



Philippine
Overseas
Employment
Administration

Republic of the Philippines
Department of Labor and Employment
BFO Building, Ortigas Avenue cor. EDSA, Mandaluyong City 1551
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Hotline: 722-1144, 722-1155



GOVERNING BOARD RESOLUTION NO. 03
Series of 2020

WHEREAS, Section 3 of Article XIII of the 1987 Philippine Constitution declares that the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

WHEREAS, under Republic Act No. 10022, it is a declared policy that the State shall, at all times, uphold the dignity of its citizens whether in country or overseas;

WHEREAS, the Philippine Overseas Employment Administration (POEA) is responsible for the regulation and management of the overseas employment program including the documentation of migrant workers and securing the best possible terms and conditions of employment for overseas Filipino workers;

WHEREAS, in order to fully protect our migrant workers, the POEA is given the authority under the existing rules and regulations to impose sanctions on erring foreign principals/employers which includes disqualification of the foreign principal/employer from participating in the overseas employment program;

WHEREAS, Section 181 of Rule VI Part VI of the Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016 provides that *"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."*

WHEREAS, the disqualification of some of the foreign principals/employers resulted in persistent requests for processing of overseas employment certificates (OECs) for Balik-Manggagawa/returning workers who are still under valid and existing overseas employment contracts with foreign principals/employers who are no longer qualified to participate in the overseas employment program;

WHEREAS, notwithstanding the disqualification of the foreign principal/employer, the POEA, under exceptional and meritorious circumstances, is constrained to allow the processing of the overseas employment certificates (OECs) for Balik-Manggagawa/returning workers so as not to impair and prejudice the obligatory force of binding and existing overseas employment contracts for balik-manggagawa or returning workers;

WHEREAS, there is a need to amend the existing rules and regulations in order to have a clear policy on the processing of OECs for Balik-Manggagawa/returning workers who are still under valid and existing overseas employment contracts;

CONTROLLED AND DISSEMINATED
BY CRD ON 14 JAN 2020

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NOW, THEREFORE, the POEA Governing Board, in a meeting duly convened, **RESOLVES AS IT IS HEREBY RESOLVED**, to amend Section 181 of Rule VI Part VI of the Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016 to read as follows:

"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.

In case of returning workers with existing contracts with the abovementioned principal/employer, the Administrator, or its duly authorized representative, may, in meritorious cases, allow the processing of their OEC subject to compliance with the requirements or guidelines which may hereafter be imposed. Further, a disqualified principal/employer who commits another violation of the employment contract shall be meted with severe penalty which may include perpetual disqualification from participating in the overseas employment program.

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

All policies, issuances, rules and regulations inconsistent with this Governing Board Resolution are hereby repealed or modified accordingly.

This Resolution shall be effective immediately.

Done in the City of Mandaluyong, Philippines, this 10th day of **January 2020**.

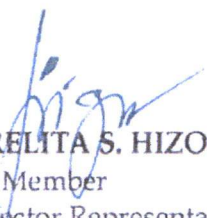

SILVESTRE H. BELLO

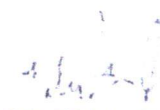
Secretary of Labor and Employment
and Chairperson of the POEA Governing Board

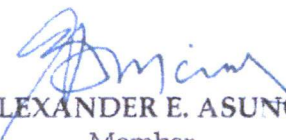

BERNARD P. OLALIA

Administrator
and Vice-Chairperson of the POEA Governing Board

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BY CRD ON 14 JAN 2020


ESTRELITA S. HIZON
Member
Private Sector Representative


FELIX M. OCA
Member
Seabased Sector Representative


ALEXANDER E. ASUNCION
Member
Landbased Sector Representative

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BY CRD ON 14 JAN 2020