



MDG-F 1942 Joint Programme on Alternatives to Migration:
Decent Jobs for Filipino Youth



PESO starter kit:

Guide to understanding the
Public Employment Service Office



Department of Labor and Employment

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Foreword

We are confronted today with a high number of young people at risk of facing employment difficulties. In 2011, data from the Philippine government's National Statistics Office (NSO) indicated that youth unemployment at 1.4 million was more than twice the national average level. Of equal or greater concern are young people trapped in poverty and vulnerable forms of employment. Nearly 2.3 million youth are engaged in vulnerable forms of employment. They are forced to create or accept whatever work is available in order to survive.

The youth employment challenge is a call for society's immediate action. In partnership with the Government of Spain, the *MDG Fund Joint Programme on Alternatives to Migration: Decent Jobs for Filipino Youth* initiated programmes to meet the challenges of building a better future for young people through decent and productive work. The Joint Programme aims to improve, among others, the employment situation of young women and men in the country. The Joint Programme covered four pilot provinces—Antique, Masbate, Agusan del Sur, and Maguindanao. One of the strategies adopted was the promotion of youth employment through strengthening of institutions and mechanisms that provide direct employment services at the local level. This included reaching out and partnering with the network of Public Employment Service Offices (PESOs).

As a matter of principle, we at the ILO strongly support the crucial roles that the PESO and the local government play in promoting youth employment. The PESO has the most potential to bridge all types of mismatches between jobseekers and employers. In recent years, a number of PESOs have harnessed local resources for employment matching such as the Bulacan Provincial PESO and the Quezon City PESO. However, majority of PESOs in the country, especially those situated in areas far from the mainstream are still facing challenges on resources.

It is for this reason that the PESO starter kit was developed. The end goal is to help PESOs in the four provinces covered by the Joint Programme, as well as those in other provinces across the country, to operationalize. The PESO starter kit supports the need to make employment promotion a regular and continuing activity at the local level. It will also serve as an advocacy material of the Department of Labor and Employment (DOLE) to institutionalize PESOs throughout the country.

The PESO starter kit provides information about the PESO including core functions and operations. It presents ten simple steps to PESO institutionalization, grouped into phases, are easy to follow. It also highlights best practices of well-performing PESOs that can serve as models to others. To further enrich understanding of PESO, it covers references and reading materials.

We hope this reference work will aid the local governments to take the first step in setting up a PESO or institutionalizing it in the very near future. Further, investing on the PESO guarantees to yield social and economic dividends. It will help the local community through efficient outcomes in the local labour market, and ultimately, the society.

We firmly believe that the PESO, with strong political and local level support, will contribute to achieving sustained and inclusive growth through decent and productive work. In the end, young women and men who form the bulk of jobseekers will no longer be forced to leave their places of origin, and that greater opportunity for landing decent jobs locally will become a reality.

Lawrence Jeff Johnson
Director
International Labour Organization
Country Office for the Philippines

Preface

To promote inclusive growth through decent and productive work is at the heart of the Department of Labor and Employment (DOLE) thrust of assuring that favorable economic and labour conditions are established and maintained eventually leading to the “inclusiveness” principle as an accepted practice in the Philippine labour market. This is a principle concretized in the recently published Philippine Labor and Employment Plan 2011-2016, which sets the DOLE’s road map in the next five years—geared toward the fulfilment of the Department’s commitments in the achievement of the President’s Medium Term Philippine Development Plan (MTPDP) 2011-2016. Understanding this framework explains the necessity of harnessing intermediary employment facilities that have the capacity to touch base with the greatest number of people especially those actively searching for work and the vulnerably unemployed, with emphasis on the youth and women sectors. This is the reason why the DOLE has consistently advocated for the institutionalization of all Public Employment Service Offices (PESOs) nationwide.

Only by transforming the PESO as the main employment brokerage facility of the country would we be able to alleviate the burgeoning concern on jobs-and-skills mismatch. Because it is a public entity, its inclusive or non-discriminatory nature makes it a strategic mechanism for deploying government-initiated employment service programmes, projects, and activities. I sternly believe that tapping this institution will help bridge the perceived gap between manpower supply and demand. However, at present, of the 1,780 PESOs nationwide only 1,125 are operational and merely 73 are institutionalized. The statistics show the enormous gap that needs to be filled in order to ensure the sustainability of services extended by the PESO network.

In this regard, I would like to congratulate the efforts undertaken by the DOLE, through the Bureau of Local Employment (BLE), and the International Labour Organization (ILO), under the Joint Programme on Youth, Employment and Migration (JP YEM), in its initiative to compile in this present kit the proven best practices that were implemented by various Local Government Units (LGUs) that facilitated the institutionalization of their PESOs. The PESO starter kit is a pioneering endeavour for it has set the standards which LGUs must attain and sustain so as to ensure that it will deliver apt, progressive, efficient and timely employment-related services to its clientele. This kit shall likewise provide Local Chief Executives (LCEs) with relevant information to assist them in making informed choices on either to establish a PESO or to institutionalize an existing PESO. The BLE-ILO partnership is indeed a good beginning in finding ways by which existing government structures, such as the PESO, may be strengthened and fully harnessed so as to bolster its significant interventions especially to the vulnerable sectors. The kit comes at no better time for it places into focus the necessity of advocating for the adoption of the proposed amendments to Republic Act No. 8759 that shall seal the permanent existence of the PESO in all municipalities and cities throughout the Philippines. This is our shared vision.

My hope is that this kit is only the beginning of our consorted effort to bring forth to the community level the milestones that have been attained in the area of employment service. Further, its use can be maximized through adaptation or appropriate modification by other local government units (LGUs) and PESOs of the documented best practices contained in this kit. Thus, it is with great pleasure and pride that I endorse the use of this kit to all LGUs aspiring for the creation of their own PESO or vying for its institutionalization. I likewise expect all DOLE Regional and Field Offices to use this kit in all advocacy efforts for PESO institutionalization.

Again, on behalf of DOLE, many thanks and Mabuhay!

Rosalinda Dimapilis-Baldoz
Secretary
Department of Labor and Employment

The MDG Fund Joint Programme

The Spanish-funded MDG Fund Joint Programme on Alternatives to Migration: Decent Jobs for Filipino Youth is a three-year project (July 2009-July 2012) implemented by UN Country Team agencies including the International Labour Organization (ILO), International Organization for Migration (IOM), United Nations Children's Fund (UNICEF), and United Nations Population Fund (UNFPA), respectively to support the Philippine Government's vision of a productive and competitive youth sector.

The overarching goal of the Joint Programme is to improve the employment situation of young women and men in the country by improving policy coherence and public-private partnerships through full stakeholder participation. The Joint Programme also contributes to the initiatives of the Government of the Philippines to attain Millennium Development Goals (MDGs) on eradicating extreme poverty and hunger (MDG 1), promoting gender equality and empowering women (MDG 3), and developing a global partnership for development (MDG 8).

Providing direct services in the poorest regions of the country, the Joint Programme focuses on four provinces with high incidences of out-of-school and poor youth, low enrolment rates, and high drop-out rates and disadvantaged youth. The four provinces are Masbate in Region V, Antique in Region VI, Maguindanao in the Autonomous Region in Muslim Mindanao (ARMM), and Agusan del Sur in Caraga Region.

The Joint Programme banks on the multi-stakeholder participation approach. The stakeholders of the Programme include national government agencies led by the Department of Labor and Employment (DOLE), Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA), Department of Trade and Industry (DTI), Philippine Commission on Women (PCW), National Youth Commission (NYC), ARMM, the Provincial Governments of Agusan del Sur, Antique, Masbate, and Maguindanao, the private sector (employers organizations and chambers of commerce or business association), non-governmental organizations (NGOs), worker organizations, and youth organizations.

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List of acronyms

ARMM	Autonomous Region in Muslim Mindanao
BAS	Bureau of Agricultural Statistics
BLE	Bureau of Local Employment
BLES	Bureau of Labor and Employment Statistics
BLR	Bureau of Labor Relations
BOI	Board of Investments
BSP	Bangko Sentral ng Pilipinas
BTEC	Barangay Training and Employment Coordinator
BTVE	Bureau of Technical and Vocational Education
CBA	Collective Bargaining Agreement
CBMS	Community-Based Monitoring System
CBO	Community-Based Organization
CESD	City Employment Service Division
CFO	Commission on Filipino overseas
CHED	Commission on Higher Education
CICT	Commission on Information and Communications Technology
COA	Commission on Audit
CSC	Civil Service Commission
CTEC	Community Training and Employment Coordinator
DA	Department of Agriculture
DECS	Department of Education, Culture and Sports
DepEd	Department of Education
DFA	Department of Foreign Affairs
DILG	Department of Interior and Local Government
DOH	Department of Health
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DOST	Department of Science and Technology
DOT	Department of Tourism
DPWH	Department of Public Works and Highways
DTI	Department of Trade and Industry
EAP	Employment Assistance Program
ECC	Employees Compensation Commission
EPD	Employment Promotion Division
EPR	Employment to Population Ratio
ER	Employment Rate
ES	Employment Service
ESPM	Employment Service Program Management Division
FGD	Focus Group Discussion
GAA	General Appropriations Act
GFI	Government Financial Institution
IBP	Integrated Bar of the Philippines
IC	Insurance Commission
ILO	International Labour Organization
IOM	International Organization for Migration

IRR	Implementing Rules and Regulations
ISAP	Informal Sector Assistance Program
JICA	Japan International Cooperation Agency
JP YEM	Joint Programme Youth, Employment and Migration
LAF	Legal Assistance Fund
LCE	Local Chief Executive
LEO	Labor and Employment Officer
LFPR	Labour Force Participation Rate
LFS	Labour Force Survey
LGU	Local Government Unit
LMI	Labour Market Information
LMT	Labour Market Trends
LSAP	Labor Sector Assistance Program
LRO	Licensing and Regulation Office
MIAA	Manila International Airport Authority
MDG	Millennium Development Goal
MOA	Memorandum of Agreement
MOOE	Maintenance, Operating and Overhead Expenses
MTPDP	Medium Term Philippine Development Plan
NBI	National Bureau of Investigation
NCC	National Computer Center
NESN	National Employment Service Network
NESS	National Employment Service System
NFSN	National Facilitation Service Network
NGO	Non-Governmental Organization
NMYC	National Manpower and Youth Council
NLRC	National Labor Relations Commission
NRCO	National Reintegration Center for Overseas
NSCB	National Statistical Coordination Board
NSO	National Statistics Office
NTC	National Telecommunications Commission
NWPC	National Wages and Productivity Commission
NYC	National Youth Commission
OEC	Overseas Employment Certificate
OEDB	Overseas Employment Development Board
OFW	Overseas Filipino Worker
OWWA	Overseas Workers Welfare Administration
PCW	Philippine Commission on Women
PEME	Pre-Employment Medical Examinations
PES	Public Employment Service
PEOS	Pre-Employment Orientation Seminar
PESO	Public Employment Service Office
POEA	Philippine Overseas Employment Administration
POLO	Philippine Overseas Labor Office
PRC	Professional Regulatory Commission
PRPA	Private Recruitment and Placement Agency
PTA	Philippine Tourism Authority
PWD	Persons with Disability

RCC	Regional Coordination Council
SB	Sangguniang Bayan
SEC	Standard Employment Contract
SME	Small and Medium Enterprise
SPES	Special Program for the Employment of Students
SPRS	Statistical Performance Reporting System
SRS	Skills Registry System
SUC	State Universities and Colleges
SWOT	Strengths, Weaknesses, Opportunities and Threats
TESDA	Technical Education and Skills Development Authority
TLRC	Technology Livelihood Resource Center
TUCP	Trade Union Congress of the Philippines
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population
UnR	Unemployment Rate
UndR	Underemployment Rate
WAP	Work Appreciation Program
WAPES	World Association of Public Employment Services
WFP	Work and Financial Plan
WHIP	Workers Hiring for Infrastructure Projects
WP/P	Working Population to Population Ratio

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1. Bureau of Local Employment: PESO Operations Manual, ILO Convention No. 88, all DOLE MOAs, Best PESO Awards Guidelines.
2. Mongoso Constituents Survey: Naga City PESO.
3. Congress Legislative Index: Book One, Labor Code of the Philippines, PESO Act of 1999, Guidance and Counseling Act of 2004.
4. Best Practices Documents: Provincial PESO of Bulacan, Municipal PESO of Isulan, and Tagum City PESO.
5. Resolution and Ordinances: Sanggunian Resolution of San Fernando, Pampanga, General Trias, Cavite, and the Province of Lanao del Sur.
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1. INTRODUCTION

Unemployment and underemployment are the twin problems requiring society's immediate and undivided attention if it seriously wishes to improve the socio-economic status of the majority of its citizenry. The perennial shortage of employment opportunities continues to be a nagging concern. It spares no one and besets the current crop of new entrants to the labour force, those who are already in the labour force, and those who will eventually enter it in coming years. It continues to spark much discussion on corrective measures that are needed—in terms of policies and programs—to ameliorate the adverse effects to individuals of the scarcity of work including its ramifications to the economy. The lack or absence of work triggers social ills and traps the jobless into situations of poverty, family strife, less than adequate feelings of self-worth, and sometimes, even crime. This less than optimal situation represents wasted opportunity in the form of people willing and able to work but who are not able to find work or are working at less than their full potential.

Between 2010 and 2011, the Philippine unemployment rate of people 15 years old and over hovered between 7 and 8 per cent. Underemployment rate for the same period remained between 18 and 19 per cent. The issue of youth employment poses a more serious challenge. In 2010, the youth unemployment rate stood at 17.6 per cent which is more than twofold of the unemployment rate for all age groups. Young people also made up about 51 per cent of the unemployed population.

Employment services and related agencies like the Public Employment Service Offices (PESOs) have always played an important facilitation role in linking labour demand and supply more effectively, thereby reducing unemployment. While earlier, these services focused on workers in formal employment relations (the scope of such services would include support to jobseekers in attaining counseling and placement services for formal sector employment and facilitating access to retraining and unemployment insurance), such services have increasingly been acknowledged as relevant multi-service agencies, which can reach out to the working poor, out-of-school youth and the informal economy, among others.

The Philippine Government recently reaffirmed its commitment in strengthening labour market institutions and has, therefore, given a significant priority to the reinforced role of the PESO network in the country. Against this background, the MDG F Joint Programme on Youth, Employment and Migration (JP YEM) joined hands with the Department of Labor and Employment (DOLE), specifically with the Bureau of Local Employment (BLE), to pilot the revitalization and strengthening of PESOs in the four provinces of Masbate, Antique, Maguindanao, and Agusan del Sur. This entails support to Local Government Units (LGUs) in institutionalizing their PESOs through the passage of a Sanggunian resolution or ordinance by respective local legislative bodies.

This PESO starter kit is intended for use of LGUs in the four pilot provinces covered by JP YEM to enable them to establish a more enduring employment service through institutionalized PESOs. It reflects the learning experiences and highlights the best practices initiated by LGUs throughout the country over the years in institutionalizing their respective PESOs.

It is envisioned that with better performing PESOs, not only the four pilot provinces but all other LGUs could provide better local employment services to their constituents, especially to youth and women, ultimately resulting in decent employment opportunities for all.

2. BACKGROUND

Public Employment Service Offices, or PESOs, are locally-operated and government-run entities that help reduce unemployment primarily through proper matching of jobseekers and employers. This is achieved by providing accurate, relevant and timely information plus other support services to both parties.

As a signatory to ILO Convention No. 88 (The Employment Service Convention), the Philippines is duty-bound to ensure the maintenance of a nationwide public employment service catering to all sectors of society for free and without discrimination.

LGUs increasingly acknowledge the vital role of PESOs as critical labour market institutions which are able to ensure—through their network and mandate—universal access for all workers to relevant support services and the promise of increased employability not only locally but beyond the local labour market.

Per the PESO Act of 1999, DOLE was put in charge of setting up and supervising PESO operations. After 11 years, however, no budget has been allocated from the national funds. Consequently, the financing, operation, and maintenance of PESOs became the responsibility of local governments. The DOLE, through BLE and its Regional and Provincial Coordination Offices, monitors and supervises the performance and programs of PESOs and provides technical assistance in information technology enhancement, PESO institutionalization, capacity building of PESO Managers and staff on management, labour market management and intelligence, and career guidance. DOLE's support to PESO also includes training and advocacy on anti-illegal recruitment and alien employment permits.

While there are some 1,780 PESOs that have been established across the country as of December 2011, only 1,125 are operational and just 73 PESOs are institutionalized. This means that the relevant LGU finances the PESO's basic functions and provides permanent staff and basic infrastructure to make the PESO functional according to the DOLE guidelines.

DOLE's current vision of the universal institutionalization of PESOs at the LGU level in the Philippines has called for the development of an institutionalization guide or starter kit, which leads the way for the LGU, PESO Manager, and Local Chief Executive (LCE) to establish or transform their existing employment service facilities into viable and efficient service providers, which fully comply with the core functions of a PESO and, therefore, can effectively contribute to higher employability of the workforce and more effective labour market performance.

The starter kit suggests ten steps, which serve as milestones for the establishment and operation of a successful PESO. For the user of the kit however to fully appreciate the subsequent steps, outcomes, and references, an understanding of fundamental concepts on employment services in the Philippines is needed. We shall therefore start from this.

3. WHAT YOU NEED TO KNOW ABOUT PUBLIC EMPLOYMENT SERVICES?

3.1 Who provides employment services in the Philippines?

Both private and public operators run employment services in the Philippines.

Private entities are classified into fee-charging providers consisting of Private Recruitment and Placement Agencies (PRPAs) and non-fee charging providers which include non-governmental organization (NGO) and school-based PESOs.

