

## GUIDELINES ON DECENTRALIZATION OF POEA FUNCTIONS

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In pursuance of the decentralization program of the Department of Labor and Employment (DOLE) and in view of the establishment of the POEA Regional Center in Cebu, the following guidelines on the conduct of operations shall be strictly observed.

### I

#### PRE-EMPLOYMENT SERVICE OFFICE

##### A. Processing of Employment Contracts

SECTION 1. Documentary Requirement. - The following documents enumerated hereunder shall be submitted for processing of contract workers under the following categories:

##### 1. Landbased Contract Workers Through Agencies and Entities Except Entertainers

###### 1.1

Xerox copy of Accreditation Certificate

###### 1.2

Xerox copy of Approved Job Order

###### 1.3

Valid Certificate of Job Order Balance issued by ECPB (2 copies)

###### 1.4

Request for Processing (RFP) 2 copies

###### 1.5

Individual Notice of Employment (NOE) 2 copies

###### 1.6

Employment Contracts for Domestic Helpers

###### 1.7

OCW Info Sheet (2 copies)

###### 1.8

Insurance Certificate

## 2. Entertainers

- 2.1 Xerox copy of Accreditation Certificate
- 2.2 Verified/Authenticated Individual Certificates of Eligibility
- 2.3 Duly Accomplished RO Form (2 copies)
- 2.4 Individual Employment Contracts
- 2.5 Individual Artist Accreditation Card/Verified Copy of PECC
- 2.6 OCW Info Sheet (2 copies)
- 2.7 Insurance Certificate

## 3. Name Hires Through Agencies/Entities

- 3.1 Letter-request from the local agency
- 3.2 Job Order Form (4 copies)
- 3.3 Employment Contract (for evaluation)
  - i. original authenticated employment contract for female workers
  - ii. original contracts for female workers
- 3.4 Entry Permit/Work Permit/Visa stamped on passport
- 3.5 Validated Booking Certificate/Pre-paid Ticket Advise

## 4. Individual Name Hires (Individual workers who are able to secure contracts for overseas employment on their own without assistance or participation of any agency or entity).

- 4.1 Original Employment Contract containing the minimum standard provisions of contracts or Employment Offer in the case of Canada and Europe;
- 4.2 Valid Passport;
- 4.3 Valid working visa or No Objection Certificate (NOC) or entry/work permit or certificate of visa assurance/approval from the host country's Immigration Office as the case may be;
- 4.4 Airline ticket or booking certificate or ticket exchange voucher duly verified by the Philippine Embassy/Consulate in the case of Singapore and Hongkong-bound domestic helpers;
- 4.5 Medical Examination certificates or result issued by any clinic/hospital accredited by the Department of Health (DOH) in accordance with country-specific medical examination requirements;
- 4.6 Pre-departure Orientation Seminar (PDOS) Certificate for first-timer OCWs;

4.7 Two (2) copies of 2 x 2 picture

## 5. Seafarers Through Manning Agencies

5.1 Letter-request for processing

5.2 Xerox copy of Accreditation Certificate

5.3 Valid Certificate of Crew Order Balance issued by ECPB (2 copies)

5.4 Approved Salary Scale

5.5 POEA Standard Contract

5.6 Seafarer's Info Sheet

5.7 Seaman's Service Record Book

5.8 Seaman's Registration Card

SECTION 2. Processing Procedures of Worker's Contracts and other Employment Documents. The detailed processing procedures to include process flow are presented separately forming part of annexes of this Memorandum.

SECTION 3. Processing of Returning Contract Workers. Overseas Contract Workers (OCWs) who are on vacation or on emergency leave and returning to the same employer or worksite to resume their employment within three (3) months from the date of arrival in the Philippines are processed as such by the Administration.

Further, all Filipino Cabin Crew/Flight Attendants of airlines who are on home leave may also be processed thru the Center as individual returning OCWs.

3.a. The following are the documentary requirements to be submitted:

### 3.a.1 Individual BM

a. Valid Passport

b. Valid re-entry visa where applicable

c. Valid return ticket or employment contract, work certificate or any documents showing proof of present employment at worksite.

### 3.a.2 Cabin Crew/Flight Attendant

a. passport with corresponding visa or any equivalent document

b. any of the following:

- Crew ID

- Employment Certificate or other documents showing proof of employment

### 3.a.3 Group BM

- a. Request for Processing (RFP) 2 copies
- b. Passport of OCW
- c. OCW Info Sheet
- d. Previous documents processed by the agency such as TEP, Notice of Employment and RFP

3.b The detailed processing procedures for returning overseas contract workers to include the process flow are presented separately forming part of annexes of this Memorandum.

SECTION 4. Issuance of Overseas Employment Certificate. The OEC shall be issued for each duly processed contract. The OEC shall serve as exit clearance at the airport and as travel tax exemption. The four (4) copies of the OEC shall be used as follows:

4.a

The original copy is given to the overseas contract worker/agent/balik-manggagawa for presentation to the airline.

4.b

The second copy is submitted by the overseas contract worker/balik-manggagawa to the Labor Assistance Center (LAC) at the airport.

4.c

The third copy is the overseas contract worker's/balik-manggagawa's/seafarer's personal copy.

4.d

The fourth copy is POEA's file copy.

SECTION 5. Validity Periods of OEC. The validity periods of OEC shall be 120 days for new hires and 90 days for balik-manggagawa.

In the case of seafarers, the validity periods shall be 30 days for officers and 45 days for ratings.

5.a. Extension of the Validity of OEC

Expired OECs shall not be extended for ticketing purposes. Reprocessing of documents shall then be required for expired OECs.

However, for exit purposes at the LAC and Bureau of Immigration and Deportation (BID), the second copy of OEC shall be extended up to the date of the contract worker's departure.

The following documents shall be required for processing of requests for OEC Extensions:

- a. letter-request
- b. second copy of OEC
- c. copy of RFP or R.O.

In the case of Balik-manggagawa (vacationing workers), extension of the expired OECs shall be done upon presentation of the passport and the second copy of the OEC to the LAC.

SECTION 6. Issuance of a Certificate Regarding Processed OECs. - In the case of lost copies, the respective processing units shall issue a certification indicating the particulars of the processed OEC. This certification shall be used for exit purposes only at the LAC and the BID.

However, a certified true copy of the processed OEC can also be issued in lieu of a certification.

