EXEMPTION FROM REPATRIATION BOND REQUIREMENT FOR LANDBASED BALIK-MANGGAGAWA OR RETURNING OVERSEAS CONTRACT WORKERS (OCWS)

Read online (full-text search, related cases, audio case brief): https://batas.org/library/ed98836bceae/

Pursuant to Department Order Nos. 33 and 33-A, series of 1992, granting exemption from the Repatriation Bond requirement, the following guidelines are hereby issued:

A
COVERAGE
Vacationing landbased overseas contract workers who have been re-hired or re-contracted by their present employers are exempted from posting the required repatriation bond.

B
REQUIREMENTS
In order to avail of the exemption provided under this Circular, qualified balik-manggagawa or returning OCWs are required to submit any of the following documents:

1. Written undertaking of the employer assuming actual costs of repatriation and other expenses connected therewith, in cases requiring the repatriation of the OCW back to the Philippines, including termination for cause or for causes attributable to the worker.

2. Copy of the previously processed employment contract with a provision indicating the employer's obligation to shoulder actual costs of repatriation and other expenses connected therewith, in cases requiring the repatriation of the OCW back to the Philippines, including termination for cause or for causes attributable to the worker.

3. For agency-endorsed processing of returning OCWs or balik-manggagawa, a written guarantee from the local agency or employer that the contract provision stated in #2 above, has been included in the Master Employment Contract/Individual Employment Contract previously processed and approved by POEA.

C.
EXCLUSION
The provisions on exemption as provided in this Circular shall not apply to the following:

1. Vacationing landbased OCWs who have changed employers;

2. Undocumented OCWs whose documents shall be processed by POEA for the first time; and

3. Balik-manggagawa who are re-hired by the same employer but whose documents shall be processed by the POEA for the first time.

D.
TRANSITORY PROVISION
In order to allow proper and widespread dissemination of this Circular, the concerned OCW may be allowed to execute a voluntary waiver of benefits provided by the required Repatriation bond, in lieu of the documentary

requirements in paragraph B hereof, for the first month from effectivity hereof.

E.
EFFECTIVITY
This Memorandum Circular shall take effect immediately.

For compliance.

Adopted: 15 Feb. 1993

(Sgd.) FELICISIMO C. JOSON, JR.
Administrator

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