With some exceptions, private employment agencies are NOT allowed to charge any fees for recruitment. Private employment agencies often provide only some of the core functions of an Employment Service and have, when profit oriented, a distinct clientele whom they recruit, service and place.

The bulk of the Employment Service, however, consists of the publicly operated facilities called PESOs found in almost all the provinces, cities, and municipalities in the country. By its mandate, the PESO is bound to service any and all jobseekers seeking support.

3.2 What is a PESO?

A PESO is a non-fee charging multi-service provider established or accredited pursuant to Republic Act 8759 otherwise known as the PESO Act of 1999.

The PESO complies with Article 6 of ILO Convention No. 88, Book One Article 12 of the Philippine Labor Code and Book 1, Title 1, Chapter 2, Section 16 and 17 of the Local Government Code of the Philippines.

3.3 How are PESOs classified?

Category 1: Established PESO – in existence by virtue of a MOA with DOLE.

Category 2: Operational PESO – in existence and performing at least one core function on a daily basis.

Category 3: Institutionalized PESO – in existence by virtue of a Sanggunian Resolution or an Ordinance provided with regular plantilla positions and appropriate funds (BLE, 2010).

3.4 What are the functions of a PESO?

Most PESOs are LGU-based and need to fulfill critical objectives such as *“to ensure the prompt, timely, and efficient delivery of employment service and provision of information on other DOLE employment and self-employment programs”*.



Figure 1: Core functions of an employment services

Source: ILO

A fully functioning PESO has four core functions. These are:

- **Job search assistance and placement services**, registration, counseling, and linking with training providers
- **Labour market information services**
- **Administration of labour market programs**
- **Regulatory services** as authorized agency to ensure compliance with all legal obligations (Figure 1).

Depending on local context and requirements, additional functions which optimize the effectiveness of PESOs are directed by the relevant authorities from time to time and on a case-to-case basis.

In the Philippine context at the present time, the DOLE has conceptualized a four-window model applicable to the PESO's current operations:

- The four-window model explains the various functions and services and highlights **the full-cycle approach of interventions by the PESO**.
- At the center of the four “windows of opportunity” is the PESO acting as an employment brokering facility.
- **Window 1** is an opportunity for workers to gain employment through job vacancy reports from public and private employers available at the PESO.
- **Window 2** is an opportunity for jobseekers gaining employment through a registry of applicants and a skills map that is accessible to employers, and which the PESO manages.
- **Window 3** is an opportunity for employment after training through information and assistance available at the PESO.
- **Window 4** is an opportunity for gainful employment through information on self-employment opportunities, livelihood, and financing coursed through the PESO (Figure 2).

- The **interconnectivity of the four windows** that compose the model is of utmost importance for the success of the various interventions which is the reason why the PESO occupies the center and functions as the linchpin, or fulcrum, to which all four windows are hinged.

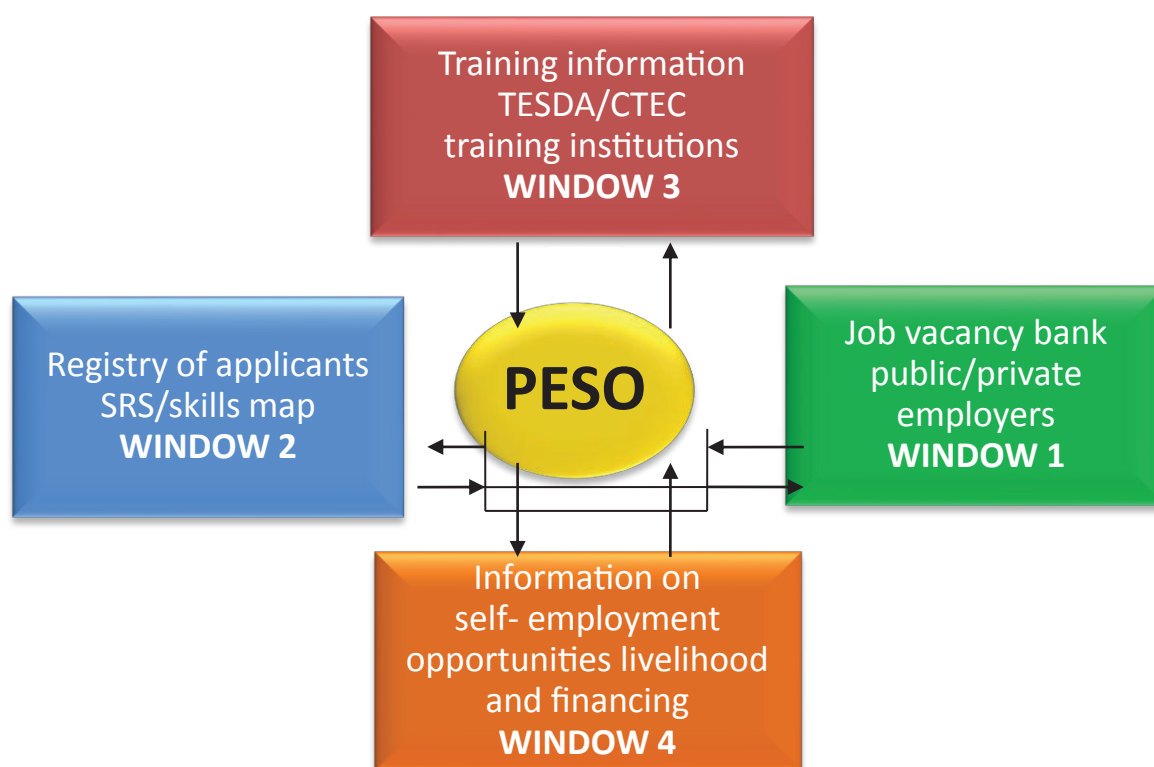


Figure 2: The four-window model of the PESO

Source: BLE and Guillermo

3.5 Who are the clients of the PESO?

Article 10 of ILO Convention No. 88 stipulates that “the employment service and other public authorities where appropriate shall, in cooperation with employers and workers organizations and other interested bodies, take all possible measures to encourage full use of employment service facilities by employers and workers on a voluntary basis”.

This indicates that the clients of the PESO include all employers and workers wishing to avail of its services and facilities, without exception.

The all-inclusive and voluntary nature of the transactions within PESOs brings us to another important characteristic of PESOs: its services to clients are absolutely free of charge.

Thus, Article 1 of ILO Convention No. 88 maintains that “each member of the International Labour Organization for which this Convention is in force shall maintain or ensure the maintenance of a free public employment service”.

Meanwhile, the Implementing Rules and Regulations of the PESO Act of 1999 identify, in more detail, the PESO's clients to include:

- Jobseekers
- Employers and enterprises
- Planners and researchers
- Other persons who seek the service of the PESO

Under other persons who seek the service of the PESO will fall:

- Training institutions
- NGOs and foundations
- Labour market information users
- Persons with disabilities (PWDs)
- Migrant workers within the Philippines
- Leaving or returning overseas Filipino workers (OFWs)
- Displaced workers
- Students
- Out-of-school youth

3.6 Who finances PESO operation?

Currently, the LGU is responsible for financing human resources, operations, and maintenance of PESO within its jurisdiction.

DOLE supports setting up and facilitating PESO operations through its regional offices; it monitors and supervises the performance and programs of PESOs, while providing technical assistance in personnel training, report generation, and inter-agency coordination, among others.

3.7 What is the state of the PESOs today?

The PESOs, to have a stronger impact on employment facilitation, need to have sustainable operations.

Today, most PESOs do operate some of the core functions but do not have continuous funding and human resources dedicated to fulfill all the core functions of a PESO.

This means that only 73 PESOs are institutionalized as of December 2011 and have enabling local legislative basis to run with confirmed personnel and funding.

3.8 Why is the DOLE promoting institutionalization?

It is to the best interest of DOLE, as the major employment promoting agency in the Philippines, to strengthen the National Employment Service System (NESS) and aim at universal institutionalization of PESOs. This has the advantage of:

- **Minimum standards defined and procedures streamlined**, contributing to overall quality assurance process for employment services leading to higher labour market outcomes.
- **Vision, roles, and functional responsibilities are clarified** which makes it easier for DOLE to effectively invest capacity building and training resources and reduce employment turnover.

- **Institutionalization is the basis for building strong market-oriented PESOs** which can respond to training and labour market needs of clientele while effectively making use of the national network of PESOs. It further strengthens the overall national labour exchange system, which acts as a facilitation agency to address skills and employment mismatch and national employment promotion.

3.9 What is the role of DOLE regional offices in PESO institutionalization?

The 16 regional offices of DOLE plus the DOLE Autonomous Region in Muslim Mindanao (ARMM) will promote the institutionalization of all the PESOs located in their respective jurisdictions by assisting the LCEs and Sanggunians in the process of PESO institutionalization. The PESO starter kit will serve as roadmap.

They will also set annual institutionalization targets in coordination with DOLE Central Office, specifically the BLE.

Lastly, they will be accountable for the achievement of agreed upon targets regarding institutionalization.

3.10 How will the national, regional, and provincial PESO federations help in the institutionalization process?

The PESO Federations are present in all 76 provinces of the country and have the potential for exerting political pressure on LCEs and Sanggunians, through resolutions which support the process of institutionalization. At the highest level, PESOPhil, Inc. is the official organization of the network of PESOs.

Strong leaders of the PESO Congress, together with DOLE, have the capacity to increase public awareness and lobby for the support of LCEs and Sanggunians for them to prioritize and allocate funds for PESOs.

3.11 Why must the local chief executive institutionalize the PESO in his/her jurisdiction?

Institutionalization provides the required formal status of a PESO, including the following benefits:

- Appropriate legal status provided by local lawmaking body
- Adequate staffing and funding for operations (annual budget appropriations)
- Proper training for its personnel (DOLE will invest more training resources)
- Effective systems, procedures, and linkages with markets and private employment service providers (interest in cooperation and investing time and even resources)
- Set up a network of relevant stakeholders
- Labour market information (LMI) is set in place which helps planning and monitoring in the area of employment and self-employment.

Most if not all of the well-performing PESOs on record have legal status either through a Sanggunian resolution or ordinance which was instrumental in their creation. Consequently, they are able to reap these benefits:

- They receive funds for their operations.
- They can afford to develop long-term vision, make long-term investments on human resources, and network with NGOs, the private sector, and other LGUs; the end result is that they perform better.

Institutionalized PESOs who emphasize quality and sustainability of their operations are seen as reliable partners for employment and training services by the political leadership and local government.

3.12 How does one institutionalize a PESO?

This PESO starter kit was prepared exactly for this purpose. The steps, outcomes, and references detailed in subsequent portions are the products of the learnings and experiences of PESO Managers and personnel. They represent the best practices that LGUs have adopted over the years, which, to a large part, have led to their successfully institutionalizing their PESO operations.

4. TEN STEPS TO PESO INSTITUTIONALIZATION: PURPOSE AND OBJECTIVE

The PESO starter kit is designed to support LCEs to systematically establish or institutionalize their PESOs in the most efficient way possible. The whole process of institutionalization and organization of the PESO into a strong unit, as delineated in this kit, could be accomplished in as short a time as six to seven months.

The process has two major phases with each phase composed of five steps, which in turn are broken down into tasks that would lead to the accomplishment of purpose of each particular step (Figure 3). Phase 1 (the preparatory phase) includes five steps which result in the passing and adoption of a permanent legal status of the PESO by the Sanggunian. Phase 2 (setting up of the PESO) subsequently works on institutionalizing and establishing the organizational and managerial capacities of the PESO. It has five distinct steps and culminates with Step 10, wherein the PESO's performance is evaluated by DOLE during its initial span of operation.

As a guide to local officials, included in each step is the indicative cost to the local government and timeline needed for that step to move forward to the next level. Note that the costs indicated are estimates only. Inflation and other factors may deem these budgets insufficient in succeeding years.



Figure 3: Ten steps to PESO institutionalization

Source: ILO

4.1 Phase 1: preparatory phase

STEP ONE

THE PESO MANAGER-DESIGNATE CONVINCES THE LOCAL CHIEF EXECUTIVE TO INITIATE THE INSTITUTIONALIZATION PROCESS

- Convincing the Local Chief Executive (LCE) to initiate the institutionalization process is the first step.
- The PESO Manager-Designate—that is, the LGU officer designated to perform the functions of a PESO manager—has the task of initially assessing the possibility of establishing, or institutionalizing, the PESO in the locality.
- The most important element that will make this step a workable one is for the PESO Manager-Designate to show the relevance of a PESO within the context of the LGU’s labour market situation and local development plan.
- The output from this step becomes a powerful tool in the hands of the PESO Manager-Designate to convince the LCE to seriously consider institutionalizing the PESO.

Expected outputs

- LCE forms Committee to conduct deeper assessment on the need for an institutionalized PESO.
- LCE and the LGU initiate institutionalization process.

Process

- Assess local unemployment and underemployment situation with particular attention on youth, women, and other vulnerable groups.
- Ensure ownership from LCE.
- Consult with the Sanggunian on the locality’s labour market situation and assess training and enterprise development opportunities.
- Make a decision whether to seriously pursue the putting up of a PESO.

References and reading materials

- Local development plan (if available)
- Community-based monitoring system (if available)
- Labour market indicators (**Reference 1-1**)
- PESO Manual of Operation (**Reference 1-2**)
- Effective tools to assess labour market information are based on the Naga City PESO Survey by Mongoso (**Reference 1- 3**)

Estimated time and cost requirements

- Seven (7) working days and Php1,000.00

STEP TWO

THE LOCAL CHIEF EXECUTIVE FORMS A JOINT EXECUTIVE- LEGISLATIVE COMMITTEE TO STUDY FEASIBILITY OF PESO

- Forming a Joint Executive-Legislative Committee to study feasibility of PESO in the locality is the second step.
- The responsibility rests on Local Chief Executive (LCE), having been convinced by the activities under the first step, to initiate the formation of a committee to study the feasibility of putting up a PESO.
- The LCE officially organizes the Joint Executive-Legislative Committee tasked to undertake the feasibility study on whether an institutionalized PESO is needed by the community.
- A representative from the DOLE Regional Office may be invited to serve as an adviser.
- The joint nature of the group is important as it would ensure support from the two branches.

Expected output

- Executive-Legislative Committee to undertake the feasibility study on the need for an institutionalized PESO.

Process

- LCE writes letter to the Regional Director of DOLE and requests technical support to set up and institutionalize a PESO.
- LCE forms the Executive Committee (with a total of five members—three members coming from the Executive Department and two members coming from the Legislative) to get the cooperation of the Sanggunian; DOLE representative serves as adviser.
- LCE prepares a memorandum authorizing the formation of the Executive Committee. The Memorandum Order should contain the name of the members, their specific functions, and the timeline for submission of output.
- LCE issues the Memorandum with copies furnished to the Sanggunian and the DOLE Regional Director.

References and reading materials

- Draft Memorandum Order (**Reference 2-1**)
- Guide in selecting members of the study group (**Reference 2-2**)

Estimated time and cost requirements

- Fourteen (14) working days and Php1,000.00

STEP THREE

COMMITTEE ASSESSES LOCAL LABOUR MARKET AND POLICIES; PREPARES STUDY ON FEASIBILITY OF PESO

- Assessing local labour market situation and policies and preparing the study on feasibility of PESO is the third step.
- The Committee is tasked to review the available secondary data and policy documents and conduct tripartite consultations to assess existing employment policies plus other documents relevant to the employment service system and local employment service facilities (refer to the references and reading materials under Step Three for details).
- To guide the Committee on international and national labour and employment policies regarding establishment, institutionalization, and operation of PESOs, references such as ILO Convention No. 88, pre-employment provisions of the Labor Code, PESO Act of 1999, and the DILG Memorandum Circular on PESO establishment is provided in this kit.
- The Committee should be aware of the capacity of existing employment service providers and the current operational capability of existing PESOs (which should be assessed).
- The findings and recommendations of the study on the need to institutionalize (which will be the basis for the drafting and eventually, passage of a Sanggunian Resolution or Ordinance) will be the main output under this step.

Expected outputs

- Feasibility study with recommendations which is endorsed by all stakeholders and assesses the feasibility of establishing and institutionalizing a PESO.
- The study findings are the basis for draft ordinance and define the scope, financing, and operational framework of the planned PESO.

Process

- Study existing policies and relevant legal documents for PESO.
- Increase awareness of Executive Committee on the core functions of a PESO as expressed in the following: ILO Convention No. 88, pre-employment provisions of the Labor Code, PESO Act of 1999, and the DILG Memorandum Circular on PESO establishment.
- Conduct Focus Group Discussions (FGDs) to assess the views of key stakeholders such as employers (business establishments), workers (jobseekers), relevant government agencies, and training and educational institutions regarding the relevance and mandate of PESO facility to be operated by the LGU.
- Gather and interpret results of the FGDs and make recommendations to the LCE, which could define the scope of PESO operations.
- Exploratory consultations with SB Committees on Labor, Education and Training and PESO Federation.
- Assess current services and capacities of existing employment service providers and PESOs and undertake SWOT analysis (use multi-rater assessment tool).
- Assess training needs of PESO staff already appointed, officers (when available or accessible), and already operating PESOs near the LGU.
- Exploratory consultations with the Sanggunian Ways and Means Committee and the Budget Division.

