

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Manila

DEPARTMENT OF LABOR AND EMPLOYMENT	
Administrative Service Central Records Section-GSD	
DATE:	03 MAY 2013
TIME:	3:57
RECEIVED BY:	<i>Jan</i>

Administrative Order No. 168
Series of 2013

**MANUAL OF OPERATIONS, POLICIES AND GUIDELINES
FOR THE PHILIPPINE OVERSEAS LABOR OFFICE (POLO)**

Pursuant to the provisions of R.A. No. 8042 ("Migrant Workers and Overseas Filipinos Act of 1995"), as amended by R.A. No. 10022 and its implementing rules and guidelines, Labor Code of the Philippines, as amended, POEA Rules and Regulations, and consistent with the rules and regulations of the Department of Foreign Affairs, Civil Service Commission, Commission on Audit, OWWA Omnibus rules and other pertinent issuances and guidelines of the Department, this Manual of Operations, Policies and Guidelines for the Philippine Overseas Labor Office (POLO) is hereby promulgated.

TITLE I
ORGANIZATION, FUNCTIONS AND RESPONSIBILITIES
OF THE PHILIPPINE OVERSEAS LABOR OFFICE

Section 1. Philippine Overseas Labor Office (POLO). The POLO serves as the Department of Labor and Employment's (DOLE) overseas operating arm in the implementation of Philippine labor policies and programs for the protection of the rights and promotion of the welfare and interests of Filipinos working abroad.

Section 2. Functions and Responsibilities. The POLO shall have the following functions and responsibilities:

- A. Ensure the protection of the rights and promote the welfare and interests of overseas Filipino migrant workers and assist them on all problems arising out of employer-employee relationship;
- B. Promote and implement the Department's overseas employment program, consistent with the overall policy thrust of the government;
- C. Verify employment contracts and other employment-related documents;
- D. Monitor and report to Home Office (HO) situations and policy developments in the host country that may affect Filipino migrant workers in particular and Philippine labor policies, in general;

- E. Supervise and coordinate the operations of the Migrant Workers And Overseas Filipinos Resource Center (MWOFRFC);
- F. Pursue need-based community development and relations program and engage in socio-cultural activities organized by the Philippine government, host country, Filipino communities and other entities; and
- G. Perform other functions as may be directed by the Secretary of Labor and Employment.

Section 3. POLO Personnel and Organizational Structure

- A. POLO is headed by the Labor Attaché II, or a Labor Attaché I who is designated as the Head of POLO by the Secretary.
- B. The Head of POLO is assisted by a Labor Attaché I, when applicable, a Welfare Officer, Technical Support Staff (i.e., service officers from other Departments such as social workers), Administrative Staff (i.e., regular personnel from DOLE and its attached agencies deployed to post), and Local Hires (e.g., Interpreters and Drivers hired at post).
- C. In case of absence or incapacity of the Head of POLO, the next ranking officer shall automatically act as the Officer-in-Charge (OIC) of the POLO until the Secretary designates a regular or acting Head of POLO. In cases where the next ranking officer is an Administrative Staff (AS), he/she shall automatically act as OIC in so far as administrative matters are concerned. No verification function and disbursement of funds shall be undertaken by the AS unless written authorization is issued by the Secretary.

Section 4. Relationship with the Head of Post/Mission. The Secretary shall have the primary authority over the POLO officers (Labor Attachés and Welfare Officers) and Staff but the Chief of Mission shall exercise administrative supervision over them during their tour of duty.

Section 5. One Country Team Approach. DOLE subscribes to the One Country Team Approach under the leadership of the Ambassador/Head of Mission. Under the country-team approach, all POLO officers and staff, regardless of their mother agencies shall, on a per country basis, act as one country team with a mission under the leadership of the Ambassador.

The POLO shall primarily handle all matters arising out of employer-employee relationship including, but not limited to, the following:

- (1) Violation of work contracts, conditions of employment such as non-payment or underpayment of wages and other benefits, illegal dismissal and other similar cases;
- (2) Violation of POEA rules and regulations;
- (3) Provision of temporary shelter;
- (4) Medical and hospital assistance;

- (5) Repatriation of workers;
- (6) Human Trafficking for labor exploitation/Trafficking in persons/illegal recruitment and allied cases; and
- (7) Other requests for assistance such as para-legal assistance, and non-performance of family obligations.

In cases involving criminal and/or police matters and procedures, the POLO shall render assistance at the initial contact with the concerned worker but it shall endorse said cases to the Assistance to Nationals (ATN) section of the Philippine Embassy/Consulate.

Section 6. Authority of the Head of POLO. The Head of POLO shall have authority over all POLO Officers and Staff and shall have direct supervision and control over the operations and management of the POLO including the Migrant Workers and Other Overseas Filipinos Resource Center (MWOFRFC). The Head of POLO shall likewise exercise supervision and control in the implementation of POLO Programs and effective supervision of OWWA Welfare Programs.

The Head of POLO shall conduct an annual planning exercise at post prior to the submission of the Post's Integrated Physical and Financial Plan (IPFP) or work plan to the Home Office.

The Head of POLO shall implement the approved Integrated Physical and Financial Plan (IPFP) of the DOLE and OWWA. In accordance with mutually agreed work plan, all liquidation reports, communication and other performance reports by the Welfare Officer shall be coursed through and noted by the Head of POLO prior to submission to the Overseas Workers Welfare Administration (OWWA) and Central Office.

All POLO officers and staff, including the Welfare Officers, shall adopt and use a single office letterhead in the post in all its communication.

Section 7. One-DOLE Overseas Operations System. All POLO officers, including Welfare Officers and Administrative Staff, shall strictly conform to the one-DOLE Overseas Operations System. The assignment and deployment of Labor Attachés, Welfare Officers and Staff shall be approved and signed by the Secretary. Welfare officer(s) shall, at all times, keep the Head of POLO informed about the status of all welfare cases as well as programs and trainings being implemented in the post.

To promote policy coordination among POLOs located in one country, the following Head of POLOs shall act as the POLO Coordinators:

POLO Coordinator	Posts
Labor Attaché – Taipei	Taipei, Kaoshiung, Taichung
Labor Attaché – Riyadh	Riyadh, Unaizah, Alkhobar, Jeddah
Labor Attaché – Abu Dhabi	Abu Dhabi, Dubai
Labor Attaché – Vancouver	Vancouver, Toronto
Labor Attaché – Rome	Rome, Milan

The POLO Coordinator shall initiate meetings to discuss/ensure the uniform implementation of policies and procedures across the posts covered. POLO Coordinators shall submit reports to the Secretary through ILAB on or before 15 November of every year.

Section 8. Guiding Principles. The POLO shall provide maximum services to Filipino Migrant Workers to protect their rights and promote their welfare. In pursuit of this mandate, the POLO shall focus on the following key areas, namely: employment protection and facilitation, provision of welfare services and skills enhancement and other training programs, employment promotion and market development, and linkages with the host government, relevant foreign embassies/consulate, international organizations, the Filipino community and non-governmental institutions in the post.

All relevant modes of assistance in the handling of cases shall be explored to afford full protection to the workers' rights, preserve or restore the harmonious relationship between the workers and employers, respect the laws of the host country, and enhance the reputation of the POLO as a Center of care and excellence.

Section 9. Market Development. The Head of POLO shall provide the POEA, through the Cluster Head, copy furnished ILAB, with regular labor market information/profiles, employment situation updates, quarterly market intelligence reports, and assistance to the Philippine Overseas Employment Administration (POEA) marketing missions. The Head of POLO may pursue, in coordination and supervision of the Chief of Mission, discussion on bilateral and multilateral labor issues and concerns with the host government, foreign embassies concerned, and international organizations, and coordinate the same with POEA and the Secretary, through the Cluster Head, copy furnished ILAB.

The Head of POLO shall likewise promote the image and competencies of Filipino manpower to individual and corporate employers, chambers of commerce and industry, association of employment agencies and to appropriate agencies in the host-country.

Section 10. Reports and Reporting System. All transactions at the POLO shall be recorded and stored using the Foreign Labor Operation Information System (FLOIS) data storage program. Data generated by the system shall be consolidated at the end of the month for submission to the Secretary and other institution and partner agencies.

Any development that will impact on national interests shall be communicated to the Secretary through the Cluster Head; copy furnished the International Labor Affairs Bureau (ILAB) and the OWWA Administrator, within twenty-four (24 hours) of its occurrence for information and appropriate action.

The following reports must be submitted:

<u>Title of Reports</u>	<u>Details of the Reports</u>	<u>Deadline for Submission</u>
1. Integrated Physical and Financial Plan	A document detailing the post's target outputs for a specific fiscal year, indicating therein the numerical targets and output indicators and accompanied by a detailed operational expenditure requirement.	On the 15 th day of December of the preceding year
2. Semi-Annual Report to Congress	A consolidation of post's accomplishments from January to June, and from July to December, in accordance with Section 42 of RA 8042, as amended by RA 10022 to include a narrative and statistical physical report	On the 15 th day of July for the first semester and on the 15 th day of January of the following year for the second semester.
3. Statistical Performance Reporting System (SPRS)	Reflects the post's monthly accomplishments on core programs in numerical form.	Not later than the 7 th day of the month following the reporting period
4. Narrative Accomplishment Report	<i>Mid-Year Accomplishment Report (Narrative)</i> based on the SPRS/ <i>Annual Accomplishment Report (Narrative)</i>	Not later than 7 July (attached to June SPRS)/ 7 January (attached to December SPRS)
5. Monthly Report on MWOFRS Operations	Reports to include activities in the Center, total no. of wards admitted/discharged, nature and status of cases, etc.	Every 7 th day of the month
6. Country Labor Market Profile	A detailed analysis of the host country's labor market development as well as laws and policies affecting the entry or continued presence of foreign workers, including the country's projected demand for foreign skilled or professional workers	Every 15 th day of January and July of the year.

- | | | |
|--|---|-----------------------|
| 7. POLO Exceptional Report/Flash Reports as may be required by the Secretary | Includes news reports/advisory, reports on urgent and emergency situations, policy changes in host country, among others. | As often as necessary |
|--|---|-----------------------|

The Head of POLO and the Welfare Officer shall use a uniform prescribed reporting format to DOLE-ILAB and OWWA Central Office, respectively, as shown in **Annex "A"** (POLO Report Forms).

TITLE II LABOR DOCUMENTATION FUNCTIONS

Part A. Verification Guidelines and Procedures

Section 11. Verification of Employment Documents

- A. Verification, as one of the primary functions of the POLO, refers to the procedure being conducted or applied by the Labor Attaché to ensure that all the employment rights, benefits and welfare of Filipino migrant workers at the worksite are duly protected. The Labor Attaché shall also ensure that the employment contracts of the Filipino migrant workers are consistent with the prevailing employment laws, standards and practices in both the Philippines and the host country and that the documentary requirements for overseas employment as required by the POEA are complied with.
- B. The Head of POLO or duly authorized POLO officer, or a duly deputized officer of the embassy/consulate in posts where there is no POLO, shall verify overseas employment documents presented by prospective employer/principal/employment agency in the host country and/or conduct on-site verification, if necessary, to establish the existence of the employer/principal, its ability to hire workers at the prescribed rates and at desirable working conditions consistent with the standards prescribed by the POEA and with the labor laws and regulations in the country of employment.

Section 12. Documentary Requirements for Verification. Verification shall cover documents relating to overseas employment, such as:

- A. Individual /master contract of employment which incorporates the minimum provisions of employment contracts as follows:
 1. Guaranteed wages for regular work hours and overtime pay, which shall not be lower than the prescribed minimum wage in the host country or not lower than the appropriate minimum wage standards set

forth in a bilateral agreement or international convention, if applicable, or not lower than the minimum wage in the country, whichever is highest. The contract should specify the basic salary which must be exclusive of allowances and fixed overtime pay. (Supervisory, managerial and other similar job categories may be exempted from this provision due to high salary rates).

2. Duration of contract (which shall be for a definite period not exceeding three (3) years, subject to renewal).
3. Place of Work/Jobsite (Transfer of worker to another country shall not be allowed, except for justifiable circumstances and upon the concurrence of the deploying agency and the POLO, and provided further that the project / jobsite of reassignment is accredited / registered with the POLO / POEA and its location / country is certified compliant as required under RA10022. Any such transfer of worker shall be reported to the POEA)
4. Commencement/ Effectivity of contract (should be upon departure from point of hire)
5. Free transportation from and back to the point of hire, or offsetting benefit;
6. Free food and accommodation, or monetary equivalent, the amount of which should be commensurate with the cost of living in the host country, or offsetting benefit;
7. Just/valid/authorized causes for termination of the contract by the employer and by the worker and taking into consideration the customs, traditions, mores, practices, company policies and the labor laws and social legislations of the host country;
8. In case of death, repatriation of worker's remains and shipment of his belongings at the expense of the employer;
9. Compulsory insurance with minimum coverage as required under R.A. 10022 at no cost to the worker.

In case of foreign placement agencies, the master employment contract shall refer to the employment contract of its client/s which complies with the foregoing minimum provisions. For sea-based workers, the employment contract shall be in the POEA prescribed form.

- B. Special Power of Attorney or any other equivalent document issued by the principal or employer, or recruitment agreement/service agreement specifically authorizing the licensed Philippine agency to recruit for and its behalf. In case of foreign placement agency, a Special Power of Attorney or any equivalent document authorizing it to recruit workers from overseas in behalf of the foreign employer. For sea-based recruitment, the manning agreement shall be in the POEA prescribed standard form.

- C. Manpower request/job order indicating the number of vacancies, skill categories and salary per skill category. In case of foreign placement agency, manpower request must be supported by a request from direct employer to the foreign placement agency to hire such workers;
- D. Valid business license, registration certificate or equivalent document. In case of foreign placement agency, the business license or registration certificate must show that it is licensed or authorized to operate as such by the host country.
- E. Employer's profile to include information on business activities, number of years of operation, volume of current labor force, and others;
- F. Other documents as may be required.

The POLO shall likewise verify the documentary requirements for the POEA accreditation of foreign principals and agencies and may require the submission of other documents as may be necessary.

Section 13. Criteria for Verification. The POLO shall be guided by the following criteria, among others, in the conduct of verification:

- A. Legal personality of the employer/principal;
- B. Financial capability of the employer/principal;
- C. Viability of the project/s;
- D. Consistency of the terms and conditions of employment with the DOLE, POEA rules and regulations;
- E. Compliance with the laws of host country which are for the benefit of the Filipino workers;
- F. Result of the on-site inspection conducted for new companies hiring Filipinos for the first time; and
- G. POEA/DOLE regulations on the pre-qualification of foreign principal/employer.

Section 14. Verification Procedures and Process

- A. The employer/manpower agency/worker shall submit the employment-related documents for verification to the POLO, together with the other documents per post's checklist.
- B. As much as possible, the above employment documents shall be standardized by the POLO to facilitate the processing/review/verification, subject to requirements of the Philippines and host government.

