

MEMORANDUM CIRCULAR NO. 12

Series of 2020

TO : ALL CONCERNED

SUBJECT : Guidelines on the Provision of Legal Assistance During the State of Public Health Emergency

Pursuant to Republic Act No. 11469, the *“Bayanihan to Heal as One Act”*, recognizing the urgent need to mitigate, if not contain, the transmission of COVID-19, to protect and promote the collective interests of all Filipinos in these challenging times, also Presidential Proclamation No. 922, declaring a State of Public Health Emergency throughout the Philippines, and enjoining all government agencies to undertake measures to curtail and eliminate the COVID-19 threat and in compliance with the Inter-Agency Task Force on Emerging Infectious Diseases’ Omnibus Guidelines on the Implementation of Community Quarantine, Administrative Order No. 30 (series of 2020) and DOLE Administrative Order No. 213 (series of 2020), enjoining agencies to implement their respective procedures and processes, the following guidelines shall be observed for the provision of legal assistance:

I. SCOPE and COVERAGE

These guidelines shall cover all requests for legal assistance by victims of illegal recruitment and related cases, which are criminal or administrative in nature including but not limited to:

1. legal advice and counseling;
2. assistance in the preparation of complaints for illegal recruitment (IR);
3. assistance in the preparation of complaints against licensed agencies for recruitment violations (RV);
4. assistance in the preparation of complaints against employers (DAE) or workers (DAW);
5. referral to the Conciliation Unit and other welfare services;

II. PROCEDURE

Receiving of Request for Assistance

1. All requests for legal assistance shall be received and done ONLINE thru the use of the POEA Legal Assistance Online Portal (<https://legalassistance.poea.gov.ph>).
2. A person requesting legal assistance (hereinafter, "requesting party") shall be required to log into the aforementioned legal assistance online portal, choose "legal counseling" from the drop-down box and provide all the required details.
3. The requesting party shall then provide the details of his/her inquiry. He/She is encouraged to comprehensively narrate facts and circumstances surrounding his/her case, which shall form part of his/her sworn statement ("Sinumpaang Salaysay"). He/She may correspondingly attach any documentary evidence (e.g. copy of passport, contract, OEC, etc.) to support his/her claim. In cases covered by the Single-Entry Approach (SenA) and where settlement is not reached, the person making the request shall be required to attach the "certificate of failure to conciliate" as part of the documentary evidence in his/her claim.
4. After accomplishing the above required details and information, the request for assistance shall be submitted by clicking the "submit" button. A system verification will follow.
5. The requesting party will be given a "system generated reference number", which can be used to verify his/her identity and to follow-up on the status of his/her submitted request for assistance.
6. Inquiries related to the use of the legal assistance online portal, including technical assistance in filling out of the information, providing case details and uploading documents/evidence may be sent via email (legalassistance.poea@gmail.com) or through the POEA Legal Assistance Hotline (8722-1189).

Evaluation and Interview

7. Upon receipt of the request for assistance, a Legal Officer from the Legal Assistance Division shall evaluate the request. The Legal Officer may conduct a preliminary interview to probe, clarify, or ask for additional details of the request via email, online or phone.

8. After a proper determination of facts and issues, the Legal Officer will provide the necessary advice/counsel, and present the appropriate actions that the requesting party may take.
9. The Legal Officer may also refer the requesting party to the Conciliation Unit via online endorsement for conciliation proceedings, except for those cases not subject to the Single-Entry Approach (SenA). In case of referral to the Conciliation Unit, a "Request for Conciliation" will be sent to the requesting party via email.

Filling out of Complaint Forms

10. The Legal Officer shall assist the requesting party in filling out Complaint Forms for cases not subject to the Single-Entry Approach (SenA) and those cases where amicable settlement is not reached.
11. For criminal cases, the evaluation, interview, and preparation of complaint forms, sworn statements and affidavits, shall, as much as practicable, be conducted online, via phone, or through other similar means, subject to relevant rules by the Court and the Department of Justice. When absolutely necessary, an "appointment date" after the community quarantine, may be set by a Legal Officer of the Prosecution Division, for personal appearance for the conduct of clarificatory conference.

Signing of the Complaint and Administering of Oath

12. The accomplished Complaint Form shall be sent to the complainant's email address, together with instructions for printing, number of copies to be prepared, list of attachments, signing and administration of oath, whether remotely or personal, by any lawyer duly commissioned by courts as notaries public, lawyers of the Public Attorney's Office (PAO), or before a Legal Officer of the Legal Assistance Division. As a public health measure, personal oaths before Legal Officers of the Legal Assistance Division shall resume once the community quarantine has been lifted and strictly on a per appointment basis.
13. Instructions for the filing of cases with the Docket and Enforcement Division (for administrative cases) or with the Prosecutor's Office (for criminal cases), shall be provided to the complainant based on the applicable filing and docketing procedure of said offices.

III. PERSONAL APPEARANCE

Upon lifting of the community quarantine, in instances where the requesting party is required to personally appear before a Legal Officer, the following guidelines shall be strictly observed:

1. The requesting party shall only be allowed to appear on the scheduled appointment date. No walk-in complainants shall be entertained, instead they shall be asked to fill out a Request for Assistance Form, which shall include their contact information and "Salaysay". The Request for Assistance Form shall then be forwarded to a Legal Officer who shall contact the requesting party via phone or email and render legal advice necessary to safeguard the person's rights. Walk-in complainants may also be referred to the Legal Assistance Online portal.
2. On the scheduled appointment date, the requesting party shall present a copy of his/her appointment (either printed or screenshot) and a copy of his/her identification card to the POEA guard on duty who shall then countercheck the list of persons with appointments at the Anti-Illegal Recruitment Branch.
3. To avoid overcrowding, and to ensure physical distancing, only the requesting party is allowed to enter the office of the Anti-Illegal Recruitment Branch.
4. For signing of the complaint and administering of oath, to minimize physical contact, the complainant must already have printed copies of the complaint form, sworn statements, and attachments, in as many copies as instructed.
5. Clarificatory conferences requiring the personal appearance of the complainant/victim shall be scheduled once the community quarantine has been lifted and shall be conducted only when absolutely necessary to ensure minimal physical interaction.

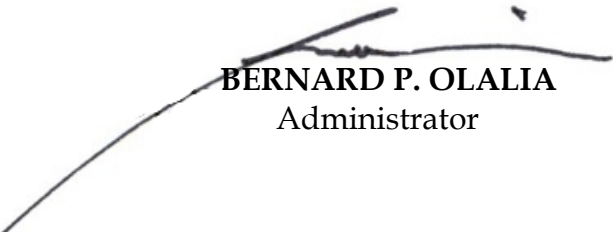
At all times, the safety and health of both clients and personnel shall be paramount, with maximum health standard protocols observed.

This Circular amends previous POEA issuances contrary hereto.

This Circular shall be subject to amendments upon the issuance of further directives.

This Circular shall take effect immediately.

For strict compliance.


BERNARD P. OLALIA
Administrator

26 May 2020