References and reading materials

- Committee will study relevant international and national policies foremost of which is ILO Convention No. 88 (The Employment Service Convention); this is required since the Philippines is a signatory to ILO Convention No. 88 thereby obliging the country to comply with provisions of the Convention (**Reference 3-1**).
- ILO Convention No. 122 (The Employment Policy Convention) (**Reference 3-2**).
- Book One (Pre-Employment) of Labor Code of the Philippines including the Migrant Workers and Overseas Filipinos Act of 1995 (**Reference 3-3**).
- Republic Act (RA) No. 10022 (amending RA No. 8042) (**Reference 3-4**).
- Omnibus Rules and Regulations Implementing RA No. 8042, as amended by RA No. 10022 (**Reference 3-5**).
- Republic Act No. 8759 (the PESO Act of 1999) is the legal framework which officially defines the nature and functions of the PESOs (**Reference 3-6**).
- Implementing Rules and Regulations of Republic Act 8759 (**Reference 3-7**).
- DILG Memorandum Circular on PESO dated May 1994 can be used to further convince the Sanggunian on the need to institutionalize the PESO (**Reference 3-8**).
- Guide in conducting FGD and sample questionnaires (**Reference 3-9**).
- Estimated cost of setting up a PESO (**Reference 3-10**).
- Guidance and Counseling Act of 2004 (**Reference 3-11**).
- Assessment instrument for PESO using 100 Evaluative Factors: An ILO Tool (**Reference 3-12**).

Estimated time and cost requirements

- Thirty (30) working days and Php30,000.00

STEP FOUR

COMMITTEE CREATES VISION FOR PESO AND PREPARES RESOLUTION/ORDINANCE

- Creating a vision for the PESO and preparing the resolution or ordinance is the fourth step.
- This involves visioning and drafting of resolution or ordinance; it is a critical stage in Phase 1 and the Committee is expected to present the results and recommendations in order to get support for the drafting of the resolution or ordinance.
- The Committee convenes a visioning workshop to define the size, scope, composition, and clientele of the PESO with the financial resources available to ensure that services provided are most effective and feasible and are within the financial capabilities of the LGU.
- The appropriate staffing, maintenance, operating, and overhead expenses (MOOE) plus the amount of capital outlay required by an institutionalized PESO follow dependent on the proposed PESO size.
- Similarly, the Committee identifies and orients the authors or sponsors on the proposed PESO institutionalization process.
- The envisioned PESO and its objective will be the basis for the draft Sanggunian resolution or ordinance that will now be sponsored by members of the Sanggunian.

Expected output

- Draft Sanggunian resolution or ordinance with clearly defined objective, scope, human resources, and budget requirements.

Process

- The Committee conducts a visioning workshop where the size, scope, composition, clientele, personnel requirements, and budget required are discussed and decided upon.
- There is a minimum staffing size for each PESO to be able to fulfill its core functions; however, PESO operations also vary according to population demand.
- The members realistically take into account the present labour market situation of the locality and the possible priority groups that should be focused on given the budgetary constraints of the LGU. The Committee further ensures that during the visioning workshop the following aspects are discussed and agreed upon:
 - That the ordinance has a clear vision and mission statement that specifies the scope, functions, and role of the PESO:
 - Decide on the type of services and operations that the office shall have aside from its core functions;
 - Decide on human resources required to fulfill these functions; and
 - Decide on the actual available funds to be used for the operational expenses of the office.
 - That core functions as per the legal requirements are clearly specified.
 - That PESO subscribes to the values of non-discrimination and universality.
 - Collaborative engagements between PESOS and other employment service providers (private and public) are mentioned and specified.
- Draft Sanggunian resolution or ordinance; the ordinance will include the objective, description of the core functions, planned additional services, and expected resource requirements (human resources, infrastructure, and others).
- The Committee finds an author or sponsor among the Sanggunian members.
- In some cases, however, it is possible for PESOs to be created or institutionalized not strictly through a Sanggunian resolution or ordinance but through outright inclusion of a budget for the PESO in the appropriations of the LGU.

References and reading materials

- The Group should use the PESO Manual of Operation as guideline to define scope of services and operations of the PESO
- Sanggunian Resolution of General Trias, Cavite (**Reference 4-1**)
- Sanggunian Resolution of the Province of Lanao del Sur (**Reference 4-2**)
- Ordinance of City of San Fernando, Pampanga (**Reference 4-3**)
- Provincial Ordinance Appropriating Funds for Institutionalizing PESO in Agusan del Sur (**Reference 4-4**)

Estimated time and cost requirements

- Fifteen (15) working days and Php10,000.00

STEP FIVE

COMMITTEE FILES AND LOBBIES FOR ADOPTION OF SANGGUNIAN RESOLUTION/ORDINANCE

- Filing and lobbying of resolution for adoption of the Sanggunian is the fifth step.
- This is now the time for passage of the Sanggunian resolution or ordinance on PESO institutionalization. It is the most decisive stage in Phase 1 (Steps One to Five) as it needs majority public support. It is important that the Group takes advantage of the Local Chief Executive's (LCE's) support and influence with the Sanggunian. The LCE is the key to having the resolution adopted the soonest possible time.
- To ensure the endorsement of the resolution or ordinance, the Group must provide technical support to the sponsoring members and needs to lobby within the rest of the membership of the Sanggunian.
- The recommendations gathered in Step Three should be shared with all people in the community who have a stake in the PESO. The media, if necessary, should inform the public about the benefits of a local PESO facility.

Expected output

- Adoption of resolution or ordinance for a PESO, which will vary in terms of provisions depending on the financial capability of the LGU.

Process

- Have the resolution filed for adoption immediately after the authors and sponsors are identified and oriented.
- Invoke the full support of the LCE in lobbying for the support of the rest of the Sanggunian members; this is done through scheduling formal and informal meetings where the results of the study could be presented and benefits of institutionalizing the PESO discussed.
- If public support is required, engage local media to rally public support.
- Continue seeking support from all the stakeholders (educational and training institutions, students, jobseekers, employers, and business establishments) until the resolution or ordinance is finally adopted and is set for implementation.
- Should the Sanggunian have problems in appropriating a budget for the PESO, it should be pointed out that existing budget outlays for existing programs such as the Special Program for the Employment of Students (SPES) could be incorporated.

Estimated time and cost requirements

- Thirty (30) working days and Php30,000.00

4.2 Phase 2: setting up the PESO

STEP SIX LOCAL CHIEF EXECUTIVE APPOINTS A FULL-TIME PESO MANAGER AND STAFF

- Appointing a full-time PESO manager and staff is the sixth step.
- The Local Chief Executive (LCE) will designate or appoint a full-time PESO manager and the staff required for the planned PESO.
- Both LCE and the newly-appointed full-time PESO Manager will recruit according to the staff requirements as detailed out in the Resolution. The LCE could also designate existing personnel to run the PESO either on concurrent or full-time basis.
- It is strongly suggested that the PESO staff who execute core functions of the PESO should be employed on a full-time basis. DOLE should guide the LCE to ensure that a PESO must at least have enough personnel to enable it to fulfill its basic core functions. Each PESO should have a PESO manager, a guidance counselor, and an LMI Officer.
- For reference, the qualifications of PESO Officer and staff, the minimum staffing, duties and responsibilities, and prescribed salary scales from the PESO Operations Manual are provided.

Expected output

- PESO has appointed relevant staff

Process

- The LCE, together with the PESO Manager, studies the Resolution and DOLE guides the process on the selection of PESO personnel and related salary scale.
- A full-time PESO Manager is appointed.
- The LCE, together with the PESO Manager announces vacancies, shortlists, and interviews applicants prior to final selection. Applicants might be available personnel or are external if not available locally.
- Using existing rules governing designation and appointment of LGU personnel, the responsible official appoints qualified personnel to operate the PESO.
- LCE orders personnel to start operation and perform their functions well in the interest of public service.

References and reading materials

- PESO Manual of Operation (**Reference 6-1**)
- Minimum staffing and salary scale (**Reference 6-2**)

Estimated time and cost requirements

- Thirty (30) working days and Php30,000.00

STEP SEVEN

THE LOCAL GOVERNMENT UNIT SETS UP AN OFFICE AND SYSTEM FOR THE PESO

- Setting up an office and system is the seventh step.
- The LCE and the PESO Manager approach DOLE for technical support to set up the PESO, which includes identification of systems hardware and software needs as well as training and development of the PESO Manager and staff.
- The LCE and the PESO Manager identify the location wherein to set up an office for the PESO, purchase infrastructure, and install physical requirements including a computer system. The PESO must at least have internet access so it could connect with other PESOs and the Phil-JobNet of the DOLE.
- The PESO should have a floor plan, operational procedures, job descriptions, and an annual Work and Financial Plan (WFP), which will include its annual registrants and referral and placement targets, among others. This WFP shall be incorporated into the LGU's annual investment plan so that the PESO is assured of funding support.
- To guide the LCE and the PESO Manager in setting up its office and initializing its operations, a sample WFP is attached in this kit including a guide to PESO organization and operations sourced from the PESO Manual of Operations.
- Best PESO practices from performing PESOs are likewise provided to inspire newly institutionalized PESOs to reach for excellence.

Expected output

- Operational PESO

Process

- Secure permission from the LCE to occupy assigned office area and set up physical office requirements. As much as possible, the physical location of the PESO should be at the ground floor of any building so as to be most accessible to all jobseekers, inclusive of people with disabilities.
- The PESO Manager should design and formulate a program which indicates all the functions and corresponding staff who are either overseeing the performance of the PESO (board) or executing functions within a PESO (staff).
- Floor plan, annual WFP, which shall include among others, job descriptions and staff promotion activities.
- Submit WFP for approval of the LCE and incorporation to the annual investment plan.
- Plan and execute the formal opening or inauguration of the facility. Make sure all stakeholders are invited to formal inauguration.

References and reading materials

- Sample WFP, the formulation and submission of which, will ensure the inclusion of the PESO budget in the LGU's annual investment plan (**Reference 7-1**)
- Basic PESO Organization and Operations, which the PESO Manager may use as a guide in its initial operation (**Reference 7-2**)
- If the PESO Manager plans to apply for the Regional and National Awards, a primer on the Best PESO Awards is included (**Reference 7-3**)
- Best Practice, PESO Tagum City (**Reference 7-4**)
- Best Practice, PESO Bulacan (**Reference 7-5**)
- Best Practice, PESO Isulan (**Reference 7-6**)

Estimated time and cost requirements

- Fifteen (15) working days and Php10,000.00

STEP EIGHT

LOCAL CHIEF EXECUTIVE SIGNS MEMORANDUM OF AGREEMENT WITH DOLE AND OTHER PARTNERS

- This formalizes the relationship of the PESO, as represented by LCE, and DOLE, as represented by the Regional Director. This is done through MOA between parties and any other institutions which may act as a partner.
- The actual contents of the MOA must be based on the discussions, but will also include compliance-related aspects. The MOA with DOLE specifies technical assistance and other support. Personnel training priorities depend on the size, scope, and direction taken by the PESO.
- The PESO likewise could enter into MOAs with any other employment agencies, government organizations, and NGOs to strengthen its networking and operations and to get additional assistance. In this regard, tie-ups are possible with TESDA, POEA, local workers organizations, and employers.

Expected outputs

- Signed MOA between PESO and DOLE; MOAs with other partners

Process

- The LCE, through the DOLE Adviser, and with the Executive Committee informs the DOLE Regional Director of their interest in a MOA.
- The Regional Director drafts a MOA and submits it for modifications to the LCE and PESO. The MOA will include the specific employment assistance programs for funding by DOLE (said programs will be implemented jointly). The legal obligations of the PESO to the DOLE shall likewise be included.
- A meeting among the parties is held and the MOA for signature by both parties is finalized.
- DOLE and PESO signs MOA and agrees on schedule of periodic review; MOA includes PESO's agreement to participate in regular evaluations on performance and delivery to be conducted by DOLE.

References and reading materials

- MOA between Regional Coordination Committee (RCC) and PESO Federation of Region I (**Reference 8-1**)
- MOA between DOLE and PESO Federation of Region V (**Reference 8-2**)
- Basic reportorial requirements and filling guide (**Reference 8-3**)

Estimated time and cost requirements

- Twenty (20) working days and Php5,000.00

STEP NINE

DOLE TRAINS PESO PERSONNEL

- Training of PESO personnel is the ninth step.
- By virtue of its being institutionalized, a PESO has access to DOLE's assistance. For one, the PESO gets the support of DOLE in training. Staff training is a regular activity conducted by DOLE. For another, the PESO being a legal entity is not only entitled to receive training but also development assistance from DOLE.
- The PESO Manager and staff will take courses offered by DOLE-BLE. The Bureau provides regular, tailor-made courses for the PESO Manager and staff to fully understand how labour markets work, how to manage the PESO, perform career coaching and advisory, handle labour market information, and use information technology as well as referral and placement work.
- Orientation courses on DOLE programs like SPES are available at DOLE regional offices. The aforementioned courses include immersions as part of the curriculum to expose participants to actual operations of a performing PESO.

Expected output

- Trained PESO personnel in relevant courses and areas of expertise according to the training needs identified

Process

- Training needs are jointly identified. Concerned officials should take advantage of the Training Needs Assessment done at the feasibility study stage, including recommendations (Step Three).
- The PESO Manager requests the DOLE Regional Office for information on the availability of training courses they can avail of (as specified in the MOA).
- The Regional Director informs the LCE of available courses. The LCE subsequently selects the staff who will attend the training courses. The traveling expenses and per diem allowances of the PESO participants are usually defrayed by the LGU, except in cases wherein the DOLE provides for all training and incidental expenses.
- PESO staff attends and completes courses and are expected to apply what they have learned in improving PESO performance.

References and reading materials

- PESO training and enhancement courses (**Reference 9-1**)

Estimated time and cost requirements

- Twenty working days and Php40,000.00
(**Note:** Cost represents estimated cost to the LGU and does not include DOLE counterpart. The actual cost would depend on the number and frequency of trainings the PESO will undergo).

STEP TEN

DOLE EVALUATES THE PESO

- Evaluating PESO performance is the tenth and last step.
- This deals with the evaluation of the newly institutionalized PESO's performance six months after initiation.
- DOLE will assess the new facility based on the targets it has set under the WFP. Client feedback from education and training institutions, employers, workers, and jobseekers must be collected and included in assessing the performance of the PESO, as it relates to delivery and effectiveness.
- The PESO performance assessment gives the DOLE and the LCE the required feedback and quality check to identify possible areas of improvement for the next planning phase of the PESO. Henceforth, the PESO will be subjected to semi-annual assessments.
- The DOLE will conduct the evaluation and provide the PESO with recommendations on improving various aspects of operations.

Expected output

- An assessment report from the DOLE

Process

- The DOLE Regional Director informs the LCE about the assessment and seeks approval for the activity.
- DOLE Regional Director gives LCE and PESO Manager the schedule of evaluation.
- The DOLE prepares the assessment guides.
- The DOLE Evaluation Team conducts assessment and gives findings and recommendation to LCE and the DOLE Regional Director for appropriate action.

References and reading materials

- The PESO Performance Assessment Guide will direct the DOLE evaluators on the areas to examine and the indicators of performance (**Reference 10-1**)

Estimated time and cost requirements

- Fifteen (15) working days and hp10,000.00

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6. REFERENCES AND READING MATERIALS

REFERENCE NO. 1-1 LABOUR MARKET INDICATORS

The first thing that a Local Chief Executive (LCE) should do before decisions are made to invest in local employment programs is to assess the state of health of the locality's labour market—including its present and future situation.

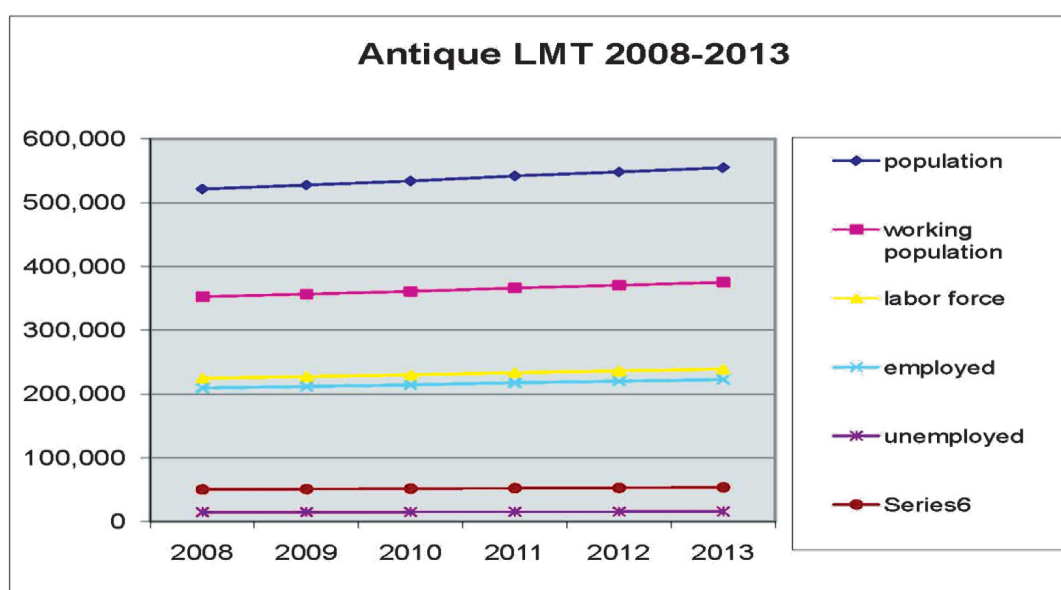
- The basic indicators to consider are:
 - Present employment to working population ratio
 - Present population and rate of growth
 - Present working population and rate of growth
 - Present labour force and rate of growth
 - Present unemployment and rate of growth (includes youth and women unemployment)
 - Present underemployment and rate of growth
 - Youth unemployment and future trend
 - Women unemployment and future trend
- Since the Labour Force Survey (LFS) only provides data on a regional level, one can only come up with provincial and municipal labour market estimates by using regional labour market coefficients applied to the locality's census-based population estimates.
- Labour market coefficients are available at census.gov.ph under “Labour and Employment”.
- To illustrate, basic labour market indicators for Antique are estimated below:

Year	Population	Working population	Labour force	Employed	Unemployec	Under-employed	WP/POP	LFPR	ER	UNR	UNDR
2008	521,396	352,464	224,519	209,252	14,594	50,220	.676	.637	.932	.065	.24
2009	527,600	356,658	227,191	211,742	14,767	50,818	.676	.637	.932	.065	.24
2010	533,878	360,902	229,894	214,261	14,943	51,423	.676	.637	.932	.065	.24
2011	541,832	366,278	233,319	217,454	15,166	52,189	.676	.637	.932	.065	.24
2012	548,279	370,637	236,096	220,041	15,346	52,810	.676	.637	.932	.065	.24
2013	554,803	375,047	238,905	222,659	15,529	53,438	.676	.637	.932	.065	.24

Steps in deriving labour market estimates for Antique (2010) using Region VI (Western Visayas) regional coefficients:

1. From census.gov.ph under “Labour and Employment” get the following coefficients for Region VI. (*Note: There are four quarterly coefficients for every year. One can use any but it is better if the average is used*).
 - **Labour force participation rate** refers to the proportion of the population aged 15 and above who are actively offering their services in the labour market.
 - **Employment rate** is the proportion of the labour force who have worked or has a job.
 - **Unemployment rate** is the proportion of the labour force who are out-of-job but are actively seeking work and are available for work.
 - **Underemployment rate** refers to those who are employed but want more work.