- C. The POLO Administrative Staff (AS) processes the documents to check completeness of the requirements, including the employer's or the latter's authorized representative's signature on each and every page thereof and stamps "VERIFIED" on the lower portion of the last page of the document; assesses/collects the verification fee and issues the corresponding O.R.. The AS concerned writes the O.R. No. and date on the stamp mark on the document/s, attached the original O.R. to the document/s and endorses the same to the Labor Attaché for verification.
- D. The Labor Attaché / Assistant Labor Attaché checks the correctness of the charges/fees and verifies the documents based on established criteria and guidelines set forth in the preceding section.
- E. The Labor Attaché or the Assistant Labor Attaché as may be authorized by the former, may briefly interview the employer/authorized agency representative/workers, and then affix his/her signature in the space provided on the stamp marks on the employment documents if the same are in order. In case the Job Order/Manpower Request is for 10 or more workers (depending on the volume of documents for processing), the same may undergo the routine on-site verification, especially for companies hiring Filipinos for the first time.
- F. The Labor Attaché releases the original documents to the employer/authorized agency representative or to the staff in charge of releasing the documents. The duplicate copies of the documents shall be returned to the AS.
- G. The AS prepares the matrix on employment documents processed for the day, which shall include, among others, the nature of documents, the name of the employer and the worker/s being hired, the position/s, O.R. No., and the amount paid, and emails the same to POEA, copy furnished FMS as may be necessary for daily monitoring. The POEA, as feedback to the Posts, shall provide POLO access to its data on names of workers deployed, contracts of workers processed, job orders/manpower requests filled up, as well as agencies/employers accredited, among others.
- H. The AS encodes all O.R.s issued in the Cash Register Receipt (CRR) which shall be reviewed by the Labor Attaché/Assistant Labor Attaché.
- I. Verification shall be completed within 24 hours from the day of submission of documents, particularly if the employer/principal is of good standing. If the employer/principal is new or has unsatisfactory record and on-site inspection is deemed necessary, verification may be completed, when feasible, not later than five (5) days from submission of complete documents and/ result of on-site inspection.

If the documents are found to be incomplete based on the post's checklist of requirements, or that the same need further verification, the Head of POLO shall inform the employer/principal of the status of verification and may return the documents to the employer/principal concerned.

J. The employer/agency representative shall submit the verified employment documents to the Consular Office for authentication and pays the corresponding fees to the finance officer/cashier of the Philippine Embassy/Consulate. In certain Posts however, the verified documents may be internally forwarded to the Consular Section for authentication subject to payment of authentication fees.

K. The employer/agency representative shall forward the employment documents to POEA for processing and issuance of the necessary exit pass, after the worker's completion of the visa/medical clearance/pre-departure briefing/culture and language briefing, as the case may be, and other requirements.

Section 15. Schedule of Verification Fees. Immediately after assessment/evaluation of the overseas employment documents, the duly designated collecting officer shall assess and collect from the employer/principal or his/her duly designated representative, the following service fees:

(1) **US\$10** or equivalent in local currency for each of the following documents relating to the hiring of an individual worker, namely: Job Order/Manpower Request, Individual Employment Contract, Special Power of Attorney or other similar document/s.

(2) **US\$30** or equivalent in local currency for each of the following documents relating to the hiring of more than one worker: Master Employment Contract, Special Power of Attorney, Job Order/Manpower Request, Service/Manning Agreement or other similar documents.

The Secretary may, in the interest of the service, adjust the amount of the service fees/charges, subject to existing laws and rules.

The Collecting Officer shall adopt the collection rate of the DFA in the post in the assessment of fees for purposes of uniformity. The collection, recording, safekeeping and use of the Verification Fees shall be in accordance with the rules under Section 62 of this Manual.

Section 16. Deferral of Action on Verification. The Head of POLO may defer action on the verification of recruitment documents of foreign employer, FPA and PRA in case of non-compliance by the latter of their contractual obligations to Filipino workers and/or failure to cooperate and provide the necessary assistance in the repatriation of their workers.

Part B. Accreditation of Foreign Placement Agency (FPA) and Employers by POLO.

Section 17. Requirements for Accreditation/Verification of FPA and Employers. (Only complete documentary requirements shall be received by the POLO for evaluations.)

A. Foreign placement agency (FPA)

1. Special Power of Attorney/Recruitment Agreement/Service Agreement;
2. Job order of the FPA to the Philippine Recruitment Agency (PRA) indicating the positions, the number of positions required and salary per position;
3. Job order of the direct employer to the FPA, indicating the number of positions required and salary per position;
4. Business license to engage in placement/recruitment activity of the FPA as well as business license or equivalent document of the direct employer;
5. Master employment contract from the direct employer, signed on all pages by the employer or his authorized representative;
6. Contingency plan as may be applicable; and
7. Letter of Undertaking from both the FPA and the direct employer stating that they:
 - a. Shall assume joint and solidary liability with the Philippine recruitment agency for all claims and liabilities which may arise in connection with the employment of workers, including but not limited to payment of wages, death and disability compensation and repatriation;
 - b. Shall guarantee compliance with its contractual obligations as approved by POLO and processed by the POEA;
 - c. Shall provide for the best terms and conditions of employment;
 - d. Shall repatriate its hired and deployed workers and personal belongings when the need arises; and
 - e. Shall assist and cooperate with the POLO, POEA and their PRA on all matters affecting their hired and deployed workers.

B. Direct Employer

1. Special Power of Attorney/Recruitment Agreement/Service Agreement;
2. Job order (JO) of the employer to the PRA indicating the number of positions required and salary per position;
3. Copy of valid commercial registration/business license of the employer;
4. Master employment contract signed on all pages by the employer, or his authorized representative;
5. Letter of Undertaking from the employer as provided for under Section 17(A)7; and
6. Contingency plan, as may be applicable.

C. Additional Requirement for Staffing/Outsourcing Company Acting as Employer of the Workers

1. List of names and address of the principal's / company's clients.

Section 18. Requirements/Conditions for Dual / Multiple Accreditation

A. For Direct Employer. A direct employer (not FPA) may be accredited to a maximum of three (3) Philippine recruitment agencies upon compliance with the following:

- a. All requirements cited in Section 17;
- b. Undertaking by the employer that it will comply with its obligations to the other agency/ies as agreed upon between them and evidenced in their respective recruitment / service agreements;
- c. No diminution in the compensation package for projects in the same jobsite;
- d. New job order for at least 50 workers (POLO shall verify utilization of JOs previously approved and credited with the other PRA/s. If said JOs are determined to be dormant or not moving, request for dual/multiple accreditation shall not be acted upon);
- e. List of deployed workers under JOs previously approved with the other PRA/s.

B. For Foreign Placement Agency (FPA). An FPA may be accredited to a maximum of two (2) Philippine recruitment agencies upon compliance with the following:

- a. No diminution of compensation package;
- b. New job order for at least 50 workers; and
- c. Minimum deployment of 50 workers for the first agency within a period of one year immediately preceding the request for dual accreditation.

Section 19. Cancel/Transfer of Accreditation. The accreditation of an FPA/ employer may be cancelled and transferred to another agency subject to the following:

- a. Submission by the FPA/employer of an Affidavit or verified letter revoking its appointment and/or accreditation with an existing PRA and transferring the same to a new one;
- b. No diminution in the compensation package previously approved by the POLO;
- c. Undertaking by the transferee agency that it shall assume full and complete responsibility for all the contractual obligations of the principal to its workers originally recruited and processed by the former agency;
- d. Notice to existing agency/ies. The POLO shall notify the existing agency/ies of the request for cancellation and transfer of accreditation by a principal / employer. The PRA/s shall be given three (3) days from receipt of notice within which to submit comments on the requests for cancellation and transfer of accreditation of its principal/employer.

The pendency of the claims for money or enforcement of obligations arising out of business relations between principals and their existing licensed recruitment agencies shall not prevent the POLO from acting on the request for the transfer of accreditation of the principal, if public interest so requires. The said claims may however be referred to the POEA for conciliation.

The POLO shall immediately notify the POEA, within 24 hours, of the revocation/cancellation and transfer of accreditation of a foreign principal / employer to another PRA.

Section 20. Grounds for Temporary Suspension of POLO Verification and Accreditation of Foreign Employers/Principals. The POLO may suspend the verification of employment documents and accreditation of an FPA/Employer, which shall have the effect of suspending all of its documentary processing at the POLO and POEA, on the following grounds:

- a. Unjustified failure to repatriate/assist its distressed workers;
- b. There is reasonable ground to believe that continued accreditation would lead to the continued exploitation of any or all of its workers and applicants, or pose imminent danger to the lives and safety of its workers;
- c. There is a prima facie evidence of flagrant violations/non-compliance of the employer with its contractual obligations to its hired workers; and
- d. When there is a hired worker/complainant who is either a minor or below the prescribed minimum age; and
- e. In case of misrepresentation and/or submission of fraudulent documents.

The POLO shall implement the above suspension by issuing a Notice of Temporary Suspension to the concerned FPA/Employer.

The temporary suspension of accreditation shall be lifted immediately upon satisfactory settlement of worker's claims / compliance with the conditions for lifting the suspension of document verification and principal / employer accreditation. For this purpose, POLO shall issue a certificate of reinstatement / revalidation of FPA's or employer's accreditation.

Section 21. Validity of Accreditation. POLO accreditation shall apply to new applications for FPA/employer accreditation, including renewal of expired POEA accreditation/ registration. Said POLO accreditation shall be valid for a period of four (4) years for direct employers, and two (2) years for foreign placement agencies unless suspended, sooner revoked or cancelled by the POLO or the POEA, for violation of the POLO / POEA rules.

Temporary suspension of accreditation shall not in any way interrupt the period of validity of accreditation but shall have the effect of suspending the documentary processing of FPA/employer.

All existing accreditation registered at the POEA shall be in force until their expiration period unless suspended, sooner revoked or cancelled.

POLOs shall immediately inform POEA of any suspension, revocation or cancellation of employer / principal accreditation, and vice versa, for reflection in their respective database. Such suspension, revocation or cancellation of accreditation initiated by either POLO or POEA shall be effective in both offices.

Section 22. Issuance of Certificate of Accreditation by the POLO and Registration by the POEA. The POLO shall issue a certificate of accreditation within a period of five (5) days upon completion of the verification process.

Certificates of accreditation issued by the POLO, together with the supporting documents, shall be submitted at the Land based Center, POEA by the employer's representative for registration.

The Certificate of Accreditation and Renewal of Accreditation of FPAs and Employers shall follow the prescribed format as shown in **Annex "B"** (for FPA/Employer hiring skilled or non-HSW workers) and **Annex "C"** (for HSW workers).

Section 23. Cancellation / Revocation of Accreditation. The POLO / POEA shall *motu proprio* revoke/cancel the accreditation of FPA/ employer on any of the following grounds:

- a. Expiration of the principal's business license or cessation of business or recruitment activity for a minimum period of one (1) year;
- b. Upon written mutual agreement by the Foreign Placement Agency/Employer and the Philippine Recruitment Agency(PRA) to pre-terminate the Agreement;
- c. False documentation or misrepresentation in connection with the application for accreditation;
- d. Final judgment in a disciplinary action against the FPA/employer by the POEA and;
- e. Failure to comply with the undertaking submitted as requirement for accreditation.

Section 24. Procedure for the Revocation/Cancellation of Accreditation by the POLO. The following are the procedures to be followed:

- a. Upon determination of the existence of any of the foregoing grounds for revocation/cancellation of accreditation, the POLO shall verify/communicate with, and require the concerned FPA/Employer and PRA to submit their comments within a period of five (5) days from receipt of the POLO notice;
- b. Upon receipt of the comments, the POLO shall evaluate the merits of the response of the FPA /Employer and PRA.

The failure of the concerned parties to comment within the prescribed period to respond shall be construed as a waiver and the POLO shall immediately proceed with the investigation based on the available records;

- c. After evaluation of the comments and the available documents, the POLO shall render a decision. In case of revocation/cancellation of accreditation, the POLO shall notify immediately in writing the concerned parties and the POEA.

The *motu proprio* revocation/cancellation of the accreditation by the POLO shall be subject to review by the POEA.

Section 25. Request for Re-Accreditation of Revoked / Cancelled Accreditation. Requests for re-accreditation of revoked / cancelled accreditation shall be treated as new applications for accreditation and shall comply with the requirements stated under Section 17 of this Manual.

In case of failure of conciliation, the aggrieved party may file a complaint with the Adjudication Office in accordance with the procedures prescribed by the Rules.

- I. The accreditation of a principal shall be automatically cancelled when the penalty of the cancellation or suspension of twelve (12) months or more has been imposed by the Administration against the license of the agency. As such, the Land based Employment Center shall be furnished with the appropriate Advice from the Docket and Enforcement Division for the former to be able to implement the cancellation of accreditation.
- II. For Japanese principal hiring overseas performing artists
 1. Escrow deposit of the principal amounting to US\$20,000
 2. Referral letter from POLO

Section 26. Ban on Direct Hiring of Household Service Workers (HSWs). As a general rule, the ban on direct hiring of household service workers (HSWs) shall be strictly implemented in all Posts with the exception of the following categories of employers in accordance with the provisions of the Labor Code of the Philippines, as amended, POEA Memorandum Circular No. 44, Series of 1996, and DOLE Memorandum dated 3 December 2008:

- a) Members of the Diplomatic Corps
- b) Members of International Organizations
- c) Immediate members of the family of the Heads of State/Government
- d) Ministers, Deputy Ministers and other Senior officials of the host country
- e) Employers residing in countries where foreign placement agencies do not operate.
- f) Other employers as may be allowed by the Secretary of Labor and Employment.

Section 27. Processing of Professional/Skilled/Semi/Low Skilled Workers as Name Hires. The ban on direct hiring pursuant to Article 18 of the Labor Code, as amended, shall be implemented. However, employers who wish to employ limited numbers of professionals, skilled/semi-skilled and low skilled workers without the

participation or assistance by a local licensed agency may request the POEA to process their employment as name hires subject to the following limitations:

- a) Employment contracts shall be individually verified by the POLO;
- b) Maximum of ten (10) name hires shall be allowed for every employer;
- c) Employers shall secure the prescribed insurance for the worker.

Part C. Overseas Employment Certificate (OEC) and OWWA Membership: Guidelines and Procedures

Section 28. Issuance of Overseas Employment Certificates (OECs) for Workers-on-Leave/Balik Manggagawa (BM). All departing OFWs, whether new hires or Balik Manggagawa are required to secure an Overseas Employment Certificates (OECs) which shall serve as exit clearance and as exemption from payment of travel tax and airport terminal fee.

Workers-on-Leave or Balik Manggagawa may secure their OECs either at the POLO before leaving the worksite country or at POEA and other authorized offices before departure.

Section 29. Who are Considered as Workers-on-Leave/Balik Manggagawa (BM). The following persons are considered as workers-on-leave or Balik Manggagawa (BM) and are also referred to as returning workers, namely:

- A. An OFW who is returning to the same employer;
- B. An OFW who changed employer in the same jobsite provided he/she can show proof of his new employment contract duly verified by POLO;
- C. Undocumented/irregular workers like tourists, dependents, students, businessmen who became OFWs and have partially served their duly verified employment contracts;
- D. An OFW who will transfer to another jobsite/country with the same employer, provided that the worker shall subsequently have another contract to be verified by the POLO in the receiving post; and

(Please note that for gainfully employed Filipinos who are on permanent residency status but have not acquired foreign citizenship and those who obtained dual citizenship under RA 9225 may be covered by OWWA membership provided that they can present a duly verified employment contract).

Section 30. Persons Not Classified as Workers-on-Leave/Balik Manggagawa. The following persons should not be issued OECs:

- A. Dependents of OFW
- B. Students
- C. Businessmen

- D. Tourists
- E. Dependents/relatives of Philippine Embassy/Consulate staff including their household who are not OFWs and are holding diplomatic or official passports
- F. Others who are not considered as overseas contract workers, including members of the religious and missionary organizations.