SECTION 7. Re-issuance of OECs. - OECs which expired before the issuance of tickets shall be deemed cancelled. Reprocessing of documents shall be required for the re-issuance of OECs are the following:

- a. expired OEC
- b. same set of documents required for processing landbased workers and seafarers

7.a. Replacement of Workers (new hires) - Requests for replacement of processed contract workers shall be acted upon presentation of the following previously processed documents:

- a. OEC or ticket
- b. Employment Contract/Agency-Worker Agreement/Standard Employment Contract
- c. RFP/RO in the case of landbased workers
- d. SSRB in the case of seafarers

SECTION 8. Monitoring of Processed OECs. - A list of processed and issued OECs shall be endorsed to the Philippine Tourism Authority (PTA) by the Administration on the sixteenth and thirtieth day of each month. Such list shall contain such information as name of contract worker, OEC No., destination, date of processing and the deploying agency in the case of new hires.

Cancelled OECs shall also be properly logged by the respective operating units. Reporting system shall be in close coordination with the designated REU Coordinator.

SECTION 9. Payment of Processing Fees and OWWA Contribution. -Payment of processing fees and welfare fund contributions shall be made immediately after the approval of the request for processing. All payments shall be covered by official receipts and no refund of fees shall be made after payment.

9.a.

The following fees shall apply:

9.a.1

Landbased OCWs — P150.00

9.a.2

Seabased (engaged) — P150.00

9.a.3

Seabased (re-engaged) 75.00

9.a.4

Individual BM — 75.00

9.a.5

In the case of Cabin Crew/Flight Attendants, P75.00 shall be charged for the initial issuance of OECs. Subsequent issuance, however, shall be free of charge within one (1) year from the date the first OEC was issued provided a copy of the initially issued OEC is presented for processing.

## 9.a.6

Individual Name Hires — US\$100.00 or its peso equivalent

## 9.a.7

Re-issuance of OECs as allowed in meritorious cases shall be required to effect payment of above-cited applicable processing fees.

## 9.b. OWWA Contributions

## 9.b.1

Landbased Schedule - All Filipino employers with foreign projects and employers hiring through private recruitment agencies shall contribute to the Fund at a fixed rate of US\$25.00 based on the official rate of the Central Bank at the rate of P28.00 to a dollar US\$1.00 or P700.00.

In the event the rate of exchange fluctuates, 10% above or below the prevailing rate, the rate of contributions shall be adjusted accordingly.

This amendment is without prejudice to a prior provision mandating specific type/group of foreign employers hiring through POEA to contribute US\$50.00.

## 9.b.2

Seabased Schedule - OWWA Contributions are henceforth fixed at US\$25.00 regardless of the prevailing exchange rate.

## II

## LICENSING AND REGULATION OFFICE

## A. Inspection of Agencies and Entities

1. Inspection before Licensing - Before issuance or renewal of a license, the center shall conduct an inspection of the premises and pertinent documents of the applicant.

2. Inspection of Agencies - All agencies shall be subject to periodic inspection of officers, studios or Pre-departure Orientation Seminar (PDOS) venue by the center to determine compliance with existing rules and regulations, Inspection shall likewise be conducted by the center in case of transfer of office, studio, PDOS venue or establishment of a branch or extension office, executive office, additional office or upon complaint or report of violation of existing rule and regulation.

3. Authority to Inspect - Inspection shall be undertaken by the Center thru a duly designate Inspector.

An authority to inspect shall be issued for presentation to the agency before inspection, stating in detail the purpose and subject of inspection.

4. Subject of Inspection - Depending on the purpose of inspection, the center or his duly authorized representative may inspect the premises and require the presentation of necessary documents, records and books of accounts of the agency and examine the same.

## 5. Inspection Procedures

## 5.1

Inspection shall be conducted by a team of at least two (2) duly authorized persons during office hours, unless otherwise authorized.

#### 5.2

Inspection shall be conducted in the presence of the manager of the office or any responsible office personnel who shall be furnished with a copy of the inspection report immediately after inspection; and

#### 5.3

Inspection reports shall be submitted to the center within twenty-four (24) hours after the inspection.

6. Violations Found in the Course of Inspection - Violations found in the course of inspection such as non-compliance with the center's rules, issuances, directives, etc. may be grounds for the imposition of appropriate sanction or for the denial of application for issuance and renewal of license. A copy of results of inspection shall be endorsed to the appropriate unit for the conduct of the necessary proceedings.

7. Transfer of Business Address and Studio - Any transfer of business address shall be effected only with prior authority or approval of the center. The approval shall be issued only upon formal notice of the intention to transfer with the following attachments.

#### 7.1

Copy of the company's notice to the BDT or the SEC on the transfer of business or studio address;

#### 7.2

In the case of corporation, a Board Resolution duly registered with the SEC authorizing the transfer of business of studio address;

#### 7.3

In case of a single proprietorship, a copy of Bureau of Trade's acknowledgment of the notice to transfer; and

#### 7.4

Copy of the contract of lease or proof of building ownership.

The new office space or new studio shall be subject to the normal ocular inspection procedures by duly authorized representatives of the center.

A notice to the public of the new business or studio address shall be published in a newspaper of general circulation by the agency.

8. Establishment of Executive Office - The establishment of an executive office outside of the registered address shall be effected only with prior approval or authority of the center. The approval may be issued upon submission of an affidavit of undertaking to the effect that no recruitment activity whatsoever shall be conducted thereat and that he has a valid contract of lease or building ownership.

9. Establishment of Branch and Extension offices - Branch and extension offices may be established in areas approved by the Secretary subject to implementing guidelines.

10. Conduct of Recruitment Outside of Registered Office, Branch or Extension Office - No licensed agency shall conduct any provincial recruitment, job fairs or recruitment activities of any forms outside of the address stated in the license, acknowledge Branch or Extension Office, without first securing prior authority from the center or the

Administration.

B. Monthly Payroll Reports - The center shall undertake payroll monitoring of all authority holders of manning agencies, private employment entities (construction and service contractors) and Philippine Shipping Companies under its jurisdiction for the purpose of aiding the Center and Administration in its periodic assessment of performance for determining merits of renewal of license/authority and qualifying in the "Top Performers Awards" undertaken annually.

C. Accomplishment Reports - The Center shall submit monthly accomplishment reports to POEA main office on the activities undertaken in connection with the exercise of the above functions, in accordance with the form attached to this guidelines.

D. Issuance of authority to conduct provincial recruitment, job fair and orientation seminar. - The Center shall issue provincial recruitment, job fair and orientation seminar authorities for agencies with main office or branch within its jurisdiction. Likewise it may modify, revise or suspend the effectivity of the authorities issued by the Central Office, if upon investigation, it is convinced that such action is warranted.