2. Before applying the regional rates, it is important to estimate the 2010 population of Antique Province from the 2007 census using the growth rate between 2000 and 2007 (2007 Census at census.gov.ph).
3. Once the 2010 population of Antique is estimated, the working population/population ratio (WP/P), which is derived from the 2007 WP/P, is applied to the 2010 population giving one the estimated working population of Antique for 2010 (all Antiquenos 15 years old above).
4. Labour force of the province will be derived by multiplying the regional labour force participation rate (LFPR) with working population. Employment subsequently will be arrived at by multiplying the regional employment rate (ER) with the labour force. Multiplying the unemployment rate (UnR) with the labour force will give the number of unemployed Antiquenos and multiplying the employed with the underemployment rate (UndR) will reveal an estimate of Antiquenos who have jobs but want more work, which means they need additional income.
5. Assuming that population grows as fast in the past three years and that the local economy is not able to increase employment opportunities as well as minimize the bottlenecks in the local labour market, Antique will be facing higher numbers of the unemployed and underemployed in the next five years.
6. The number of unemployed youth as well as women will likewise rise to higher levels.



Observations

1. The employment to population ratio (EPR) of Antique in 2010 is at 0.401. This is higher than the national average of 0.385 for the same year.
2. Given the 0.0119 annual growth of population, Antique is expected to reach 554,603 Antiquenos by 2013 from the present 553,878.
3. Today, given its population, working population and labour force, the province is estimated to have almost 15,000 who are unemployed and about 51,423 who are underemployed.

4. Among the unemployed, about 51 per cent, or 7,000 persons, would belong to the youth sector (15 to 24 years old) who are struggling to find work while more than 35 per cent, or 5,250, would be women.
5. Among the underemployed, the majority of about 70 per cent will be males engaged either as agricultural workers or labourers.
6. In the absence of local efforts to improve the labour market situation and with population growth sustained at 1.19 per cent annually, Antique is expected to have about 15,529 unemployed, and more than 53,000 underemployed citizens.

Note: All data used for estimates were taken from census.gov.ph and bles.gov.ph

Data comparisons

1. To appreciate the magnitude of the locality's labour market, the indicators should be compared with the provincial, regional, and national figures particularly in terms of absolute numbers, e.g. municipal or provincial unemployment warm body counts against the region or national figures. The general rule is that one has a bad situation if one's figures are far from the average when compared with other areas. For example the number of unemployed in a municipality should not be much higher than that of the province or the region, as the case may be.
2. In the above example, the EPR of Antique is 0.401, compared to 0.385 in 2008. This means Antique is relatively better off compared with the national economy in terms of creating employment for its population.

Note: All data used for estimates were taken from census.gov.ph and bles.gov.ph

REFERENCE NO. 1-2

EXCERPTS FROM PESO MANUAL OF OPERATIONS (SOURCES OF LABOUR MARKET INFORMATION)

Other data which are indispensable for PESO Officers, as contained in PESO Manual of Operations (Sources of Labour Market Information) are in the following table. They are for: (a) PESO Officers who have to understand the Philippine economy and labour market and charged to make a strategy for the PESO; and (b) all stakeholders of PESO activities and the Philippine labour market (i.e. jobseekers, employers, policy makers, and researchers).

The information published or disseminated by the government agencies mentioned below, may, at times include the regional information that comprises the national aggregate. Labour market information officers must therefore seek and explore further these data sources to obtain local labour market information (micro data pertaining to the area where the PESO operates). Take note that in addition to the economic data below, the PESO must be able to generate information on the number and nature of potential employers/clients in the local labour market.

Category	Detailed data available	Organization responsible	Web address
Economic structure	Gross National Product and Gross Domestic Product	National Statistical Coordination Board (NSCB)	nscb.gov.ph
	Balance of Payments	Bangko Sentral ng Pilipinas (BSP)	bsp.gov.ph
	Average Exchange Rates	BSP	bsp.gov.ph
	Incidence of Poverty	NSCB	nscb.gov.ph
	Consumer Price Index	NSCB	nscb.gov.ph
	Inflation Rate	BSP	bsp.gov.ph
Labour and employment	Labour Force (by Age Group and Sex)	National Statistics Office (NSO)	census.gov.ph
	Labour Force Participation Rate (by Age Group and Sex)	NSO	census.gov.ph
	Employment (by Age Group and Sex, Industry, Occupation, Class of Worker, Highest Grade Completed, Wage and Salary, and Own Account Workers by Nature of Employment)	NSO	census.gov.ph
	Underemployment (by Occupation, Highest Grade Completed)	NSO	census.gov.ph
	Unemployment (by Age Group and Sex, Highest Grade Completed, Looking for Work)	NSO	census.gov.ph
	Labour Productivity (by Industry Group and Region)	NSCB and NSO	nscb.gov.ph and census.gov.ph
	Number of Students enrolled in Public and Private Institutions by Level	Commission on Higher Education (CHED) and Department of Education (DepEd)	ched.gov.ph and deped.gov.ph
Education and manpower development	Number of TESDA Training Graduates	Technical Education and Skills Development Authority (TESDA)	tesda.gov.ph
	Number of Apprentices	TESDA	tesda.gov.ph

Category	Detailed data available	Organization responsible	Web address
	Literacy Rate of Household Population	NSO	census.gov.ph
	Number of Registered Professionals	Professional Regulation Commission (PRC)	prc.gov.ph
Filipinos overseas	Number of Filipino Emigrants by Country of Destination	Commission on Filipino Overseas (CFO)	cfo.gov.ph
	Number of Filipino Emigrants by Age Group	CFO	cfo.gov.ph
	Number of Filipino Emigrants by Sex	CFO	cfo.gov.ph
DOLE administrative statistics	Employment Services (Jobseekers Placed and Registered through PESO and EPD)	DOLE Regional Offices and Bureau of Labor and Employment Statistics (BLES)	dole.gov.ph
	Alien Employment	DOLE Regional Offices and Bureau of Local Employment (BLE)	ble.dole.gov.ph
	Occupational Injuries	Employees Compensation Commission (ECC)	ecc.gov.ph
	Collective Bargaining Agreements	Bureau of Labor Relations (BLR)	dole.gov.ph
	Strikes	BLR	dole.gov.ph
	Statistical Performance Reporting System (SPRS)	DOLE Regional Offices and BLES	dole.gov.ph
Demography	Summary of Projected Population	NSO	census.gov.ph
	Population by Region	NSO	census.gov.ph
	Mortality	NSO	census.gov.ph
	Life Expectancy	NSO	census.gov.ph
Income, wages, and salaries	Legislated Minimum Wage Rates Regional Breakdown	National Wages and Productivity Commission (NWPC) and BLES	nwpc.gov.ph
	Average Daily Wage Rates in Farm Households by Type of Crop	Department of Agriculture (DA) and Bureau of Agricultural Statistics (BAS)	da.gov.ph
	Average Annual Income of Families by Region	Family Income and Expenditure Survey by NSO	census.gov.ph
Overseas employment	Processed and Deployed Filipino Workers	Philippine Overseas Employment Administration (POEA)	poea.gov.ph
	Deployed OFW by Country of Destination	POEA	poea.gov.ph
	Remittances from OFWs by Country of Origin	POEA	poea.gov.ph
	Top Ten Countries in Terms of Deployment	POEA	poea.gov.ph
Investments	Registered Inward Foreign Investments	BSP	bsp.gov.ph
	BOI Approved Projects under EO 226	Board of Investments (BOI)	boi.gov.ph
Employment opportunities	Phil-JobNet	DOLE-BLE	phil-job.net

REFERENCE NO. 1-3

SURVEY OF NAGA CITY CONSTITUENTS ON THE NEED FOR A LOCAL EMPLOYMENT FACILITY

Objectives

1. To determine whether the need for jobs and related assistance rank high in the hierarchy of needs of Naga City residents.
2. To make recommendations to the LCE and the Sanggunian on possible actions to address the needs more specifically in relation to the establishment of a local employment facility.

Coverage

1. Random interview of constituents lining up for assistance at the Mayor's Office (to be conducted at least three times a week for at least two months).
2. Random interview of constituents lining up for assistance at the Sanggunian Members (to be conducted at least three times a week for at least two months).

Data compilation

1. The responses in terms of the type of assistance should be tabulated taking stock of first, second, and third priority needs.
2. Rank in terms of highest registered needs by rank or simply the frequency regardless of rank.

Sample interview questions

1. Demographics (name, address, age, gender, civil status, highest educational attainment).
2. How many times have you come to the Office for assistance before the present visit?
3. Name at least three items of assistance that you want to request of the Mayor, Governor, or Sanggunian members.
4. Ask for suggestions on how the Mayor or Sanggunian members could help in providing the assistance being asked for.

Mongoso Survey Report

Number of constituents interviewed: _____

Inclusive date of interviews (conducted on): _____

Frequency	Declared purpose of visit	No. of persons
Most declared purpose		
Second most declared purpose		
Third most declared purpose		
TOTAL		

Interviews conducted by: _____

Reviewed by: _____

Legend: (possible declared purpose of visit)

- 1- Seek assistance for wage employment
- 2- Seek assistance for self-employment(livelihood) or micro-enterprise undertakings
- 3- Seek assistance for health-related problems
- 4- Others not included above

REFERENCE NO. 2-1
DRAFT ORDER CREATING A STUDY COMMITTEE

PROVINCE OF MASBATE
Provincial Compound, Masbate City

MEMORANDUM ORDER

TO ALL CONCERNED:

In line with the thrust of providing long-term solutions to poverty and joblessness in the Province, and after assessment of the present unemployment and underemployment situation, a Joint Executive-Legislative Committee is hereby organized that shall be composed of the following Officers:

1. Provincial Development Officer
2. Provincial Budget Officer
3. Provincial Personnel (HR) Officer
4. Member of Sanggunian (preferably Chairman of the Committee on Labor, Employment, Training, or its equivalent)
5. Member of the Sanggunian (preferably Chairman of the Committee on Labor, Employment, Training, or its equivalent)

The Committee shall have the following functions:

1. Study the existing laws, regulations, and issuances relevant to the establishment and/or institutionalization of PESO in the province.
2. Conduct tripartite consultations (government institutions, workers' group and employers) as regards the need for the establishment of a public employment service in the Province.
3. Make appropriate recommendations to the undersigned after 30 working days.

The Committee is empowered to organize its own Secretariat to assist it in the conduct of its mission. All Offices are enjoined to provide appropriate assistance to the Committee.

THE GOVERNOR (Signed)

REFERENCE NO. 2-2

GUIDELINES IN SELECTING STUDY GROUP MEMBERS

The following shall help the LCE select the members of the study group:

1. Members coming from the legislative group should include:
 - Coming from the any of the following committees (if present in the Sanggunian)
 - Labour and Employment
 - Education
 - Livelihood and Entrepreneurship
 - Commerce
 - Other committees related to employment or business
 - Preferably have background on labour and employment subjects and issues
 - Preferably have exposure in conducting surveys, focus group discussions, and interviewing of key informants
 - Would be able to spend time for the study.
2. Members coming from the executive group should include:
 - The PESO Manager-Designate
 - A representative preferably from the Budget Department with a background on labour and employment matters, including conduct of surveys.

REFERENCE NO. 3-1

ILO CONVENTION NO. 88: THE EMPLOYMENT SERVICE CONVENTION

ILO Convention No. 88 mandates ratifying States to create and maintain a free employment service, which shall have the task of ensuring the best possible organization of the employment market as an integral part of the national program for the achievement and maintenance of full employment and the development and use of productive resources.

Detailed provisions of the Convention deal with the organization of a free employment service as well as the means of cooperation of employer and worker representatives in the running of employment service, notably through consultative committees. This instrument was ratified in December 1953. Relevant Philippine laws applying this Convention are the Philippine Labor Code (Book I Pre-Employment, Title I Recruitment and Placement of Workers, Chapter I General Provisions, Articles 14 and 15 Employment Promotion and Bureau of Employment Services); and DILG Memorandum Circular No. 94-69, dated May 2, 1994 (Establishment of PESO). The full text of ILO Convention No. 88 follows:

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948, and

Having decided upon the adoption of certain proposals concerning the organisation of the employment service, which is included in the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

Adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Employment Service Convention, 1948:

Article 1

1. Each Member of the International Labour Organisation for which this Convention is in force shall maintain or ensure the maintenance of a free public employment service.

2. The essential duty of the employment service shall be to ensure, in cooperation where necessary with other public and private bodies concerned, the best possible organisation of the employment market as an integral part of the national program for the achievement and maintenance of full employment and the development and use of productive resources.

Article 2

The employment service shall consist of a national system of employment offices under the direction of a national authority.

Article 3

1. The system shall comprise a network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers.

2. The organisation of the network shall:

(a) be reviewed--

- (i) whenever significant changes occur in the distribution of economic activity and of the working population, and
 - (ii) whenever the competent authority considers a review desirable to assess the experience gained during a period of experimental operation.
- (b) be revised whenever such review shows revision to be necessary.

Article 4

1. Suitable arrangements shall be made through advisory committees for the co-operation of representatives of employers and workers in the organisation and operation of the employment service and in the development of employment service policy.

2. These arrangements shall provide for one or more national advisory committees and where necessary for regional and local committees.

3. The representatives of employers and workers on these committees shall be appointed in equal numbers after consultation with representative organisations of employers and workers, where such organisations exist.

Article 5

The general policy of the employment service in regard to referral of workers to available employment shall be developed after consultation of representatives of employers and workers through the advisory committees provided for in Article 4.

Article 6

The employment service shall be so organised as to ensure effective recruitment and placement, and for this purpose shall:

1. Assist workers to find suitable employment and assist employers to find suitable workers, and more particularly shall, in accordance with rules framed on a national basis--

- (a) register applicants for employment, take note of their occupational qualifications, experience and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational training or retraining;
- (b) obtain from employers precise information on vacancies notified by them to the service and the requirements to be met by the workers whom they are seeking;
- (c) refer to available employment applicants with suitable skills and physical capacity; and
- (d) refer applicants and vacancies from one employment office to another, in cases in which the applicants cannot be suitably placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action.

2. Take appropriate measures to--

- (a) facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations;
- (b) facilitate geographical mobility with a view to assisting the movement of workers to areas with suitable employment opportunities;
- (c) facilitate temporary transfers of workers from one area to another as a means of meeting temporary local maladjustments in the supply of or the demand for workers; and
- (d) facilitate any movement of workers from one country to another which may have been approved by the governments concerned.

3. Collect and analyse, in co-operation where appropriate with other authorities and with management and trade unions, the fullest available information on the situation of the employment market and its probable evolution, both in the country as a whole and in the different industries, occupations and areas, and make such information available systematically and promptly to the public authorities, the employers' and workers' organisations concerned, and the general public.

4. Cooperate in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed.

5. Assist, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

Article 7

Measures shall be taken:

1. To facilitate within the various employment offices specialisation by occupations and by industries, such as agriculture and any other branch of activity in which such specialisation may be useful.
2. To meet adequately the needs of particular categories of applicants for employment, such as disabled persons.

Article 8

Special arrangements for juveniles shall be initiated and developed within the framework of the employment and vocational guidance services.

Article 9

1. The staff of the employment service shall be composed of public officials whose status and conditions of service are such that they are independent of changes of government and of improper external influences and, subject to the needs of the service, are assured of stability of employment.
2. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, the staff of the employment service shall be recruited with sole regard to their qualifications for the performance of their duties.
3. The means of ascertaining such qualifications shall be determined by the competent authority.
4. The staff of the employment service shall be adequately trained for the performance of their duties.

Article 10

The employment service and other public authorities where appropriate shall, in co-operation with employers' and workers' organisations and other interested bodies, take all possible measures to encourage full use of employment service facilities by employers and workers on a voluntary basis.

Article 11

The competent authorities shall take the necessary measures to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit.

Article 12

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of this Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.
2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and shall give the reasons for which it proposes to have recourse thereto; no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.
3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

Article 13

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment 1946, other than the territories referred to in paragraphs 4 and 5 of the said Article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office as soon as possible after ratification a declaration stating:

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
- (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable; and
- (d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c), or (d) of paragraph 1 of this Article.