Section 31. Documentary Requirements for OEC Issuance. Applicant OFW shall fill up the BM Info Sheet and submit/present the following documentary requirements:

- A. Duly accomplished OFW Information Sheet, one copy for POEA and another for OWWA in case of membership coverage or renewal application;
- B. Valid Passport;
- C. Valid re-entry visa, work permit or any equivalent document;
- D. Copy of valid employment contract or any proof of existing employment; and
- E. Proof of valid membership to PAG IBIG Home Development Fund(This requirement is applicable if there is a PagIBIG collecting Officer in the post pursuant to RA 9679)

Section 32. Evaluation of Documents and Payment of OEC Fees. The POLO shall evaluate the documents submitted and ascertain if the applicant OFW is indeed a Worker-On-Leave/Balik Manggagawa. The POLO shall likewise check if the OFW's membership in the OWWA is still valid. If the documents are found in order, the OFW shall pay the corresponding OEC fee in the amount of P100.00 or its equivalent in the post's currency, to the designated collecting officer.

Section 33. Validity of OECs. A single OEC is valid for sixty (60) days from date of issue subject to an extended period of time as maybe approved by the POEA Administrator. Multiple OEC is valid for one (1) year from the date of issuance provided the employment with the same employer is maintained during the period and subject to POEA guidelines.

Section 34. OWWA Membership: Issuance and Guidelines. In line with OWWA's commitment to promote the welfare of the Overseas Filipino Workers (OFWs), the following workers may register under the on-site membership program:

- (a) OFWs who have renewed or shall renew their employment contracts on-site;
- (b) OFWs in host countries where there is no OWWA office/designated collecting officer;
- (c) Former natural born Filipino citizens permanently residing and gainfully employed abroad who obtained dual citizenship under Republic Act No. 9225.

A. *Documentary Requirements*

The following documents are required for the issuance of OWWA on-site membership:

1. Valid passport and work permit.
2. Any documentary proof of employment such as employment contract, certificate of employment, company ID payslip, etc.
3. Duly filled-up declaration of intention for membership to OWWA
4. Valid Philippine Passport or sworn petition for reacquisition of citizenship and oath of allegiance duly authenticated by the Philippine Embassy/Consulate (for natural born citizens who acquired dual citizenship)

B. *Membership/Renewal Fee*

The OWWA contribution shall be Twenty Five Dollars (US\$25.00) or its equivalent in local currency, per contract per person. Payments may be made in US Dollars or its equivalent in Peso or local currency. Upon payment, the official receipt and Certificate of Membership (COM) coverage shall be issued to the worker.

All payments shall be made to OWWA designated/deputized collection officers at the Philippine Overseas Labor Office (POLO) on-site.

OFWs who registered for membership are covered for a maximum period of two (2) years, renewable for even periods thereafter.

Section 35. OEC and OWWA Membership Application Process.

A. The AS reviews the submitted documents and assesses, collects, and issues the corresponding Official Receipts for POEA OEC and for OWWA Membership contributions, as the case may be. The POEA O.R. shall reflect the OEC Number issued and the OWWA O.R. shall reflect the Certificate of Membership number accordingly.

B. The AS indicates in the OEC/BM, the following:

1. The name of the worker
2. Position of worker in the company/employer
3. Passport Number
4. Worksite or destination
5. Date the OEC/BM is prepared and its validity

C. The AS indicates in the OWWA membership certificate, the following:

1. Name of the worker
2. O.R. Number issued and date

D. The AS releases the processed documents to the OFWs as follows:

1. Passport
2. Original O.R.s
3. Original and 2 other copies of the POEA OEC/BM, as follows:
 - a. Airline copy (original), which serves as travel tax exemption certificate;
 - b. LAC copy, which serves as the worker's travel exit clearance/pass together with the worker's copy, to be presented to the LAC for validation purposes.
 - c. Worker's copy, the validated copy is presented to the BID at the airport when the OFW returns to the jobsite; and
4. Original OWWA Certificate of Membership(COM), as the case may be

E. The AS concerned prepares separate Cash Receipts Register (CRR) for OEC and COM collections, deposits said collections in the respective bank accounts and remits the monthly collections not later than the 5th day of the following month to POEA and OWWA respectively.

F. The POLO may attest or certify photocopies of the OECs issued and information sheets of returning OFWs who may want to avail of reduced travel tax for their dependents or OFWs who may want to avail of OWWA benefits. However, once said documents are officially endorsed to POEA, the attestation/certification shall be undertaken by the POEA.

G. The POEA and OWWA may issue additional guidelines on the processing of OEC and COM and the collection of corresponding fees as may be necessary, upon clearance from the Cluster Head, the Undersecretary for Employment and Manpower Development, copy furnished the ILAB and the FMS or DOLE.

TITLE III SERVICES TO OVERSEAS FILIPINO WORKERS

Part A. Welfare Assistance to Overseas Filipino Workers

Section 36. Workers Assistance. The POLO shall handle complaints and dispute cases which are inherently labor in character or arising out of employer-employee relations, such as those involving salaries and wages, violation of other terms and conditions of the employment contracts, termination, and others. The Welfare Officer, or in his/her absence, the Coordinating Officer shall provide the Filipino migrant workers and their families all the assistance they need in the enforcement of contractual obligations by employers/agencies. The Labor Attaché and the Welfare Officer shall make proper representations with the employer/principal and/or agency as the case may be, through conciliation meetings or conferences for the purpose of enforcing contractual obligations concerning migrant workers. Assistance may also

be rendered in cases of medical problems, non-performance of family obligations, ascertaining whereabouts, runaways, and other similar grievances. The POLO shall closely coordinate with, and refer to the Embassy's Assistance to Nationals Section (ATN), all matters involving sexual offenses, physical injuries/abuses, and other criminal violations committed against the workers with the end view of more fully protecting workers' rights.

Section 37. Basic Assistance and Services

- A. *Counselling.* Right information and proper guidance shall be dispensed through counselling by the POLO at the initial contact with the worker, particularly in handling grievances from work and/or cultural adjustments.
- B. *Conciliation/Legal Advice.* The POLO shall exhaust all available remedies to amicably settle all disputes and shall invite parties to conciliation meetings/proceedings. In the event that conciliation may no longer be possible and the workers' complaint requires submission to the labor arbitration process in the host country, the POLO shall assist the workers in all stages of proceedings and provide legal advice as may be feasible;
- C. *Medical and Hospital Assistance, Representation and Onsite Visitations.* The POLO shall provide medical/hospital referral and assistance to workers who are physically, mentally and/or emotionally ill. Likewise, representations with local authorities and visits at the workplace, campsites, hospitals and prisons, whenever possible, shall be undertaken.
- D. *Provision of Temporary Shelter to Workers in Distress.* In countries where there is a Migrant and Other Workers Filipino Resource Center (MWOFRFC), a temporary shelter shall be provided by POLO to female workers in distress subject to certain admission rules and criteria.
- E. *Skills Training, Capability-Building and Reintegration Services.* The POLO and OWWA, through its Welfare Officers in the post, shall conduct a continuing program toward OFW skills training and upgrading, capability-building seminars, and reintegration preparedness program for OFWs.
- F. *Special Operations.* The POLO, in coordination with the Head of Mission, shall undertake relief and rescue operations to assist Filipino workers in distress and during crises. For this purpose, the POLO shall endeavour to establish contacts and liaison with local authorities and support groups for information gathering and cooperative relationships.

Part B. Case Handling and Management

Section 38. Basic Procedures on Receiving Complaints and Request for Assistance. For work-related complaints, the procedure starts upon receipt of complaints and ends upon settlement/resolution of the case at the level of the POLO or upon referral of the case to the competent authority.

For criminal/police cases, such as sexual abuse, physical injuries, accident, death, drugs and alcohol and immigration/deportation cases, the procedure commences from the initial interview of complainant or alleged victim and ends upon the referral of the complaint to the Assistance to Nationals (ATN) section at post.

Rescue, provision of shelter, reintegration and other after-care assistance to victims may be provided as the need arises, while the case is pending. Referral to other relevant agencies may also be done. A Process Flow on Case Management is hereby attached as **Annex "D"** for guidance.

A. Walk-In Clients

A.1 The Case Officer handling the case shall perform the following:

- a) Initially interview and assess the need of the person requesting assistance;
- b) Assist the complainant in accomplishing the Request For Assistance Form (RAF) as shown in **Annex "E"**; and
- c) Review the accuracy and completeness of the information and ensure that the complainant signed the RAF

A.2. The Case Officer shall assess the nature of the complaint/request Based on the information provided by the client in the RAF, and shall ascertain the latter's immediate need(s) and desired relief(s).

A.3. The Case Officer shall inform or apprise the requesting party of the settlement procedures, including possible options and remedies available in response to his request, and take the necessary action peculiar to the nature of the request for assistance.

A.4 The POLO shall inform ILAB, POEA/OWWA of the actions taken and updates of the case.

B. Complaints Thru Phone Calls/SMS/Mails/Referrals

B.1 For complaints or requests emanating from phone calls or SMS (text), any POLO staff who received the calls or SMS shall accomplish the RAF immediately, act with dispatch and inform/provide feedback to the requesting party of action taken within 48 hours, copy furnished the ILAB, POEA/OWWA.

B.2 The POLO shall acknowledge receipt of mailed and referred request for assistance, and act with dispatch and inform/provide feedback to the requesting party of action taken within 48 hours, copy furnished the ILAB, POEA/OWWA.

C. *Specific action peculiar to Household Service Workers (HSWs), other Vulnerable Workers and Workers in Distress*

C.1 Violation of Employment Contract/ Conditions of Employment

Whenever calls for assistance from HSW are received the POLO shall respond with dispatch. Addressing the complaint shall preferably be done in coordination with the host country's competent authority.

The Case Officer may assist the parties in drawing up a settlement agreement which shall be signed by the parties and attested to by the Welfare Officer or the Labor Attaché. In the alternative, the Case Officer may request the worker to write and sign a letter acknowledging that he/she has reached an amicable settlement with his/her employer and/or he/she received the consideration/compensation agreed upon.

C.1. If settlement with the employer fails:

1. The Case Officer/POLO shall ask the Foreign Placement Agency (FPA) to cooperate in setting the employer to honor his/her obligation under the employment contract.
2. If the employer refuses to settle, the Case Officer/POLO shall inform the PRA and the FPA of their joint and solidary obligation to settle the case.
3. If the PRA refuses to settle, the Case Officer/POLO shall submit a detailed report and recommend to the POEA the disqualification of the employer and FPA from the Overseas Employment Program (OEP) and the suspension of license or suspension of documentary processing of the PRA. The detailed report shall include sworn statements and other relevant documents as prescribed under D.O. No. 87-08, Series of 2008. Written interrogatories may subsequently be required from the complainant. The sworn statement/ complaint must be made in writing by the complainant under oath and must contain the names and addresses of the complainant as well as the respondents, specific acts or omissions constituting the alleged offense, place and date where the offense was committed, and the relief being sought. All supporting documents must be attached to the complaint whenever possible.
4. The POLO may defer action on the verification of recruitment documents until the cause for such deferment has been satisfactorily addressed pursuant to Section 21.

5. The Case Officer/POLO shall inform the client his/her other legal options and the processes in the filing of a case in the host country or in the Philippines.
6. The Case Officer shall assist the client in filing the case at the Labor Office of the host country should he/she decide to pursue it on-site and shall continue to render assistance and monitor the case until its final resolution.
7. In cases where the worker can no longer legally stay in the host country during the pendency of the case, or opts to return to the country before the resolution of the case, the worker may be required to execute special power of attorney authorizing the POLO or the Embassy/Consulate to pursue his/her claims where such authorization or substitution is allowed under the laws of the host country.
8. During the pendency of the case, Case Officer /POLO shall require the insurance company thru the PRA to provide the appropriate benefits due to the worker in accordance with the provisions of RA 10022.
9. In case the worker requests transfer to another employer and such is allowed or permitted by the law of the host country, the POLO shall provide the necessary assistance.

C.2. Medical and Hospital Referral Assistance

The POLO shall provide referral assistance for medical/hospital treatment to workers who are physically, mentally and/or emotionally ill (*e.g. victims of sexual /physical abuse such as rape, harassment and other forms of abuses*). Likewise, referrals to Filcom and other charity organizations for assistance, representation with local authorities and visits at the hospitals, whenever possible, shall be undertaken.

If OFW needs immediate hospitalization

1. Upon being informed of a Filipino worker in need of medical attention, the Case Officer shall contact the worker and the FPA/employer at once and extend the necessary assistance.
2. The Case Officer shall secure from the ATN/POLO and the appropriate police authorities, a referral letter to appropriate hospital or medical institutions.
3. Together with an ATN Officer and the employer, the Case Officer shall accompany the client to an appropriate hospital or medical institution.

If the client needs continuing medical treatment/hospitalization or specialized medical equipment, the Case Officer shall request the employer/FPA to shoulder the medical expenses, as the case may be. If the financial support is not provided, the Case Officer shall link up with other networks and other sources for assistance. The Case Officer/POLO shall notify the next-of-kin (NOK) regarding the condition of the worker through the Central Office /Regional OWWA Office.

If the client needs surgical operation, a medical certificate attesting to the need to undergo such shall be secured from the attending physician. The Case Officer/POLO shall notify the NOK thru the Central Office/Regional OWWA Office and request written permission from the NOK to allow a doctor to perform the surgery. In emergency cases that require immediate operation, the doctor's judgment call or decision shall prevail.

4. The POLO, through the Welfare Officer, shall closely monitor the worker's condition.
5. If it is necessary to file a case based on the medical findings, the POLO shall coordinate with the ATN officer who shall then report to the police authority.
6. The POLO shall monitor the case/condition of the client and provide regular report to ILAB/POEA/OWWA.

If OFW has been admitted to hospital

1. Upon receipt of information that a Filipino worker has been admitted to a hospital, the POLO shall call the hospital immediately to inquire about the patient's condition.
2. The POLO shall visit the worker in the hospital at the earliest opportunity and thereafter monitor the patient's health condition.
3. The POLO shall coordinate with the worker's NOK on-site or in the Philippines to report/provide update on the condition of the worker.
4. If worker is abandoned by employer, the POLO shall inform the Foreign Placement Agency (FPA) or the Philippine Recruitment Agency (PRA) about the condition of the worker.
5. If hospitalization requires intervention of Philippine Embassy/Consulate, the POLO shall inform the ATN officer and/or the Head of Mission at once.

C.3. *Rescue Operation*

The POLO, in consultation with the Head of Mission, shall undertake rescue operations to assist an OFW who is at risk or whose life is in danger subject to host country's regulations. For this purpose, the POLO shall endeavour to establish contacts and liaison with local authorities and support groups for information gathering and cooperative relationships.

C.4. *Provision of Temporary Shelter*

Upon discharge of the client from the medical institution or during pendency of the case if needed, the POLO shall facilitate accommodation of the female worker at the MWOFRFC or alternative housing centers for temporary shelter.

In the case of male workers, POLO shall refer them to government housing centers, NGOs, religious institutions, FPA and other support groups.

C.5. *Psycho-social Intervention for Distressed OFWS*

The POLO, in coordination with concerned professionals, shall provide psycho-social intervention such as stress debriefing and counselling to distressed OFW.

C.6. *Repatriation*

If repatriation assistance is needed for the return of the OFW to the country or in case of death or shipment of remains, the POLO shall facilitate with employer/FPA/PRA, ATN and host country, local authorities, arrangement for and/or provision of return ticket, airport/escort assistance, and other special requirements whenever needed.

