. 144-15)</b>													
Remittance of SAWP lien to DOLE account as evidenced by Monthly Report of Production, Withdrawal, Lien Collection and Remittance (RPWLCR) to DOLE RO within fifteen (15) days from end of the reference month supported by machine validated deposit slip and/or bank statement													
1. On molasses-based ethanol													
2. On coco-biodiesel													







