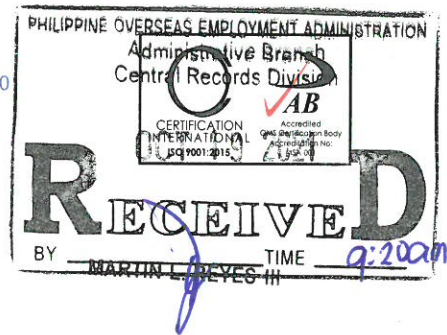




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MEMORANDUM CIRCULAR NO. 22
Series of 2021

Guidelines on Filing and Service of Pleadings, Hearing of Cases, and Other Processes at the Adjudication Office during the Pandemic

In view of the continued surge of confirmed COVID-19 cases in different variants, the following guidelines shall be observed in the filing and service of pleadings, hearing of cases, and other processes at the Adjudication Office during the implementation of any quarantine restriction and/or alert level status and enforcement of health protocols as may be determined by IATF/DOH or until further notice:

A. Hearing of Cases

1. *Temporary Discontinuance of Face-to-Face Hearings*

Face-to-face hearing shall be discontinued for the duration of the period above-mentioned. Only virtual hearings shall be allowed while any form of restriction or alert level is in place during the pandemic. Cases which are already scheduled for face-to-face hearing shall be deemed cancelled and shall be rescheduled for a virtual hearing. Notices shall be sent to the parties accordingly.

2. *Applicability of Memorandum Circular (MC) No. 08, Series of 2021*

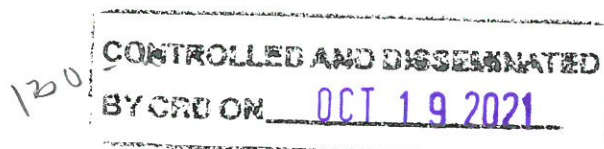
The following provisions of MC No. 08, Series of 2021, issued on April 6, 2021 on the Procedure for the Conduct of Videoconferencing Hearings are hereby adopted with modifications, viz:

- a. *Official software and platform for videoconferencing* – Overseas Employment Adjudicators (OEA) shall conduct videoconferencing by using MS Microsoft Teams or Zoom application, which contain or integrate the official e-mail accounts of the OEAs.
- b. *Service of Notice of Hearing* - In addition to the regular mode of service, the parties shall be notified of the hearings through electronic means *i.e.*, Email addresses, Facsimile, Short Messaging Service (SMS). The notification shall indicate the time and date when the videoconferencing hearing shall be held and contain a link (access code).
- c. *Invitations and links for videoconferencing* - The following shall be observed prior to a videoconferencing:
 - c.1. The Branch shall send out to all concerned participants' respective e-mail addresses the invitation or link to the videoconferencing at least forty-eight (48) hours before the scheduled hearing. Separate invitations or links shall be sent for morning and afternoon videoconferencing sessions.

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- c.2. Upon receipt of the invitation or link, participants shall immediately respond to the invite or send an acknowledgement e-mail confirming the receipt of the link to the videoconferencing. Proofs of receipt of the invitations shall be properly recorded by the OEA.
- c.3. Any participant who has not received an invitation or link at least twenty-four (24) hours before the scheduled videoconferencing, or who cannot access it shall immediately inform the Branch of such fact through e-mail, phone call, or other electronic means.
- c.4. The invitation or link must be treated with strict confidentiality and shall not be shared by its recipient with any other person. However, in the case of counsel, if they are unable to participate in the scheduled videoconferencing and have to be substituted by another, they must inform the Branch at least twenty-four (24) hours before the scheduled hearing so the OEA may notify the substitute counsel. The unauthorized sharing of the invitation or link shall be a ground for removal of the unauthorized party from the videoconferencing.
- c.5. Participants must be at the virtual or waiting lobby at least twenty (20) minutes before the scheduled videoconferencing.
- d. *No cancellation of scheduled videoconferencing hearings* - Except on meritorious grounds, the OEA shall not cancel nor grant the request for cancellation by any party of the scheduled videoconferencing hearings.
- e. *Personal filing, electronic filing and service of pleadings and other submissions.* – Personal filing of pleadings shall be done through Drop Boxes strategically located and clearly labeled inside the waiting/receiving area of the Adjudication Office at the third floor of the POEA Building. Filers shall ensure that their email addresses are also submitted because acknowledgment of receipt shall be sent through the same by the concerned Branch which shall not be later than the following business/working day. The OEAs shall ensure that the email acknowledgment/proof of email forms part of the case records. For filings that have requirements, absence of any of the requirements shall be treated as non-filing or non-submission until the same are complied with. The filing party with lacking requirements, if any, shall be notified of the same also through email. Follow ups, questions or clarification shall only be made through the appropriate contact information listed hereunder or during the hearing, if applicable.

