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Pursuant to the powers granted to it by law and in line with the new thrust of the POEA to enhance protection to workers, and in order for the penalties for violation of the law and the rules to have deterrent effect, the POEA Governing Board in a meeting duly called hereby approves and adopts the [following] Schedule of Penalties for violation of the rules and regulations of the POEA.

Adopted: 9 Jan. 1987

(SGD.) FRANKLIN M. DRILON
Chairman

(SGD.) TOMAS D. ACHACOSO
POEA Administrator

Re-issued: 18 Feb. 1992

(SGD.) JOSE N. SARMIENTO
Administrator

REVISED SCHEDULE OF PENALTIES

Imposed By the POEA For Offenses
Committed By Licensed Employment
Agencies/Manning Agencies and
Contracting Companies

NATURE OF OFFENSES

PENALTY

A. Offenses Against Workers

1. Collecting, charging, imposing receiving or requiring directly or indirectly from workers any amount, fees, deposits, guarantees, goods or services not authorized by the Administration or that which is greater than the authorized fees in consideration of overseas employment Suspension of license for two (2) months and until settlement of the claims or fine equal to the amt. collected or received but not less than P20,000.00, plus restitution of the amount collected or received in both instances.

The act of collection from each complainant or worker constitutes one count of violation of Art. 32 or Art. 34

of the Labor Code or both, and the above penalty shall be imposed cumulatively provided that if the suspension period totals 12 months, the penalty of cancellation shall instead be imposed.

2. Recruitment or deployment of workers under false documents or through false representation or the use of deceit or other illegal machination. Ex. Using fake WTEP, passports, airline tickets, accreditation, job orders, or causing the publication of false advertisement, making false statement as to availability of Jobs, substitution or altering employment contract duly approved by POEA, deploying workers to principals, projects or vessels other than for which they were processed, and other falsities or deceitful acts. Suspension of license for two (2) months or fine of P20,000.00

The manner of application of penalty shall be the same as that under offense 1.

3. Withholding of travel and employment documents of workers for reasons not authorized by the Labor Code Suspension of license until return of documents.

4. Refusal or failure to deploy workers without valid reasons within the prescribed period. Suspension of license for two (2) months and until either; deployment of the workers or (b) return of his documents and refund of his expenses for documentation and placement fee or fine equal to the amount collected from the workers but not less than P20,000.00 plus refund of his documentation and placement fee expense.

5. Influencing or attempting to influence any person or entity to prevent the employment of any worker or inducing a worker to transfer from or leave his employment to another unless such transfer is advantageous or beneficial to the worker Suspension of license for six (6) months or fine of P50,000.00.

6. Withholding of workers' salaries or remittances without justifiable reasons. Suspension of license for two (2) months or fine equal to the salary withheld but not less than P20,000.00 plus restitution of the amount withheld in both instances.

B. Offenses in Relation to Securing or the Use of Licenses

1. Act of misrepresentation or giving false notice, information, statements, or documents In connection with securing a license or authority without which no license or authority could have been issued. Cancellation of the license.

2. Allowing other persons or entitles to use the license or authority issued by the Minister.

a. When applicant workers suffer damage by reason of the use by another of the license or authority Suspension of license for six (6) months or fine of P50,000.00.

b. When no damage is caused directly On applicant worker. Suspension of license for two (2) months or fine of P20,000.00.

3. Appointing or designating agents or representatives or operating outside of authorized office without prior approval of the POEA.

a. When applicant workers suffer damage by reason of the use by another of the license or authority. Suspension of license for six (6) months or fine of P50,000.00.

b. When no damage is caused directly on applicant worker. Suspension of license for two (2) months or fine of P20,000.00.

4. Failure to post or replenish cash bond or to renew surety bond.
Suspension of license until compliance.

5. Other acts of misrepresentation in connection with the renewal of a license or authority Suspension of license for two (2) months or fine of P20,000.00.

C. Offenses Against POEA Operational Procedures

1. Obstructing or attempting to obstruct inspection by the Minister or his duly authorized representative. Suspension of license for two (2) months or fine of P20,000.00.

2. Recruiting or deploying workers in violation of the POEA accreditation and processing procedure. Suspension of license for two (2) months or fine of P20,000.00.

3. Failure to file report as required or may be required by POEA. Suspension of documentary processing until compliance.

4. Failure to conduct PDOs for workers sent overseas. Suspension of license for two (2) months or fine of P20,000.00.

5. Publishing or causing the publication of overseas job vacancies in violation of the prescribed Rules. Suspension of license for two (2) months or fine of P20,000.00.

6. Disregard of lawful orders, summons, or notices. Suspension of documentary processing until compliance.

D. Other Offenses

1. Engaging in recruitment and placement of workers to jobs harmful to health, morality, dignity of the Republic of the Philippines. Suspension for six (6) months or fine of P50,000.00.

* Offenses or violation committed after the issuance of an Order or Decision carrying any of the foregoing penalties shall be penalized with cancellation of the license plus confiscation of the cash bond.

* The penalty of cancellation shall likewise be imposed when the offender has been previously penalized with suspension, the total period of which is 12 months or more.

* In cases where two or more violations or offenses are established, the penalties which the offenses carry shall be imposed cumulatively. Other offenses or violations not herein listed shall be penalized in accordance with the specific regulations or policy issuances which penalize them or other rules which the POEA may subsequently issue.

* Offenses or violation which may be taken cognizance of the POEA in the exercise of adjudicatory function shall be penalized in accordance with the provision of the Labor Code or the rules which the POEA may promulgate.

* All rules inconsistent herewith are deemed amended or repealed.

* These rules shall take thirty (30) days after publication in a newspaper of general circulation.

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