



MEMORANDUM CIRCULAR NO. 32
Series of 2020

TO : ALL CONCERNED

SUBJECT : INTERIM GUIDELINES ON THE PROVISIONAL ACCREDITATION/REGISTRATION OF LANDBASED PRINCIPAL/EMPLOYER

Pursuant to Governing Board Resolution No. 16, Series 2020, the following are the guidelines for the implementation of the *Interim Guidelines to Facilitate the Provisional Accreditation/Registration of Principal/Employer of Landbased Overseas Filipino Workers During the National State of Emergency brought about by COVID-19 Pandemic in the Philippines*:

I. COVERAGE

This memorandum circular covers request of licensed recruitment agencies for the initial/first or dual accreditation/registration of their principal/employer including pending requests for accreditation/registration with the Landbased Center. However, request for cancellation/transfer of accreditation are not covered by this circular.

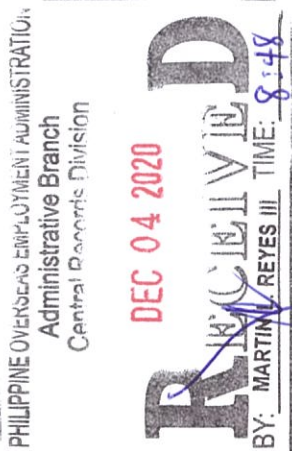
II. REQUIREMENTS

Provisional accreditation/registration may only be granted upon compliance with the list of requirements under Section 96, as amended, of the POEA Revised Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers of 2016, to wit:

Section 96. Requirements for Accreditation of the Principal/Employer.- The following are the requirements for accreditation of the principal/employer.

A. General Requirements

1. Recruitment Agreement;
2. Job order indicating the positions, the number of positions required and salary per position;
3. Copy of the valid commercial registration and business license of the principal issued and authenticated by the chamber of commerce or a relevant government office, including information on business activities, number of years in operation and volume/size of current labor force;
4. Master employment contract signed on all pages by the principal or his/her authorized representative; and
5. Contingency plan as may be applicable.



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B. Additional Requirements

B.1. For Foreign Placement Agencies

1. Business license or valid commercial registration of the actual employer hiring skilled Overseas Filipino Workers;
2. Master employment contract from the employer, signed jointly in all pages by the FPA and the actual employer or his/her authorized representative;
3. Manpower request from the employer;
4. Service agreement between the FPA and the client/employer;
5. FPAs hiring domestic workers shall be required to put up an escrow account with a bank authorized by the Bangko Sentral ng Pilipinas to handle trust accounts, with deposit in the amount of Fifty Thousand United States Dollars (USD50,000.00). The escrow deposit shall answer for all valid and legal claims arising from violations of contracts of employment; and
6. Undertaking by the FPA/employer to monitor the employment of Overseas Filipino Workers and to submit a report of a significant incidents relative thereto.

B.2. For Staffing/Sourcing Company

1. The list of names and addresses of its clients;
2. Manpower request from the client; and
3. Service agreement between the company and its clients.

The documents submitted should be verified by the Philippine Overseas Labor Office, or authenticated/acknowledged by the Philippine Embassy/Consulate or apostilled, whichever is appropriate, and without prejudice to the application of the relevant provisions of Part VIII, INCENTIVES AND AWARDS, of the 2016 POEA Rules.

III. SIGNATORY AND VALIDITY OF PROVISIONAL ACCREDITATION

The Certificate of Provisional Accreditation/Registration shall be signed by the Director, Pre-Employment Service Office and is valid for a period of ninety (90) days.

IV. UPGRADING TO REGULAR ACCREDITATION/REGISTRATION AND REVOCATION OF PROVISIONAL ACCREDITATION/REGISTRATION

A provisional accreditation/registration may be upgraded to full accreditation/registration upon submission of documents lacking in the original request after evaluation by the Landbased Center. Thorough evaluation by the Landbased Center will be done after the issuance of provisional accreditation/accreditation and the concerned licensed recruitment agency shall be notified of the lacking documents and the period of compliance.

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Failure to submit the required documents indicated in the Notice of Deficiency within the validity of the provisional accreditation/registration shall result in the automatic cancellation/revocation of the previously granted provisional accreditation/registration including all approved job orders.

Submission of required documents after the lapse of prescribed period for provisional accreditation/registration shall be treated as new requests and thus will necessitate all the required supporting documents.

V. LIMITATION

The licensed recruitment agency may be allowed to deploy thirty (30) Filipino workers to the principal or employer during the validity of the provisional accreditation/registration.

VI. MISCELLANEOUS PROVISIONS

The Pre-Employment Service Office, through the Landbased Center shall determine any grounds for misrepresentation in cases of cancelled/revoked accreditation/registration and shall endorse to the Adjudication Office for the filing of administrative case against either the agency or principal/employer, or both.

Principal/employer whose provisional accreditation/registration was revoked/cancelled or has committed and with a pending case for misrepresentation, in relation to the application for provisional accreditation/registration, shall be disqualified to be issued dual provisional accreditation/registration.


VII. RESPONSIBILITY AND OBLIGATION

The principals/employers and the licensed recruitment agencies who were granted provisional accreditation/registration shall have the same responsibilities and obligations, in accordance with the POEA Rules and Regulations and their undertaking, with that of the principals/employers and the licensed recruitment agencies which were given regular accreditation/registration.

VIII. EFFECTIVITY

This Circular shall take effect immediately.

For guidance and strict compliance.


BERNARD P. OLALIA
Administrator

2 December 2020

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