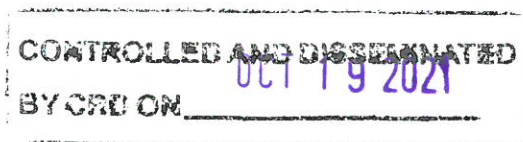
As to electronic filing and service of pleadings, the same shall be governed by the POEA Rules and suppletorily by the relevant provisions of the Rules of Court and pertinent or relevant issuances of the Supreme Court.



- f. *Minutes of videoconferencing hearings* — It is sufficient that the minutes of the videoconferencing hearings is signed by the presiding OEA, which shall form part of the records of the case. The parties must verbally manifest their conformity to the minutes.
- g. *Virtual inspection of remote locations* — At the start of the videoconferencing hearing, the OEA shall require participants at remote locations to pan their cameras across the room to demonstrate that they are alone in the room, the windows and doors are closed, and there are no unauthorized means of communication available to them. This is to ensure that there will be no coaching or disturbance that may affect the proceedings.
- h. *Indication in case records of the conduct videoconferencing and the locations of participants* - The conduct of videoconferencing and the respective locations of the participants shall be indicated in the case records. Minutes issued during the videoconferencing hearings shall reflect such facts, including any inconvenience or difficulty experienced, and technical Issues encountered which might affect the regularity of the proceedings.
- i. *Prohibition on Recording of Proceedings by the Parties* - To ensure the integrity and confidentiality of the proceedings and the documents which may be submitted in the course thereof, either party to the case who participates in the videoconferencing is absolutely prohibited from taking unauthorized recording of the proceedings. The POEA, including its Regional Offices (Regional Centers, Regional Extension Units and Satellite Offices) shall have control over the recordings, subject to the provisions of the Data Privacy Act.
- j. *Presentation of Evidence*
 - j.1. *Documentary evidence* - Legible electronic copies of these documents shall also be made available through e-mail. During the videoconferencing, the OEA may direct a counsel to share documentary evidence on-screen. Means shall be provided for sharing and viewing these documents for purposes of identification and presentation such as through document cameras, digital screen-sharing function of the videoconferencing software or platform, and other electronic means.
 - j.2. *Object evidence* — Object evidence may be presented during videoconferencing if the same can be exhibited to, examined or viewed by all participants, by displaying the object on the screen, or physically showing it to the witness testifying thereto at his or her location within full view of the participants.

3. *Parties with No Technical Means or Capability for Virtual Hearing*

If any party to a case has no technical means or capability to attend a virtual hearing, a manifestation or notification must be submitted to the Branch concerned through any



means except personal appearance. The Hearing Officer shall enter the said manifestation in the case records. Face-to-face hearing of the said case shall be scheduled only when all quarantine classifications/restrictions or alert level status are lifted or as may be allowed by the Administrator.

B. Affirmation of Affidavit of Desistance/Recantation/Withdrawal

Affirmation of Affidavit of Desistance/Recantation/Withdrawal by the party/ies shall be made only after a confirmed virtual appointment with the Branch concerned through email or phone call at the contact information listed hereunder. The procedure above in conducting virtual hearing shall also be observed in the affirmation of Affidavit of Desistance/Recantation or Withdrawal. This shall be observed when any quarantine classification or restriction or alert level status is implemented during the pandemic.

