



**MEMORANDUM CIRCULAR NO. 04  
Series of 2011**

**TO : ALL CONCERNED**

**SUBJECT : GUIDELINES ON EMERGENCY  
REPATRIATION OF WORKERS**

Further to Section 1 of Rule I and Section 1 of Rule III, Part VIII of the 2002 POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers and in relation to Section 15 of R.A. 8042, as amended, and Section 5 of Rule XIII of the Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, the following guidelines is hereby issued:

**I. Coverage**

These guidelines shall cover emergency repatriation of all agency-hired workers, name-hires/direct hires, re-hires and government hired workers, and other types of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events.

**II. Primary Responsibility of Principal, Employer and/or Deploying Agency for  
Emergency Repatriation**

The emergency repatriation of workers and the transport of his personal belongings shall be the primary responsibility of the principal, employer and/or agency which recruited or deployed the worker overseas. All costs attendant to the emergency repatriation shall be borne or charged to the principal, employer and/or agency. Likewise, the repatriation of remains and transport of the personal belongings of the deceased workers and all costs attendant thereto shall be borne by the principal, employer and/or agency.

In the event that the principal, employer and/or agency is unable to immediately provide the cost attendant to emergency repatriation of the worker and notwithstanding the provisions of Section 37-A of R.A. No. 8042, as amended, the OWWA, in coordination with DFA, shall undertake the repatriation of workers without prejudice to reimbursement by the responsible principal, employer and/or agency.

**III. Repatriation Procedure**

1. In cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, the Administration, in consultation with the DFA and DOLE, shall issue an advisory directing principal, employer and/or agency to activate their contingency plans for their affected OFWs and submit updated reports providing information on the evacuation and repatriation of their workers;

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2. In case the principal, employer and/or agency fail to repatriate their workers, the OWWA, in coordination with DFA, shall undertake the emergency repatriation of workers.
3. Once the workers were repatriated, the OWWA shall provide the list of the repatriated workers with the corresponding costs of their repatriation to the POEA.
4. Upon receipt of the list, the POEA shall identify and notify the principal, employer and/or agencies concerned to reimburse OWWA of the cost of repatriation within sixty (60) days from receipt of the notice.
5. The principal, employer and/or agency shall reimburse the cost of repatriation directly to OWWA and present proof of payment to POEA.

#### **IV. Sanctions for Non-Compliance**

1. The POEA shall suspend the documentary processing of the agency and/or include the name of the employer in the temporary disqualification list should they fail to reimburse OWWA after sixty (60) days from receipt of notice.
2. Fifteen (15) days after the imposition of the documentary suspension or inclusion in the disqualification list, the POEA shall, *motu proprio*, initiate recruitment violation case or disciplinary action case against the defaulting agency, principal or employer, as the case may be, if they fail to reimburse OWWA.
3. The subsequent reimbursement by the principal, employer or agency concerned shall not bar the Administration from proceeding with the investigation of the recruitment violation or disciplinary action case. The Administration shall resolve the case on the merit and impose the appropriate sanction.
4. The POEA shall likewise initiate recruitment violation case against a recruitment agency that fails to comply with the obligation to submit report as provided item III(1) of this circular and impose the appropriate sanction.

#### **V. Effectivity**

This memorandum circular shall take effect immediately.

For strict compliance.



**CARLOS S. CAO, JR.**  
Administrator