C.7. *Recording and Reporting of Complaints/Cases*

The POLO, the Welfare Officer in particular, shall maintain a system of recording and reporting of all complaints/cases filed with the Post. It shall designate from among its staff a records officer cum docket officer who shall have the following responsibilities:

- (1) Receive, encode requests for assistance and maintain the data base and case records/files.
- (2) Prepare reports on cases and other special reports as may be required.

- (3) Prepare a short list of critical or very important cases for immediate attention/monitoring.
- (4) Generate other information/data for planning and policy formulation.

C.8. Reporting of Critical/High Profile Cases

The POLO shall submit flash reports to the Secretary, copy furnished OWWA, POEA and ILAB as the need arises. Flash report should contain, among others, the names of OFWs involved, contact details of their NOK in the Philippines, the nature of the case and initial action taken and the recommendation of the post.

The POLO shall submit an initial progress report/update, and comprehensive terminal report on the status of the case to the Chief of Mission and Central Office (DOLE), copy furnished OWWA and POEA.

Part C. Repatriation: Policies and Guidelines

Section 39. Repatriation of Workers. The following are the general guidelines and policies on repatriation:

- A. *Primary Responsibility for Repatriation.* The repatriation of an OFW or his/her remains, and the transport of his/her personal effects up to the allowable free baggage allowance of the carrier, shall be the primary responsibility of the principal or local agency that recruited or deployed him/her abroad. All costs attendant thereto shall be borne by the principal or the local agency.
- B. *Responsibility for Other Attendant Costs of Repatriation.* Notwithstanding the provision for repatriation covered by the compulsory insurance provisions of R.A. No. 10022, the primary responsibility to repatriate entails the obligation on the part of the principal or local agency to advance the repatriation and other attendant costs, including plane fare, deployment cost of the principal and immigration fines and penalties, to immediately repatriate the worker should the need for it arises, without a prior determination of the cause of the termination of the worker's employment. However, after the worker has returned to the country, the principal or local agency may recover the cost of repatriation from the worker if the termination of employment was due solely to his/her fault.
- C. *Responsibility for Obtaining Exit Visa/Permit in Countries which require Exit Visa/Permit for Migrant Worker's Repatriation.* The employer or principal shall be primarily responsible for securing the exit visa/permit at no cost to the worker and shall have fifteen (15) days from notice to secure such exit visa/permit. The local agency (PRA) which recruited/deployed the worker shall coordinate with the principal or employer in securing the visa.

- D. *Sanction Against Failure to Obtain Exit Visa/Permit.* If the principal and/or agency fail to secure the exit visa/permit within a period of 15 days from receipt of POEA notice, the POEA shall suspend the principal from participating in the overseas employment program, and may impose suspension of documentary processing on the agency, if warranted.
- E. *Mandatory Repatriation of Underage Migrant Workers.* In case the Labor Attaché or Welfare Officer has been informed of the presence of underage OFW within his/her jurisdiction, and upon reasonable verification of said information, he/she shall immediately report the same and recommend immediate repatriation of the worker to the Ambassador or Consul General, copy furnished OWWA/DOLE. Subsequent actions shall be governed by relevant provisions of existing laws, practices at the post, arrangements between DOLE and DFA, and related repatriation guidelines and procedures.
- F. *Repatriation of Medically Ill Worker.* The Head of POLO shall see to it that proper medical clearances are secured before the repatriation of medically-ill worker and that only trained paramedic and/or licensed medical personnel, or any officer or staff with prior authority from the Secretary, shall be allowed to accompany/escort said medically-ill worker in his/her flight to Manila or point of destination.
- G. *Recommending Repatriation in Certain Circumstance.* The following worker's situation shall also constitute as compelling reasons for the POLO to undertake immediate repatriation of Filipino migrant workers:
1. There is danger to life and limb of the Filipino worker;
 2. Stranded Filipino migrant worker has neither a supportive employer who could be identified/located, nor has a chance to be legally employed by a new employer; and
 3. Other situations which demand immediate repatriation of Filipino Migrant Workers as may be determined by the POLO.
- H. *Chargeability of Cost.* The costs of repatriation of Filipino Migrant Workers shall be chargeable to the following accounts:
1. *For Active OWWA Members.* In cases of failure of the employer and/or agency to provide the repatriation expenses, the repatriation cost shall be advanced by OWWA from its repatriation funds;
 2. *For Irregular/Undocumented/Non-Labor and Employment Related Cases/ATNU Cases.* Repatriation cost may be charged to the worker's/employer's account, FPA or OUMWA-DFA repatriation funds.

Section 40. Repatriation Procedures

- A. The Labor Attaché and Welfare Officer in a foreign post shall evaluate all requests for repatriation. Should there be a need for the immediate repatriation of the migrant worker/s, the Labor Attaché shall notify the foreign employer about the request for repatriation. If the employer fails or refuses to provide for the ticket or cost thereof, the Labor Attaché shall simultaneously notify OWWA and POEA of the need for ticket and the readiness to repatriate the worker.

If upon determination by the Labor Attaché, it appears that the request for repatriation falls under the jurisdiction of OUMWA-DFA, such as undocumented, irregular, non-labor or employment-related cases, and purely ATN cases, the Labor Attaché shall immediately endorse the request for repatriation to the ATN section of the Philippine Embassy/Consulate for appropriate action.

- B. Upon receipt of the notification from the Labor Attaché, the POEA shall, within 24 hours, issue a notice requiring the agency concerned to provide the POLO within 48 hours from such notice, the required plane ticket or the prepaid ticket advice (PTA) of the worker. The agency shall notify the POEA of compliance, which shall then inform OWWA of the action of the agency.
- C. The POLO upon receipt of the plane ticket or PTA shall acknowledge receipt of the same to the POEA, copy furnished OWWA.
- D. If the agency fails to provide the plane ticket or the PTA within 48 hours from receipt of notice, POEA shall suspend the documentary processing of the agency or impose sanctions as it may deem necessary.
- E. POEA shall advise OWWA, through its Repatriation and Assistance Division (RAD) to advance the cost and effect the repatriation of the migrant worker within 24 hours from determining that the agency failed to provide ticket or PTA.
- F. Upon receipt of notice from POEA of the failure of the agency to provide the required ticket or PTA, OWWA shall:
1. Immediately advance the cost of repatriation with recourse to the agency or principal;
 2. Inform concerned POLO of the issuance of e-ticket/PTA; and
 3. Closely monitor the progress of the worker's repatriation.

- G. Where the principal/agency of the worker cannot be identified or located, or had ceased operations, and the worker is in need and without means, the Labor Attaché and the Welfare Officer at the job site, in coordination with the Embassy, shall cause the repatriation in appropriate cases. All costs attendant to repatriation borne by the OWWA may be charged to the OWWA repatriation fund without prejudice to the OWWA requiring the agency/employer/insurer or the worker to reimburse the cost of repatriation.
- H. The POLO shall inform OWWA of the flight details and other assistance requested in connection with the repatriation of the migrant worker.
- I. POLO shall advise the migrant worker that upon receipt of repatriation schedule, OWWA-RAD shall coordinate with concerned DOLE-OWWA Regional Office for airport assistance. The worker shall be informed also that the RAD-OWWA airport assistance team would ask for his/her used boarding pass upon arrival.
- J. Upon endorsement of repatriated worker/s to welcoming family member, relative or friend, or upon final guidance to worker who shall travel home by him/herself, RAD-OWWA shall document the closure of the repatriation case in its official files and inform concerned POLO accordingly.
- K. The Labor Attaché shall keep track of the status of all repatriation requests and shall submit a monthly report to the Secretary, through ILAB, copy furnished the Repatriation Unit, Adjudication Office of the POEA, the OWWA Repatriation and Assistance Division (RAD) and the Overseas Operations Coordination Service (OOCs).

The report shall basically contain ticket and fund utilization, names of repatriated workers, names of supportive and non-supportive employers and their agencies, best practices applied, if any, and other information relevant to enforcement and enhancement of the repatriation system.

TITLE IV

MIGRANT WORKERS AND OTHER OVERSEAS FILIPINO RESOURCE CENTER (MWOFRFC): GUIDELINES AND POLICIES

Section 41. Establishment of the Center. Migrant Workers and Other Overseas Filipinos Resource Centers (MWOFRFC) shall be established in countries where there are large concentration of migrant workers, as determined by the Secretary of Labor and Employment in consultation with the Chief of Mission. It shall be established within the premises and under the administrative jurisdiction of the Philippine Embassy or Consulate.

When the Center is established outside the premises of the Embassy or Consulate, the Department of Foreign Affairs shall exert its best effort to secure appropriate recognition from the receiving government in accordance with applicable laws and practices.

Section 42. Services of the MWOFCR. The Center shall provide the following services:

- A. Counselling and legal services;
- B. Welfare assistance including the procurement of medical and hospitalization services;
- C. Information, advisory programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction;
- D. Registration of irregular/undocumented workers to bring them within the purview of the act;
- E. Implementation of DOLE and OWWA programs;
- F. Human resource development, such as training and skills upgrading;
- G. Gender-sensitive programs and activities to assist particular needs of migrant workers;
- H. Orientation program for returning workers and other migrants;
- I. Monitoring of the daily situation, circumstances and activities affecting migrant workers and other overseas Filipinos;
- J. Ensuring that labor and social welfare laws in the receiving country are fairly applied to migrant workers and other overseas Filipinos; and
- K. Conciliation of disputes arising from employer- employee relationship, in accordance with this rule.

Section 43. Personnel. The MWOFCR shall be staffed by foreign service personnel, a Labor Attaché and other service attachés or officers who represent Philippine Government Agencies abroad.

The following personnel may be assigned to the Center:

- A. Psychologists, social workers, and a Shari'a or human rights lawyer, in highly problematic countries as categorized by the DFA and DOLE and where there is a concentration of Filipino Migrant Workers;

- B. Individual volunteers and representatives from bona fide non-government organizations from the receiving countries, if available and necessary as determined by the Labor Attaché in consultation with the Chief of Mission;
- C. Public Relations Officer or Case Officer conversant, orally and in writing, with the local language, laws, customs and practices; and/or
- D. Legal Officers (POE/NLRC/DOLE) and such other professionals deemed necessary by the Secretary of Labor and Employment.

The Labor Attaché, in consultation with the Chief of Mission, shall determine the staff complement of the Center with the approval of the Secretary of Labor and Employment.

Section 44. Usage of the Center

- A. Venue for meetings and other activities relative to the implementation of programs and projects of the Filipino Community Organizations (FilCom) which will benefit Filipino migrant workers;
- B. Venue for the conduct of reintegration and other trainings/seminars;
- C. Temporary shelter for overseas Filipinos in distress who are admitted based on the criteria for admission set forth herein; and
- D. Other purposes as maybe determined by the Labor Attaché.

Section 45. Administration of the Center. The MWOFRFC shall be under the direct control and supervision of the Head of POLO. He/she shall keep the chief of mission informed and updated on all matters affecting it at least quarterly through a written report.

The Center Supervisor is tasked principally with the supervision of the wards, orderly maintenance of the Center, and preparation of the reportorial requirements thereon. She must live within the premises of the Center.

The Head of POLO and the Welfare Officer shall prepare an annual activity plan for the MWOFRFC wards which will include continuing skills training, reintegration programs and wellness activities, to be submitted to the Secretary/OWWA Administrator, copy furnished the ILAB and OCCC, respectively.

Section 46. Criteria for Admission of Wards in the Center. It shall be the duty of Head of POLO or his/her duly appointed representative to assess the admissibility of an applicant to the Center without violating the laws and regulations of the host country regulations by using the following criteria:

1. The applicant should be a female Filipino citizen;
2. She must have pending or on-going employment contract-related problem;

3. She must have left her accommodation and has nowhere else to go;
4. She must have reported to the Center within 24 hours after leaving her accommodation;
5. Female OFWs charged or arrested for a criminal offense and released to the Philippine Embassy/Consulate and endorsed to the Center on a second party custody arrangement and other ATN cases may be admitted to the Center subject to the approval of the Head of POLO.

OFWs with mental and physical problems requiring professional care must be endorsed/referred immediately to appropriate health service provider.

OFWs with warrants of arrest should be turned over immediately to the ATN for appropriate action.

Request for readmission of OFWs who previously left in violation of the rules of the Center shall be denied.

Workers denied admission to the shelter may still avail of other services of the POLO.

Section 47. Procedure for Admission.

- A. The applicant must fill out the required application for Admission Form (**Annex "F"**) prior to admission in the Center.
- B. The Head of POLO/ authorized representative evaluates the application based on the established criteria for admission. Approval or denial of application must be communicated immediately to the applicant.
- C. Upon approval of the application, the Head of POLO/authorized representative shall immediately endorse the accomplished Application Form to the Center Supervisor who shall conduct a briefing on the Center's rules and regulations to the applicant who is accepted as a ward of the Center.
- D. The ward shall be made to sign an Admission Form indicating that she understands and will abide by the rules and regulations of the Center. Violation thereof shall be a ground for disciplinary action and/or discharge from the Center.
- E. Since the Admission Form contains both the general and country-specific rules and regulations of the Center, each POLO shall devise its own pro-forma Admission Form to be used at post.

The Center Supervisor shall maintain a recording system which shall include the date and time of admission, brief statement of personal circumstances, inventory of

ward's personal belongings at the time of admission and the date and time of discharge from the Center.

Section 48. House Rules and Regulations. The following are the general rules and regulations of the Center:

- A. An inventory of the ward's belongings shall be accomplished upon admission as ward in the Center.
- B. All appliances, gadgets and valuables of the ward shall be registered and turned over to the Center supervisor upon admission for safekeeping. A copy of the list of turned-over belongings shall be provided to the ward for reference. Failure to register the same shall be ground for confiscation.
- C. All wards must not engage in any work or employment, whether full time or part time, while they are in the custody at the Center.
- D. As a general rule, no wards shall be required to perform regular functions of the POLO, MWOFRFC and the Embassy. They shall not likewise be allowed to work in the household of Embassy and POLO officials and staff.
- E. POLO officers and staff, except for the designated Center Supervisor, shall not stay/live at the Center without written approval from the Secretary.

The Head of POLO shall promulgate additional rules and regulations which he/she may deem proper for the orderly maintenance of the Center, copy furnished the ILAB.

Section 49. Discharge of Ward from the Center. A non-Household Service Worker (HSW) ward shall be discharged upon final settlement of her case which results in either her return to the employer, transfer to another employer, or repatriation as may be allowed under the host country regulations. However, HSW wards shall only be discharged upon their repatriation. No waiver policy shall be observed unless the temporary permit to work is obtained from competent authority in the host country in which case, the worker may be allowed to leave the Center upon approval of a written request.

Section 50. Procedure for Discharge.

- A. Outgoing wards shall present their belongings for inspection and shall take with them all their belongings including those turned over to the Center supervisor for safekeeping upon admission when they are discharged.
- B. The ward shall be required to sign the duly accomplished Discharge Form.

The duly accomplished Discharge Form (**Annex "G"**) shall be filed in the case folder of the ward.

Section 51. Use of Center By FilCom and NGO's. FilCom organizations and NGOs may be permitted to use the Center for their activities subject to the following conditions:

- A. Prior approval of their request by the Head of POLO or his/her duly authorized representative.
- B. Activities or meetings by FilCom organization and NGOs which are allowed or permitted by the host government's laws, religious beliefs and cultural traditions may be conducted in the Center;
- C. There is available space in the Center for holding such activities; and
- D. Such activities should not hamper, disrupt or interfere with the normal operations of the Center.

Organizations or persons whose use of the Center may pose conflict of interest issues or raise possible security or political concerns shall not be permitted to use the Center.