1.

Issuance of provincial recruitment authority

1.1

A formal letter of request for authority to conduct provincial recruitment shall be submitted with the following attachments five (5) working days prior to the start of the said activity;

1.1.1

Authority/appointment/travel order of recruitment representative/s

1.1.2

Bio-data, passport size photo of recruitment representative/s;

1.1.3

In the case of designation of recruitment representative(s) not included in the list of officers and staff of the company submitted to the LRO, in addition to the above, the NBI clearances of the recruitment representative/s shall likewise be required;

1.1.4

Schedule of recruitment activities indicating estimated duration and places;

1.1.5

Copy of principal/employer's accreditation;

1.1.6

Job Order/current vacancies duly certified by the Chief, Employment Contract Processing Branch. Only licensed agencies/entities with job order balance of more than fifty (50) overseas contract workers will be issued the appropriate authority. The following instances can be considered exceptions:

1.1.6.1

Job order/s below fifty (50) with skills requirements that are highly technical and specialized and the supply are scarce in Metro Manila;

#### 1.1.6.2

Job order/s with less than fifty (50) overseas contract workers shall be afforded a shorter duration on a one-time basis of authority to conduct provincial recruitment. Shorter duration shall mean a maximum of two (2) weeks for unskilled categories.

#### 1.1.7

Written undertaking that the company/agency shall be responsible for all the acts of its representative/s;

### 1.2

Authority to conduct provincial recruitment shall be valid for a specified period to be determined by the Center as follows:

#### 1.2.1

Job order/s or balance of job orders for fifty (50) overseas contract workers but less than one hundred (100) overseas contract workers — maximum of one (1) month;

#### 1.2.2

Job order/s or balance of job orders for one hundred (100) overseas contract workers but less than two hundred (200) overseas contract workers — maximum of two (2) months;

#### 1.2.3

Job order/s or balance of job orders for two hundred (200) overseas contract workers and more — maximum of three months;

#### 1.2.4

Job order/s below fifty (50) overseas contract workers as in the case of 1(1.5) above — maximum of one (1) month.

### 1.3

Extension of authority may be granted by the Center upon presentation of valid justification/s. However, the Center reserves the right to shorten the duration of the conduct of provincial recruitment as the situation warrants.

### 1.4

Provincial recruitment activities shall be conducted at the Center or in the following:

#### 1.4.1

DOLE Regional Office (RO)/POEA Regional Extension Unit (REU) — in areas outside of the Center's jurisdiction

#### 1.4.2

District Office or Employment Centers designated by the RO — in areas where there is no DOLE regional office

### 1.5

Supervision of activities shall be undertaken by an employment officer, regional extension unit coordinator, or an

equivalent officer designated by the Regional Director.

#### 1.6

The authorized representative named in the provincial recruitment or job fair authority shall personally present a copy of the authority to the appropriate regional or district office prior to the conduct of the activity. In cases wherein the scheduled provincial recruitment was discarded, the agency concerned shall formally advise the DOLE/POEA Regional Office where said activity shall be undertaken of such discontinuance.

#### 1.7

The agency or contractor shall submit to the Center its terminal report duly certified by the concerned DOLE Regional Director, POEA REU coordinator, DOLE District Officer or authorized employment center coordinator, not later than fifteen (15) days after the conduct of provincial recruitment or job fair.

#### 1.8

Should there be a formal complaint/report of abuse of the provincial recruitment authority, e.g. collection of exorbitant placement fees, no authority shall be issued in any region until the issue has been resolved.

#### 1.9

The conduct of Manpower pooling in the regions/province shall be allowed only for highly-skilled categories or positions and for maximum of one (1) week. A duly verified terminal report shall be submitted to the Center not later than fifteen (15) days after the conduct of the activity.

#### 1.10

Licensed agencies and entities found violating the conditions on provincial recruitment, job fair and orientation seminar authority shall be subjected to appropriate administrative sanction.

### 2.

Issuance of authority to conduct nurses' job fair/s

#### 2.1

A formal letter of request for authority to conduct a job fair shall be submitted with the following attachments at least five (5) working days prior to commencement of the activities:

##### 2.1.1

For accredited principal — Accreditation Certificate, POEA approved job order, venue and date of fair, and name of authorized representative.

##### 2.1.2

For non-accredited or prospective principal — Name and address of prospective principal, venue and date of the fair, and name of authorized representative.

#### 2.2

An authority to conduct a nurses' job fair for an accredited principal shall be granted subject to the condition that no fees shall be collected during the initial screening stage unless an employment contract has been signed. Since

the principal is accredited and has an approved job order for the required number of nurses, the agency may undertake recruitment activities during the fair. In such instance, a provincial job fair authority will suffice. The Center, the RO/POEA REU shall supervise the activity.

### 2.3

An authority to conduct a job fair for a prospective principal or client shall be granted subject to the conditions that no recruitment shall be undertaken during the activity; that no fees shall be collected from the participants and that the participants shall not be required to sign a written contract that will bind them to the agency. The Center, the RO/POEA REU shall supervise the activity.

### 2.4

As a matter of procedure, the authorized representative named in the job fair authority shall personally present a copy of the authority to the appropriate regional or district office prior to the conduct of the activity. In cases wherein the scheduled activity is cancelled for some reasons, the agency concerned shall formally advise the Office where said activity shall be undertaken of such discontinuance. The agency shall also notify the Center of any change in the schedule of its job fair.

### 2.5

The agency shall submit its terminal report fifteen (15) days after the conduct of the job fair stating the name of participants and/or nurses recruited and date of departure if applicable. Failure on the part of the licensed agency concerned to comply with this requirement can be a ground for denial of future requests for authority to conduct job fair.

## 3.

Requirements for issuance of authority to conduct orientation seminar

### 3.1

A formal letter of request for authority to conduct orientation seminar which shall be submitted five (5) working days prior to the start of the activity

### 3.2

Copy of principal's/employer's accreditation certificate for accredited principal or name and address of prospective employer for non-accredited principal;

### 3.3

Venue and schedule of activity;

### 3.4

Name and passport-sized photo of authorized representative/s

E. Approval and monitoring of advertisements of overseas job vacancies by the agencies - The center shall approve advertisement for actual job vacancies by licensed agencies for their accredited foreign principal project.

