REGULATING PRIVATE SECTOR PARTICIPATION IN RECRUITMENT AND OVERSEAS PLACEMENT

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Pursuant to the power vested by Executive Order 797 to the Philippine Overseas Employment Administration to regulate private sector participation in the recruitment and overseas placement offenses committed by licensed employment agencies, shipping/manning agencies and contracting companies, to take effect on 15 January 1983, is hereby promulgated.

NATURE OF OFFENSE

PENALTY

First Offense

Subsequent Offense

1. Charging or collecting an amount not authorized by POEA but not to exceed P50,000.00 Suspension of documentary processing until case is settled but in no case less than two (2) months, plus fine equivalent to the amount collected.
Cancellation of license or authority

2. Charging or collecting an amount not authorized or in excess of that authorized by POEA when the amount collected exceeds P50,000.00 but not P200,000.00 Suspension of license or authority until case is settled but in no case less than six (6) months, plus fine equivalent to the amount collected.
Cancellation of license or authority

3. Charging or collecting an amount not authorized by POEA when the amount collected exceeds P200,000.00 Suspension of license or authority until case is settled but in no case lower than one (1) year plus fine equivalent to the amount collected
Cancellation of license or authority

4. Deploying workers without their contracts being approved by POEA. Suspension of authority or license for six (6) months.
Cancellation of authority or license

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5. Processing of passport and travel documents of workers not covered by approved employment contracts. Suspension of license or authority for six (6) months, in addition to confiscation of passports and refund of payments of workers.
Cancellation of authority or license.

6. Participating in the false documentation of workers, i.e. fake passports, fake or stolen airline tickets, fake J.O., etc. Suspension of authority or license for a period of six (6) months, in addition, refund of expenses of workers, confiscation of passports of workers.
Cancellation of authority or license

7. Allowing other persons or entities to use license or authority by POEA. Suspension of authority license for six (6) months.
Cancellation of authority or license.

8. Operating outside of authorized office without authority by POEA. Suspension of authority or license for three (3) months.
Cancellation of authority or license.

9. Withholding of travel documents of workers for reasons not authorized by the Labor Code and its Implementing Rules. Suspension for six (6) months. Cancellation of authority or license.

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.

When two or more of the above listed are proven to have been committed all the penalties which the offenses carry, shall be imposed cumulatively.

Offenses or violations which may be taken cognizance by the POEA in the exercise of adjudicatory function shall be penalized in accordance with the provisions of the Labor Code or the rules which the Administration may prescribe.

Adopted: 14 Jan. 1983

(SGD.) CRESENCIO M. SIDDAYAO
Officer-in-Charge

Re-issued: 18 Feb. 1992

(SGD.) JOSE N. SARMIENTO
Administrator

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