Section 52. Procedure for the Use of the Center.

- A. The organization must submit a letter request addressed to the Head of POLO particularly specifying the name of their organization, its president, the contact details of the officers, the activity that they wish to conduct, the date and the time for the use of Center facilities. Said letter request must likewise indicate the duration of the activity and the expected number of participants or attendees.
- B. It must also specify the FRC facilities/equipment they are requesting to use provided the same are available (i.e., projector, computer, white board and marker, sound system, and the like). They must take good care of the facilities/equipment with diligence. The FilCom organization shall be liable for any damage or breakage of facilities/equipment and may be required to deposit a refundable amount to the POLO to cover the value of said facilities or equipment. Said deposit amount shall be returned upon completion of the event and upon determination by the POLO that no damage has been done.
- C. The organization must also ensure that the place is clean and orderly after the activity. Failure to maintain the orderliness and cleanliness of the venue shall be a ground for the denial of their subsequent request/s. A notice of assessment shall be sent to the Filipino community organizations charging them for actual cost of cleaning which may however be deducted from the deposit made when applicable.

The Head of the POLO or his/her duly authorized representative shall be responsible for the scheduling of the use of the Center.

Section 53. Reports. The Head of POLO shall submit a monthly report on the operations of the Center to the Cluster Head, copy furnished the ILAB on the 30th day of the month. The report shall include but not limited to:

- A. Registry of OFWs admitted to the Center, date of admission, and status of case at the date of reporting;
- B. Registry of organizations who used Center facilities for their activity and the number of attendees/ participants; and
- C. List of trainings and seminars and other projects conducted by the POLO at the Center and the number of participants who benefitted from these endeavours.

Section 54. MWOFR/POLO Office Expenses. The rental of the POLO MWOFR shall be charged against the funds of the Department unless otherwise provided by existing agreements. The POLO Office expenses shall be cost-shared by DOLE and OWWA, and other government agencies therein if applicable (i.e., SSS, HDMF, DSWD, and PhilHealth), subject to the usual accounting and auditing rules and regulations.

TITLE V POLO FINANCIAL MANAGEMENT, OPERATIONS AND OTHER CONCERNS

Section 55. General Policies and Principles. The POLO shall adhere to the basic principles of transparency, streamlined financial and administrative processes, system of accountability and responsiveness to the needs of time to effectively carry out their programs and services for the protection and the promotion of the welfare of migrant workers.

Section 56. Standardization of Financial and Administrative Systems.

- A. The Labor Attaché and Welfare Officer shall comply with the standard documentary requirements and adopt the prescribed forms for the payment of expenses and/or liquidation of the cash advances for their operations in the posts as provided for under A.O. 190, Series of 2012.
- B. The ILAB and the FMS and their OWWA counterparts namely, the OOCS and the AFMO, shall comply with the prescribed requirements in the processing/payment of claims of POLO Officers, Welfare Officers, Administrative Staff and other Service Personnel.

The POLO shall likewise be guided with the standard procedures and requirements in the verification of employment-related documents as well as in the on-site issuance of OEC and OWWA membership coverage which involve, among others, the collection, deposit and remittance of fees.

Section 57. Administration of Post Funds. To carry out the programs and projects of the DOLE overseas, the POLO shall be allocated with funds which shall be remitted by the DOLE and/or OWWA Central Office, through the bank accounts to be opened by the concerned officer/s for the purpose. The funds shall be administered in accordance with an Integrated Physical and Financial Plan (IPFP) of DOLE and OWWA.

Section 58. Preparation and Submission of Integrated Physical and Financial Plan (IPFP)

- A. At the beginning of the ensuing year/upon the receipt of the budget allocation of the POLO/upon instructions from the Home Office, the Labor Attaché and the Welfare Officer shall prepare an IPFP together with the preliminary events calendar (EC), which shall detail the proposed major projects of the office to be funded by the DOLE and its attached agencies especially the OWWA and the POEA, taking into consideration, the program priorities of the DOLE as committed in the Labor and Employment Plan (LEP)/Office Performance Commitment and Review (OPCR).
- B. The total amount in the IPFP shall not exceed the allocated funds of the DOLE and the OWWA for the post, which shall be based on some criteria as may be approved by the Secretary of Labor and Employment, upon recommendation of the Undersecretary for Employment and Manpower Development in collaboration with the OWWA Administrator.
- C. The IPFP shall be submitted to the Office of the Secretary through the Office of the Undersecretary for Manpower Development, for approval. The IPFP of Welfare Officers at the Post should be recommended by the Head of POLO prior to submission to OWWA.

Section 59. Implementation of the IPFP; Disbursement of Funds.

- A. To implement the IPFP, the POLO shall be provided with Special Cash Advance (SCA), subject to availability of cash (Notice Of Cash Allocation or NCA) from the Department of Budget and Management (DBM) in the case of the Office of the Labor Attaché, and to the cash program of the OWWA, in the case of the Welfare Officer, and which may be replenished subject to the usual accounting and auditing rules.
- B. The POLO Officers (Labor Attaché and Welfare Officer) may be authorized to hold their respective special cash advances to implement the IPFP upon their official designations as special disbursing officers and upon completion of the bonding requirements of the Bureau of Treasury. The HRDS and the ILAB for the DOLE personnel, and the HRMDD and the OPCS for the OWWA personnel shall be responsible for these bonding requirements.

Section 60. Special Cash Advances. The special cash advances shall be used only for the following purposes, namely: (a) rent; (b) MOOE, and (3) equipment purchase, including vehicles, as may be authorized.

- A. The Labor Attaché /Welfare Officer shall not incur or authorize expenditures in excess of the total allocated budget, unless there is prior authority from the Central Office. Said officers responsible for the incurrence of overdrafts shall be held personally liable.
- B. The cash advance for a particular year cannot be used to pay expenses for the following year unless specifically authorized in writing by the central office and subject to accounting and auditing rules.

Transfer of cash advance from one disbursing officer to another shall not be allowed. However, in the exigency of the service as in the case of the end of the tour of duty of an officer or his/her transfer to other post, the accountable officer, upon written authority from the Secretary or from the OWWA Administrator accordingly, may transfer the balance of the special cash advance to other POLO officer or to the incoming officer upon proper turnover of accountabilities using the turnover of funds and forms accountability invoice form.

Section 61. Official Bank Accounts to be Maintained at Post

- A. The following bank accounts shall be opened/maintained at the post, as may be allowed by the host country's banking system:
 - US dollar savings account for personal services for each of the POLO officers for their allowances under their respective names.
 - Local currency savings/current accounts for MOOE of the Labor Attaché and Welfare Officer under their respective names
 - Local currency savings for collection of OWWA membership contribution in the name of Welfare Officer
 - Local currency savings for the collection of the POEA OEC fee in the name of the Labor Attaché
 - Local currency savings of the collection of POLO verification fee in the name of Labor Attaché
- B. In post where there is a restriction on the number of bank accounts to be opened, POLOs shall open such number of accounts only as may be possible.

Section 62. Liquidation of Cash Advances

- A. The Labor Attaché and the Welfare Officer each shall be provided with at least two (2) months MOOEs upon their initial deployment and during the first quarter of the year, subject to replenishment based on the liquidation reports submitted and subject further to accounting and auditing requirements.
- B. MOOE expenses must be supported by original receipts which must be pasted on bond papers numbered consecutively and the said expenses must be duly summarized chronologically for facility in processing/replenishment. Liquidation reports shall be submitted direct to FMS/AFMO in two (2) sets

(original for COA and certified photocopy for DOLE/OWWA). FMS/AFMO shall immediately acknowledge in writing, receipt of liquidation reports, copy furnished ILAB.

- C. The Labor Attaché and Welfare Officer as deputized disbursing officers shall prepare and submit their duly certified cash disbursement registers (CDRS) /report of disbursement with the original vouchers and supporting documents to the FMS and to AFMO respectively, within fifteen (15) calendar days after the end of each month. They shall ensure that reports submitted are properly acknowledged by FMS and AFMO, respectively. The disbursing officers shall also maintain chronologically arranged bound copies of the CDRS/cash books at post.
- D. All cash advances shall be fully liquidated at the end of the year or not later than 20 January of the following year.
- E. *Liquidation of Cash Advance for Repatriation.* In the event that the Head of POLO/Welfare Officer is provided with cash advance for repatriation purposes, the same shall be liquidated within 30 days from actual repatriation of migrant worker/s. All unused plane tickets should be accounted for and shall immediately be returned/transmitted to the office which provided the same.
- F. *Exclusivity of Stand-By Repatriation Funds.* All funds remitted to POLOs as stand-by repatriation funds shall be exclusively used for repatriation purposes.
- G. *Responsibility and Accountability for Repatriation Funds.* The Welfare Officer at the concerned post shall be responsible for the documentation of receipt, custody, disbursement, and liquidation of repatriation funds sourced from OWWA repatriation funds. The Labor Attaché shall be similarly responsible and accountable to repatriation funds in case the same is provided by DOLE from fund source other than OWWA.

Section 63. Collections of POLO

- A. The POLO is authorized to collect at post the following fees subject to accounting and auditing rules:
 - 1. **Verification fee of US\$10** or its equivalent in local currency per document (*individual contract of employment, proof of visa availability, special power of attorney, manpower request/job order, and others*), and **US\$30** or its equivalent in local currency per document for the hiring of more than one worker (*master employment contract, special power of attorney, recruitment/manning agreement, and others*) in accordance with Section 15 hereof.
 - 2. **POEA Overseas Employment Certificate fee (OEC) of P100** or its equivalent in local currency.
 - 3. **OWWA Membership contribution of US\$25** or its equivalent in local currency per contract with coverage for a maximum of two years.

- B. The AS shall be deputized as Collecting Officers and shall likewise be bonded with the Bureau of the Treasury based on their accountabilities through the HRDS and ILAB/HRMD and OOCs.
- C. Unless instructed otherwise in writing, the deputized Collecting Officers shall adopt the **bank rate** for the **OWWA and OEC collection**. They shall however use the **collection rate for verification fee** pursuant to Joint DOLE/DFA/DBM/COA/DOF Circular 3-99. To compute the bank rate for the month, the collecting officer shall be guided by the reference exchange rate at the beginning of each month based on the **average USD/local currency exchange rate of the immediately preceding month**, rounded off (doing away with cents or equivalent to facilitate collection of above fees). The guiding formula is USD to local currency (use buying rates of USD for OWWA membership contribution) while PHL peso to local currency (use buying rate of PHL peso for OEC). For verification fee, POLO shall adopt the PE/Consulate collection rate at post.

Section 64. Procedures in Collection at Post and Use of Accountable Forms.

- A. The Head of POLO/Welfare Officer shall request via email, the following forms based on their requirements:
- DOLE verification fee official receipts from DOLE administrative service
 - OWWA official receipts and Certificates Of Membership Coverage (COMs)
from cash division, OWWA
 - POEA official receipts and Overseas Employment Certificates (OECs)
from ROCO of POEA
- B. The said Official Receipts (O.R.s) and other accountable forms shall be duly acknowledged by the deputized collecting officers as to the series and number of booklets issued to the post as reflected in the Invoice and Receipt of Accountable Forms (IRAFs) per **Annex "H"**. They shall maintain individual logbook control for O.R.s, OECs and COMs received or individual file copies of IRAFS at post for reference/records.
- C. The O.R.s received and issued for the month shall be posted in the Monthly Report of Accountability for Accountable Forms as shown in **Annex "I"**. This may also be integrated in the Cash Receipt Register (CRR)/report of collection per **Annex "J"** in the case of accountability reports for OWWA.
- D. Deputized collecting officers shall be responsible for the safekeeping, the proper and authorized use or application of Official Receipts and other accountable forms such as OEC and COM and for the reporting of their use and condition. They shall be liable for the loss or damage of these forms occasioned by negligence in the keeping or use thereof. All obsolete, spoiled and cancelled O.R.s, OECs and COMs are subject to inspection before relief of accountability shall be issued.

- E. In case there are spoiled or cancelled accountable forms, the collecting officers shall submit the cancelled original and duplicate copies of the O.R.s with such cancellation properly noted in the CRR. Cancelled OECs must be returned intact (all copies) to POEA duly noted in the CRR. Cancelled original COM shall be returned to OWWA. All cancelled accountable forms shall be marked "cancelled".
- F. In case of loss of any of these accountable forms in the custody of deputized collecting officer, said collecting officer shall immediately report the matter to the Labor Attaché. The latter shall at once issue a notice of such loss to all concerned for their information and guidance to prevent possible fraudulent use of these accountable forms. The notice shall specify the kind, quantity and inclusive serial number/s of the lost accountable forms and the place where, and approximate date when the same were lost, copy furnished the central office. Compliance with the foregoing shall be one of the requirements in the request for relief from accountability for the loss of accountable forms.
- G. The issuance of O.R.s and other accountable forms shall be in numerical sequence.
- H. The following O.R.s shall be used to acknowledge receipt of money for each type of collection, and no temporary receipts shall be issued for the purpose:
- a. DOLE O.R. – Verification Fee Collections
 - b. OWWA O.R. – OWWA Membership Contribution
 - c. POEA O.R. – Overseas Employment Certificate Fee Collection
- I. O.R.s shall be properly filled up with the date, name of the payor, the nature of collection, the amount received in words and in figures, and the signature of the deputized collecting officer.
- J. O.R.s shall be distributed as follows:
- a. Original – to the Payor
 - b. Duplicate to the DOLE/OWWA/POEA accordingly
 - c. Triplicate – Post file copy
- K. The Labor Attaché and the Welfare Officer shall reconcile the cash on hand of their respective deputized collecting officers with the CRR balances at the close of the business/processing cut-off time.
- L. Deputized collecting officers shall record collections daily in the respective CRRS, which shall contain, among others, the date, the payor, the O.R. issued, the amount received and the actual amount deposited intact to respective bank accounts. The Labor Attaché/Welfare Officer shall determine the mathematical accuracy of the entries of the deputized collecting officer/s who shall duly note the closure of the CRRS at the end of each month.

- M. Deposit of collections shall not be later than the following banking day unless otherwise authorized in writing by the Secretary/Undersecretary for Employment and Manpower Development/OWWA Administrator to deposit it on a weekly/semi-monthly/monthly basis for justifiable reason/s such as very small amount of daily collections, there is a bank charge for each deposit, or other valid reasons subject to COA rules. Unjustified failure to comply with this requirement shall constitute neglect of duty and shall be a ground for administrative disciplinary action or dismissal with criminal liability for repeated and deliberate failure of the collecting officer to deposit all collections. Posts with existing collection agreements with local banks for the pick-up of their collections may continue to adopt said arrangements, unless otherwise instructed.
- N. The Collecting Officer is prohibited from offsetting under-deposit of collections by over-deposit at a later date or vice versa. In the event that there is such incidence, proper justifications shall be noted in the CRR.
- O. The Collecting officer shall **remit** to the POEA, the OEC collections and to the OWWA, the Membership Contributions, not later than the **fifth day of the following month**, through the banks designated by the POEA/OWWA Central Offices.
- P. As may be authorized by the Secretary in writing, excess VF collections shall be remitted by the Collecting Officer within five working days after the **end of each calendar year** in US dollar through bank to bank payable to the Treasurer of the Philippines, special account, foreign currency deposit – US dollar account maintained at the Bangko Sentral ng Pilipinas (BSP), for credit to DOLE-verification fee fund or to the Land Bank of the Philippines as may be authorized by the Secretary officially in writing for facility in reconciliation. The FMS of DOLE/OWWA/POEA shall issue written confirmation of all remittances received.
- Q. Expenses to be incurred for the remittance of collections and for transmittal of reports shall be paid by the Labor Attaché /Welfare Officer, chargeable to their respective MOOES. The POEA shall provide the POLO with the necessary funds to cover the bank and freight charges for OEC.
- R. All collecting and disbursing officers shall ensure that they have copies of their accountability reports submitted to their Central Offices. Clearance of money and property accountabilities cannot be issued without the required reports and turnover of accountabilities. The retention period of all accountable forms/financial reports is 10 years.
- S. The DOLE Central Office representative/s, upon instructions of the Secretary and in the exigency of the service, may conduct spot audit/assessment of POLO posts to include cash examination. Any money taken from the collecting officer/disbursing officer merely by chits and IOUs shall not be considered as valid disbursements even if these were actually given to any officer or staff who signed for the same. Failure of the accountable officers/staff to present the CRR/CDR, cash and cash items with which he/she

is chargeable, upon demand of the Secretary's representative/s for examination, shall be *prima facie* evidence of misappropriation. Likewise, POLO officers and staff concerned may be held criminally liable for failure to settle their accounts as provided in COA Circular 97-002 and related laws and rules.

