

GUIDELINES IN THE DISPOSITION OF CASES FILED WITH THE POEA REGIONAL CENTER AND REGIONAL OFFICES

POEA MEMORANDUM CIRCULAR NO. 19 s. 1991, September 20, 1991

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In line with the Philippine Overseas Employment Administration's (POEA) decentralization thrust of providing for a more effective mechanism to standardize procedures in the disposition of cases of recruitment violations, money claims, employer-employee relations and disciplinary actions filed with the POEA Regional Center for Visayas and Mindanao (PRC) and the Regional Offices (RO's) the following guidelines shall be strictly adhered to:

I

Filing/Hearing/Investigation

1. An aggrieved party shall file the complaint at the POEA Regional Center or the nearest Regional Office or Regional Extension Unit (REU) where he/she applied/was recruited. The POEA designated Hearing Officer shall immediately conduct and investigation and make the appropriate recommendations.
2. For effective monitoring purposes, a separate case folder shall be retained at the PRC or the RO prior to the transmission of the original case folder to the Adjudication Office, this Administration.
3. Decisions/Orders of Dismissal, Suspension, Temporary Lifting Orders are signed/approved by the Administrator after the same has been reviewed.
4. Cancellation Orders, Restraining Orders and the Lifting of Cancellation Orders are signed/approved by the Secretary of Labor or his duly authorized representative.
5. The Docket and Enforcement Division, Head Office shall furnish the parties copies of the Order/Decision while the Legal Research Division will disseminate information of contract workers/seamen on POEA Watchlist/Blacklist.

II

Appeals

The Head of the POEA Regional Center or the Director of the Regional Office where the case was filed shall receive the appeal for transmittal to the Adjudication Office, this Administration together with a copy of the official receipt as proof of payment of the appeal fee and other requirements for perfecting an appeal.

Upon receipt thereof, the Chief of the Legal Research, Docket and Enforcement Branch shall endorse the entire case folder and its supporting documents to the proper appellate bodies.

III

Enforcement of Final Orders/Decisions

A. Motion for Issuance of Writ of Execution/Motion to Quash Writ - All cases involving Motions To Quash Writ shall be transmitted to and resolved by the Administration.

B. In the Issuance of Writs of Execution the same mode in Appeals of cases from the POEA Regional Center and the Regional Offices is followed.

C. Enforcement of Writ

1. Service of Writ. The POEA Regional Center/Regional Office Sheriff(s) shall serve the writ if the agency is located within the jurisdiction of the POEA Regional Center or the Regional Office. If the place of business of the agency is within Metro Manila the Administration's Enforcement Officer(s) shall serve the writ.

2. Garnishment Against Cash Bond. In all instances, garnishment is with the Administration as cash bond is with the Head Office.

D. Preparation of Sheriff's Report - For writs served by the POEA Regional Center/Regional Office Sheriff(s) they shall prepare the report while for writs by the Administration's Enforcement Officer, the report shall be prepared by them. In both cases a copy of the report should be given to the Administration or POEA Regional Center/Regional Office as the case may be.

For Compliance effective immediately.

Date Filed: 20 September 1991

(Sgd.) JOSE N. SARMIENTO
Administrator

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