4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 14

1. Where the subject matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory may, in agreement with the government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:

- (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
- (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.

4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.

5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 17, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 15

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 16

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 18

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 19

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 20

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 21

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force; and
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 22

The English and French versions of the text of this Convention are equally authoritative.

REFERENCE NO. 3-2

ILO CONVENTION NO. 122: THE EMPLOYMENT POLICY CONVENTION

This Convention is applied in the Philippines by way of Article II - Declaration of Principles and State Policies (Section 9) and Article XII - Social Justice and Human Rights (Sections 2 and 3) of the Philippine Constitution; and Article 12 - Statement of Objectives (Book I-Pre-Employment) of the Philippine Labor Code. This instrument was ratified in December 1976. The full text of ILO Convention 122 follows:

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the governing Body of the International Labour Office, and having met in its forty-eight Session on 17 June 1964, and

Considering that the Declaration of Philadelphia recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programs which will achieve full employment and the raising of standard of living, and that the Preamble to Constitution of the International Labour Organisation provides for the prevention of unemployment and the provision of an adequate living wage, and

Considering further that under the terms of the Declaration of Philadelphia it is the responsibility of the International Labour Organisation to examine and consider the bearing of economic and financial policies employment policy in the light of the fundamental objective that “all human beings, irrespective race, creed, or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, and

Considering that the Universal Declaration of Human Rights provides that “everyone has the right to work, to free choice of employment policy, and in particular of the Employment Service Convention and Recommendation, 1948, the Vocational Guidance Recommendation, 1949, the Vocational Training Recommendation 1962, and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958, and

Considering that these instruments should be placed in the wider framework of an international program for economic expansion on the basis of full, productive and freely chosen employment, and

Having decided upon the adoption of certain proposals with regard to employment policy, which are included in the eight item of the agenda of the session, And adopts this ninth of July of the year one thousand nine hundred and sixty-four the following Convention, which may be cited as the Employment Policy Convention, 1964:

Article 1

1. With a view to stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment, each Member shall declare and pursue, as major goal, an active policy designed to promote full, productive and freely chosen employment.

2. The said policy shall aim at ensuring that —

- (a) there is work for all who are available for and seeking work;
- (b) such work is as productive as possible; and
- (c) there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction, or social origin.

3. The said policy shall take due account of the stage and level of economic development and the mutual relationships between employment objectives and other economic and social objectives, and shall be pursued by methods that are appropriate to national conditions and practices.

Article 2

Each Member shall, by such methods and to such extent as may be appropriate under national conditions —

- (a) decide on and keep under review, within the framework of a co-ordinated economic and social policy, the measures to be adopted for attaining the objectives specified in Article 1; and
- (b) take such steps as may be need, including when appropriate the establishment of programs, for the application of these measures.

Article 3

In the application of this Convention, representatives of the persons affected by the measures to be taken, and in particular representatives of employers and workers, shall be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their co-operation in formulating and enlisting support for such policies.

REFERENCE NO. 3-3
EXCERPTS FROM THE LABOR CODE OF THE PHILIPPINES INCLUDING
THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995

Labor Code of the Philippines

BOOK ONE
PRE-EMPLOYMENT

Changes in this Book are introduced largely by Republic Act No. 8042, or the “Migrant Workers’ Act of 1995,” which was approved on 7 June 1995. The law affected provisions of Title I of this Book, as it embodies a policy shift on the treatment of overseas employment. While overseas employment was originally seen as stop-gap measure to ease unemployment, Republic Act No. 8042 departs from this treatment. The law reflects the policy shift on overseas employment from a stop-gap measure in the 1980s to that of managing the outflow of labour, as a matter of employment option.

Aside from RA 8042, there are also prior significant enactments that modified, superseded or amended existing provisions of this Book. These are: (a) Executive Order 797 (Reorganizing the Ministry of Labor and Employment, Creating the Philippine Overseas Employment Administration and For Other Purposes) as amended by Executive Order (Reorganizing the Philippine Overseas Employment Administration and For Other Purposes); and (b) Republic Act 7796 (Technical Education Skills Development Authority Act of 1994) which affected the provisions on apprenticeship and technical-vocational administration functions of the Bureau of Local Employment.

ARTICLE 12. Statement of Objectives. – It is the policy of the State:

- (a) To promote and maintain a state of full employment through improved manpower training, allocation and utilization.
- (b) To protect every citizen desiring to work locally or overseas by securing for him the best possible terms and conditions of employment.
- (c) To facilitate a free choice of available employment by persons seeking work in conformity with the national interest.
- (d) To facilitate and regulate the movement of workers in conformity with the national interest.
- (e) To regulate the employment of aliens, including the establishment of a registration and/or work permit system.
- (f) To strengthen the network of public employment offices and rationalize the participation of the private sector in the recruitment and placement of workers, locally and overseas, to serve national development objectives.
- (g) To insure careful selection of Filipino workers for overseas employment in order to protect the good name of the Philippines abroad.

Title I
RECRUITMENT AND PLACEMENT OF WORKERS

Chapter I
GENERAL PROVISIONS

ARTICLE 13. Definitions.

- (a) **“Worker”** means any member of the labor force, whether employed or unemployed.
- (b) **“Recruitment and Placement”** refers to any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contract services, promising or advertising for employment, locally or abroad, whether for profit or not: *Provided*, That any person or entity which, in any manner, offers or promises for a fee employment to two or more persons shall be deemed engaged in recruitment and placement.
- (c) **“Private Fee-charging Employment Agency”** means any person or entity engaged in recruitment and placement of workers for a fee which is charged, directly or indirectly, from the workers or employees or both.
- (d) **“License”** means a document issued by the Department of Labor and Employment authorizing a person or entity to operate a private employment agency.
- (e) **“Private Recruitment Entity”** means any person or association engaged in the recruitment and placement of workers, locally or overseas, without charging, directly or indirectly, any fee from the workers or employers.
- (f) **“Authority”** means a document issued by the Department of Labor and Employment authorizing a person or association to engage in recruitment and placement activities as a private recruitment entity.
- (g) **“Seaman”** means any person employed in a vessel engaged in maritime navigation.
- (h) **“Overseas Employment”** means employment of a worker outside the Philippines.
- (i) **“Emigrant”** means any person, worker or otherwise, who emigrated to a foreign country by virtue of an immigrant visa or resident permit or its equivalent in the country of destination.

ARTICLE 14. Employment Promotion. –The Secretary of Labor and Employment shall have the power and authority:

- (a) To organize and establish new employment offices in addition to the existing employment offices under the Department of Labor and Employment as the need arises.
- (b) To organize and establish a nationwide job clearance and information system to inform applicants registering with a particular employment office of job opportunities in other parts of the country as well as job opportunities abroad.
- (c) To develop and organize a program that will facilitate occupational, industrial and geographical mobility of labor and provide assistance in the relocation of workers from one area to another.
- (d) To require any person, establishment, organization or institution to submit such employment information as may be prescribed by the Secretary of Labor and Employment.

ARTICLE 15. Bureau of Employment Services.* (The Bureau of Employment Services was abolished by Executive Order 797 entitled “Reorganizing the Ministry of Labor and Employment, Creating the Philippine Overseas Employment Administration and For Other Purposes,” approved on 1 May 1982. Section 3 of EO 797 created the Bureau of Local Employment to assume the functions of the Bureau of Apprenticeship and the domestic employment functions of the Bureau of Employment Services).

***ARTICLE 15. Bureau of Employment Services. –**

- (a) *The Bureau of Employment Services shall be primarily responsible for developing and monitoring a comprehensive employment program. It shall have the power and duty:*
 - 1. *To formulate and develop plans and programs to implement the employment promotion objectives of this Title.*

2. *To establish and maintain registration and/or licensing system to regulate private sector participation in the recruitment and placement of workers, locally and overseas, and to secure the best possible terms and conditions of employment for Filipino contract workers and compliance therewith under such rules and regulations as may be issued by the Ministry of Labor.*
 3. *To formulate and develop employment programs designed to benefit disadvantaged groups and communities.*
 4. *To establish and maintain a registration and/or work permit system to regulate the employment of aliens.*
 5. *To develop a labor market information system in aid of proper manpower and development planning.*
 6. *To develop a responsive vocational guidance and testing system in aid of proper human resources allocation.*
 7. *To maintain a central registry of skills, except seamen.*
- (b) *The regional offices of the Ministry of Labor shall have the original and exclusive jurisdiction over all matters or cases involving employer-employee relations including money claims, arising out of or by virtue of any law or contracts involving Filipino workers for overseas employment except seamen: Provided, That the Bureau of Employment Services may, in the case of the National Capital Region, exercise such power, wherever the Minister of Labor deems it appropriate. The decisions of the regional offices of the Bureau of Employment Services, if so authorized by the minister of Labor as provided in this Article shall be appealable to the National Labor Relations Commission upon the same ground provided in Article 223 hereof. The decisions of the National Labor Relations Commission shall be final and inappealable.*
- (c) *The Minister of Labor shall have the power to impose and collect fees based on rates recommended by the Bureau of Employment Services. Such fees shall be deposited in the National Treasury as a special account of the General Fund, for the promotion of the objectives of the Bureau of Employment Services, subject to the provisions of Section 40 of Presidential Decree (PD) No. 1177.*

SECTION 3 of EO No. 797 as embodied in Section 17, Chapter 4, Title VII, Book IV of EO 292 or the Administrative Code of 1987. The Bureau of Local Employment shall:

- (a) Formulate policies, standards and procedures on productive manpower resources, development, utilization and allocation.
- (b) Establish and administer a machinery for the effective allocation of manpower resources for maximum employment and placement.
- (c) (Superseded by Section 5 of RA 7796 or the TESDA Law)¹.
- (d) Regulate and supervise private sector participation in the recruitment and placement of workers locally under such rules and regulations as may be issued by the Secretary.
- (e) Establish and maintain a registration of work permit system to regulate employment of aliens.
- (f) Develop and maintain a labour market information system in aid of proper manpower and development planning.
- (g) Formulate employment programs designed to benefit disadvantaged groups and communities.
- (h) Perform other functions as may be provided by law.

ARTICLE 16. Private Recruitment. – Except as provided in Chapter II of this Title, no person or entity, other than the public employment offices shall engage in the recruitment and placement of workers.

¹Subsection 3 which reads “develop and maintain a responsive vocational guidance and testing system in aid of proper human resources allocation” has been superseded by Sections 5 of Republic Act 7796 or the “Technical Education and Skills Development Authority (TESDA) Act of 1994.” Section 5 provides for the creation of the TESDA to replace and absorb the National Manpower and Youth Council (NMYC), The Bureau of Technical and Vocational Education (BTVE) and the personnel and functions pertaining to technical vocational education in the regional offices of the Department of Education, Culture and Sports (DECS) and the apprenticeship programme of the Bureau of Local Employment. All the technical-vocational skills training and testing has been merged under TESDA’s administration.

ARTICLE 17². Overseas Employment Development Board.* (The Overseas Employment Development Board was abolished by Executive Order No. 797. The EO No. 797 created the Philippine Overseas Employment Administration (POEA) to assume the functions of the Overseas Employment Development Board, the National Seamen Board, and the overseas functions of the Bureau of Employment Services which were abolished. Section 3 of EO No. 247 or the order “Reorganizing the Philippine Overseas Employment Administration For Other Purposes” which was approved on 24 July 1987, amended the powers and functions of the POEA. RA No. 8042 or the “Migrant Workers” Act of 1995” further amended the powers and functions of the POEA).

****ARTICLE 17. Overseas Employment Development Board.** –An Overseas Employment Development Board is hereby created to undertake, in cooperation with relevant entities and agencies, a systematic program for overseas employment of Filipino workers in excess of domestic needs and to protect their rights to fair and equitable employment practices. It shall have the power and duty:*

- 1. To promote the overseas employment of Filipino workers through a comprehensive market promotion and development program.*
- 2. To secure the best possible terms and conditions of employment of Filipino contract workers on a government-to-government basis and to ensure compliance therewith.*
- 3. To recruit and place workers for overseas employment on a government-to-government arrangement and in such other sectors as policy may dictate.*
- 4. To act as secretariat for the Board of Trustees of the Welfare and Training Fund for Overseas Workers.*

SECTION 3 of EO No. 247. Philippine Overseas Employment Administration (POEA) Powers and Functions. – The Administration shall:

- (a) Regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system.
- (b) Formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements.
- (c) Protect the rights of Filipino workers for overseas employment to fair and equitable recruitment and employment practices and ensure their welfare.
- (d) Exercise original and exclusive jurisdiction to hear and decide [all claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas employment including the disciplinary cases; and]² all pre-employment cases which are administrative in character involving or arising out of violation of requirement of laws, rules and regulations [including money claims arising therefrom,] or violation of conditions for issuance of license or authority to recruit workers.
All prohibited recruitment activities and practices which are penal in character as enumerated and defined under and by virtue of existing laws, shall be prosecuted in the regular courts in close coordination with the appropriate Departments and agencies concerned.
- (e) Maintain a registry of skills for overseas placements.
- (f) Recruit and place workers to service the requirements for trained and competent Filipino workers by foreign governments and their instrumentalities and such other employers as public interest may require.
- (g) Promote the development of skills and careful selection of Filipino workers.
- (h) Undertake overseas market development activities for placement of Filipino workers.
- (i) Secure the best terms and conditions of employment of Filipino contract workers and ensure compliance therewith.
- (j) Promote and protect the well-being of Filipino workers’ overseas.

²Par. [d] of Art. 17, under Title I, Chapter I, as amended by Sec. 3 of EO No. 247. Sec. 1- of RA No. 8042, or the “Migrant Workers Act of 1995” transferred the original and exclusive jurisdiction to hear and decide money claims and cases involving overseas Filipino workers to the National Labor Relations Commission.

- (k) Develop and implement programs for the effective monitoring of returning contract workers, promoting their retraining and re-employment or their smooth reintegration into the mainstream of national economy in coordination with other government agencies³.
- (l) Institute a system for ensuring fair and speedy disposition of cases involving violation of recruitment rules and regulations as well as violation of terms and conditions of overseas employment.
- (m) Establish a system for speedy and efficient enforcement of decisions laid down through the exercise of its adjudicatory functions⁴.
- (n) Establish and maintain close relationship and enter into joint projects with the Department of Foreign Affairs (DFA), Philippine Tourism Authority (PTA), Manila International Airport Authority (MIAA), Department of Justice (DOJ), Department of Budget and Management (DBM), and other relevant government entities, in the pursuit of its objectives. The Administration shall also establish and maintain joint projects with private organizations, domestic, or foreign in furtherance of the objectives⁵.

ARTICLE 18. Ban on Direct-Hiring⁶– No employer may hire a Filipino worker for overseas employment except through the Boards and entities authorized by the Secretary of Labor. Direct-hiring by members of the diplomatic corps, international organizations and such other employers as may be allowed by the Secretary of Labor is exempted from this provision.

ARTICLE 19. Office of the Emigrant Affairs.* (Batas Pambansa Bilang 79 abolished and replaced the Office of the Emigrant Affairs with the Commission on Filipinos which is now attached to the DFA).

***ARTICLE 19. Office of Emigrant Affairs. –**

1. *Pursuant to the national policy to maintain close ties with Filipino migrant communities and promote their welfare as well as establish a data bank in aid of national manpower policy formulation, an Office of Emigrant Affairs is hereby created in the Department of Labor. The Office shall be a unit at the Office of the Secretary and shall initially be manned and operated by such personnel and through such funding is available within the Department and its attached agencies. Thereafter, its appropriation shall be made part of the regular General Appropriations Decree.*
2. *The office shall among others, promote the well-being of emigrants and maintain their close link to the homeland by:*
 - (a) *serving as a liaison with migrant communities;*
 - (b) *provision of welfare and cultural services;*
 - (c) *promote and facilitate reintegration of migrants into the national mainstream;*
 - (d) *promote economic, political, and cultural ties with the communities; and*
 - (e) *generally to undertake such activities as may be appropriate to enhance such cooperative links.*

ARTICLE 20. National Seamen Board.* (Paragraph^[a] of Art. 20 was repealed by Executive Order No. 797, which created the POEA; and paragraph^[b] was repealed by Section 10 of RA No. 8042 or the “Migrant Workers’ Act of 1995.” The National Labor Relations Commission now have original and exclusive jurisdiction to hear and decide claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual, moral, exemplary, and other forms of damages).

³Par. [k] of Sec. 3 of EO No 247 is modified by Section 17, entitled Establishment of Replacement and Monitoring Center of RA No. 8042, or the “Migrant Workers Act of 1995”.

⁴Section 10 of RA No. 8042, or the “Migrant Workers Act of 1995” clipped POEA’s quasi-judicial functions.

⁵Par. [n] of Sec. 3 of EO No. 247 should be read together with the provisions of RA No. 8042, or the “Migrant Workers Act of 1995”.

⁶The governing law on overseas employment, RA No. 8042, is silent on this respect. The Boards referred to in this article pertain to the defunct OEDB and the NSB. With the changes introduced by EO No. 797 as amended by EO No. 247, it now refers to the POEA. This Article however, should be read in relation to Sections 29 and 30 of RA No. 8042 which provides for the formulation of the deregulation plan on recruitment activities and the gradual phase-out of regulatory functions of the POEA.