## 1.

Requirements for approval of advertisement for accredited principal/project. Advertisements for actual job

vacancies for accredited foreign principal/project with job orders duly approved by the Administration shall be allowed for advertisement upon accreditation and/or approval of the job orders. The advertisement shall indicate the following:

1.1

Name, address and POEA license number of the agency;

1.2

Name and/or accreditation number of principal or project and worksite; and

1.3

Skill categories and qualifications standards.

2.

Requirements for approval of advertisement for Manpower Pooling.

2.1

Agencies desiring to generate qualified applicants for additional manpower requirements of their accredited principal or project not covered by duly approved job order may advertise only upon prior approval by the Center.

2.2

Agencies and entities desiring to generate qualified applicants for a prospective principal or project may advertisement only for highly skilled landbased categories and marine officers upon prior approval of the Center.

2.3

The advertisement shall indicate the phrase: **FOR MANPOWER POOLING ONLY** (in bold letters) and **NO FEES SHALL BE COLLECTED** from applicants. The advertisement shall indicate the following:

2.3.1

Name, address and POEA license number of the agency;

2.3.2

Worksite of prospective principal/project; and

2.3.3

Skill categories and qualification standards.

3.

Press releases on recruitment. Press and media releases whether print, broadcast or television on negotiations with foreign principal or contracting partner involving overseas job openings, shall be considered as advertisement and therefore, shall also be subject to monitoring and regulations.

4.

Monitoring of Overseas Job Advertisements thru Print Media. Advertisements for overseas job vacancies by licensed agency, unlicensed local and foreign company shall be monitored daily by the Center.

5.

Sanctions. Pursuant to MC 16, series of 1988, all agencies shall strictly comply with the above guidelines. False and deceptive advertisements published by agencies including those published not in accordance with the guidelines shall be considered as violation of the rules and regulations and shall therefore, be a valid ground for the cancellation of accreditation of the principal/project and/or for the suspension and/or cancellation of license.

F. Monitoring of Overseas Contract Workers (OCWs) departing through Cebu Mactan International Airport Labor Assistance Center (LAC). - The Center shall act appropriately to all holders of passports whether ordinary or contract workers or staff passport whose visa or entry permit to the country of destination is intended for employment. It shall also act on Overseas Contract Workers (OCWs) holding passport with "Staff", "Entertainer" or "Seaman" category departing through Cebu LAC which shall be required to submit valid Overseas Employment Certificate (OEC) or a written clearance from the Center on special cases.

1.

The Labor Assistance Center shall issue a labor exit clearance to overseas contract workers/seamen upon presentation of the following travel and employment documents:

1.1

Documentary Requirements for New Hires

1.1.1

Documents to be submitted by OCW/Seaman

1.1.1.1

Valid Overseas Employment Certificate (OEC) duly processed by POEA's ECPB.

1.1.1.2

Pre-Departure Orientation Seminar (PDOS) Certificate

1.1.2

Documents to be checked by the LAC

1.1.2.1

Valid Passport

1.1.2.2

Plane ticket indicating the country of destination and OEC No. consistent with that reflected in the OEC

1.1.2.3

Seaman's Book for sea-based worker

## 1.1.2.4

PECC/AAC Card for entertainers

## 2.

Special cases

## 2.1

A passenger with a contract worker passport who claims to be travelling as tourist to an Asian country like Hongkong, Malaysia, Thailand, Brunei, etc. has to secure a special clearance from the Center since these countries do not issue tourist visas and therefore, the purpose of travel and cannot be readily ascertained.

The Center before issuing the necessary clearance, should be convinced that the individual is truly a tourist and will not seek employment abroad.

The passenger shall submit an affidavit, which may be administered by a POEA official, undertaking that he will travel as a tourist and will not work abroad. He/She shall attach copies of his/her passport (first 2 pages) and round trip plane to the affidavit, and other documents as may be necessary.

Generally, if a passenger holding a contract worker passport leaves for the first time and claims to be a tourist, the LAC automatically deny the issuance of such LAC clearance and advise the passenger concerned to effect an amendment of his/her passport.

## 2.2

The Bureau of Immigration shall approve the departure of a passenger holding a contract worker passport without POEA clearance if the visa or entry permit to the country of destination is any of the following nature indicated explicitly is an accompanying document or stamped on the passport:

## 2.2.1

Foreign Resident

## 2.2.2

Tourist

## 2.2.3

Fiancee

## 2.2.4

Dependent of OCW

## 2.2.5

Business

## 2.2.6

Diplomatic

## 2.2.7

Training

2.2.8

Student

2.2.9

Dependent of Foreign National

2.3

The Center may issue a special clearance to the following:

2.3.1

Balik-Manggagawa who is going on a holiday or pleasure trip before returning to his/her jobsite.

2.3.2 Athlete with employment or performance visa.

2.3.3

Religious missionary with employment visa.

2.3.4

Employee of multinational company with an intra-transferee visa.

2.3.5

UN/UNDP officials and employees.

3.

Popular Musical Artists. Popular or well-known musical artist or entertainers need to secure the necessary Overseas Employment Certificate from the Center.

4.

Confiscation of Employment and Travel Documents of OCWs. The LAC shall confiscate the employment and travel documents and hold the departure of an OCW who presents or has in his possession any of the following:

4.1

Fake Overseas Employment Certificate (OEC)

4.2

Tampered Overseas Employment Certificate (OEC) e.g. Forced signature of POEA Processors, tampered expiration date

4.3

Employment Contract indicating entries like salary, position/skill, employer different from those indicated in the OEC/EC duly processed by the POEA

4.4

AAC/PECC card that does not rightfully belong to him/her

4.5

A "reprocessed" Overseas Employment Certificate, i.e., the entries are entirely different from the actual skills, salary and most especially, employer. If time permits, the LAC shall interview departing workers to ascertain that their employment documents are in order.

G. Accreditation of Liaison Officers (LO). The Cebu Center may accept and approve requests for an additional liaison officer for Cebu operations by agencies whose main offices and branches are established in Cebu and other areas in Mindanao subject to submission of the following requirements:

- Request for additional liaison officer
- Appointment letter of said LO
- Bio-data with two (2) 1 x 1 pictures
- NBI clearance

H. Preliminary Examination, legal assistance and closure of illegal recruitment establishments. - Preliminary examination shall be conducted to determine whether or not there is sufficient ground for belief that any of the acts which constitute illegal recruitment has been committed and that a non-licensee is probably liable for the illegal activity. This process may be undertaken by the DOLE Regional Office or the POEA Regional Center, on its own initiative, or upon receipt of complaint or report or upon request for investigation by any aggrieved interested party.

