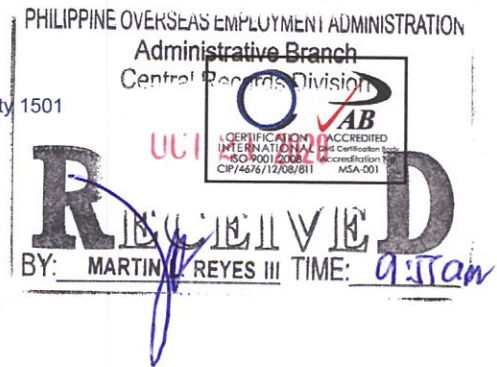




Philippine
Overseas
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MEMORANDUM CIRCULAR NO. 26
Series of 2020

TO : ALL CONCERNED

SUBJECT : Guidelines on the Withdrawal of Additional Escrow on Dismissed Cases

Pursuant to Governing Board Resolution No. 10, Series 2020, the implementation of Section 15 (b) and Section 16 (b), Rule II, Part II of the POEA Revised Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers and Seafarers, respectively, is suspended for two (2) years from the effectivity of the mentioned Resolution.

Likewise, the Resolution allowed the existing (active) licensed recruitment/manning agencies which already posted additional escrow deposit to withdraw the same upon posting of a surety bond for two (2) years equivalent to the amount of additional escrow deposit requested to be withdrawn and upon compliance with the other requirement set forth therein.

However, there are other agencies with additional escrow deposit and the cases which were the basis of the compliance for additional escrow deposit have been dismissed by the Administration; and the provisions of Governing Board Resolution No. 10, Series of 2020 will not completely apply to them. To further implement Governing Board Resolution No. 10, Series 2020, the following guidelines are hereby issued:

I. COVERAGE

This memorandum covers all licensed recruitment/manning agencies which posted additional escrow deposit and the subject cases were already dismissed.

II. PERIOD OF AVAILMENT OF THE WITHDRAWAL OF ADDITIONAL ESCROW

The licensed recruitment/manning agencies may request for the withdrawal of the subject additional escrow deposit within two (2) years from effectivity of Governing Board Resolution No. 10, Series of 2020 and need not wait for the next renewal of license.

III. REQUIREMENTS

The following requirements must be complied with and submitted to the Licensing Branch, through email at evaluation.licensing@poea.gov.ph and the original copies through the designated drop box located at the POEA lobby, by the existing (active) licensed recruitment/manning agencies, for evaluation and review:

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1. Covering letter request to be allowed to withdraw the additional escrow deposit posted for recruitment violation cases but were eventually dismissed;
2. Bank Certificate indicating the total amount of escrow deposit;
3. Certification from Adjudication Office including the track record;
4. Board Resolution/Partnership Resolution on the decision to withdraw the additional escrow deposit (for corporation/partnership), indicating the name of the person authorized to process the request and receive the check representing the additional escrow deposit to be withdrawn.

The documents submitted by the agency must be original and genuine, thus, submission of spurious documents shall be a ground for the outright denial of its request to withdraw its additional escrow deposit, and also a ground for the imposition of administrative sanction against the agency.

Provided, finally, that the request for the withdrawal of the additional escrow deposit is subject to the approval of the Administrator. Once the Administrator approves the request for the withdrawal of the additional escrow deposit, the Licensing and Regulation Office, through the Licensing Branch, shall then issue a letter addressed to the escrow agent, copy furnished the agency, authorizing and directing the escrow agent to release a check equivalent to the portion of the escrow deposit to be withdrawn to the existing (active) licensed recruitment/manning agency. The escrow agent shall notify the Licensing Branch of the date of the agency's receipt of the check representing the amount of the deposit withdrawn.

For guidance and strict compliance.


BERNARD P. OLALIA
Administrator

16 October 2020

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