



GOVERNING BOARD RESOLUTION NO. 11 Series of 2021

WHEREAS, pursuant to the provisions of the Omnibus Rules Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, the State shall afford full protection to labor, local or overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all;

WHEREAS, Section 138, Rule I, Part VI on Jurisdiction of the 2016 Revised POEA Rules and Regulations Governing the Employment of Land based Filipino Workers and Section 118, Rule I, Part V of the 2016 Revised POEA Rules and Regulations Governing the Employment of Seafarers, provide that the Administration shall 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;

WHEREAS, Section 169 of the Landbased Rules and Section 153 of the Seabased Rules provide that:

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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/seafarer;
- 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.

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WHEREAS, despite the continuous efforts of the Government to negotiate with host countries for the best terms and conditions of the Overseas Filipino Workers and the existing international laws and conventions on seafaring that provide and promote for welfare and protection of both landbased and seabased workers,

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repeated cases of severe maltreatment, contract violations, physical, verbal and sexual abuses committed by foreign employers against landbased workers and seafarers, oftentimes committed directly or passively in connivance with foreign recruitment agencies, continue to happen across different countries of destination in the world;

**WHEREAS**, the continuous recurrence of these maltreatment cases has caused an alarming unease on the recruitment industry taking into account the vulnerable position of the Philippines as a sending country;

**WHEREAS**, there is a need to strengthen the rules on imposition of preventive suspension against erring foreign principals/employers by reinstating the provisions of Section 6, Rule II, Part VII of the 2002 POEA Rules and Regulations and Section 6, Rule III, Part VI of the 2003 POEA Rules and Regulations for Seafarer to intensify the Administration's authority to impose an immediate remedial measure;

**NOW, THEREFORE**, the POEA Governing Board, in a meeting duly convened, **RESOLVES AS IT IS HEREBY RESOLVED**, hereby amends Section 169 of the Landbased Rules and Section 153 of the Seabased Rules to read as follows:

**"SECTION 169. Imposition of Preventive Suspension.**  
(Landbased)

- 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 prescribe 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.

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A principal/employer may be suspended from participating in the overseas employment program pending investigation of the disciplinary action case when the evidence of guilt is strong and there is reasonable ground to believe that the continued deployment to the principal/employer will result to further violation or exploitation of migrant 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 153. Imposition of Preventive Suspension. —**  
(Seabased)

- A) After submission of the Answer in accordance with Section 136 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 151.
- 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 seafarer 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 ten (10) days from receipt of the Show Cause Order within which to file an Answer/Explanation. Failure to file such Answer/Explanation within the prescribe 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.

A principal/employer may be suspended from participating in the overseas employment program pending investigation of the disciplinary action case when the evidence of guilt is strong and there is reasonable ground to believe that the continued deployment to the

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*Paul Mulyo*

*Felix Sord*

*Amica*

principal/employer will result to further violation or exploitation of migrant workers.

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.”

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 Manila, Philippines, this 12<sup>th</sup> of November 2021.



**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



**NOEL M. MALAYA**

Member  
Private Sector Representative



**ALEXANDER E. ASUNCION**

Member  
Landbased Sector Representative



**FELIX M. OCA**

Member  
Seabased Sector Representative

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