1. Approaches to Preliminary Examination. In instances where complaints are initiated by victims of illegal recruitment who come personally to report their predicaments and seek legal assistance to pursue actions against their alleged recruiters, the name and address of the person or entity complained of shall be taken and verified as to whether or not such person or entity subject of the complaint has the necessary license or authority to engage in recruitment and overseas placement of workers. In the negative, investigation shall proceed by way of an interview between the investigating officer and the alleged victim in the form of searching questions and answers. The investigating official should see to it that the allegations of the complainant and or his witness/es are based on their personal knowledge.

If it is determined that the facts alleged constitute a case of illegal recruitment, the statements of the complaint and/or witnesses are reduced to an affidavit to which, copies of supporting evidence such as receipts and other documents, if any, which the complainants can produce may be attached. For this purpose it is advisable and expedient to maintain a standard affidavit form in sets of six (6) copies to facilitate the execution of affidavits by the complainants. Affidavits that may be executed should substantially contain the following allegations elicited from the victim:

- The name and address of the affiant/complainant
- The name and address of the alleged offender
- The approximate time or date of the commission of the offense
- The place where the act constituting recruitment took place
- The acts or omissions complained of as constituting the offense; and
- Other allegations by way of particulars such as the date and place of payments made, if any, etc.

The affidavits shall be sworn to before any government official authorized to administer oath or a notary public, who must certify that he has personally examined the affiants and that he is satisfied that they voluntarily

executed and understood their affidavits.

In instances when the complainants indicate that the persons complained of indicate that the latter is still engaged in recruitment activity, or where investigations are to be conducted by the POEA Regional Center or the DOLE Regional Office, on its own initiative or upon receipt of report or request for investigations emanating from persons other than the victims themselves, the activities of the suspected recruiter may be placed under surveillance to confirm the report and to obtain sufficient basis for such appropriate measures. After the surveillance operation is terminated, the officer or officers who conducted the surveillance reports the proceedings taken by executing an affidavit of surveillance.

2. Issuance of Closure Order after Preliminary Examination and Hearing. If upon termination of the preliminary examination or surveillance operation, there is reason to believe that the respondent is maintaining an establishment used for illegal recruitment activity, the Regional Center shall issue a notice informing him or her of a complaint or investigation conducted and requiring him or her to appear and show cause on a hearing set why no closure order should be issued against the establishment.

If the Center is satisfied from the preliminary examination or surveillance and hearing conducted that the alleged offender is maintaining an illegal recruitment establishment and that his activities constitute a danger to national security and public order or will lead to further exploitation of job-seekers, an order may issue for the closure of the illegal recruitment establishment. Accordingly, the Center shall issue an office order designating the officers to implement the closure order. Written orders issued should be treated with confidentiality and executed as soon as possible.

3. Service of and Implementation of Closure Order (CO). The service of notice and implementation of closure order issued by the Regional Center shall be undertaken under the supervision of his duly authorized representatives with the assistance and support of the PC/INP, the PC/CIS and/or the NBI.

In the service of the Closure Order, a copy thereof is caused to be received by the person against whose recruitment establishment had been issued, or in his absence, by the person in charge of the office establishment. Closure shall be effected by sealing the establishment and posting a notice of closure in bold letters at a conspicuous place in the premises. Accordingly, an implementation report indicating the proceedings taken shall be submitted to the Center and shall form part of the records of the case.

4. Case preparation to facilitate the Prosecution of Offenders. After the implementation of the Closure Order or if the case is not proper for the issuance of a closure order, case preparation shall proceed to facilitate the institution of the corresponding criminal charge against the alleged offender. For this purpose, a certification should be obtained from the Licensing Branch of the POEA that the alleged offender is not licensed nor authorized to engage in recruitment and overseas placement of workers. As soon as the certification is obtained, the referral documents are prepared for filing with the appropriate City or Provincial Prosecution Office for the conduct of the requisite preliminary investigation.

#### I. Legal Assistance and to Victims in the Institution of Criminal Actions and During Preliminary Investigations

1. Institution of Criminal Action. A criminal action is instituted by filing the complaint with the appropriate officer of the place where illegal recruitment took place for the purpose of conducting the requisite preliminary investigation. Outside Metropolitan Manila, the complaint may be filed with the Office of the Provincial or City Prosecutor/Fiscal, or with Municipal Trial Court (MTC) or Municipal Circuit Trial Court (MCTC) of the municipality where the offense was committed.

The criminal case may be forwarded to the Office of the Provincial or City/Fiscal/Prosecutor for the necessary

proceedings by way of a letter of referral enclosing all the necessary and supporting documents, in such number of copies as there are respondents, plus two (2) copies. For the conduct of the requisite preliminary investigation, a complaint may also be filed with the appropriate MTC or MCTC. The complaint shall be accompanied by affidavits of the complainant and/or his witnesses as well as other supporting documents, in such number of copies as there are respondents, plus two (2) copies.

## 2. Procedure for Preliminary Investigation.

- Within ten (10) calendar days after the filing of the complaint, the investigation officer shall either:
  - a.1 dismiss the complaint if he finds no ground to continue with the inquiry; or
  - a.2 issue a subpoena to the respondent, attaching thereto a copy of the complaint, affidavits and other supporting documents.
- Within ten (10) calendar days from receipt of the subpoena and attached documents, the respondent shall submit counter-affidavits and other supporting documents.
- If the investigating officer believes that there are matters to be clarified, he may set a hearing to profound clarificatory questions to the parties or their witnesses. During the hearing the parties shall be afforded an opportunity to be present but without right to examine or cross-examine. If the parties so desire, they may submit questions to the investigating officer which the latter may profound to the parties or witnesses concerned. Thereafter the investigation shall be deemed concluded.
- The investigation officer shall resolve the case within ten (10) calendar days from the conclusion of the investigation. Upon the evidence thus adduced, the investigating officer shall determine whether or not there is sufficient ground to hold the respondent for trial. If the respondent cannot be subpoenaed, or subpoenaed, does not submit counter affidavits within the ten (10) day period, the investigating officer shall base his resolution on the evidence presented by the complainant.
- The investigating officer shall then transmit to the Provincial or City Fiscal concerned his resolution together with the records of the case. Accordingly, the corresponding criminal information may then be caused to be filed with the Regional Trial Court.

3. Legal Assistance to Complainants/victims during Preliminary Investigation. Whenever necessary and practicable, the complainant/victims may be provided with legal assistance during preliminary investigation. Such assistance may consist of providing them with assisting counsel during the hearings as well as assisting the complainant/victims in the preparation of legal documents such as supplemental affidavits, motions, memoranda, and other pleadings as may be necessary.