***ARTICLE 20. National Seamen Board. –**

1. *A National Seamen Board is hereby created which shall develop and maintain a comprehensive program for Filipino seamen employed overseas. It shall have the power and duty:*
 - (a) *To provide free placement services for seamen.*
 - (b) *To regulate and supervise the activities of agents or representatives of shipping companies in the hiring of seamen for overseas employment and secure the best possible terms of employment for contract seamen workers and secure compliance therewith.*
 - (c) *To maintain a complete registry of all Filipino seamen.*
2. *The Board shall have original and exclusive jurisdiction over all matters or cases including money claims, involving employer-employee relations, arising out of or by virtue of any law or contracts involving Filipino seamen for overseas employment. The decisions of the Board shall be appealable to the National Labor Relations Commission upon the same grounds provided in Article 223 hereof. The decisions of the National Labor Relations Commission shall be final and inappealable.*

ARTICLE 21. Foreign Service Role and Participation.* (Superseded by RA No. 8042 which defines the role and responsibilities of the respective government agencies involved in the protection of overseas Filipino workers. The law also provides for the creation of the Legal Assistant for Migrant Workers' Affairs, and the Country-Team Approach as the mode under which Philippine embassies or their personnel will operate in the protection of the Filipino migrant workers and promotion of their welfare).

***ARTICLE 21. Foreign Service Role and Participation. –**

To provide ample protection to Filipino workers abroad, the labor attaches, the labor reporting officers duly designated by the Secretary of Labor and the Philippine diplomatic or consular officials concerned shall, even without prior instruction or advice from the home office, exercise the power and duty:

- (a) *To provide all Filipino workers within their jurisdiction assistance on all matters arising out of employment.*
- (b) *To insure that Filipino workers are not exploited or discriminated against.*
- (c) *To verify and certify as requisite to authentication that the terms and conditions of employment in contracts involving Filipino workers are in accordance with the Labor Code and rules and regulations of the Overseas Employment Development Board and National Seamen Board.*
- (d) *To make continuing studies or researches and recommendations on the various aspects of the employment market within their jurisdiction.*
- (e) *To gather and analyze information on the employment situation and its probable trends, and to make such information available.*
- (f) *To perform such other duties as may be required of them from time to time.*

ARTICLE 22. Mandatory Remittance of Foreign Exchange Earnings. – It shall be mandatory for all Filipino workers abroad to remit a portion of their foreign exchange earnings to their families, dependents, and/or beneficiaries in the country in accordance with rules and regulations prescribed by the Secretary of Labor and Employment.

ARTICLE 23. Composition of the Boards.* (With the creation of the POEA in place of the Overseas Employment Development Board, this Article was superseded by Section 4 of Executive Order No. 247, and further amended by Section 32 of RA No. 8042. Section 4 of EO No. 247 provided for the POEA Structural Organizations. Section 32 of RA 8042 provided for three (3) more members to the POEA and OWWA Governing Boards, to represent the women, sea-based and land-based sectors, respectively, to be appointed by the President of the Philippines).

***ARTICLE 23. Composition of the Boards. –**

- (a) *The OEDB shall be composed of the Secretary of Labor and Employment as Chairman, Undersecretary of Labor as Vice-Chairman, and a representative each of DF, the Department of National Defense, the Central Bank, the Department of Education, Culture and Sports, the National Manpower and Youth Council, the Bureau of Employment Services, a workers' organization and an employers' organization, and the Executive Director of the OEDB as members.*
- (b) *The National Seamen Board shall be composed of the Secretary of Labor and Employment as Chairman, the Undersecretary of Labor as Vice-Chairman, the Commandant of the Philippine Coast Guard, and a*

representative each of DFA, the Department of Education, Culture and Sports, the Central Bank, the Maritime Industry Authority, the Bureau of Employment Services, a national shipping association, and the Executive Director of the NSB as members.

The members of the Boards shall receive allowances to be determined by the Boards which shall not be more than Two Thousand Pesos (Php2,000.00) per month.

- (c) The Board shall be attached to the Department of Labor for policy and program coordination. They shall be assisted by a Secretariat headed by an Executive Director who shall be a Filipino citizen with sufficient experience in manpower administration, including overseas employment activities. The Executive Director shall be appointed by the President of the Philippines upon the recommendation of the Secretary of Labor and shall receive an annual salary as fixed by law. The Secretary of Labor shall appoint the other members of the Secretariat.*
- (d) The Auditor General shall appoint his representative to the Boards to audit their respective accounts in accordance with auditing laws and pertinent rules and regulations*

SECTION 4 of EO No. 247. POEA Structural Organizations.– The Administration shall consist of the Governing Board, the Office of the Administrator, the Offices of such number of Deputy Administrators as may be necessary, Office of the Director for each of the principal subdivisions of its internal structure.

1. The Governing Board shall be composed of the Secretary of Labor and Employment as Chairman; the Administrator; a third member, considered well-versed in the field of overseas employment who shall be appointed by the President to serve for a term of two (2) years.
2. The Administrator and such Deputy Administrator and Directors as may be necessary, shall be appointed by the President upon recommendation of the Secretary of Labor and Employment.
3. The functional structure of the Administration shall be established along the areas of market development, employment, welfare, licensing, regulation, and adjudication. Each of the principal substantive subdivisions of the Administration shall be headed by a Director and shall have such departments and units as may be necessary.

SECTION 5 of EO No. 247. Regional Extension Units. – The Administration is hereby authorized to setup regional extension units in such regions as the Governing Board may determine to be necessary to promote efficient and economic delivery of its services. The regional extension units shall be under the administrative supervision of the Labor Regional Director. It shall have, among others, the following functions:

1. Execute the policies, plans and programs of the Administration in the regions outside of the Metro Manila area.
2. Coordinate with local government officials on the matter of implementation of the Administration's program on overseas employment.
3. Advise the central office on the needs of the region for particular welfare and regulatory programs.
4. Establish linkages with other allied government agencies in the pursuance of the objectives of the overseas employment programs.
5. Coordinate the anti-illegal recruitment campaign in the regions.
6. Perform other functions as the Administration may deem necessary.

ARTICLE 24. Boards to Issue Rules and Collect Fees⁷. – The Boards shall issue appropriate rules and regulations to carry out their functions. They shall have the power to impose and collect fees from employers concerned, which shall be deposited in the respective accounts of said Boards and be used by them exclusively to promote their objectives.

⁷The Boards referred to in this Article are the boards of the now defunct Overseas Employment Development Board (OEDB) and the National Seamen Board (NSB). The POEA absorbed the powers and functions of the OEDB and NSB.

Chapter II

REGULATION OF RECRUITMENT AND PLACEMENT ACTIVITIES

ARTICLE 25. Private Sector Participation in the Recruitment and Placement of Workers⁸. – Pursuant to national development objectives and in order to harness and maximize the use of private sector resources and initiative in the development and implementation of a comprehensive employment program, the private employment sector shall participate in the recruitment and placement of workers, locally and overseas, under such guidelines, rules and regulations as may be issued by the Secretary of Labor and Employment.

ARTICLE 26. Travel Agencies Prohibited to Recruit. – Travel agencies and sales agencies of airline companies are prohibited from engaging in the business of recruitment and placement of workers for overseas employment whether for profit or not.

ARTICLE 27. Citizenship Requirement. – Only Filipino citizens or corporations, partnerships or entities at least seventy-five per cent (75%) of the authorized and voting capital stock of which is owned and controlled by Filipino citizens shall be permitted to participate in the recruitment and placement of workers, locally, or overseas.

ARTICLE 28. Capitalization. – All applicants for authority to hire or renewal of license to recruit are required to have such substantial capitalization as determined by the Secretary of Labor and Employment.

ARTICLE 29. Non-transferability of License or Authority. – No license or authority shall be directly or indirectly by any person other than the one in whose favor it was issued or at any place other than that stated in the license or authority, nor may such license or authority be transferred, conveyed or assigned to any other person or entity. Any transfer of business address, appointment or designation of any agent or representative including the establishment of additional offices anywhere shall be subject to the prior approval of DOLE.

ARTICLE 30. Registration Fees. – The Secretary of Labor and Employment shall promulgate a schedule of fees for the registration of all applicants for license or authority.

ARTICLE 31. Bonds. – All applicants for license or authority shall post such cash and surety bonds as determined by the Secretary of Labor and Employment to guarantee compliance with prescribed recruitment procedures, rules and regulations, and terms and conditions of employment as may be appropriate.

ARTICLE 32. Fees to be Paid by Workers. – Any person applying with a private fee-charging employment agency for employment assistance shall not be charged any fee until he has obtained employment through its efforts or has actually commenced employment. Such fee shall be always covered with the appropriate receipt clearly showing the amount paid. The Secretary of Labor and Employment shall promulgate a schedule of allowable fees.

ARTICLE 33. Reports on Employment Status. – Whenever the public interest requires, the Secretary of Labor and Employment may direct all persons or entities within the coverage of this Title to submit a report on the status of employment, including job vacancies, details of job requisitions, separation from jobs, wages, other terms and conditions, and other employment data.

⁸Article 25 should be read in relation to Section 29 and 30 of RA No. 8042 which provide for the deregulation of the recruitment and placement activities for overseas employment.

ARTICLE 34. Prohibited Practices. – It shall be unlawful for any individual, entity, licensee, or holder of authority:

- (a) To charge or accept, directly or indirectly, any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as loan or advance.
- (b) To furnish or publish any false notice or information or document in relation to recruitment or employment.
- (c) To give any false motive, testimony, information, or document in relation to recruitment or employment.
- (d) To induce or to attempt to induce a worker already employed to quit his employment in order to offer him to another unless the transfer is designed to liberate the worker from oppressive terms and conditions of employment.
- (e) To influence or to attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency.
- (f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines.
- (g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representatives.
- (h) To fail to file reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures, and such other matters or information as may be required by the Secretary of Labor and Employment.
- (i) To substitute or alter employment contracts approved and verified by DOLE from the time of actual signing thereof by the parties up to and including the periods of expiration of the same without the approval of the Secretary of Labor and Employment.
- (j) To become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency.
- (k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under this Code and its implementing rules and regulations.

ARTICLE 35. Suspension and/or Cancellation of License Authority.– The Secretary of Labor and Employment shall have the power to suspend or cancel any license or authority to recruit employees for overseas employment for violation of rules and regulations issued by DOLE, (the Overseas Employment Development Board, and the National Seamen Board), the Philippine Overseas Employment Administration⁹ or for violation of the provisions of this and other applicable laws, General Orders, Letters of Instructions, and Executive Orders¹⁰.

Chapter III MISCELLANEOUS PROVISIONS

ARTICLE 36. Regulatory Power. – The Secretary of Labor and Employment shall have the power to restrict and regulate the recruitment and placement activities of all agencies within the coverage of this Title and is hereby authorized to issue orders and promulgate rules and regulations to carry out the objectives and implement the provisions of this Title.

ARTICLE 37. Visitorial Power.– The Secretary of Labor and Employment or his duly authorized representatives may, at any time, inspect the premises, books of accounts and records of any person or entity covered by this Title, require it to submit reports regularly on prescribed forms, and act on violation of any provisions of this Title.

⁹The Overseas Employment Development Board has been replaced by the POEA.

¹⁰The terms General Orders and Letters of Instruction refer to issuances by the President of the Republic in his capacity as Commander-in-Chief of the Armed Forces of the Philippines. Executive Orders, on one hand, refers to acts of the President providing for rules of general or permanent character in implementation or execution of constitutional or statutory powers. Hence, Executive Orders is added to cover issuances of the President in his capacity as a civilian authority.

ARTICLE 38. Illegal Recruitment¹¹. –

- (a) Any recruitment activities including the prohibited practices enumerated under Article 34 of this Code, to be undertaken by non-licenses or non-holders of authority, shall be deemed illegal and punishable under Article 39 of this Code. The Department of Labor and Employment or any law enforcement officer may initiate complaints under this Article.
- (b) Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage and shall be penalized in accordance with Article 39 hereof. Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise or scheme defined under the first paragraph hereof. Illegal recruitment is deemed committed in large scale if committed against three or more persons individually or as a group.
- (c) (This paragraph has been declared unconstitutional and of no force and effect by the Supreme Court in *Salazar vs. Achacoso*. The power to issue arrest and seizure order is specifically vested by the Constitution to the judges of courts of competent jurisdiction)*.

***ARTICLE 38. Illegal Recruitment. –**

- (c) *The Secretary of Labor and Employment or his duly authorized representatives shall have the power to cause the arrest and detention of such non-licensee or non-holder of authority if after investigation it is determined that his/her activities constitute a danger to national security and public order or will lead to further exploitation of jobseekers. The Secretary shall order the search of the office or premises and seizure of documents, paraphernalia, properties, and other implements used in illegal recruitment activities and the closure of companies, establishments, and entities found to be engaged in the recruitment of workers for overseas employment, without having been licensed or authorized to do so.*

ARTICLE 39. Penalties¹²–

- (a) The penalty of life imprisonment and a fine of One Hundred Thousand Pesos (Php100,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein.
- (b) Any licensee or holder of authority found violating or causing another to violate any provision of this Title or its implementing rules and regulations shall, upon conviction thereof, suffer the penalty of imprisonment of not less than two (2) years nor more than five (5) years or a fine of not less than Ten Thousand Pesos (Php10,000.00) nor more than Fifty Thousand Pesos (Php50,000.00), or both such imprisonment and fine at the discretion of the court.
- (c) Any person who is neither a licensee nor a holder of authority under this Title found violating any provision thereof or its implementing rules and regulations shall, upon conviction thereof, suffer the penalty of imprisonment of not less than four (4) years nor more than eight (8) years or a fine of not less than Twenty Thousand Pesos (Php20,000.00) nor more than One Hundred Thousand Pesos (Php100,000.00) or both such imprisonment and fine, at the discretion of the court.
- (d) If the offender is a corporation, partnership, association, or entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association, or entity responsible for violation; and if such officer is an alien, he/she shall, in addition to the penalties herein prescribed, be deported without further proceedings.
- (e) In every case, conviction shall cause and carry the automatic revocation of the license or authority and all the permits and privileges granted to such person or entity under this Title, and the forfeiture of the cash and surety bonds in favor of the [Overseas Employment Development

¹¹Prior to the enactment of RA No. 8042 or the “Migrant Workers’ Act of 1995,” Article 38 is applicable to both local and overseas employment. With the changes introduced by RA No. 8042, illegal recruitment involving Filipino workers for overseas deployment is now defined and penalized in Part II on Illegal Recruitment of the said law, and it provided as well the venue for its prosecution. Since prosecution of illegal recruitment cases involving Filipino workers for overseas deployment is now governed by RA No. 8042, Art. 38, in the absence of a law explicitly or impliedly repealing its provision on local employment, now holds for illegal recruitment cases involving local employment.

¹²The penalties provided under Art. 39 originally apply to both local and overseas employment without having been licensed or authorized to do so.

Board (OEDB) or the National Seamen Board (NSB), as the case may be, both which are]¹³ authorized to use the same exclusively to promote their objectives.

RECRUITMENT AND REGULATIONS ON OVERSEAS EMPLOYMENT¹⁴

REPUBLIC ACT NO. 8042¹⁵

“MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995”

(Approved on 07 June 1995)

SECTION 1. Short Title. – This Act shall be known and cited as the ***“Migrant Workers and Overseas Filipinos Act of 1995”***.

SECTION 2. Declaration of Policies. –

- (a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular.
- (b) The state shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic, and legal services to Filipino migrant workers.
- (c) While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizen shall not any time be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development.
- (d) The state affirms the fundamental equality before the law of women and men and the significant role of women in nation-building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers.
- (e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure Filipino migrant workers, in particular, documented or undocumented are adequately protected and safeguarded.
- (f) The right of Filipino migrant workers and all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed.
- (g) The State recognizes that the ultimate protection to all migrant workers is the possession of skills. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only of skilled Filipino workers.

¹³The OEDB and NSB are now defunct. With the changes in the DOLE, forfeiture of cash and surety bonds is now in favor of the Regional Office of the Department which has jurisdiction over the place where the private recruitment and placement agency.

¹⁴The sub-heading on Overseas Employment is inserted to segregate the provisions of laws on overseas employment from local employment with the advent of RA No. 8042 or the “Migrant Workers’ Act of 1995”. RA No. 8042 is now the governing law on issues affecting overseas Filipino workers. It did not expressly repeal some of the affected provisions of the Labor Code.

¹⁵Republic Act No. 8042 or the “Migrant Workers’ Act of 1995” reflects the major policy shift on overseas employment from stop-gap measure in the 80s, to managing the outflow of labour as a matter of employment option by individuals since the mid-90s.

- (h) Non-governmental organizations, duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The state shall cooperate with them in a spirit of trust and mutual respect.
 - (i) Government fees and other administrative costs of recruitment, introduction, placement and assistance to migrant workers shall be rendered free without prejudice to the provision of Section 36 hereof.
- Nonetheless, the deployment of Filipino overseas workers, whether land-based or sea-based, by local service contractors and manning agencies employing them shall be encouraged. Appropriate incentives may be extended to them.

SECTION 3. Definitions. – For purposes of this Act:

- (a) **“Migrant Worker”** refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a legal resident; to be used interchangeably with overseas Filipino worker.
- (b) **“Gender-Sensitivity”** shall mean cognizance of the inequalities and inequities prevalent in society between women and men and a commitment to address issues with concern for the respective interest of the sexes.
- (c) **“Overseas Filipinos”** refers to dependents of migrant workers and other Filipinos nationals abroad who are in distress as mentioned in Sections 24 and 26 of this Act.

I. DEPLOYMENT

SECTION 4. Deployment of Migrant Workers. – The State shall deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection and the rights of overseas Filipino workers:

- (a) It has existing labor and social laws protecting the rights of migrant workers.
- (b) It is a signatory to multilateral conventions, declarations or resolutions relating to the protection of migrant workers.
- (c) It has concluded a bilateral agreement or arrangement with the government protecting the rights of overseas Filipino workers.
- (d) It is taking positive, concrete measures to protect the rights of migrant workers.

