GUIDELINES FOR THE IMPLEMENTATION OF DEPARTMENT ORDER NO. 28 SERIES OF 1991 CONCERNING REPATRIATION BOND FOR OVERSEAS CONTRACT WORKERS

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Pursuant to Department Order No. 28, Series of 1991 requiring Overseas Contract Workers (OCWs) to post a repatriation bond to ensure their prompt repatriation and prevent their getting stranded as a result of the termination of their employment for cause, the following guidelines are hereby issued:

I
General Statement

The provision of this Memorandum Circular shall apply to all departing land-based OCWs whose employment contracts have a term of at least six months under the following classifications:

1. workers recruited and placed by licensed agencies;

2. workers recruited and placed by the Administration on a government to government hiring arrangement;

3. name hires; and

4. workers recruited and placed through the Administration for foreign employers in such sectors as policy may dictate.

II
Exemptions

The provisions of this Memorandum Circular shall not apply to the following classifications:

1. seafarers;

2. balik-manggagawa (vacationing OCWs)

III
Amount of Coverage

The amount shall guarantee the reimbursement of the actual costs of repatriation including air fare from the jobsite and other reasonable expenses connected therewith. The bond coverage shall in no case exceed P20,000. However, for specific countries like Japan, Hongkong, Singapore, Malaysia, Brunei, Thailand, India, the Trust Territories and other similar areas where return air fares does not exceed P10,000 the coverage shall be at least P10,000.

IV
Premium Rate and Payment

The premium shall be a maximum of 1.75% per annum or P350.00 per year exclusive of tax and notarial fee for a P20,000 cover as established by the Insurance Commission. The cost of premium for the bond shall be in addition

to the placement fee paid by the worker.

The departing OCW or licensed agency shall pay the premium at the repatriation bond center established for this purpose. A corresponding proof of payment shall be issued to the OCW.

V
Functions of the Repatriation Bond Center

1. To accept premium payments and issue corresponding receipts therefor and individual certificates of coverage. The certificate shall be prepared in three copies distributed as follows:

original — POEA
duplicate — OCW
triplicate — Administering Company

2. To keep a computerized central file of all the names of OCWs who posted repatriation bonds and the validity of their bonds;

3. To submit a monthly report/list of covered OCWs to the Central Records Division, POEA and OWWA;

4. To settle any and all claims within 15 days after submission of all required documents.

VI
Effectivity of the Bond

The effectivity of the bond and/or Certificate of Coverage shall commence upon the departure date of the OCW and shall be extended worldwide for the duration of the worker's employment contract.

VII
Documentation Requirements

Individual Certificates of Coverage shall be secured from the Registration Bond Center and presented to the Employment Contracts Processing Branch (ECPB) or the Government Placement Branch (GPB), POEA as the case may be.

Upon completion of processing, both the ECPB and GPB shall forward the Individual Certificates of Coverage to the Central Records Division for recording and storage. The certificates shall be endorsed formally together with the list of workers covered by the bond.

VII
Liability

The panel of reinsurers shall be jointly and severally liable for any claim under a bond issued by the Administering Company.

IX
Claims

In the event that a need for repatriation arises, OWWA shall advance the cost of repatriation upon receipt of advice therefor.

The undertaking shall cover all requests for repatriation of workers for whatever cause without prior determination of ultimate responsibility.

Formal claims of OWWA shall be filed with the Administering Company. The following documents shall

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accompany and support the claim:

1. Copy of the employment contract;

2. Statement showing the actual repatriation expenses incurred by the contract workers together with the following documents:

2.1 Used Airline Tickets for the return flight to the Philippines; and

2.2 All other documents that will support the amount being claimed.

3. Photocopy of the passport showing the date of departure and arrival of the overseas contract workers and his/her personal data.

X
Cash Deposits

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

XI
Effectivity

This Memorandum Circular shall take effect fifteen (15) days from date of publication.

For strict compliance.

Adopted: 27 Nov. 1991

(Sgd.) JOSE N. SARMIENTO
Administrator

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