## J. Arrests, Searches and Seizures

1. Apprehension of Suspected Illegal Recruiters. Arrests may be effected lawfully either by virtue of a judicial warrant, or without a warrant under any of the circumstances laid down in Section 5, Rule 133 of the 1985 Rules on Criminal Procedure as amended.

A person charged criminally may be arrested pursuant to a warrant of arrest issued either by a Regional Trial Court upon filing of a criminal information after the preliminary investigation, or by a municipal trial judge conducting the preliminary investigation if he is satisfied after an examination in writing and under oath of the complainant and his witnesses in the form of searching questions and answers, that a probable cause exists and that there is a necessity of placing the respondent under the immediate custody in order not to frustrate the ends of justice. In this connection, when illegal recruitment was committed in a municipality, warrant of arrest may be

speedily obtained by filing a formal complaint with the appropriate Municipal Trial Court or Municipal Circuit Trial Court for the conduct of the requisite preliminary investigation.

A peace officer or private person may, without a warrant, lawfully arrest a person, namely:

- When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense; or
- When an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it.

Accordingly, a suspected illegal recruiter who is lawfully arrested without a warrant shall be forthwith delivered to the nearest police station or jail and the complaint or information may be filed by the offended party, the POEA Regional Center, the DOLE Regional Office, peace officer, or inquest prosecutor without prior preliminary investigation on the basis of the affidavit of the offended party or arresting officer or person. In this connection, arrests without warrant may be lawfully effected under any of the mentioned circumstances in the course of or incidental to surveillance operations or service and implementation of closure order.

Moreover, incident to a lawful arrest, the person arrested and the immediate vicinity may be searched for dangerous weapons or anything which may be used as proof of the commission of the offense.

#### K. Docketing and Reporting System

1. Docketing of Cases. Upon receipt of a complaint involving illegal recruitment, the same must be assigned a docket number. Ex: CRC/IR Case No. 91-01-015, the first two digits corresponding to the calendar year, the second two digits corresponding to the month and the last three digits to start with 001 to continue up to the last case received during the calendar year. A corresponding case index must be maintained for this purpose.

2. Reporting System. Every end of the month, the POEA Regional Center must be able to come up with a monthly accomplishment report indicating such data as follows:

##### 2.1 IR Cases Handled

2.1.1 Cases Pending at the beginning of the month - no. of cases and no. of victims involved

2.1.2 Cases Receiving during the month - no. of cases and no. of victims involved/assisted

##### 2.2 IR Cases Disposed

2.2.1 Filed for Preliminary Investigation - no. of cases and no. of victims involved

2.2.2 Closed/Archived - no. of cases and no. of victims involved

2.2.3 Referred to other government offices - no. of cases and no. of victims involved

##### 2.3 IR Cases Pending at the End of the Month - no. of case and no. of victims involved

##### 2.4 Assistance to Victims During Preliminary Investigation

2.4.1 no. of cases submitted for resolution and no. of victims assisted

2.4.2 no. of hearings attended

##### 2.5 IR establishments padlocked

##### 2.6 Persons apprehended

III [sic]

#### WELFARE AND EMPLOYMENT OFFICE

## A. Government Placement Branch

### 1. Documentary requirements according to country of destination.

#### 1.1 USA

- 1.1.1 Original Employment Contract duly signed by the employer and worker
- 1.1.2 Valid Passport
- 1.1.3 Valid working visa
- 1.1.4 Airline booking certificate
- 1.1.5 Medical examination to be conducted by POEA accredited clinics/hospitals. (Medical exam should include basic exam, pregnancy test (for female only) and Psycho exams.
- 1.1.6 Processing fee (standard for US bound CW) \$125 or its peso equivalent
- 1.1.7 Seminar or Pre-Departure Orientation for those worker who will work for the first time outside the country
- 1.1.8 2 pictures 2 x 2

#### 1.2 KSA

- 1.2.1 Contract of Employment (original) duly signed by the employer and worker
- 1.2.2 Valid contract worker passport
- 1.2.3 Visa certificate from Saudi Embassy. Visa certificate should be in the name of the employer.
- 1.2.4 Airline booking certificate
- 1.2.5 Medical exams to be conducted by POEA accredited clinic. Medical exams should include: basic, Aids test, VDRL, preg. test for female, Psycho exams and Hepa B. Medical exams is valid only for 3 months.
- 1.2.6 Processing fee of US\$150 or its peso equivalent for professionals and skilled workers and US\$125 or its peso equivalent for domestic helpers.
- 1.2.7 2 pictures 2 x 2

#### 1.3 United Arab Emirates (UAE)

- 1.3.1 Authenticated Contract of Employment. Contract should be authenticated by the Philippine Embassy in UAE.
- 1.3.2 No Objection Certificate (NOC)
- 1.3.3 Medical exams conducted by POEA accredited clinic. (Exams should include basic exams, pregnancy Psycho exams)
- 1.3.4 Airline booking certificate
- 1.3.5 Valid passport
- 1.3.6 Processing fee of US\$150 or its peso equivalent for professionals and skilled workers and US\$125 or its peso equivalent for domestic helpers.
- 1.3.7 2 pictures 2 x 2

#### 1.4 OMAN

- 1.4.1 Original Contract of Employment
- 1.4.2 No Objection Certificate (NOC)
- 1.4.3 Valid passport
- 1.4.4 Medical exams conducted by POEA accredited clinic (exams should include basic exams, pregnancy test for female, and Psycho exams)
- 1.4.5 Airline booking certificate
- 1.4.6 Processing fee of US\$150 or its peso equivalent for professionals and skilled workers and US\$125 for domestic helpers.