SECTION 5. Termination or Ban on Deployment. – Notwithstanding the provisions of Section 4 hereof, the government, in pursuit of the national interest or when public welfare so requires, may, at any time, terminate or impose a ban on the deployment of migrant workers.

II. ILLEGAL RECRUITMENT

SECTION 6. Definition. – For the purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13(f) of PD No. 442, as amended, otherwise known as the Labor Code of the Philippines, as amended; *Provided*, That any such non-licensee or non-holder who in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee, or holder of authority:

- (a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance.
- (b) To furnish or publish any false notice or information or document in relation to recruitment or employment.
- (c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code.

- (d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment.
- (e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency.
- (f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines.
- (g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative.
- (h) To fail to submit reports on the status of employment placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment.
- (i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by DOLE.
- (j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency.
- (k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under the Labor Code and its Implementing Rules and Regulations.
- (l) Failure to actually deploy without valid reasons as determined by DOLE.
- (m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault. Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage.

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three or more persons individually or as a group.

The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.

SECTION 7. Penalties. –

- (a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six years and one day but not more than twelve (12) years and a fine of not less than Two Hundred Pesos (Php200,000.00) nor more than Five Hundred Thousand Pesos (Php500,000.00).
- (b) The penalty of life imprisonment and a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) nor more than One Million Pesos (Php1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein. *Provided, however,* That the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or committed by a non-licensee or non-holder of authority.

SECTION 8. Prohibition on Officials and Employees.– It shall be unlawful for any official or employee of the Department of Labor and Employment, the Philippine Overseas Employment Administration (POEA), or the Overseas Workers Welfare Administration (OWWA), or the Department of Foreign Affairs (DFA), or other government agencies involved in the implementation of this Act, or their relatives within the fourth civil degree of consanguinity or affinity, to engage, directly or indirectly, in the business of recruiting migrant workers as defined in this Act. The penalties provided in the immediate preceding paragraph shall be imposed upon them.

SECTION 9. Venue. – A criminal action arising from illegal recruitment as defined herein shall be filed with the Regional Trial Court of the province or city where the offense was committed or where the offended party actually resides at the time of the commission of the offense: *Provided*, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts: *Provided, however*, that the aforestated provisions shall also apply to those criminal actions that have already been filed in court at the time of the effectivity of this Act.

SECTION 10. Money Claims. – Notwithstanding any provision of law to the contrary, the Labor Arbiters of the National Labor Relations Commission (NLRC) shall have the original and exclusive jurisdiction to hear and decide, within ninety (90) calendar days after the filing of the complaint, the claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual, moral, exemplary and other forms of damages.

The liability of the principal/employer and the recruitment/placement agency for any and all claims under this section shall be joint and several.

This provision shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval. The performance bond to be filed by the recruitment/placement agency, as provided by law, shall be answerable for all money claims or damages that may be awarded to the workers. If the recruitment/placement agency is a juridical being, the corporate officers and directors and partners as the case may be, shall themselves be jointly and solidarily liable with the corporation or partnership for aforesaid claims and damages.

Such liabilities shall continue during the entire period or duration of the employment contract and shall not be affected by any substitution, amendment or modification made locally or in a foreign country of the said contract.

Any compromise/amicable settlement or voluntary agreement on money claims inclusive of damages under this section shall be paid within four (4) months from the approval of the settlement by the appropriate authority.

In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, the worker shall be entitled to the full reimbursement of his placement fee with interest of twelve per cent (12%) per annum, plus his salaries for the unexpired portion of his employment contract or for three (3) months for every year of the unexpired term, whichever is less.

Non-compliance with the mandatory periods for resolutions of cases provided under this section shall subject the responsible officials to any of the following penalties:

- (a) The salary of any such official who fails to render his/her decision or resolution within the prescribed period shall be, or caused to be, withheld until the said official complies therewith.
- (b) Suspension for not more than ninety (90) days.
- (c) Dismissal from the service with disqualification to hold any appointive public office for five (5) years.

Provided, however, That the penalties herein provided shall be without prejudice to any liability which any such official may have incurred under other existing laws or rules and regulations as a consequence of violating the provisions of this paragraph.

SECTION 11. Mandatory Periods for Resolution of Illegal Recruitment Cases. – The preliminary investigations of cases under this Act shall be terminated within a period of thirty (30) calendar days from the date of their filing. Where the preliminary investigation is conducted by a prosecution officer and a prima facie case is established, the corresponding information shall be filed by the proper prosecution officer within forty-eight (48) hours from the date of receipt of the records of the case.

SECTION 12. Prescriptive Periods. – Illegal recruitment cases under this Act shall prescribe in five (5) years: Provided, however, That illegal recruitment cases involving economic sabotage as defined herein shall prescribe in twenty (20) years.

SECTION 13. Free Legal Assistance; Preferential Entitlement under the Witness Protection Program. – A mechanism for free legal assistance for victims of illegal recruitment shall be established within DOLE including its regional offices. Such mechanism must include coordination and cooperation with the Department of Justice, the Integrated Bar of the Philippines, and other NGOs and volunteer groups.

The provisions of Republic Act No. 6981 to the contrary notwithstanding, any person who is a victim of illegal recruitment shall be entitled to the Witness Protection Program provided there under.

III. SERVICES

SECTION 14. Travel Advisory/Information Dissemination. – To give utmost priority to the establishment of programs and services to prevent illegal recruitment, fraud and exploitation or abuse of Filipino migrant workers, all embassies and consular offices, through the Philippine Overseas Employment Administration (POEA), shall issue travel advisories or disseminate information on labor and employment conditions, migration realities and other facts; and adherence of particular countries to international standards on human and workers' rights which will adequately prepare individuals into making informed and intelligent decisions about overseas employment. Such advisory or information shall be published in a newspaper of general circulation at least three (3) times in every quarter.

SECTION 15. Repatriation of Workers; Emergency Repatriation Fund. – The repatriation of the worker and the transport of his personal belongings shall be the primary responsibility of the agency which recruited or deployed the worker overseas. All costs attendant to repatriation shall be borne by or charged to the agency concerned and/or its principal. Likewise, the repatriation of remains and transport of the personal belongings of a deceased worker and all costs attendant thereto shall be borne by the principal and/or the local agency. However, in cases where the termination of employment is due solely to the fault of the worker, the principal/employer or agency shall not in any manner be responsible for the repatriation of the former and/or his belongings.

The Overseas Worker Welfare Administration (OWWA),¹⁶ in coordination with appropriate international agencies, shall undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or agency. However, in cases where the principal or recruitment agency cannot be identified, all costs attended to repatriation shall be borne by the OWWA.

For this purpose, there is hereby created and established an emergency repatriation fund under the administration, control and supervision of the OWWA, initially to consist of One Hundred Million Pesos (Php100,000,000.00), which shall be taken from the existing fund controlled and administered by the OWWA. Thereafter, such fund shall be provided for in the General Appropriations Act from year to year: *Provided*, That the amount appropriated shall in no case be less than One Hundred Million Pesos (Php100,000,000.00), inclusive of outstanding balances.

¹⁶The provisions of different presidential decrees and executive orders (PD 1694 – "Organization and Administration of the Welfare Fund for Overseas Workers," approved on 1 May 1980; PD No. 1809 – "Amending Certain Provisions of PD No. 1694," approved on 16 Jan 1981; and Executive Order No. 126 – "Reorganizing the Ministry of Labor and Employment For Other Purposes," approved on 31 January 1987) governing or affecting the Overseas Welfare Workers' Administration (OWWA), annexed in this book need to be fused or merged to rationalize the laws that govern the functions and administration of the OWWA.

SECTION 16. Mandatory Repatriation of Underage Migrant Workers. – Upon discovery or being informed of the presence of migrant workers whose actual ages fall below the minimum age requirement for overseas deployment, the responsible officers in the foreign service shall without delay repatriate said workers and advise the DFA through the fastest means of communication available of such discovery and other relevant information.

SECTION 17. Establishment of Replacement and Monitoring Center. – A replacement and monitoring center is hereby created in DOLE for returning Filipino migrant workers which shall provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.

The DOLE, OWWA, and POEA shall, within Ninety (90) days from the effectivity of this Act, formulate a program that would motivate migrant workers to plan for productive options such as entry into highly technical jobs or undertakings, livelihood and entrepreneurial development, better wage employment, and investment of savings.

For this purpose, the Technical Education and Skills Development Authority (TESDA), the Technology Livelihood Resource Center (TLRC), and other government agencies involved in training and livelihood development shall give priority to returnees who had been employed as domestic helpers and entertainers.

SECTION 18. Functions of the Replacement and Monitoring Center. – The Center shall provide the following services:

- (a) Develop livelihood programs and projects for returning Filipino migrant workers in coordination with the private sector.
- (b) Coordinate with appropriate private and government agencies in the promotion, development, replacement and the full utilization of their potentials.
- (c) Institute, in cooperation with other government agencies concerned, a computer-based information system on skilled Filipino migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private.
- (d) Provide a periodic study and assessment of job opportunities for returning Filipino migrant workers.
- (e) Develop and implement other appropriate programs to promote the welfare of returning Filipino migrant workers.

SECTION 19. Establishment of a Migrant Workers and Other Overseas Filipinos Resource Center. – Within the premises and under the administrative jurisdiction of the Philippine Embassy in countries where there are large concentrations of Filipino migrant workers, there shall be established a migrant workers and other overseas Filipinos Resource Center with the following services:

- (a) Counseling and legal services.
- (b) Welfare assistance including the procurement of medical and hospitalization services.
- (c) Information, advisory and programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction.
- (d) Institute a scheme of registration of undocumented workers to bring them within the purview of this Act. For this purpose, the Center is enjoined to compel existing undocumented workers to register with it within six (6) months from the effectivity of this Act, under pain of having his/her passport cancelled.
- (e) Human resource development, such as training and skills upgrading.
- (f) Gender sensitive programs and activities to assist particular needs of women migrant workers;
- (g) Orientation program for returning workers and other migrants.
- (h) Monitoring of daily situations, circumstances and activities affecting migrant workers and other overseas Filipinos.

The establishment and operations of the Center shall be a joint undertaking of the various government agencies. The Center shall be open for twenty-four (24) hours daily including Saturdays, Sundays, and holidays, and shall be staffed by Foreign Service personnel, service attaches or officers who represent other Philippine government agencies abroad and, if available individual volunteers and bona-fide non-government organizations from the host countries. In countries categorized as highly problematic by the DFA and DOLE and where there is concentration of Filipino migrant workers, the government must provide a lawyer and a social worker for the Center. The Labor Attache shall coordinate the operation of the Center and shall keep the chief of mission informed and updated on all matters affecting it.

The Center shall have a counterpart 24-hour information and assistance center at the DFA to ensure a continuous network and coordinate mechanism at the home office.

SECTION 20. Establishment of a Shared Government Information System for Migration. – An inter-agency committee composed of the DFA and its attached agency, the Commission on Filipinos Overseas, DOLE, POEA, OWWA, the Department of Tourism, the Department of Justice, the Bureau of Immigration, the National Bureau of Investigation, and the National Statistics Office shall be established to implement a shared government information system for migration. The inter-agency committee shall initially make available to itself the information contained in existing databases/files. The second phase shall involve linking of computer facilities in order to allow free-flow data exchanges and sharing among concerned agencies.

The inter-agency committee shall convene to identify existing databases which shall be declassified and shared among member agencies. These shared databases shall initially include, but not be limited to, the following information:

- (a) Masterlists of Filipino migrant workers/overseas Filipinos classified according to occupation/job category, civil status, by country/state of destination including visa classification.
- (b) Inventory of pending legal cases involving Filipino migrant workers and other Filipino nationals, including those serving prison terms.
- (c) Masterlists of departing/arriving Filipinos.
- (d) Statistical profile on Filipino migrant workers/overseas Filipinos/tourists.
- (e) Blacklisted foreigners/undesirable aliens.
- (f) Basic data on legal systems, immigration policies, marriage laws and civil and criminal codes in receiving countries particularly those with large number of Filipinos.
- (g) List of labour and other human rights instruments where receiving countries are signatories.
- (h) A tracking system of past and present gender disaggregated cases involving male and female migrant workers.
- (i) Listing of overseas posts which may render assistance to overseas Filipinos, in general, and migrant workers, in particular.

SECTION 21. Migrant Workers Loan Guarantee Fund. – In order to further prevent unscrupulous illegal recruiters from taking advantage of workers seeking employment abroad, the OWWA, in coordination with government financial institutions, shall institute financing schemes that will expand the grant of pre-departure loan and family assistance loan. For this purpose, a Migrant Workers Loan Guarantee Fund is hereby created and the revolving amount of One hundred million pesos (Php100,000,000.00) from the OWWA is set aside as a guarantee fund in favour of participating government financial institutions.

SECTION 22. Rights and Enforcement Mechanism under International and Regional Human Rights Systems. – The Department of Foreign Affairs is mandated to undertake the necessary initiative such as promotions, acceptance or adherence of countries receiving Filipino workers to multilateral convention, declaration, or resolutions pertaining to the protection of migrant workers' rights. The DFA is also mandated to make an assessment of rights systems that are available to Filipino migrant workers who are victims of abuse and violation and, as far as practicable and through the Legal Assistant for Migrant Workers Affairs, created under this Act, pursue the same on behalf of the victim if it is legally impossible to file individual complaints. If a complaints machinery is available under international or region systems, DFA shall fully apprise the Filipino migrant workers of the existence and effectiveness of such legal options.

IV. GOVERNMENT AGENCIES

SECTION 23. Role of Government Agencies. – The following government agencies shall perform the following to promote the welfare and protect the rights of migrant workers and, as far as applicable, all overseas Filipinos:

- (a) Department of Foreign Affairs. – The Department through its home office or foreign posts, shall take priority action to make representation with the foreign authority concerned to protect the rights of migrant workers and other overseas Filipinos and extend immediate assistance including the repatriation of distressed or beleaguered migrant workers and other overseas Filipinos.
- (b) Department of Labor and Employment. – The Department shall see to it that labor and social welfare laws in the foreign countries are fairly applied to migrant workers and whenever applicable, to other overseas Filipinos including the grant of legal assistance and the referral to proper medical centers or hospitals:
 - (b.1) Philippine Overseas Employment Administration. – Subject to deregulation and phase-out as provided under Sections 29 and 30 herein, the Administration shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements.
 - (b.2) Overseas Workers Welfare Administration¹⁷. – The Welfare Officer or in his absence, the coordinating officer shall provide the Filipino migrant worker and his family all the assistance they may need in the enforcement of contractual obligations by agencies or entities and/or by their principals. In the performance of this function, he shall make representation and may call on the agencies or entities concerned to conferences or conciliation meetings for the purpose of settling the complaints or problems brought to his attention.

V. THE LEGAL ASSISTANT FOR MIGRANT WORKERS' AFFAIRS

SECTION 24. Legal Assistant for Migrant Workers' Affairs. – There is hereby created the position of Legal Assistant for Migrant Workers Affairs under the Department of Foreign Affairs who shall be primarily responsible for the provision and overall coordination of all legal assistance services to be provided to Filipino migrant workers as well as overseas Filipinos in distress. He shall have the rank, salary and privileges equal to that of an undersecretary of said Department.

¹⁷The provisions of different presidential decrees and executive orders (PD 1694 – “Organization and Administration of the Welfare Fund for Overseas Workers,” approved on 1 May 1980; PD No. 1809 – “Amending Certain Provisions of PD No. 1694,” approved on 16 Jan 1981; and Executive Order No. 126 – “Reorganizing the Ministry of Labor and Employment and For Other Purposes,” approved on 31 January 1987) governing or affecting the Overseas Welfare Workers' Administration (OWWA), annexed in this book need to be fused or merged to rationalize the laws that govern the functions and administration of the OWWA.

The said Legal Assistant for Migrant Workers Affairs, shall be appointed by the President and must be of proven competence in the field of law with at least ten (10) years of experience as a legal practitioner and must not have been a candidate to an elective office in the last local or national elections.

Among the functions and responsibilities of the aforesaid legal assistant are:

- (a) To issue the guidelines, procedures and criteria for the provision of legal assistance services to Filipino migrant workers.
- (b) To establish close linkages with the Department of Labor and Employment, the POEA, the OWWA and other government agencies concerned, as well as with non-governmental organizations assisting migrant workers, to ensure effective coordination and cooperation in the provision of legal assistance to migrant workers.
- (c) To tap the assistance of reputable law firms and the Integrated Bar of the Philippines and other bar associations to complement the government's efforts to provide legal assistance to our migrant workers.
- (d) To administer the legal assistance fund for migrant workers established under Section 25 hereof and to authorize disbursements therefrom in accordance with the purposes for which the Fund was set up.
- (e) To keep and maintain the information system as provided in Section 20.

The Legal Assistant for Migrant Workers Affairs shall have authority to hire private lawyers, domestic or foreign, in order to assist him in the effective discharge of the above functions.

SECTION 25. Legal Assistance Fund. – There is hereby established a legal assistance fund for migrant workers, hereinafter referred to as the Legal Assistance Fund, in the amount of One Hundred Million Pesos (Php100,000,000.00) to be constituted from the following sources:

- (a) Fifty Million Pesos (Php50,000,000.00) from the Contingency Fund of the President.
- (b) Thirty Million Pesos (Php30,000,000.00) from the Presidential Social Fund.
- (c) Twenty Million Pesos (Php20,000,000.00) from the Welfare Fund for Overseas Workers established under Letter of Instruction No. 537, as amended by PD Nos. 1694 and 1809.

