AMENDMENT OF DEPARTMENT ORDER NO. 28 RE: REPATRIATION OF OVERSEAS CONTRACT WORKERS (OCWS)

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For the purpose of ensuring the prompt repatriation of all overseas contract workers (OCWs) to prevent their getting stranded as a result of the termination of their employment due to contract violations either by the overseas contract workers or their employers and other causes as specified under program coverage, Department Order No. 28 is hereby amended, as follows:

I
Repatriation Bond Coverage

All departing Filipino OCWs and the respective employer/s or their agent/s shall post a repatriation bond drawn and issued locally under the following terms:

1. All OCWs whose employment contract has a term of three (3) months or longer shall be required to post this bond.

2. The bond shall guarantee the reimbursement of the actual cost of repatriation including airfare from the jobsite and other reasonable expenses connected therewith in the event that such repatriation is necessitated by any contract violation - either by the OCW or employer; war; strike; riot or civil commotion; death; illness and homesickness within the three-months probationary period that leads to contract violation/s; subject to the limit of liability set forth in Section II hereof;

3. The bond liability shall in no case exceed P22,000.00. However, for Asian countries and Trust Territories where return airfare does not exceed P11,000.00, the maximum liability shall be P11,000.00;

4. The effectivity of the bond and/or certificate of surety undertaking shall commence upon the departure date of the contract worker and shall be extended worldwide for the duration of the worker's employment contract;

5. The posting of a repatriation bond shall in no case absolve the local recruitment agency and/or the foreign employer from the principal responsibility provided under the joint and solidary provision of the employment contract and by the pertinent provision of the POEA Rules and Regulations;

Other terms and conditions not specifically stated in the guidelines shall be in accordance with the repatriation bond policy.

II
Premium Rate Payment and Cash Deposit

1. The total annual premium for the repatriation bond shall be a maximum of P198.50 or P11,000.00 coverage and P377.00 for P22,000.00 coverage. Such premium shall be equally shared by both the concerned OCW and his/their employer/s or their agent/s.

2. The above-prescribed premium shall be adjusted accordingly, based on a periodic evaluation of actual experience at a rate to be mutually agreed upon by OWWA and the designated Bonding Company.

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3. The OCW and the employer or his agent may file his application for bond and pay for it at a designated center established by POEA and the Bonding Company for this purpose. Otherwise, the licensed agencies may accept their applications for transmittal to the above designated center for acknowledgment and processing by the Bonding Company.

4. In no case shall any licensed agency require cash deposits from the worker for the purpose of guaranteeing contract performance.

III
Bonding Company

A bonding company shall be designated to manage and administer the repatriation bond.

IV
Documentation Requirement

The proof of premium payment should be secured and presented to the POEA prior to the processing of the workers' overseas employment contract/certificate.

The POEA shall supervise the proper implementation of the repatriation bond requirement as mandated. Monthly summary report shall be provided by the Bonding Company to the POEA and OWWA.

V
Actions and Claims

In the event that a need for repatriation arises, the OWWA shall endorse to the bonding company all requests for repatriation. The bonding company shall dispatch prepaid ticket advice (PTA), within 24 hours to concerned OCWs through the appropriate Embassy, Consulate and POLO offices abroad.

In cases where repatriation costs and other related expenses were advanced by the OCWs or OWWA, claims for reimbursement shall be filed directly with the bonding company. The bonding company shall process such claims within five (5) working days from submission of the required claim documents.

VI
Effectivity

This Department Order takes effect on May 28, 1995.

This Department Order supersedes all earlier issuances on this subject which are inconsistent herewith.

For strict compliance.

Adopted: 26 May 1995

(SGD.) JOSE S. BRILLANTES
Acting Secretary

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