C. Reglementary Period for Filing and Service of Pleadings

The reglementary period for filing of answers and appeals and service of pleadings shall be suspended *only* when ECQ/MECQ or its equivalent restriction/alert level status is implemented and shall resume after seven (7) calendar days counted from the first day of lifting of ECQ/MECQ classification or its equivalent alert level status or until further notice. The suspension shall not apply when the quarantine classification or restriction/alert level status is below ECQ/MECQ or its equivalent alert level status. Applicable law, jurisprudence and rule on suspension of the running of the reglementary period are to be considered in resolving the validity and timeliness of the filing of an answer, appeal or other pleadings.

D. Service of Writs of Execution

Service of Writs of Execution and other related processes shall also be suspended *only* when ECQ or its equivalent restriction/alert level status is implemented or until further notice. The suspension shall not apply when the quarantine classification or restriction/alert level status is below ECQ or its equivalent.

E. Issuance of Certificate of No Pending Case/Track Record, OFW Clearances, Appeals, Delisting of Watchlisted OFWs and Foreign Principals/Employers, and Other Related Processes

Issuance of Certificate of No Pending Case/Track Record, OFW Clearances, and Delisting of Watchlisted OFWs and Foreign Principals/Employers shall still be available during the implementation of any quarantine classification/restriction/alert level status subject to the number of the skeleton/skeletal workforce, and to the following:

Certificate of No Pending Case/Track Record

All requests for issuance of Certificate of No Pending Case/Track Record of Philippine Recruitment Agencies (PRAs) and Foreign Recruitment Agencies (FRAs)/Employers shall be coursed through mail or e-mail *only* at lrdeb_poea@poea.gov.ph. Walk-in or personal submission shall not be entertained. The requesting party shall be notified through email when the certificate is ready for pick up.



Follow ups, questions or clarifications shall be only through the same email address or through the other appropriate contact information listed below.

OFW Clearances

Requests for OFW Clearances, if personally submitted, shall be done only through the Drop Box, clearly labelled, located at the waiting/receiving area of the Adjudication Office at the 3rd Floor of the POEA Building. All requirements should be attached to the request, otherwise, the same shall be treated as not to have been received and shall not be acted upon.

Filers of the request should wait at the seats at the lobby of the Adjudication Office, 3rd Floor, POEA Building. The Adjudication Office staff concerned shall check and evaluate the Drop Box at thirty-minute interval. The list of lacking requirements, if any, shall be attached to the request filed which shall be returned to the requesting party through another Box clearly labeled for the purpose.

The list of requirements, procedure, and contact information shall also be posted in conspicuous areas at the lobby and guard's area of the Adjudication Office, 3rd Floor, POEA Building. Follow ups, questions or clarifications shall be made only through the appropriate contact information listed below.

Appeal and Delisting of Watchlisted OFWs and Foreign Principals/Employers

For personal filings of Appeal and Motion to Delist OFWs and Foreign Principals/Employers and other similar motions, the same shall be submitted only through Drop Boxes strategically located and clearly labeled inside the waiting/receiving area of the Adjudication Office at the third floor of the POEA Building. Filers shall ensure that their email addresses are also submitted because acknowledgment of receipt shall be sent through the same which shall not be later than the following business/working day. For filings that have requirements, absence of any of the requirements shall be treated as non-filing or non-submission until the same are complied with. The list of lacking requirements, if any, shall be sent to the party concerned through email. Follow ups, questions or clarifications shall be made only through the appropriate contact information listed below.

F. Follow-up/queries on the status of cases or appointment

Follow-up/queries on the status of cases or appointment shall be made thru phone call or via electronic mail only at the following telephone numbers and email addresses:

Recruitment Regulation Branch	Tel No. (02) 8722-11-80 Email: rrb@poea.gov.ph
Adjudication Branch	Tel No. (02) 8722-11-48 Email: poea.ab@poea.gov.ph
Legal Research, Docket and Enforcement Branch	Tel No. (02) 8722-11-45 Email: ded_poea@poea.gov.ph



This Circular shall take effect immediately and supersedes prior POEA issuances relative to the filing and service of pleadings, conduct of hearings, and other processes at the Adjudication Office. All other provisions of Memorandum Circular Nos., 08, Series of 2021, 10, 10-A and 10-B, Series of 2020, not inconsistent with this Circular shall remain effective.

For strict compliance.



BERNARD P. OLALIA
Administrator

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