

INCENTIVE PROGRAM FOR VICTIMS AND WITNESSES OF ILLEGAL RECRUITMENT

POEA MEMORANDUM CIRCULAR NO. 02, s. 2007, December 13, 2007

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Pursuant to the Governing Board Resolution No. 05, Series of 2007, the following guidelines shall govern the implementation of the incentive program for victims and witnesses of illegal recruitment.

I. COVERAGE

These guidelines shall apply to victims and witnesses of large scale/syndicated illegal recruitment who are willing to actively participate in the prosecution of illegal recruitment cases.

II. DEFINITION OF TERMS

1. Large Scale Illegal Recruitment refers to cases where the victim involved is three (3) or more persons individually or as a group.
2. Syndicated Illegal Recruitment refers to cases carried out by a group of three (3) or more persons conspiring or confederating with one another.
3. Indigent litigant/witness is one who has no money or property sufficient and available for food, shelter and basic necessities for himself and his family.
4. Letter of Admission is a document issued by the Committee to the applicant declaring his/her admission to the program.

III. QUALIFICATIONS/ENTITLEMENT TO THE PROGRAM

Persons entitled to the benefits of the Program:

1. Any person who is a victim/witness of large scale/syndicated illegal recruitment and considered as indigent litigant/witness as defined above.
2. The complaint should be for illegal recruitment only as defined by RA 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995 and shall not include charges for estafa.
3. The complainant is willing to actively participate in the prosecution of his case from the preliminary investigation up to the promulgation of judgment.
4. The complainant has not yet filed any similar complaint in any government agency or entity having jurisdiction over illegal recruitment cases.

The Administration, through the Committee on Victims and Witnesses of Illegal Recruitment Incentive Program, reserves the right to determine who shall be eligible for admission to the said program and shall validate supporting documents submitted for said purpose.

IV. COMMITTEE ON VICTIMS OF ILLEGAL RECRUITMENT INCENTIVE PROGRAM

The Committee shall be composed of the POEA Administrator as Chairperson and the Deputy Administrator for Licensing and Adjudication as Vice-Chairperson with the Director of Licensing and Regulation Office, Directors of the Anti-Illegal Recruitment Branch (AIRB), Government Placement Branch (GPB), Budget and Finance Branch, and a representative from the Department of Justice, as members.

V. ADMISSION INTO THE PROGRAM

The Committee will serve as the final screening body that will be responsible in determining the eligibility of the applicants. There will be a Secretariat to be headed by the Chief, Prosecution Division of the AIRB that will be responsible for the initial screening and evaluation of the applications.

VI. PROCEDURE FOR SELECTION

1. Submission of application letter to the Secretariat.
2. Evaluation of the application by the Secretariat within 15 days from receipt thereof.
3. Upon evaluation and determination that the documentary requirements have been complied with, the Secretariat shall forward the application with recommendation to the Committee for its deliberation.
4. The Committee shall schedule the applicant for a panel interview within 15 days from receipt of the endorsement to determine his/her eligibility to the program.
5. After determining the eligibility of the applicant to the program, the Committee shall issue a Letter of Admission and require him/her to execute an Affidavit of Undertaking stating the responsibilities and the conditions attached to the admission.

VII. AFFIDAVIT OF UNDERTAKING

Before an applicant can avail of the benefits and incentive package under the program, he/she shall submit a written undertaking that he/she shall:

1. Appear before the public prosecutor during the conduct of preliminary investigation and coordinate with this Administration with regards to all information concerning any action taken during such proceeding;
2. Actively participate in the prosecution of his/her case.

VIII. BREACH OF UNDERTAKING

Any violation of the conditions of the undertaking shall be a ground for the termination of the benefits provided under this Program.

IX. INCENTIVES AND BENEFITS

1. Free Legal Assistance - the Administration shall provide legal and other assistance to the victims/witnesses of illegal recruitment including but not limited to, legal advice, assistance in the preparation of complaints and supporting documents, institutions of criminal actions and, whenever necessary, counseling during preliminary investigations and hearings;
2. Financial Assistance - payment of docket fees in the filing of illegal recruitment cases, subsistence and transportation allowance and other financial assistance, subject to the availability of funds;

3. Welfare Assistance - upon termination of their testimony, victims and witnesses of illegal recruitment shall be placed in local employment through the National Reintegration Center or overseas employment under the Special Hiring Program of the Administration or through participating non-fee charging private recruitment agencies and other welfare assistance.

4. Skills Training Assistance - to help victims and witnesses of illegal recruitment qualify for available jobs, the Administration shall coordinate with government training providers like OWWA and TESDA, industry associations and PDOS providers for the training needs of those who are interested to avail of skills training and upgrading, language courses and Pre-Departure Orientation Seminars free of charge.

X. CONFIDENTIALITY OF PROCEEDINGS

All proceedings involving application for admission to the program and action taken thereon shall be confidential in nature. No information or documents given or submitted in support thereof, shall be released except upon written order of the Committee.

XI. REPEALING CLAUSE

All orders, circulars or issuances inconsistent with the foregoing provisions are repealed or modified accordingly.

XII. EFFECTIVITY

This Memorandum Circular shall take effect immediately.

Adopted: 13 Dec. 3007

(SGD.) ROSALINDA DIMAPILIS-BALDOZ

Administrator

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