1.4.7 2 pictures 2 x 2

## **1.5 HONGKONG**

1.5.1 Standard Employment Contract duly verified and authenticated by the Philippine Consulate in Hongkong

1.5.2 Visa or visa assurance from employer

1.5.3 Medical exams from POEA accredited clinic/hospital (exams include basic, preg. test, and Psycho exams)

1.5.4 Valid passport

1.5.5 Ticket exchange voucher verified by Philippine Consulate in Hongkong

1.5.6 Processing fee of US\$125 or its peso equivalent (standard fee for Hongkong bound OCWs)

1.5.7 2 pictures 2 x 2

## **1.6 CANADA**

1.6.1 Confirmation of Offer of Employment and/or job description issued and verified by Canadian Embassy, Manila

1.6.2 Notice of visa from Canadian Embassy, Manila

1.6.3 Valid passport

1.6.4 Airline booking certificate

1.6.5 Processing fee of US\$125 or its peso equivalent for household workers

## **1.7 TRUST TERRITORIES**

1.7.1 Employment contract authenticated by Philippine Embassy at worksite

1.7.3 Valid passport

1.7.3 Entry permit and work permit

1.7.4 Airline booking certificate

1.7.5 Medical exams conducted by POEA accredited clinic (exams should include basic, pregnancy test for female and Psycho exams)

1.7.6 Processing fee of US\$125 or peso equivalent (standard fee for Saipan bound OCWs)

1.7.7 2 pictures 2 x 2

## **1.8 PAPUA NEW GUINEA (PNG)**

1.8.1 Employment Contract authenticated by Philippine Consulate at worksite

1.8.2 Valid passport

1.8.3 Valid visa issued by PNG Embassy, Manila

1.8.4 Airline booking certificate

1.8.5 Processing fee of US\$150 or its peso equivalent for professionals and skilled workers and US\$125 or its peso equivalent for household workers.

1.8.6 2 pictures 2 x 2

## **1.9 EUROPEAN COUNTRIES**

1.9.1 Offer of Employment

1.9.2 Valid Passport

1.9.3 Working visa/residence permit

1.9.4 Airline booking certificate

1.9.5 Medical exams from POEA accredited clinic

1.9.6 Processing fee of US\$125 or its peso equivalent for household workers and US\$150 or its peso

equivalent for professionals and skilled workers

1.9.7 2 pictures 2 x 2

### 1.10 SINGAPORE

1.10.1 Standard Employment Contract Authenticated by Philippine Embassy in Singapore

1.10.2 In-principle approval of permit. This should be in the name of principal and worker.

1.10.3 Valid passport

1.10.4 Ticket exchange voucher verified by the Philippine Embassy, Singapore

1.10.5 Medical exams (should include basic, pregnancy test for female and psycho exams)

1.10.6 Processing fee of US\$125 or its peso equivalent for household workers and US\$150 or its peso equivalent for other skills 1.

10.7 2 pictures 2 x 2

### 1.11 BRUNEI

1.11.1 Employment contract authenticated by Philippine Embassy at worksite

1.11.2 Valid visa issued by Brunei Embassy, Manila

1.11.3 Valid passport

1.11.4 Booking Certificate

1.11.5 Medical exams (includes basic, pregnancy test for female and psycho exams)

1.11.6 Processing fee of US\$125 or its peso equivalent for household workers and US\$150 or its peso equivalent for other skills

1.11.7 2 pictures 2 x 2

## 2. Procedures

2.1 The above requirements are received from the name hires and evaluated using as basic the minimum employment standards as stated in the Rules.

The name hire is then checked against the Administration's watchlist and the would be employer is checked too whether he is accredited to a particular local agency or has used up his quota of five name-hired workers.

If cleared through these checks, he is, then referred for medical exam to an accredited clinic and scheduled for Pre-departure Orientation Seminar. Once the medical exam results are released and he is declared fit to work, the Recruitment order is prepared and processing fee/OWWA contribution is collected.

2.2 If documentary submissions fall short of requirements, name hire is advised of deficiency on contract, etc. Direct telex/fax guarantees/commitment to upgrade contract terms and comply with requirements to POEA RCC/REU will be required from employers.

2.3 Where the name hire employer has an outstanding accreditation with a POEA-licensed agency, the name hire will have to be processed under the name of the agency.

2.4 Employers insisting on their name hire regardless of unfitness to work should execute an assumption of responsibility over their physical condition. A direct telex/fax to POEA RCC/REU shall be sufficient.

2.5 An employer may only avail of name hires up to five (5) workers. Beyond this, he shall be advised to seek accreditation with a licensed agency.

B. Recruitment Procedures for Government Hires - (1) Applicant files the following documents at Manpower Registry

a. For Professionals

- a.1 Self made bio-data with detailed job description
- a.2 6 pcs. 2 x 2 pictures
- a.3 PRC Card
- a.4 Service record and certificate of work experience (past & present)
- a.5 Board Certificate
- a.6 Board Rating
- a.7 High School Diploma
- a.8 College diploma
- a.9 Transcript of records
- a.10 OMA Certificate (if Muslim)
- a.11 CGFNS Certificate (for USA applicants)
- a.12 NBI Clearance
- a.13 Birth Certificate
- a.14 Marriage Certificate (for female married applicants)

b. For Non-Professionals

- b.1 Self made bio-data with detailed job descriptions
- b.2 2 pcs. 2 x 2 pictures
- b.3 Service record and certificate of work experience (past & present)
- b.4 High School Diploma
- b.5 NBI Clearance
- b.6 Birth Certificate

2. Account Officer of the Client Services Division of GPB at Home Office (HO) upon receipt of the telex or fax requesting for workers prepares Request Specification Form (RSF) copies and sends the same to POEA RCC.

3. POEA RCC upon receipt of RSF copy, sources, pre-screens and monitors workers availability and endorses applications to GPB HO.

4. GPB HO endorses pre-screened applications to employers for selection or shortlisting, copy furnished POEA BR/REU.

5. GPB HO upon receipt of fax or telex of selected or shortlisted applicants from employer, provides copy to POEA to inform applicants of interview schedule or selection by mail.

(1) If interview is to be done in POEA RCC applicants are informed of interview schedule by the BR/REU

(2) For selections by mail, POEA RCC calls workers for processing of documents.

6. Processing Procedures

6.1 Once a worker is selected, POEA RCC will immediately instruct him through telegram or phone, to report for processing of his documents.

6.2 The selected worker is then referred for medical examination according to country/employer specific medical protocol. Issuance of medical results by DOH-POEA accredited clinics in the regions shall depend on the type of diagnostic tests required by the requisitioning country/employer.

6.3 POEA RCC briefs selected workers on processing procedures, profile of the country of destination, basic employer/company policies, work conditions, terms and conditions of employment contract (salary and benefits, job requirements and the like). Materials on this briefing shall be provided/updated by GPB-HO from time to

time. In case employer/s or their representatives are around, such briefing may be done by them together with designated account officers at the POEA RCC.

6.4 Worker is likewise required to attend a Pre-Departure Orientation seminar (PDOS) in case he is leaving the country for the first time as a contract worker. If the worker is an ex-overseas contract worker and has attended PDOS before, he will be issued an exemption certificate to this effect.

