



Philippine
Overseas
Employment
Administration

Republic of the Philippines
Department of Labor and Employment
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GOVERNING BOARD RESOLUTION NO. 17
Series of 2020

Lifting of the Moratorium on the Deployment of Nurses, Nursing Aides and Assistants and for Other Purposes

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WHEREAS, in accordance with Section 5 of Republic Act 8042, as amended, Section 116 of the POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016 provides that, “[i]n 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 the 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”;

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WHEREAS, by virtue of POEA Governing Board Resolution No. 01, Series of 2006, the POEA has effectively prevented the deployment of certain types of workers under the framework of mission critical skills defined as those that “reflect the primary function of the organization without which mission critical work cannot be completed and which skills cannot be completed and which skills are internally developed and require extensive training, thus, not easily replaceable.”

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WHEREAS, in a study conducted in the year 2019 by the Human Resources for Health Network (HRHN) led by the Department of Health (DOH), the HRHN estimated that there is a shortage of about 290,000 health workers in the country and the average annual migration of about 13,000 health care workers aggravates the shortage;

WHEREAS, health care workers (HCWs) play an indispensable role in the preservation of public health and whose services and expertise are especially crucial in this time of COVID-19 pandemic;

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WHEREAS, it is of paramount national interest that there be sufficient number of HCWs to provide health care, man, operate, and maintain critical health care equipment and facilities, and address present and possible future health contingencies caused by the COVID-19 pandemic, by restricting the deployment of HCWs overseas;

WHEREAS, President Rodrigo R. Duterte, through Presidential Proclamation No. 922, Series of 2020, urged all government agencies and LGUs to “[r]ender full assistance and cooperation and mobilize the necessary resources to undertake critical, urgent, and appropriate response and measures in a timely manner to curtail and eliminate the COVID-19 threat;

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WHEREAS, pursuant to the directive of the President and upon due consultation with the Department of Foreign Affairs (DFA) and the Department of Health (DOH), the POEA Governing Board issued Governing Board Resolution No. 9, Series of 2020 imposing a moratorium on the overseas deployment of identified HCWs by placing them under the framework of mission critical skills (MCS) until the national state of emergency is lifted and subject to the lifting of COVID-19 travel restrictions at destination countries;

WHEREAS, GBR No. 9, Series of 2020 authorizes the POEA Administrator to issue guidelines that will amend, clarify, and/or provide program support pursuant to lawful orders;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) through IATF Resolution No. 23, Series of 2020 sustained GBR No. 9, Series of 2020 but exempts from the moratorium newly-hired HCWs whose employment contracts were signed and perfected on or before March 8, 2020;

WHEREAS, pursuant to the authority granted to him the POEA Governing Board, the POEA Administrator in accordance with new IATF resolutions issued subsequent labor advisories that identified HCWs who are exempt from the moratorium and adjusted accordingly the cut-off dates for the deployment of newly hired HCWs based on the date of the perfection of their employment contracts;

WHEREAS, in the Memorandum of Executive Secretary Salvador C. Medialdea dated November 20, 2020 addressed to the chairperson of the IATF, he stated that upon the recommendation of the IATF through its memorandum dated 30 October 2020 and IATF Resolution No. 82-A, Series of 2020, the President has decided to lift the temporary suspension or moratorium with respect to the deployment of nurses, nursing aides, and nursing assistants only but, "The lifting of the temporary suspension of deployment of other medical and allied health care workers shall be made upon the determination of the POEA, in consultation with the Professional Regulation Commission, the Department of Health and other stakeholders."

WHEREAS, in the same memorandum, the Executive Secretary also stated that the President has approved the "[t]he imposition of an annual deployment ceiling of 5,000 new hires for health care workers for occupations identified by the Department of Labor and Employment (DOLE) as mission critical skills, effective 01 January 2021 and until such time that the IATF may decide to increase the deployment ceiling as necessary, in consideration of the prevalence of State of Public Health Emergency. Such deployment shall be disaggregated by the DOLE per occupation."

NOW THEREFORE, the POEA Governing Board in a meeting duly convened, **RESOLVES AS IT IS HEREBY RESOLVED**, that:

1. The moratorium or temporary suspension of deployment of newly hired nurses, nursing aides, and nursing assistants is hereby lifted effective immediately. *Provided*, that their deployment shall be subject to travel restrictions of the host country and execution of a Declaration signifying their knowledge and understanding of the risks involved as advised by the Philippine Government;

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2. With regard to other medical and allied HCWs, the moratorium or temporary suspension shall remain effective until the POEA upon due consultation with stakeholders, the Professional Regulation Commission (PRC), and the Department of Health (DOH), lifts the moratorium with respect to them;

3. Effective 01 January 2021, the POEA shall impose an annual deployment ceiling of 5,000 new hire HCWs disaggregated by occupation until such time that the IATF may decide to increase such ceiling considering the prevalence of public health emergency caused by the COVID-19 pandemic. Taking into consideration the national demand for healthcare vis-à-vis the number of HCWs in the country, the DOLE in consultation with all concerned shall make regular assessment whether any of the identified HCWs in GBR No. 9, Series of 2020 should be removed from the framework of MCS;

4. HCWs already exempt as per existing issuances shall remain exempt from the moratorium;

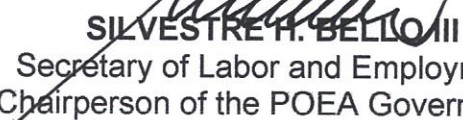
RESOLVED FURTHER, that the suspension of negotiations for bilateral labor agreements for government-to-government deployment of HCWs is hereby lifted;

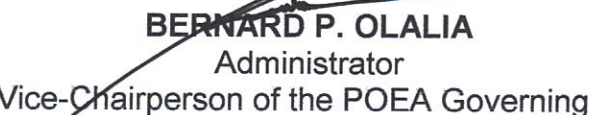
RESOLVED FINALLY, that the POEA Administrator is hereby authorized to issue, as often as necessary, appropriate policy issuances that will interpret and/or implement the provisions of this Resolution.

All POEA issuances inconsistent with this Resolution are hereby repealed and modified accordingly.

This Resolution takes effect immediately.

Done in the City of Manila, Philippines, this ____ of December 2020.

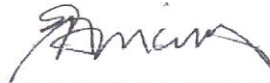

SILVESTRE H. BELLO III
Secretary of Labor and Employment
and Chairperson of the POEA Governing Board


BERNARD P. OLALIA
Administrator
and Vice-Chairperson of the POEA Governing Board

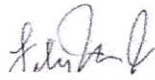
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ESTRELITA S. HIZON
Member
Private Sector Representative



ALEXANDER E. ASUNCION
Member
Landbased Sector Representative



FELIX M. OCA
Member
Seabased Sector Representative

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