

RULES AND REGULATIONS ON OVERSEAS FILIPINO WORKERS ON-SITE COMPLAINTS AND WRITTEN INTERROGATORIES

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Pursuant to Governing Board Resolution No. 07, series of 2007 and the authority of the Secretary under Article V of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, the following rules and regulations on Overseas Filipino Workers on-site complaints and written interrogatories are hereby issued:

I. OFW ON-SITE COMPLAINTS FOR VIOLATION OF POEA RULES AND REGULATIONS

A. RECEPTION OF COMPLAINTS AND EVIDENCE - Without prejudice to on-site conciliation procedure, any aggrieved Overseas Filipino Worker (OFW) at the jobsite may execute a complaint in writing and under oath against his/her foreign employer, Philippine recruitment agency and fellow OFWs for violation of POEA Rules and Regulations.

B. VENUE - The complaint shall be filed with the Philippine Overseas Labor Office that has jurisdiction over the work site of the complainant.

C. CONTENTS - The complaint shall be in affidavit form (subscribed and sworn to before a Philippine Embassy or Consular official duly authorized to administer oath) and shall contain, at least, the following information:

1. The name and address of the complainant;
2. The name/s and address of the respondent/s
3. Statement under oath of the facts constituting the alleged violation;
4. The names and address of the complainant's witnesses; and
5. The specific relief sought.

The complaint shall be accompanied by available supporting documents and a certification of non-forum shopping. The POLO is directed to assist on-site complainants in preparing affidavits and in receiving supporting evidence.

D. ENDORSEMENT OF CASE RECORDS. Upon receipt of the on-site complaint and all the available supporting evidence, the POLO shall endorse the entire case records properly paginated to the POEA for appropriate action. Such endorsement shall contain the following:

1. An endorsement letter with recommendation addressed to the POEA Administrator signed by the POLO officer;
2. Table of contents identifying by pages all the documents contained in the folder.

II. INITIAL ACTION ON THE COMPLAINT - Immediately upon receipt of the records of the case, the POEA shall notify and furnish the respondents with a copy of the complaint-affidavit, supporting affidavits and documentary evidence, with a directive for the respondents to file an answer within the period provided under the pertinent rules.

III. POEA DOCKETED CASES - For cases involving complainants or witnesses working overseas, the POEA

Adjudication Office shall employ all reasonable means to ascertain the relevant facts and information. The Adjudication Office shall observe the following guide lines in sending written interrogatories or questions to the on-site complainants and their witnesses, through the POLO:

A. At any stage of the proceedings and before the case is submitted for resolution, the OE Adjudicator may, motu proprio or upon written request, allow written interrogatories or questions to be answered by the on-site complainant and/or his/her witnesses.

B. The OE Adjudicator shall prepare the questions that will be transmitted to the concerned POLO to be propounded to the on-site complainant and/or his/her witnesses. The concerned POLO shall exert all reasonable effort to ensure that the on-site complainant and/or his/her witnesses shall answer the questions truthfully within fifteen (15) calendar days from receipt of the written interrogatories;

C. Should the questions remain unanswered within fifteen (15) days from receipt of the written interrogatories despite diligent efforts, the POLO shall immediately inform the concerned OE Adjudicator who shall proceed with the hearing and resolve the case based on available records and evidence.

D. Upon receipt of the answers to the written interrogatories, the handling OE Adjudicator shall furnish the respondent(s) with a copy thereof, directing them to file their comments within fifteen (15) calendar days from receipt of the notice. Respondents who fail to file their comments within the prescribed period shall be deemed to have waived their right to comment on the written interrogatories.

This Order shall take effect fifteen (15) days after the completion of its publication in a news paper of general circulation.

Adopted: 9 Jan. 2008

(SGD.) ARTURO D. BRION
Secretary

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