Section 65. Bookkeeping, Recording and Reporting

A. The disbursing/collecting officers shall maintain cash registers daily in the simplified format.

1. Cash Disbursement Register (CDR) for MOOE/rent/equipment (which shall serve as cashbook)
2. Cash Receipts Register (CRR*) for OWWA membership contributions (which shall serve as cashbook and report of collection)
3. Cash Receipts Register (CRR*) for POEA OEC fee (which shall serve as cash book and report of collection)
4. Cash Receipts Register (CRR*) for verification fee (which shall serve as cash book and report of collection)

*CRR forms are shown in Annexes "K", "L", "M" and "N".

B. The designated/deputized collecting officer shall submit not later than the 5th day of the following month or as may be required, the collection reports of the following:

1. Verification Fee Collection report to FMS, DOLE
2. OWWA Membership Contribution report to FMS, OWWA
3. POEA, OEC Collection Report to ROCO, POEA

The following documents shall be included in the Collection Reports:

Document	DOLE	OWWA	POEA
Endorsement of the Collection Report (Annex "O")	✓	✓	✓
Copy of the Cash receipt register duly signed per page by the Collecting Officer concerned and noted by the Weloff and approved for release by the Labatt for OWWA Membership Contribution; CRR approved by Labatt for Verification Fee Report and for POEA OEC	✓	✓	✓
Duplicate copies of the ors issued. Cancelled original and duplicate ors should be attached noting the reason for such cancellation; cancelled OEC to be returned intact to POEA; cancelled COM to be returned to OWWA.	✓	✓	✓
Bank Statement/certified copy of the relevant page of the bank book.	✓	*	✓
Proof of Monthly Remittance of collection	✓	✓	✓

Monthly Report of Accountability for Accountable Forms This may be reflected in the CRR in the case of OWWA	✓	✓	✓
Bank Reconciliation Statement (Annex "P") per bank account as the case maybe.	✓	*	*
Information Sheet of OFW		✓	✓
Fourth copy of the OEC			✓

Section 66. Donations

- A. The POLO post may accept donations or grants, whether in cash or in kind, from other entities or individuals for purposes relevant to their functions provided that such was approved by the Head of POLO subject to the usual accounting and auditing rules.
- B. Donations from individuals, corporations or entities with pending case/s before DOLE or whose donation may post conflict of interest issues shall not be accepted.
- C. Property donated shall be owned by DOLE, in the name of DOLE, properly accounted for and shall be used exclusively for official use of the office.

Section 67. Property Custodianship. POLO officers and staff who are accountable for government property shall be liable for its money value in case of improper or unauthorized use or misapplication thereof, by himself/herself or by any person for whose acts he may be responsible. He/She shall likewise be liable for all losses, damage or deterioration occasioned by negligence in the keeping or use of the property, whether or not it is at the time in his actual custody. Hence, all government property shall only be used for official purposes only.

Section 68. Purchase and Disposal of Equipment including Vehicle. The POLO shall adopt applicable procedures in procurement pursuant to DOLE A.O. 465, Series of 2011 consistent with R.A. 9184 and its revised implementing rules and regulations.

The POLO shall request clearance from the Central Office (attention: the Disposal Committee) to dispose any unserviceable equipment and properties subject to COA rules, using the Inventory and Inspection Report of Unserviceable Property (IIRUP) form (Annex "Q").

TITLE VI POLO PERSONNEL POLICIES, ENTITLEMENTS AND BENEFITS

Part A. Personnel Policies and Concerns

Section 69. Appointment of Overseas Labor Officers. POLO officers and staff shall be appointed by the Secretary upon recommendation of the DOLE Selection

Committee. All appointments to POLO positions shall be made in accordance with the Civil Service rules and regulations. Only those who meet the qualification standards of the position set by the DOLE and approved by the Civil Service Commission (CSC) shall be considered for appointment to POLO positions.

The POLO Officer or staff should be a Filipino citizen at the time of his/her appointment.

Section 70. The DOLE Selection Committee. A DOLE Selection Committee, created per A.O.No. 353, Series of 2012 to screen applicants and recommend to the Secretary candidates for appointment to fill up vacancies in the POLO shall be composed of the following:

Chairperson: Undersecretary, Employment Promotion and Manpower Development Cluster

Members: Representative, Office of the Secretary
Director, Human Resource Development Service
Director, International Labor Affairs Bureau
Director, Overseas Operations and Coordinating Service
Employee Representative Designated by the Sole and Exclusive Negotiating Agent of DOLE

Secretariat: Human Resource Development Service

Section 71. Pre-Deployment Training and Immersion Program. Officials or employees selected for deployment for the first time shall undergo pre-deployment training and development programs which include classroom instructions, immersion and on-the-job-training on the following areas:

- A. The overseas employment program of the Department and the operations of the POLOs;
- B. All aspects of consular and diplomatic duties and responsibilities;
- C. Treaties and agreements in force between the Philippines and the host country particularly those affecting the Filipino Migrant Workers;
- D. Administrative discipline and procedures; and
- E. Host country culture, immigration and employment laws and regulations

Those who will be re-deployed may undergo a refresher or briefing course as necessary.

Section 72. Assignment Order. All assignment orders shall be approved and signed by the Secretary.

Upon approval of the assignment, the ILAB shall process and facilitate their DFA accreditation and deployment.

Section 73. Deployment Requirements. The ILAB, in consultation with the Cluster Head, Employment Promotion and Manpower Development, shall establish a system

of assignment of overseas labor personnel to ensure a rational movement in accordance with the need to fill up vacant posts which shall match the qualifications and experience of the POLO officers and staff.

No POLO officer or staff shall be considered for assignment overseas unless he/she has obtained a performance rating of at least Satisfactory for the last two (2) rating periods, has passed the psychological and medical examination, and has secured the necessary clearances as to money, property, and reportorial accountabilities.

Section 74. Age Limitation for Foreign Assignments. No POLO officer and staff who is over 62 years of age shall be considered for foreign assignment. However, POLO officers and staff who are already at the post upon reaching the age of 60 shall be allowed to serve at the post until completion of his/her tour of duty, or upon reaching the mandatory retirement age, whichever comes first.

Section 75. Diplomatic Status. When posted abroad in a diplomatic or consular mission, the Labor Attachés and Welfare Officers shall be accredited as diplomatic officers and shall be entitled to the use of diplomatic passports.

Section 76. Acceptance. All requests for accreditation/acceptance of Labor Attaches, Welfare Officers and Administrative Staff shall be endorsed by the Secretary. The ILAB shall make the necessary transmittal request to the Department of Foreign Affairs to secure acceptance from the head of mission of the POLO officers and staff assigned.

Section 77. Tour of Duty. The tour of duty of regular Labor Attachés shall be for a period of three (3) years commencing on the date of his/her arrival at the post, and may be extended in the exigency of the service and subject to performance evaluation. After their tour of duty, Labor Attachés shall serve in the Home Office for two (2) years except when their early deployment is deemed necessary in the exigency of the service. The tour of duty of Welfare Officers shall be for three (3) years only after which they shall return to their respective units.

Section 78. Transfer During the Tour of Duty. Within the period of the tour of duty allowed under the Foreign Service Act, and in the exigency of the service, Labor Attaches may be transferred to another post provided the remaining period is not less than one (1) year. Notice of transfer shall be issued at least three (3) months before the actual date of transfer.

Section 79. Hardship Post. Hardship posts, as classified by the DFA, are those located in countries: (1) wherein the living conditions are excessively difficult in view of inadequate educational, housing, sanitation and medical facilities; and (2) wherein the current situation poses hazards to the safety and well-being of foreign personnel.

The tour of duty of POLO officers assigned in hardship posts shall not exceed three (3) years, after which they may be transferred to a non-hardship post unless they indicate preference to stay in that post for the duration of the normal tour of duty in accordance with the Foreign Service Act.

Section 80. End of Tour of Duty/Routine Recall. ILAB or OOCS, as the case may be, shall serve a notice of recall one-year prior to completion of the POLO officer's tour of duty. Upon receipt of the notice, the POLO officers concerned shall accordingly prepare for his/her departure from the post. They shall schedule their departure to enable them to report to the Home Office on the date specified in their recall order.

Section 81. Non-Scheduled or Disciplinary Recall. A POLO officer or staff may be recalled prior to end of tour of duty due to any of the following reasons:

- A. When found liable for an administrative offense
- B. Due to unsatisfactory performance as indicated in his/her IPCR rating
- C. When under emergency or extraordinary circumstances, regardless of length of service at the post, the recall order shall be deemed to be effective immediately and the recalled officer or employee shall leave the Post for the Home Office immediately from the date of his/her receipt of the order. The Department shall shoulder travelling expenses from Post to the Philippines.

Section 82. Performance Management. The POLOs shall observe the Strategic Performance Management System (SPMS) with detailed guidelines attached herein As Annex "R". ILAB/OOCS shall ensure the submission on time of the following Documents:

- A. POLO office performance commitments using the Office Performance Commitment and Review (OPCR) form (**Annex "S"**)
- B. Individual Performance Commitments of the POLO staff using the Individual Performance Commitment and Review (IPCR) Form (**Annex "T"**) based on the approved OPCR
- C. Monthly progress report using the OPCR Form
- D. Initially Assessed Semestral POLO OPCR Accomplishments every July and December for validation
- E. Semestral IPCR accomplishments with Individual Competency Assessment Form (**Annex "U"**)
- F. Feedback Form for Head of POLO as accomplished by the Chief of Mission (**Annex "V"**)

Individual performance shall be rated upon by the following:

- 1. Assistant Labor Attaché /Welfare Officers – Head of POLO
- 2. DOLE Administrative Staff – Head of POLO
- 3. OWWA Administrative Staff – Welfare Officer (supervising) and Head of POLO

The average of all individual performance assessments shall not go higher than the collective performance assessment of the POLO.

Non-submission and unjustifiable delay in the submission of the OPCR/IPCR within the specified date shall be a ground for:

- (a) Disqualification for performance-based personnel actions, promotions and incentive;
- (b) An administrative sanction for violation of reasonable office rules and regulations, and simple neglect of duty for responsible heads or employees.

Section 83. Staff Development Training/Periodic Conference. The ILAB, in consultation with the Department HRDS and OWWA PMD, shall design a continuing professional development program for POLO officers and staff.

To enhance the performance of POLOs, ILAB shall conduct periodic Conference that shall serve as a venue for the sharing of information, best practices and experiences on their respective posts, including problems encountered and solutions found to be effective. Policy and operational issues affecting the POLO and MWOFRFC shall also be discussed.

The HRDS shall likewise undertake programs geared toward the professionalization and career growth of the Labor Attaché Corps including the upgrading of their salary grades and plantilla positions taking into account their qualifications, status and responsibilities in the post, and assimilated rank in accordance with the Foreign Service Act.

Section 84. Report/Clearance Requirement.

- A. Outgoing officers shall be required to submit a post report to the Home Office (HO) to contain, but not limited to, the following information:
 - 1. Administration and operations of the POLO/MWOFRFC;
 - 2. Status of program implementation including welfare cases;
 - 3. Recommendations, suggestions, comments for the improvement of the operations of the POLO and MWOFRFC; and
 - 4. Filipino Community Activities
- B. In addition, the following requirements shall be secured and/or complied with by POLO officers and staff before leaving his/her Post:
 - 1. Clearances from money, property and reportorial accountabilities from concerned officers, duly noted by the Chief of Mission/Head of POLO/Welfare Officer, as the case may be;
 - 2. Settlement of all bills received and due for payment before the end of the tour of duty. Non-compliance with this shall make the POLO officers and staff personally accountable and may be valid reason to defer his/her redeployment;

3. Turn-over all pertinent documents and records in his/her possession as well as cases handled to the concerned officer at post; and
4. Surrender diplomatic/ residence ID, including those of their dependents, to the Philippine Embassy/Consulate upon departure from post.

Section 85. Failure to Leave Post.

- A. If the recalled POLO officer/staff fails to leave the Post within the prescribed period, payment of his/her allowances shall cease immediately upon expiration of the authorized period. He/She shall continue to receive the basic salary in the Home Office.
- B. The Secretary/Head of POLO shall inform the recalled Officer in writing that he/she is no longer a member of the POLO; copy furnished the Chief of Mission.
- C. If after thirty (30) days the officer has not left the post, the following actions shall be taken:
 1. ILAB/OOCS, as the case may be, shall inform the Secretary of non-compliance of the recall order by the concerned POLO officer/staff;
 2. The Secretary shall then request the DFA to cancel the POLO officer/staff diplomatic or official passport, and instead a regular passport or travel document be issued valid only for direct return to the Philippines;
 3. The DFA shall be requested by the Secretary to inform relevant authority of the host country of the termination of the POLO officer/staff tour of duty at the post; and
 4. The Cluster Head of ILAB/OWWA Administrator shall cause the filing of an administrative/criminal case against the POLO officer/staff concerned, if necessary.

The above provisions shall also apply to the Technical Support Staff and Administrative Staff.

Section 86. Home Office Assignment

- A. POLO Officers and Staff who have completed their tour of duty and have been recalled to Home Office may be assigned to the different offices of the Department, including its attached agencies. The ILAB/OOCS, in consultation with the concerned Cluster Head /OWWA Administrator, shall recommend to the Secretary the Home Office assignments of POLO officers and staff scheduled to be recalled not later than two (2) months prior to the recall.
- B. On the first working day after arrival, POLO Officers and staff shall report to the Director of ILAB/OOCS, who shall coordinate the scheduling of courtesy call with the Cluster Head for Overseas Operations/OWWA Administrator and the Secretary of Labor. ILAB/OOCS shall schedule a debriefing for returning

POLO Officers/Staff. Unjustified failure to comply with this provision may subject the concerned POLO officers/staff to administrative sanction, if warranted.

- C. POLO Officers and Staff shall report to his/her home office assignment not later than 30 days from arrival.
- D. As redeployment requirement, POLO Officers and Staff shall clear themselves of all reportorial, property and financial accountabilities in the Office where they are assigned at the end of HO assignment.

