

GUIDELINES IN THE PROVISION OF RETURN TICKETS/PRE-PAID TRAVEL ADVICES (PTAS) FOR OVERSEAS FILIPINO WORKERS (OFWS) DUE FOR REPATRIATION AND THE PAYMENT OF COST REPATRIATION OF OF...

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1.0 Purpose

This circular is issued to set-up a common procedure in the repatriation of OFWs and improve the collection of cost of tickets as advanced by OWWA, in accordance with Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipino Act of 1995.

2.0 Definition of Terms

As used in this circular, the following terms shall be understood in the context indicated hereunder:

2.1. Overseas Filipino Workers (OFWs) or Migrant Workers — a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a legal resident or in a vessel of foreign registry. A person "to be engaged in a remunerated activity" refers to an applicant who has been promised or assured employment overseas and acting on such promise or assurance sustains damage and/or injury.

2.2. Documented Migrant Workers — are migrant workers who are authorized by the receiving country to enter, stay and engage in employment in that State in accordance with the laws of that State, such as:

- (a) those who possess valid passports and visas or permits to stay in the host country and whose contracts of employment have been processed by the POEA if required by law or regulation; or
- (b) those registered by the Filipino Workers Resources Center or by the Philippine Overseas Labor Office (POLOs).

Those who do not fall under the preceding paragraph are considered undocumented migrant workers.

2.3. Undocumented Filipinos — are migrant workers who are not authorized by the host country to enter, stay and work in the country, such as, but not limited to the following:

- (a) those who acquired their passports through fraud or misrepresentation;
- (b) those who possess expired visas or permits to stay;
- (c) those who have no travel documents whatsoever; and
- (d) those who have valid but inappropriate visas.

2.4. Name Hire — a worker who is able to secure an overseas employment opportunity with an employer without the assistance or participation of any agency, duly processed by POEA as such.

2.5. Direct Hire — a worker hired by members of the diplomatic corps, international organization and such other employers as may be allowed by the Secretary of Labor.

2.6. Government Hire — a worker hired for overseas employment primarily on a government to government arrangement and for foreign employers in such sectors as policy may dictate, thru the facilities of the POEA.

2.7. Balik-Manggagawa (Vacational Worker) — a landbased contract worker who is on a vacation or on emergency leave and who is returning to the same worksite to resume his employment.

2.8. Agency-Hire — a worker hired through a licensed recruitment placement or manning agency.

2.9. PTA — Pre-paid Travel Advice

2.10. POEA — Philippine Overseas Employment Administration

2.11. OWWA — Overseas Workers Welfare Administration

2.12. DFA — Department of Foreign Affairs

2.13. POLO — Philippine Overseas Labor Office

3.0 General Guidelines

3.1. When a need for repatriation arises and the foreign employer fails to provide for its cost, the Philippine Overseas Labor Office (POLO) shall notify the POEA to advise the concerned agency of such need.

In case of failure of the agency to provide the ticket or prepaid ticket travel advice (PTA), POEA shall inform OWWA accordingly within 48 hours from agency's non-compliance therewith.

3.2. POEA shall determine if OFW is documented or undocumented.

3.2.1. If undocumented, POEA shall immediately advise DFA and copy furnish OWWA of the need for repatriation.

3.2.2. If the OFW is documented, POEA shall further classify if he/she was deployed as balikmanggagawa, name hire/direct hire, Government hire or agency hire worker. The cost of PTA of the balikmanggagawa, name hire/direct hire and Government hire OFWs shall be advanced by OWWA without prejudice to reimbursement by the appropriate parties.

3.2.3. In the case of an agency hire OFW, the POEA shall immediately notify the agency concerned of the need for repatriation with a recourse to documentary suspension, garnishment or other sanctions as the case may be. The agency shall provide the plane ticket or the PTA to the Filipino Workers Resource Center or to the appropriate Philippine Embassy and notify POEA of such compliance. The POEA shall inform OWWA of the action of the agency.

3.2.4. If the employment agency fails to provide the ticket or PTA within 48 hours from receipt of the notice, the POEA shall suspend the license of the agency or impose such sanctions as it may deem necessary. Upon notice from the POEA, OWWA shall advance the cost of repatriation with recourse to the agency or principal. The Administrative sanction shall not be lifted until the agency reimburses the OWWA of the cost of repatriation with legal interest.

3.3. In all cases where the principal or agency of the workers cannot be identified, cannot be located or had ceased operations and the worker is in need and without means, the OWWA personnel at the jobsite, in coordination with the DFA, shall cause the repatriation. All costs attendant to repatriation borne by the OWWA are chargeable to the Emergency Repatriation Fund provided in R.A. 8042, without prejudice to the OWWA requiring the agency/employer or the worker to reimburse the cost of repatriation, in appropriate cases.

3.4. When repatriation becomes immediate and necessary, the OWWA shall advance the needed costs from the Emergency Repatriation Fund without prejudice to reimbursement by the deploying agency and/or principal, or the worker in appropriate cases.

3.5. In the cases of mandatory repatriation of underage migrant workers, the responsible officer at the foreign service post shall immediately course the repatriation of the said underage Filipino migrant worker. The cost attendant to this activity shall be borne correspondingly by the agency and/or principal or the OWWA or DFA as the case may be.

3.6. The OWWA shall take charge of the collection of PTA advances in close coordination with the POEA.

The POEA shall likewise provide OWWA on a monthly basis with a list of agencies which were meted orders of suspension of documentary processing and other sanctions for failure to respond to the directive of POEA to provide return tickets or PTAs for their deployed workers. Such suspension order or other sanctions shall not be lifted unless a clearance from OWWA is secured.

If the agency continuously fails or refuses to reimburse OWWA of the amount it advanced for the repatriation of the worker, the agency's bond may upon order of the Philippine Overseas Employment Administration be garnished to satisfy the claim of OWWA for reimbursement.

3.7. OWWA shall maintain a record of the following:

- a. list of the repatriated OFWs;
- b. number of PTA advances;
- c. itemized and total repatriation costs advanced by OWWA;
- d. amount paid by agencies to OWWA;
- e. names of delinquent payers; and
- f. other relevant data

4.0. Effectivity

This circular shall take effect immediately.

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