6.5 Physically fit workers will then be made to sign an employment offer/contract. Once signed, this will be submitted to designated account officer of RCC together with the following:

- Medical result (original & xerox)
- Passport
- OCW Info Sheet
- PDOS Certificate
- POEA Registration Card

If medically unfit, the worker will automatically be dropped from the list.

6.6 Simultaneously to processing, workers are advised to have the following documents authenticated:

- High School/College Diploma (DECS)
- Transcript of Records (DECS)
- PRC License, Board Certificate, Board Rating (PRC)
- Marriage Certificate (for female only) (NSCO)
- Local employment certificate (City Court)

(Note: The above documents are general requirements; Some employers may not require other document).

6.7 The Recruitment Order (RO) Form shall be filled up per worker and signed by the RCC Account Officer. This form shall be the basis of the collection of processing fee and OWWA contribution to be made under Section J of this guideline. In case, a group of workers are being recruited for the same employer and shall depart altogether in the same flight and date, one RO can be processed for them and one official receipt subsequently issued thereof but enumerating the names of workers listed thereof in the RO.

6.8 Once the worker documents have been fully complied with, RO completed and payment collected thereof, the Overseas Employment Certificate (OEC) can now be prepared. OEC usage should be sequential. (N.B.: As accountable forms, the OEC should be so kept with maximum security.)

6.9 The following documents are to be forwarded to GPB-HO for visa application and flight arrangement:

- Properly filed-up visa application form
- Medical card (original) — indicating FIT TO WORK
- NBI Clearance
- 1 copy 2 x 2 picture
- Passport

- Original No Objection Certificate (NOC) for Ex-Saudi workers using old passport
- Original OEC
- Visa fee payment

(N.B.: Re Item #8, Auditing regulations prohibit POEA to its BR/REUs to collect from the workers their payment for visa fee which fluctuates according to the value of the peso and other factors that the Saudi Embassy in Manila considers. There is thus the question of whether, at this time point, the worker will be required to come to Manila to pay his visa fee directly to Saudi Embassy. If not, the POEA RCC should be authorized to receive worker's money allotted for payment of visa fee).

6.10 Upon release of visa, GPB-HO sends the following documents to RCC for release to the workers (if they have not so arrived at this point in Manila as a point of embarkation):

- Medical card
- Passport with visa
- Plane ticket

The RCC shall now collect from the worker the payment for processing fee and OWWA contribution if such arrangement is so advised/authorized from the GPB-HO. Otherwise, the workers' copy of OEC together with the above documents may already be released to the worker and the employer charged/billed accordingly by GPB-HO. Xerox copies of POEA and OWWA receipts sent to POEA HO.

### C. Registration

1. Registration for seabased workers shall be in accordance with Memorandum Circular #26 Series of 1985 entitled Implementing Guidelines in the Registration of Seafarers., Memorandum Circular #14, Series of 1990 and Memorandum Circular #45, Series of 1990.

#### 2. Registration for landbased workers

2.1 Requirements. All indicated documents must be fastened in a cream long folder and arranged according to the order as listed below.

- 2.1.1 Pictures — 2 pieces 2 x 2
- 2.1.2 Self-made biodata with detailed job description — typewritten
- 2.1.3 PRC ID Card (xerox) — updated
- 2.1.4 Board Certificate (xerox)
- 2.1.5 Board Rating (xerox)
- 2.1.6 Certificate of employment of at least 2 years — updated
- 2.1.7 High School diploma (xerox)
- 2.1.8 College Diploma (xerox)
- 2.1.9 Transcript of records (xerox)
- 2.1.10 OMA Certificate (for Muslim Applicant — (xerox)
- 2.1.11 CGFNS Certificate for USA applicant — (xerox)
- 2.1.12 Birth Certificate (xerox)
- 2.1.13 Marriage Contract (for female applicant) (xerox)
- 2.1.14 Training Certificate — if applicable (xerox)

#### 2.2 Procedures

2.2.1 Check against the list if the documents are complete

2.2.2 If documents are in order, registering officer shall be issue the forms to be filled up the applicant

- Application form

- Skills index card

- Registration Card

- Alpha Index Card

2.2.3 Fill up the forms and submit to officer

2.2.4 Applicant gets her registration card and signs on the log book.

#### IV

#### ADJUDICATION OFFICE

##### A. Filing/Hearing/Investigation

1. An aggrieved party shall file the complaint at the POEA Regional Center or the nearest Regional Office or Regional Extension Unit (REU) where he/she applied/ was recruited. The POEA designated Hearing Office shall immediately conduct an investigation and make the appropriate recommendations.

2. For effective monitoring purposes, a separate case folder shall be retained at the PRC or the RO prior to the transmission of the original case folder to the Adjudication Office, this Administration.

3. Decisions/Orders of Dismissal, Suspension, Temporary Lifting Orders are signed/approved by the Administrator after the same has been reviewed.

4. Cancellation Orders, Retraining Orders and the Lifting of Cancellation Orders are signed/approved by the Secretary of Labor or his duly authorizes representative.

5. The Docket and Enforcement Division, Head Office shall furnish the parties copies of the Order/Decision while the Legal Research Division will disseminate information of contract workers/seamen on POEA Watchlist/Blacklist.

##### B. Appeals

The Head of the POEA Regional Center or the Director of the Regional Office where the case was filed shall receive the appeal for transmittal to the Adjudication Office, this Administration together with a copy of the official receipt as proof of payment of the appeal fee and other requirements for perfecting an appeal.

##### C. Enforcement of final Orders/Decisions

##### 1. Motion for Issuance of Writ of Execution/Motion to Quash Writ

All cases involving motions to Quash Writ shall be transmitted to and resolved by the Administration.

2. In the Issuance of Writs of execution the same mode in Appeals of cases from the POEA Regional Center and the regional Offices is followed.

##### 3. Enforcement of Writ

- Service of Writ. The POEA Regional Center/Regional Office Sheriff's shall serve the writ if the agency is located within the jurisdiction of the POEA Regional Center or the Regional Office. If the place of business of the agency is within Metro Manila the Administration's Enforcement Officer/s shall serve the writ.

- Garnishment Against Cash Bond. In all instances, garnishment is with the Administration as cash bond is with the Head Office.

4. Preparation of Sheriff's Report. For writs served by the POEA Regional Center/Regional Office Sheriff/s they shall prepare the report while for writs by the Administration's Enforcement Officer, the report shall be prepared by them. In both cases a copy of the report should be given to the Administration or POEA Regional Center/Regional Office as the case may be.

Date Filed: 20 September 1991

(Sgd.) JOSE N. SARMIENTO  
Administrator

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