Part B. Entitlements and Benefits of POLO Officers

Section 87. Entitlements and Benefits. The following benefits/entitlements, among others, shall be provided to POLO officers (Labor Attaché I & II/Welfare Officer) as may be applicable:

- A. **Salaries** attached to the position, except those on leave without pay.
- B. **Cash Gift and Year End Bonus** based on the guidelines as may be issued by DBM.
- C. **Overseas Allowance (OA)** is provided to POLO Officers in order for them to meet the high cost of living and to establish residence at their posts of assignment with due consideration of the need to maintain the required level of standard for representatives of the Philippines in the host countries or for extraordinary and necessary expenses for reason/s that they are assigned in dangerous, notably unhealthful, or excessively adverse living conditions at hardship posts.

The basic annual rates and other guidelines are provided in detail under A.O. 190, Series of 2012 otherwise referred to as the Manual on POLO Financial and Administrative Operations (FAO Manual).

- D. **Living Quarters Allowance (LQA)** is provided to POLO officers to enable them to rent and maintain quarters befitting their representative capacities, which shall include expenses for water, heating, light, fuel, gas, telephone and maintenance if not included in the contract of lease and the amount shall be based on the DFA Index for LQA.

All subsequent claims under LQA shall be supported by Certificate in support of such claim and noted by the Head of Post.

- D.1. Payment of LQA shall be based on the actual status of the POLO Officers at the post, as follows:

With Family - if married and living with spouse or at least one qualified dependent child who has not reached 21 years of age at the post of assignment or when the officer lives with two or more dependents at post, or if a widow, widower or legally separated and

living with a dependent child, provided that dependents who temporarily leave their residence at the post shall be allowed to still claim LQA with family on the condition that the officer/employee shall not move to cheaper or smaller quarters and that the absence of the dependents at any one time shall not extend beyond three months and that the dependents have not established residence elsewhere or are gainfully employed.

Unmarried children living with the officer at the post regardless of age who are mentally and physically retarded as attested by a physician and who are incapable of supporting themselves can still be considered as dependents.

Without Family – if single, a widow, or widower, or legally separated and living without a dependent.

- D.2. POLO officers, during their initial deployment, may be provided by at least three (3) months commutable LQA. The AS shall be provided with at least three (3) months commutable quarters allowances also during their initial deployment and with such amounts for said LQA/quarters allowance thereafter as may be authorized by the Secretary of Labor and Employment/OWWA Administrator, subject to COA rules.
- D.3. Payment of advance rent for quarters and/or deposit equivalent to at least six months to one year rent may be allowed provided that the advance rent shall be paid directly to the landlord through telegraphic transfer or through the POLO officer concerned, provided that the amount for the purpose shall immediately be liquidated and provided further that a copy of the lease contract duly attested by the head of Mission shall be submitted to DOLE/OWWA, and provided finally that in case of recall, reassignment or for any other reason for leaving the post, the unexpired portion of the amount paid shall be duly refunded to DOLE/OWWA.
- D.4. Goodwill money or key money for goodwill may be authorized where it is customary in the country to pay such amount for the agent as his/her fee or commission, chargeable against the DOLE/OWWA; provided that the Head of Mission or his/her authorized representative shall issue a certification that such payment is customary at the Post and is not refunded by the owner of the quarters to the lessee and provided further that his payment shall be made only once by the concerned officer/lessee in the same post of assignment.
- D.5. The lease contract entered into by any POLO officer should contain a "Diplomatic Clause" whereby the tenants is not penalized for breaking the period of the contract should he/she be reassigned to another post or is recalled to the home office.
- D.6. Payment of LQA of officers shall be supported by claim certificate certificate of suitability of living quarters and reasonableness of rental

- E. **Family Allowance (FA)** is provided to POLO officers living with their families at the post to meet the incremental expenses arising from the foreign assignment, computed for the dependent spouse (not gainfully employed) and for unmarried legal minor dependent children not exceeding three (3) children. However, unmarried child living with the officer who is mentally and physically retarded and who is incapable of supporting himself/herself regardless of age shall be considered a minor.

All subsequent claims under family allowance shall be supported by Certificate in support of such claim and noted by the Head of Post.

E.1. The commutable family allowance shall be as follows:

Dependent Spouse	-	US\$ 1,800 per annum
Each Minor Child (not to exceed 3)	-	US\$ 900 per annum

(With additional 10% for foreign personnel assigned in selected Posts per FAO Manual)

- F. **Clothing Allowance** – is granted to POLO officers for increased cost of clothing due to varying climates as against that of the Philippines or when unusual circumstances exist, payable every 12 months and in amounts not exceeding US\$400 in accordance with the classification of post per DFA index:

	Labatts:
Temperate Zone	US\$400
Tropical Zone	US\$300

AS at post and Labor Attachés/Welfare Officers serving at the Home Office shall be provided with clothing allowance of P5, 000 per annum by their respective mother units or in such amounts as may be provided in the GAA and the DBM rules.

- G. **Health Care and Medical Services** shall be provided to POLO officers and AS in order to safeguard their well-being and to enable them to better provide continuous efficient service.

The following options shall be available to POLO Officers and AS:

G.1. Subscription by the POLO personnel to a medical insurance in the country of assignment, subject to the Department's guiding terms and condition.

- Twenty-five percent (25%) of the corresponding premiums shall be payable by the personnel concerned

- Seventy-five percent (75%) shall be borne by the Government (i.e., DOLE/OWWA) as its contribution.

G.2 Reimbursement of actual medical expenses, subject to prescribed limits.

- Cost of medical expenses or injury requiring hospitalization
- The illness or injury is not a result of vicious habits, intemperance or misconduct.
- Medical expenses shall cover the cost of hospitalization, cost of medicine and payment of services of attending physician, including travel expenses as may be incurred in connection with such hospitalization and treatment, but not to exceed the amount of USD 1000, or as may be authorized by law.
- If the officer or employee is too ill to travel unattended, the travel expenses of the attending physician shall also be paid by the Department.

H. Educational Allowance is provided to POLO officers for the enrolment of their legal dependent children of not more than three (3) pursuant to R.A. 7157 otherwise known as Philippine Foreign Service Act of 1991 except in post where there is free public education and/or where English is the medium of instructions in the post like USA, Australia, New Zealand, UK, Ireland and Canada, amounting not more than US\$1,000 per school year for each child, subject to submission of receipts and other evidence of payment of matriculation/tuition fees and books. Payment of educational allowance shall be supported by copies of the passport of the dependent children, enrolment certificates/receipts and related proof of enrolment.

I. Home Adjustment Allowance shall be granted to POLO Officer who has rendered at least four (4) consecutive years service abroad equivalent to 50% of the basic LQA, but not to exceed the basic salaries for a period of not more than 12 months following his/her arrival in the Philippines subject to budgetary and accounting rules and regulations.

J. Relocation Allowance shall be provided to POLO officers to pay for the packing, shipment by usual means of transportation, and unpacking at destination, furniture and other household goods and personal effects including one used motor car, and said allowance shall be in such amounts and within such limitations as may be prescribed by reason of deployment (from Manila to post of destination), transfer of post (from one post to another post), recall, resignation retirement or death (from post to Manila).

Qualified officer may avail this benefit either by:

- (1) Claiming the money value; or
- (2) Shipment of container van under the conditions and guidelines provided under the FAO Manual

K. **Representation Allowance (RA)** is granted to the head of POLO in amount not exceeding US\$300/\$240/\$175 per month for High, Medium and Low Cost post respectively to enable him/her to represent the office with high dignity and distinction to carry out his/her functions more effectively for purposes of necessary public relations and entertainment such as charitable contributions, flowers, gifts in accordance with the customs of the host country and in good taste or for goodwill, club/organizations membership dues, promotional expenses to encourage friendly and amicable relations among Filcoms including Filipino artist, athletes, musicians well as representation supplies. ALAs (except when acting as head of POLO at which he/she shall be entitled to the above representation allowance) and Weloffs may also claim RAs not exceeding US\$225/\$180/\$135 and US\$150/\$120/\$90 per month for High, Medium, and Low Cost post respectively.

L. **Death Benefits** shall include return transportation to the Philippines of the remains as well as the cost of preparation like reasonable cost of embalment, casket and the necessary clearance from the host government including the cost of return transportation of the remains of any POLO officers or AS or any immediate member of his/her family who die at the post. The immediate family at post may include spouse and/or unmarried minor children under 21 years of age as well as other children who attain the age of majority while the officer is serving abroad. Transportation cost of the remains from Manila up to the hometown of the deceased shall also be borne by DOLE/OWWA, but the transportation of the immediate family to their hometown shall be shouldered by them. Special Allowance for the Family of the Deceased Officer may be provided to surviving spouse as well as other expenses in accordance with the FAO Manual.

Section 88. Leave Entitlement. All POLO officers/staff at post shall be entitled to thirty (30) days vacation leave credits and thirty (30) days sick leave credits, with full pay, for every year of service excluding Philippine holidays, Saturdays and Sundays, or Thursday and Fridays in the case of Middle East Posts, statutory holidays for public offices and non-working holidays, and holidays at Post.

POLO officers/staff shall be entitled to the following leaves, subject to CSC and DOLE guidelines:

- A. **Vacation leave** of 30 days and **sick leave** of 30 days excluding Philippine holidays, Saturdays, and Sundays (depending on the rest days practiced in the host country) with pay for every year of service at post. In the interest of the service, however, POLO officers may avail a maximum of 15 working days per year (sick, vacation, forced and special leave privileges), whether to be spent at post or outside the post of assignment using the CSC form for the purpose.
- B. **Maternity leave** of 60 calendar days with full pay for women in every instance of pregnancy provided they have rendered an aggregate of two or more years

of service. Those who have rendered one year or more, but less than two (2) years service, maternity leave maybe granted in proportion to the length of service. Those who have served for less than one year shall be entitled to 60-day maternity leave with half pay. Maternity leave application shall be filed together with DOLE/OWWA clearance, medical certificate and in case of miscarriage, medical certificate with pathology report duly signed by the attending physician.

- C. **Paternity leave** of seven (7) working days with pay for married male POLO Officer/AS to allow him to take a leave of absence when his legitimate spouse with whom he is cohabiting has delivered a child or suffered miscarriage. This leave is to effectively lend support to his wife in her period of recovery and/or in the nursing of the newly born provided this leave shall be granted only for the first four deliveries of the wife reckoned from the effectivity of the Paternity Leave Act of 1996. This leave is neither non-cumulative nor non-commutative and may be availed either in a continuous or in an intermittent manner before, during and after delivery of the wife and must be filed and availed within 30 days after the delivery or miscarriage.
- D. **Special Privilege Leave** of a maximum of three (3) days per year mark personal milestone and/or attend to filial and domestic responsibilities like graduation, enrolment, wedding anniversary, birthday, hospitalization, accident, relocation, funeral, government transactions, calamity. This leave is non-convertible to cash and is non-cumulative.
- E. **Forced/Mandatory Leave** of five (5) working days provided that the POLO Officer/AS has ten (10) days or more vacation leave credits. This leave may be taken continuously or intermittently, subject to prior clearance from the Secretary if to be taken outside the post of assignment. This leave shall be forfeited if not taken during the year and shall be automatically deducted from his/her vacation leave credits. In the exigency of the service, however, the said leave may be disapproved in writing by the Secretary or his/her authorized representative in which case, the same shall not be deducted from the earned leave of the concerned officer/AS.
- F. **Rehabilitation Leave** of not more than six months (continuous or intermittent) may be granted to give relief to any officer or staff for injury/illness that is service connected and acquired in performance of duty, subject to the recommendation of the medical authority and subject further to CSC guidelines and requirements like police report, medical certificate as to nature of injuries and the need to undergo recuperation/rehabilitation, and incident report, among others.
- G. **Special Leave Benefit for Women** for a maximum of two months per year with full pay provided she has rendered at least six months of aggregate service in any or various government agencies for the last twelve months prior to undergoing surgery for gynaecological disorders, and may be availed for every instance of gynaecological disorder requiring surgery, subject to CSC guidelines.

- H. **Other leave** as may be authorized like **Parental/Solo Parent Leave** of not more than seven days a year and **Anti-Violence Against Women and their Children Leave** of not more than ten days per year, subject to compliance with the requirements per CSC guidelines.

Any of these leaves to be taken by any officers/AS in or outside the post, irrespective of the number of days requires prior written approval of the Secretary/OWWA Administrator and subject to the documentary requirements of the CSC. The leave application form should be accomplished and filed not later than 10 working days prior to the intended leave, unless in cases of extreme emergency at the HRDS/HRMDD thru ILAB/OOCS.

All officers and AS granted permission to go on leave to be spent in the Philippines must personally register their address and telephone numbers in the logbook for the purpose at the ILAB/OOCS within 24 hours from the time of arrival.

No POLO officers/staff shall leave the post without receiving a written approval of his/her leave application by the Secretary/OWWA Administrator. Non-compliance with this provision shall be subject for disciplinary action.

Section 89. Requirements Prior to Leave. The following guidelines shall govern the availment of yearend leave to be spent in the Philippines or elsewhere outside his/her post of assignment:

- A. POLO officers and staff may take a leave of absence for such number of working days, as may be approved by the secretary/authorized official, to be spent in the Philippines or elsewhere, but subject to the exigencies of the service.
- B. As a general rule, only one (1) POLO officer and staff may be allowed to go on leave at any given time. However, in posts where there are more than one POLO officer, more than one (1) officer may be allowed to go on leave provided that a regular POLO officer is designated as Officer-in-Charge (OIC). In no instance shall a post be without a regular POLO officer even for a short duration. However, in exceptional cases where post is solely manned by a Labor Attaché II, during his/her absence, an Embassy/Consulate personnel may be designated to oversee labor concerns.

The Head of POLO, during his/her absence, shall ensure the continued operations of his/her post and see to it that sufficient operating funds are made available for use by the Post.

No POLO officer and staff shall leave the post without receiving a written approval of his/her leave application. Travel costs to be incurred in connection with the approved leave shall be borne by the officer concerned

Non-compliance with the above provisions shall be the basis for the disapproval of the leave application

Section 90. Leave Forms. POLO officers/staff shall use CSC Form No. 6 (**Annex "W"**) in applying for vacation, sick, maternity, paternity, forced, special privilege leaves or other kinds of leave.

Section 91. Availment of Vacation Leave. Since vacation leave is contingent upon the needs of the service, its grant is discretionary on the part of the approving authority concerned. Mere filing of such leave application does not entitle an officer or employee to go on leave outright. Written approval by the approving authority is necessary.

Application for vacation leave of Head of POLO not exceeding five (5) working days to be spent in the place of assignment shall be filed ten (10) days in advance to be approved by the Chief of Mission. In case of other officers/personnel of POLO, approval shall be by the Head of POLO.

Application for vacation leave of Head of POLO exceeding five (5) days to be spent in the place of assignment or outside of post of assignment shall be filed ten (10) days in advance to be approved by the secretary/authorized official, upon recommendation by the Head of Mission.

Application for vacation leave of Welfare Officer and Administrative Staff to be spent in the Post of assignment shall be filed five (5) days in advance to be approved by the Head of POLO.

Application for vacation leave of Welfare Officer and Administrative Staff to be spent outside of Post of assignment shall be filed ten (10) days in advance to be approved by the Secretary/OWWA administrator, upon recommendation by the Head of POLO.

Section 92. Leaving Post Without Approval. No POLO officers/staff should travel to countries outside Post of assignment, whether official or unofficial, without the approval of the Secretary.

Non-compliance with the above provision shall be subject to disciplinary action as provided for in Revised Rules on Administrative Complaints and Cases (RRACCs).

