PROVIDING GUIDELINES ON THE IMPLEMENTATION OF A SINGLE ENTRY LEVEL FOR LANDBASED LICENSES AND THE CONVERSION OF EXISTING SERVICE/CONSTRUCTION CONTRACTORS AUTHORITIES UNDER THIS ...

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In view of the finality of the Supreme Court decision dated August 19, 1993 under G.R. No. 98472 entitled PASEI et. al., vs. Honorable Ruben D. Torres, Secretary of Labor and Employment which upheld the validity of Executive Order No. 450 (1991) and its implementing guidelines, Department Order No. 9 (1991), the POEA is hereby directed to undertake the full implementation of the single entry level licensing system for landbased agencies as laid down in the 1991 POEA Revised Rules and Regulations, more particularly Book II thereof, and subject to the following additional guidelines:

1. The policy eliminating categorization/segmentation of landbased agencies at entry level is hereby reiterated henceforth, all applicants for issuance of landbased license shall comply with the conditions and requirements set forth in Department Order No. 9 (1991), Rule I, Section I, Rule II, Book II of the POEA Revised Rules and Regulations. In addition, submission of proof of new market generated by the applicant shall be required.

2. All pending applications filed under the provisions of Department Order No. 25 (s. 1991) shall be evaluated on the basis of the guidelines herein stated.

3. Service contractors/construction contractors with valid authorities may request for conversion at any time prior to the expiration of their authority subject to the following requirements:

a. formal written application

b. payment of non-refundable administrative fee of P30,000.00

c. certification from the POEA that at the time of application, agency is not under any Order of suspension

d. amended surety bond

4. Upon approval of the application for conversion, the agency shall surrender its existing license and a new one shall be issued, valid for two years reckoned from the date of approval of the application.

5. Service contractors/construction contractors with pending applications for renewal of authority at the time of issuance of these guidelines who manifest their intention to be converted shall likewise comply with the requirements under Section 3 of this Order.

6 Service contractors/construction contractors who do not apply for conversion shall be allowed to participate in the overseas employment program only up to the expiration of their authority, after which the same shall no longer be renewed. Any application filed after the expiry of license validity shall be considered as a new application for all intents and purposes, and shall be subject to compliance with all requirements for issuance.

7. Service contractors/construction contractors whose temporary conversion have been allowed prior to issuance

of this Order shall have thirty (30) days within which to comply with the provisions of Section 3 and 4 hereof, failing which their temporary conversion shall be deemed recalled.

8. Department Order No. 25 (1991) which suspended the implementation of Book II, of the 1991 POEA Rules and Regulations, and Department Order No. 3 (1991) which provides for relaxation privilege for service contractors/construction contractors, and other issuances related thereto are hereby repealed. Accordingly, all landbased agencies pursuing purely contracting activities shall be strictly required to undertake payrolling and actual jobsite supervision of all its hired workers. In addition, agencies which availed of relaxation privileges may apply for refund of the additional cash bond of P50,000.00 previously posted as a requirement for availment of relaxation privilege.

9. The implementation of the new licensing system will not ipso facto vest in the licensed agency the privilege to undertake all types of landbased recruitment. For this purpose, agencies intending to specialize in markets for disadvantaged or vulnerable skills, or other markets requiring special requirements shall comply with existing qualification standards imposed at the accreditation level, particularly in the deployment of household workers and entertainers.

10. All licenses issued under this guidelines shall be subject to performance evaluation in terms of foreign exchange remittance, deployment levels and track record of welfare, adjudication and recruitment regulation cases for purposes of determining their continued participation in the overseas employment program. Licenses which fail to meet these qualifications shall no longer be renewed.

11. The POEA is hereby directed to issue the necessary guidelines to fully implement this directive, within fifteen (15) days from issuance hereof.

12. This Order shall take effect fifteen (15) days from the date of publication.

Adopted: August 9, 1994

(SGD.) MA. NIEVES R. CONFESOR
Secretary

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