

SCHEDULE OF PENALTIES IMPOSED BY THE POEA FOR OFFENSES COMMITTED BY LICENSED EMPLOYMENT AGENCIES/MANNING AGENCIES AND CONTRACTING COMPANIES

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The new schedule of penalties imposed by the POEA for offenses committed by Licensed Employment Agencies, Shipping/Manning Agencies and Contracting Companies pursuant to the Administration's power to regulate private sector participation in the recruitment and overseas placement of workers is hereby promulgated.

NATURE OF OFFENSES

PENALTY

A. Offenses Against Workers

1. Collecting, charging, imposing or receiving any amount, fees or bonds not authorized by the Administration or that which is greater than the authorized fees from workers or requiring them to render services, in consideration of overseas employment. Suspension of license for one (1) one month and until settlement of the claims or fine equal to the amount collected or received but not less than P10,000.00 plus restitution of the amount collected or received in both instances.

2. Recruitment or deployment of workers under false documents or thru false representation or the use of deceit or other illegal machination. Ex. using fake WTTP, 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 and deceitful acts. Suspension of license for two (2) months or fine of P10,000.00

3. Withholding of workers salaries or remittances without justifiable reason. Suspension of license for two (2) months or fine equal to the salary withheld but not less than P10,000.00 plus restitution of the amount withheld in both instances.

The violation or offense against every complainant or worker under #1, 2 and 3 constitutes one count of violation and the above penalties shall be imposed cumulatively provided that if the suspension period exceeds 24 months, the penalty of cancellation shall instead be imposed.

4. Withholding of travel and Employment documents of workers for reasons not authorized by the Labor Code. Suspension of license until return of document.

5. Refusal or failure to deploy workers without valid reasons within the prescribed period. Suspension of license for two (2) months and until either: (a) deployment of the worker 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 worker but not less than P10,000.00 plus refund of his documentation and placement fee expenses.

6. Influencing or attempting to influence any person or entity to prevent the employment of any worker. Suspension of license for six (6) months or fine of P50,000.00.

B. OFFENSES IN RELATION TO SECURING OR THE USE OF LICENSE.

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 entities to use the license or authority issued by the Minister. Suspension of license for six (6) months or fine of P50,000.00.

3. Appointing or designating agents or representatives or operating outside of authorized office without prior approval of the POEA. Suspension of license for six (6) months or fine of P50,000.00.

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

5. Other acts of misrepresentation NATURE OF OFFENSES Suspension of license

in connection with securing a license or authority or the renewal thereof. for two (2) months or fine of P10,000.00

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 P10,000.00

2. Recruiting or deploying workers in violation of the POEA accreditation and processing procedures. Suspension of license for two (2) months or fine of P10,000.00

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 P10,000.00

5. 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 Republic of the Philippines. Suspension of license for six (6) months or fine of P50,000.00

Offenses or violation of similar nature 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 and surety bond. 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 by 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 issuances of the Administration on penalties inconsistent or contrary to the provisions of this Circular are hereby repealed or modified accordingly.

This Circular shall take effect 13 April 1985.

Adopted: 13 Apr. 1985

(SGD). PATRICIA A. STO. TOMAS
Administrator

Re-issued: 18 Feb. 1992

(SGD). JOSE N. SARMIENTO
Administrator

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