TITLE VII ADMINISTRATIVE SUPPORT PERSONNEL

Section 93. General Guidelines. In line with the objective of strengthening the administrative capability of POLOs abroad and to enhance the efficient delivery of services to Filipino Migrant Workers, the POLOs shall be assisted by administrative support personnel to be composed of Administrative Staff (i.e., regular personnel from DOLE/OWWA), Local Hires (i.e., Interpreters and Drivers), and such other personnel as maybe assigned/designated by the Secretary.

Section 94. Period of Assignment. The period of assignment of AS shall be for a period of three (3) years.

Section 95. Continuous Rationalization of the Number of Administrative Personnel. The Home Office, taking into account the recommendation of the Head of the POLO, shall determine the needs of the post for administrative support personnel based on, among others, welfare case management, workload, size of Filipino community/OFW clients and number of employment related documents processed and verified at post.

Section 96. Entitlements of AS. The entitlements of the Administrative Staff, which shall be chargeable against the Verification Fee Fund (VFF) under the Office of the Secretary and the funds of OWWA, are as follows:

- A. The Administrative Staff shall be provided by at least three (3) months commutable quarters allowance during their initial deployment and with such amounts for said quarters allowance thereafter as may be authorized by the Secretary;
- B. Roundtrip airfare and pre-travel expenses;
- C. They shall keep their positions and salaries and other allowances they receive in the HO; and
- D. OWWA membership during their assignment at post, in the absence of available group medical insurance.

Section 97. Commitment to Service. Administrative Staff shall, prior to his/her departure, sign a commitment to service (**Annex "Y"**).

Section 98. Contract of Service of Local Hire. The Contract of Service of Local Hire shall be for one (1) year renewable at the start of the year but not to exceed three (3) years, subject to performance evaluation and the exigency of the service but not to exceed the tour of duty of the Labor Attaché at Post.

The monthly service fees of Local Hires (i.e., interpreters and drivers) shall be provided in their Contracts of Services (**Annex "X"**) and shall be based on the index classification of the foreign posts. The Local Hire shall start to render service and assume duties in the POLO only upon approval by the Secretary of his/her contract of service.

The ILAB shall closely monitor the implementation of this provision subject to the required notices in case of non-renewal of the contract of service.

Section 99. Performance Evaluation. The performance evaluation of the Administrative Staff shall conform with the requirements of Section 82 while the local hires shall be evaluated by the Head of POLO using a standard evaluation form to be provided by ILAB.

Section 100. Leave to be Spent Outside of Post. In the exigency of the service, Administrative Staff are not allowed to leave their respective posts within the three year tour of duty. However, emergency leave may be considered subject to the approval of the Secretary, or an authorized representative (i.e., Cluster Head of ILAB/OWWA Administrator), as recommended by the Head of POLO.

The AS should have a confirmed return booking upon the application of his/her emergency leave. The travel costs to be incurred shall be borne by the concerned as.

The Head of POLO shall also make sure that pending work assignments of said AS have been properly turned over to another responsible staff so as not to hamper the delivery of basic services to OFWs.

Non-compliance of the above provisions shall be the basis for disapproval of leave application/administrative sanctions.

Section 101. Leave to be Spent at Post. The application for leave of the Administrative Staff to be spent at post of assignment must be approved by the Head of POLO. DOLE HRDS, through ILAB and OWWA Personnel Management Division (PMD) through OOCS, shall be duly informed for the computation of leave credits.

The leave of absence of the Local Hire shall also be approved by the Head of POLO. The DOLE Financial and Management Service/OWWA Financial Management Service, through ILAB/OOCS, shall be duly informed of the leave of absence for the computation of service fee deduction.

Section 102. Recall. The Administrative Staff may be recalled to the Home Office by the Secretary for an administrative offense, unsatisfactory performance, insubordination, or health/medical reasons.

The Secretary may also recall an AS in the interest of the service and for grounds provided under Section 81 herein.

The AS may request for his/her recall to the Home Office for personal/justifiable reasons, in which case, he/she shall shoulder the return traveling expenses (from post to Manila) and shall refund the traveling expenses from Manila to post, except if the as has already served at Post for at least one (1) year.

The recall shall take effect immediately on the date specified in the recall order. The AS shall seek clearance from the Head of POLO prior to his/her recall.

The AS shall return to his/her mother unit upon his/her return in the Home Office.

Section 103. Causes of Termination of Services of Local Hire. The just causes for the termination of services of Local Hire are those stipulated in their contract and other causes, including the following:

- (a) Post is phased out, or merged with another post;
- (b) Non-renewal of contract;
- (c) Redundancy; and
- (d) Insubordination or willful neglect of duties.

Section 104. Prohibitions in Contracting the Services of Local Hire. All POLOs are prohibited from engaging the services of Local Hire directly related to them or to other personnel of the Embassy/Consulate, including dependents and household members of the POLO officer and staff, within the fourth degree of affinity or consanguinity. In addition, the following are likewise prohibited from being hired under a contract of service as Local Hire:

- (a) Those who have been previously dismissed from the service due to commission of an administrative offense;
- (b) Those who are covered under the rules on nepotism;
- (c) Those who have reached 60 years of age; and
- (d) Those with spouses/relatives within the 4th civil degree by affinity and consanguinity whose services are engaged in the same post.

TITLE VIII OTHER PERSONNEL AND ADMINISTRATIVE POLICIES

Section 105. Office Hours. All POLO Officers/Staff/Local Hires shall observe the official Embassy office hours in the Post and in accordance with local customs and climatic conditions provided that for purposes of office attendance, POLO officers and Staff shall render service for not less than forty (40) hours a week. The Head of POLO may require any official or employee to work after office hours or on any other day as the exigencies of the service may require.

Section 106. Records of Attendance. Recording of attendance of POLO staff/local hire during regular working days shall be done using bundy clock or electronic attendance recording system as prescribed by the Home Office. In case POLO staff/local hire is assigned to do business outside office premises, he/she has to fill-up an official business slip which should form part of his/her daily time record. The Head of POLO shall submit the records of attendance to HO monthly not later than five (5) days after the reference month, duly certified correct by the officer or employee concerned and certified by the Head of POLO.

Section 107. Habitual Absenteeism and Tardiness. All rules pertaining to habitual absenteeism and tardiness shall be strictly observed by POLO officers and staff, Technical Support Staff and Administrative Staff.

A. Habitual Tardiness

1. POLO Staff who incurred habitual tardiness, regardless of the number of minutes per day, ten (10) times a month for at least two (2) consecutive months during the year or for at least two (2) months in a semester shall be subject to disciplinary action.
2. The following sanctions shall be imposed to POLO Staff who committed habitual tardiness:

- (a) First Offense -Reprimand

- (b) Second Offense -Suspension for one (1) to thirty (30) days
- (c) Third - Dismissal

B. Habitual Absenteeism/Unauthorized Absences

1. An officer/staff shall be considered habitually absent if he/she incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credits under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

The following shall be considered as unauthorized absences:

- (a) Those which were disapproved for justifiable reason/s;
 - (b) Those which were not filed; and
 - (c) Those which were not filed within the prescribed period.
2. For frequent absences, loafing or frequent unauthorized absences from duty during regular office hours, the following sanctions shall be imposed:
 - (a) First Offense - Suspension for six (6) and one (1) day to one (1) year; and
 - (b) Second Offense – Dismissal

Section 108. Sick leave. Sick leave may be taken at post on account of sickness of the officer/staff concerned or of any member of his/her immediate family. A written notification of absence due to sickness, however, shall be sent to the Chief of Mission, or Head of POLO as the case may be, copy furnished Home Office.

Application for sick leave of absence of AS should be filed before or after the illness to be approved by the Head of POLO.

The approved leave application should be submitted to the HRDS/concerned Offices/Agencies thru ILAB and OWWA Personnel Management Division through OPCS for updating of their leave credits.

Section 109. Accumulation of Leave Credits. Vacation and sick leave credits shall be cumulative without limit. Any part of the leave not taken within a year shall be carried over to the succeeding years in accordance with Civil Service Rules and Regulations.

At post, all Philippine holidays, Saturdays and Sundays, and statutory holidays for public offices, shall not be applied against the accumulated sick leave or vacation leave credits. Likewise, if such Philippine holidays fall within the vacation or sick leave period applied for while at post, such holidays shall not be included in the counting of the vacation or sick leave applied for.

Section 110. Monetization of Leave Credits. POLO officer/staff who have accumulated fifteen (15) days of vacation leave credits shall be allowed to monetize a minimum of ten (10) days; provided, that at least five (5) days is retained after

monetization and provided further that a maximum of thirty (30) days may be monetized in a given year.

Monetization of fifty percent (50%) of accumulated vacation and sick leave credits may be allowed for valid and justifiable reasons, subject to the discretion of the Secretary and the availability of funds.

Section 111. Revalidation of Official and Diplomatic Passports. POLO officers/staff who are granted permission to travel to the Philippines must personally report to the Cluster Head of ILAB/OWWA Administrator within twenty-four (24) hours, or on the first working day following his/her arrival and register his/her address and contact numbers in the Philippines at ILAB/OOCS. Failure to comply with this provision shall subject the concerned POLO officer/staff to administrative sanction.

Diplomatic and Official Passports must be submitted to ILAB/OOCS, within twenty-four (24) hours upon arrival in Manila, for revalidation purposes. Failure to submit the said passport within that period will result in non-approval of the succeeding leave application.

Section 112. Prescribed Conduct. All POLO officers/staff shall at all times observe the Code of Conduct For Philippine Overseas Labor Office as provided in A.O No. 151, Series of 2011.

Section 113. Illegal and Prohibited Acts. Notwithstanding the provisions of the Code of Conduct for POLO, the following shall be considered as illegal and prohibited acts:

A. ILLEGAL ACTS:

- (1) Taking advantage of one's privileges and immunities provided by existing International Conventions in the entry, sale, distribution of any prohibited drugs such as opium, hashish, marijuana and other universally considered dangerous drugs and chemicals;
- (2) Taking advantage of one's privileges and immunities to engage in the prohibited exchange of currency commonly known as black-marketing;
- (3) Use of diplomatic pouch or consular bag for the shipment of prohibited or banned materials;
- (4) Acquisition of an immigrant status in the host country, or other countries by an POLO officer and staff or any member of his/her family during his/her tour of duty; and
- (5) All other acts that are deemed illegal and subject to administrative discipline by appropriate laws, decrees, rules and regulation.

B. PROHIBITED ACTS:

Aside from pertinent laws or rules on prohibited acts for public officers, the following are also considered prohibited acts:

- (1) No POLO officer/staff shall have personal pecuniary interest in any matter, in whatever capacity, which may affect or undermine the legal and proper performance of his/her regulatory functions. This includes among others, maintaining a recruitment agency and/or acquiring shares of stock therein, or engaging in businesses where the POLO is a recommending or approving authority.
- (2) No POLO officer/staff or their relatives within the 4th civil degree of affinity and consanguinity shall engage directly or indirectly in recruitment business for OFWS.
- (3) No family members of the POLO officer /staff shall take part in the day-to-day operations in the labor office, except when the presence of the spouse is necessary, such as in social occasions.
- (4) No POLO officer shall appoint or recommend for appointment any member of his family within the fourth degree of affinity or consanguinity.

Section 114. Sanctions and Penalties. The above illegal and prohibited acts shall be subject to existing rules and guidelines approved by the Secretary and/or the Civil Service Commission for this purpose.

Offenses classified as grave, less grave and light enumerated under pertinent civil service rules, the DOLE Manual on Disposition of Administrative Cases and DOLE Administrative Order No. 390, series of 2003, are adopted and shall likewise apply to all POLO Officers and staff. The procedures to be followed for the hearing of the case shall also be governed by the Civil Service Revised Rules on Administrative Cases (RRACCs) and the DOLE Manual of Disposition of Administrative Cases.

TITLE IX

CRISIS MANAGEMENT COMMITTEE

Section 115. Policy Guidelines. Pursuant to the policy of the State to afford full protection to Filipino migrant workers and to ensure their safety, security and well-being during crisis, natural disasters, civil unrest, and war occurring in the job site, a DOLE-Crisis Management Committee is hereby created with the following objectives, namely:

- A. To provide necessary inputs on facts and conditions for a Presidential decision for a mass repatriation of OFWs from a country or region affected by an on-going civil unrest or armed conflict, natural disaster, and other risks which present a clear and present danger to the safety and security of the workers;
- B. To identify the terms of engagement and collaboration between and among government offices particularly the DFA involved in the mass repatriation for quick and safe movement of OFWs and their dependents out of the affected areas;

- C. To formulate the structures, mechanisms and procedures for an efficient and cost-effective deployment of crisis management officials and personnel who will be involved in the mass repatriation effort;
- D. To pre-identify, designate and train the officials and personnel to be deployed for the mass repatriation efforts/contingency measures within 24 to 36 hours from the time the President makes his decision; and
- E. To ensure the necessary administrative and financial requirements be readily available upon orders of the Secretary.

Section 116. Composition, Structure and Functions of the DOLE Crisis Management Committee. The DOLE Crisis Management Committee, which shall report directly to the Secretary, shall be chaired by the Undersecretary for Employment with the Heads of POEA, OWWA, ILAB, NRCO, FMS, Planning Service, LCO, HRDS and other relevant offices as members.

The DOLE Crisis Management Committee shall devise an action plan that shall support, complement and augment the DFA/Embassy mass repatriation/contingency plan for OFWs based on a strategic assessment of the situation and taking into account all available inputs and information. It shall facilitate inter-agency coordination among DOLE agencies to ensure an efficient, effective and prompt delivery of directives to the On-Site Coordinating Center and POLO Field Teams. Said Committee shall likewise be guided by the need to immediately deploy manpower and financial resources and draw up a public communication strategy.

For this purpose, the DOLE Crisis Management Committee shall form a Crisis Management Center, On-Site Coordinating Center and POLO Field Teams, and shall designate their respective Heads and members.

Section 117. Functions of the Crisis Management Center, On-Site Coordinating Center and POLO Field Teams.

- A. The Crisis Management Center shall oversee, supervise, monitor and evaluate the operations related to the mass repatriation plan, and for this purpose, issue directives and instructions to the On-Site Coordinating Center and the POLO Field Teams. It shall regularly report to and advise the DOLE Crisis Management Committee of all developments and updates in the field.
- B. The On-Site Coordinating Center as well as the POLO Field Teams shall closely work together in gathering, updating and processing the needed and relevant data and information from the field and submit recommendations to the Head of the Crisis Management Center. They shall continuously monitor and regularly assess the situation in the field or work site, implement all the directives assigned, and coordinate/liaise with the DFA on operational matters.

Section 118. Home Office Operational Guidelines on Crisis Management. To implement the above action plan on crisis management, the Secretary shall issue general guidelines defining the role of agencies and units composing the DOLE Crisis Management Center. It shall also formulate a framework for an immediate, adequate and sustainable response to crisis situations taking into account the following: 1) safety and security of OFWs; 2) logistical and support services for the On-Site Coordinating Center and POLO Field Teams, including augmenting the latter with Home Office-based personnel experienced in mass repatriation; and 3) proper management of information to the families of OFWs and the general public.

TITLE IX REPEALING CLAUSE

The provisions of all Department orders and issuances which are inconsistent with the provisions herein are hereby repealed, superseded, or modified accordingly.

TITLE X SEPARABILITY CLAUSE

If any provision of this Manual is declared unconstitutional or invalid, other provisions not affected therein shall remain valid and binding.

TITLE XI EFFECTIVITY

This Manual shall take effect upon its posting in the DOLE website and dissemination in all offices and agencies of the Department.


ROSALINDA DIMAPILIS – BALDOZ
Secretary

Done this 30 day of April 2013 in the City of Manila