Any balances of existing fund which have been set aside by the government specifically as legal assistance or defense fund to help migrant workers shall, upon effectivity of this Act, be turned over to, and form part of, the Fund created under this Act.

SECTION 26. Uses of the Legal Assistance Fund. – The Legal Assistance Fund (LFA) created under the preceding section shall be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress in accordance with the guidelines, criteria and procedures promulgated in accordance with Section 24(a) hereof. The expenditures to be charged against the Fund shall include the fees for the foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing charges abroad, bail bonds to secure the temporary release of workers under detention, court fees and charges and other litigation expenses.

VI. COUNTRY-TEAM APPROACH

SECTION 27. Priority Concerns of Philippine Foreign Service Posts. – The country-team approach, as enunciated under Executive Order No. 74, series of 1993, shall be the mode under which Philippine embassies or their personnel will operate in the protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of the dignity and fundamental rights and freedoms of the Filipino citizen abroad. In general, shall be the highest priority concerns of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts.

SECTION 28. Country-Team Approach. – Under the country-team approach, all officers, representatives and personnel of the Philippine government posted abroad 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. In this regard, the ambassador may recommend to the Secretary of the Department of Foreign Affairs the recall of officers, representatives and personnel of the Philippine government posted abroad for acts inimical to the national interest such as, but not limited to, failure to provide the necessary services to protect the rights of overseas Filipinos.

Upon receipt of the recommendation of the ambassador, the Secretary of the Department of Foreign Affairs shall, in the case of officers, representatives and personnel of other Departments, endorse such recommendation to the Department Secretary concerned for appropriate action. Pending investigation by an appropriate body in the Philippines, the person recommended for recall may be placed under preventive suspension by the ambassador.

In host countries where there are Philippine consulates, such consulates shall also constitute part of the country-team under the leadership of the ambassador.

In the implementation of the country-team approach, visiting Philippine delegations shall be provided full support and information.

VII. DEREGULATION AND PHASE-OUT

SECTION 29. Comprehensive Deregulation Plan on Recruitment Activities. – Pursuant to a progressive policy of deregulation whereby the migration of workers becomes strictly a matter between the worker and his foreign employer, the DOLE, within one (1) year from the effectivity of this Act, is hereby mandated to formulate a five (5) year comprehensive deregulation plan on recruitment activities taking into account labor market trends, economic conditions of the country and emerging circumstances which may affect the welfare of migrant workers.

SECTION 30. Gradual Phase-out of Regulatory Functions. – Within a period of five (5) years from the effectivity of this Act, the DOLE shall phase-out the regulatory functions of the POEA pursuant to the objectives of deregulation.

VIII. PROFESSIONAL AND OTHER HIGHLY SKILLED FILIPINOS ABROAD

SECTION 31. Incentives to Professionals and Other Highly Skilled Filipinos Abroad. – Pursuant to the objective of encouraging professionals and other highly-skilled Filipinos abroad especially in the field of science and technology to participate in, and contribute to national development, the government shall provide proper and adequate incentives and programs so as to secure their services in priority development areas of the public and private sectors.

IX. MISCELLANEOUS PROVISIONS

SECTION 32. POEA and OWWA Board; Additional Membership. – Notwithstanding any provision of law to the contrary, the respective Boards of the POEA and the OWWA shall, in addition to their present compensation, have three (3) members each who shall come from the women, sea-based and land-based sectors respectively, to be appointed by the President in the same manner as the other members.

SECTION 33. Report to Congress. – In order to inform the Philippine Congress on the implementation of the policy enunciated in Section 4 hereof, the DFA and DOLE shall submit to the said body a semi-annual report of the Philippine foreign posts located in countries hosting Filipino migrant workers. The report shall include, but shall not be limited to, the following information:

- (a) Master lists of Filipino migrant workers, and inventory of pending legal cases involving them and other Filipino nationals including those serving prison terms.
- (b) Working conditions of Filipino migrant workers.
- (c) Problems encountered by the migrant workers, specifically violations of their rights.
- (d) Initiatives/actions taken by the Philippine foreign posts to address the problems of Filipino migrant workers.
- (e) Changes in the laws and policies of host countries.
- (f) Status of negotiations on bilateral labour agreements between the Philippines and the host countries.

Any officer of the government who fails to report as stated in the preceding section shall be subject to administrative penalty.

SECTION 34. Representation in Congress. – Pursuant to Section 5 (2), Article VI of the Constitution and in line with the objective of empowering overseas Filipinos to participate in the policy making process to address Filipino migrant concerns, two (2) sectoral representatives for migrant workers in the House of Representatives shall be appointed by the President from the ranks of migrant workers: *Provided*, That at least one (1) of the two (2) sectoral representatives shall come from the women migrant workers sector: *Provided, further*, That all nominees must have at least two (2) years experience as a migrant worker.

SECTION 35. Exemption from Travel Tax and Airport Fee. – All laws to the contrary notwithstanding, the migrant worker shall be exempt from the payment of travel tax and airport fee upon proper showing of proof of entitlement by the POEA.

SECTION 36. Non-Increase of Fees; Abolition of Repatriation Bond. – Upon approval of this Act, all fees being charged by any government office on migrant workers shall remain at their present levels and the repatriation bond shall be abolished

SECTION 37. The Congressional Migrant Workers Scholarship Fund. – There is hereby created a Congressional Migrant Workers Scholarship Fund which shall benefit deserving migrant workers and/or their immediate descendants below twenty-one (21) years of age who intend to pursue courses or training primarily in the field of science and technology. The initial seed fund of Two Hundred Million Pesos (Php200,000,000.00) shall be constituted from the following sources:

- (a) Fifty Million Pesos (Php50,000,000.00) from the unexpended Countrywide Development Fund for 1995 in equal sharing by all Members of Congress.
- (b) The remaining One Hundred Fifty Million Pesos (Php150,000,000.00) shall be funded from the proceeds of Lotto draws.

The Congressional Migrant Workers Scholarship Fund as herein created shall be administered by the DOLE in coordination with the Department of Science and Technology (DOST). To carry out the objectives of this section, the DOLE and DOST shall formulate the necessary rules and regulations.

SECTION 38. Appropriation and Other Sources of Funding. – The amount necessary to carry out the provisions of this Act shall be provided for in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 39. Migrant Workers Day. – The day of signing by the President of this Act shall be designated as the Migrant Workers Day and shall henceforth be commemorated as such annually.

SECTION 40. Implementing Rules and Regulations. – The departments and agencies charged with carrying out the provisions of this Act shall, within ninety (90) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 41. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 42. Separability Clause. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 43. Effectivity Clause. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

REFERENCE NO. 3-4
REPUBLIC ACT NO.10022
(AMENDING REPUBLIC ACT NO. 8042)

REPUBLIC ACT NO. 10022

AN ACT AMENDING REPUBLIC ACT NO. 8042, OTHERWISE
KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT
OF 1995, AS AMENDED, FURTHER IMPROVING THE STANDARD OF PROTECTION
AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES
AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Paragraphs (a), (e), (g), and (h) of Section 2 of Republic Act No. 8042, as amended, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995," is hereby amended to read as follows:

- "(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest, and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt/be signatory to and ratify those that guarantee protection to our migrant workers, and endeavor to enter into bilateral agreements with countries hosting overseas Filipino workers".
- "(e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/documented or irregular/undocumented, are adequately protected and safeguarded".
- "(g) The State recognizes that the most effective tool for empowerment is the possession of skills by migrant workers. The government shall provide them free and accessible skills development and enhancement programs. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only of skilled Filipino workers".
- "(h) The State recognizes non-governmental organizations, trade unions, workers associations, stakeholders, and their similar entities duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. The significant contribution of recruitment and manning agencies shall form part this partnership".

Section 2. Section 3, paragraph (a) of Republic Act No. 8042, as amended, is hereby amended to read as follows:

- "(a) "Overseas Filipino worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas; to be used interchangeably with migrant worker".

Section 3. Section 4 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 4. *Deployment of Migrant Workers.* – The State shall allow the deployment of overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection of the rights of overseas Filipino workers:

- "(a) It has existing labor and social laws protecting the rights of workers, including migrant workers.
- "(b) It is a signatory to and/or a ratifier of multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers.
- "(c) It has concluded a bilateral agreement or arrangement with the government on the protection of the rights of overseas Filipino Workers: *Provided*, That the receiving country is taking positive, concrete measures to protect the rights of migrant workers in furtherance of any of the guarantees under subparagraphs(a), (b), and (c) hereof.

"In the absence of a clear showing that any of the aforementioned guarantees exists in the country of destination of the migrant workers, no permit for deployment shall be issued by the Philippine Overseas Employment Administration (POEA).

"The members of the POEA Governing Board who actually voted in favor of an order allowing the deployment of migrant workers without any of the aforementioned guarantees shall suffer the penalties of removal or dismissal from service with disqualification to hold any appointive public office for five (5) years, Further, the government official or employee responsible for the issuance of the permit or for allowing the deployment of migrant workers in violation of this section and in direct contravention of an order by the POEA Governing Board prohibiting deployment shall be meted the same penalties in this section.

"For this purpose, the Department of Foreign Affairs, through its foreign posts, shall issue a certification to the POEA, specifying therein the pertinent provisions of the receiving country's labor/social law, or the convention/declaration/resolution, or the bilateral agreement/arrangement which protect the rights of migrant workers.

"The State shall also allow the deployment of OFWs to vessels navigating the foreign seas or to installations located offshore or on high seas whose owners/employers are compliant with international laws and standards that protect the rights of migrant workers.

"The State shall likewise allow the deployment of overseas Filipino workers to companies and contractors with international operations: *Provided*, That they are compliant with standards, conditions and requirements, as embodied in the employment contracts prescribed by the POEA and in accordance with internationally accepted standards".

Section 4. Section 5 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 5. *Termination or Ban on Deployment.* – Notwithstanding the provisions of Section 4 hereof, in pursuit of the national interest or when public welfare so requires, the POEA Governing Board, after consultation with the Department of Foreign Affairs, may, at any time, terminate or impose a ban on the deployment of migrant workers".

Section 5. Section 6 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 6. *Definition.* – For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by non-licensee or non-holder of authority contemplated under Article 13(f) of PD No. 442, as amended, otherwise known as the Labor Code of the Philippines: *Provided*, That any

such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two (2) or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

- "(a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay or acknowledge any amount greater than that actually received by him as a loan or advance.
- "(b) To furnish or publish any false notice or information or document in relation to recruitment or employment.
- "(c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code, or for the purpose of documenting hired workers with the POEA, which include the act of reprocessing workers through a job order that pertains to non-existent work, work different from the actual overseas work, or work with a different employer whether registered or not with the POEA.
- "(d) To include or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment.
- "(e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency or who has formed, joined, or supported, or has contacted or is supported by any union or workers' organization.
- "(f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines.
- "(g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative.
- "(h) To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures, and such other matters or information as may be required by the Secretary of Labor and Employment.
- "(i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment.
- "(j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of travel agency.
- "(k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations, or for any other reasons, other than those authorized under the Labor Code and its implementing rules and regulations.
- "(l) Failure to actually deploy a contracted worker without valid reason as determined by the Department of Labor and Employment.
- "(m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault. Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage.
- "(n) To allow a non-Filipino citizen to head or manage a licensed recruitment/manning agency.

"Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

"In addition to the acts enumerated above, it shall also be unlawful for any person or entity to commit the following prohibited acts:

- "(a) Grant a loan to an overseas Filipino worker with interest exceeding eight per cent (8%) per annum, which will be used for payment of legal and allowable placement fees and make the

migrant worker issue, either personally or through a guarantor or accommodation party, post-dated checks in relation to the said loan.

- "(b) Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to avail of a loan only from specifically designated institutions, entities or persons.
- "(c) Refuse to condone or renegotiate a loan incurred by an overseas Filipino worker after the latter's employment contract has been prematurely terminated through no fault of his or her own.
- "(d) Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo health examinations only from specifically designated medical clinics, institutions, entities or persons, except in the case of a seafarer whose medical examination cost is shouldered by the principal/shipowner.
- "(e) Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo training, seminar, instruction, or schooling of any kind only from specifically designated institutions, entities, or persons, except for recommendatory trainings mandated by principals/shipowners where the latter shoulder the cost of such trainings.
- "(f) For a suspended recruitment/manning agency to engage in any kind of recruitment activity including the processing of pending workers' applications.
- "(g) For a recruitment/manning agency or a foreign principal/employer to pass on the overseas Filipino worker or deduct from his or her salary the payment of the cost of insurance fees, premium or other insurance related charges, as provided under the compulsory worker's insurance coverage.

"The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having ownership, control, management, or direction of their business who are responsible for the commission of the offense and the responsible employees/agents thereof shall be liable.

"In the filing of cases for illegal recruitment or any of the prohibited acts under this section, the Secretary of Labor and Employment, the POEA Administrator or their duly authorized representatives, or any aggrieved person may initiate the corresponding criminal action with the appropriate office. For this purpose, the affidavits and testimonies of operatives or personnel from DOLE, POEA, and other law enforcement agencies who witnessed the acts constituting the offense shall be sufficient to prosecute the accused.

"In the prosecution of offenses punishable under this section, the public prosecutors of the Department of Justice shall collaborate with the anti-illegal recruitment branch of the POEA and, in certain cases, allow the POEA lawyers to take the lead in the prosecution. The POEA lawyers who act as prosecutors in such cases shall be entitled to receive additional allowances as may be determined by the POEA Administrator.

"The filing of an offense punishable under this Act shall be without prejudice to the filing of cases punishable under other existing laws, rules or regulations".

Section 6. Section 7 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 7. *Penalties.* –

- "(a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not less than One Million Pesos (Php1,000,000.00) nor more than Two Million Pesos (Php2,000,000.00).
- "(b) The penalty of life imprisonment and a fine of not less than Two Million Pesos (Php2,000,000.00) nor more than Five Million Pesos (Php5,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined therein.

"*Provided, however,* That the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or committed by a non-licensee or non-holder of authority.

"(c) Any person found guilty of any of the prohibited acts shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) nor more than One Million Pesos (Php1,000,000.00).

"If the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings.

"In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment/manning agency, lending institutions, training school, or medical clinic".

Section 7. Section 10 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 10. *Money Claims.* – Notwithstanding any provision of law to the contrary, the Labor Arbiters of the National Labor Relations Commission (NLRC) shall have the original and exclusive jurisdiction to hear and decide, within ninety (90) calendar days after the filing of the complaint, the claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual, moral, exemplary, and other forms of damage. Consistent with this mandate, the NLRC shall endeavor to update and keep abreast with the developments in the global services industry.

"The liability of the principal/employer and the recruitment/placement agency for any and all claims under this section shall be joint and several. This provision shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval. The performance bond to be filed by the recruitment/placement agency, as provided by law, shall be answerable for all money claims or damages that may be awarded to the workers. If the recruitment/placement agency is a juridical being, the corporate officers and directors and partners as the case may be, shall themselves be jointly and solidarity liable with the corporation or partnership for the aforesaid claims and damages.

"Such liabilities shall continue during the entire period or duration of the employment contract and shall not be affected by any substitution, amendment or modification made locally or in a foreign country of the said contract.

"Any compromise/amicable settlement or voluntary agreement on money claims inclusive of damages under this section shall be paid within thirty (30) days from approval of the settlement by the appropriate authority.

"In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, or any unauthorized deductions from the migrant worker's salary, the worker shall be entitled to the full reimbursement of his placement fee and the deductions made with interest at twelve per cent (12%) per annum, plus his salaries for the unexpired portion of his employment contract or for three (3) months for every year of the unexpired term, whichever is less.

"In case of a final and executory judgment against a foreign employer/principal, it shall be automatically disqualified, without further proceedings, from participating in the Philippine Overseas Employment Program and from recruiting and hiring Filipino workers until and unless it fully satisfies the judgement award.

"Non-compliance with the mandatory periods for resolutions of case provided under this section shall subject the responsible officials to any or all of the following penalties:

- "(a) The salary of any such official who fails to render his decision or resolution within the prescribed period shall be, or caused to be, withheld until the said official complies therewith.
- "(b) Suspension for not more than ninety (90) days.
- "(c) Dismissal from the service with disqualification to hold any appointive public office for five (5) years.

"*Provided, however,* That the penalties herein provided shall be without prejudice to any liability which any such official may have incurred under other existing laws or rules and regulations as a consequence of violating the provisions of this paragraph."

Section 8. The first paragraph of Section 13 of Republic Act No. 8042, as amended is hereby amended to read as follows:

"SEC. 13. *Free Legal Assistance; Preferential Entitlement under the Witness Protection Program.* – A mechanism for free legal assistance for victims of illegal recruitment shall be established in the anti-illegal recruitment branch of the POEA including its regional offices. Such mechanism shall include coordination and cooperation with the Department of Justice, the Integrated Bar of the Philippines, and other nongovernmental organizations and volunteer groups".

Section 9. Section 16 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 16. *Mandatory Repatriation of Underage Migrant Workers.* – Upon discovery or being informed of the presence of migrant workers whose ages fall below the minimum age requirement for overseas deployment, the responsible officers in the foreign service shall without delay repatriate said workers and advise the Department of Foreign Affairs through the fastest means of communication available of such discovery and other relevant information. The license of a recruitment/manning agency which recruited or deployed an underage migrant worker shall be automatically revoked and shall be imposed a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) but not more than One Million Pesos (Php1,000,000.00). All fees pertinent to the processing of papers or documents in the recruitment or deployment shall be refunded in full by the responsible recruitment/manning agency, without need of notice, to the underage migrant worker or to his parents or guardian. The refund shall be independent of and in addition to the indemnification for the damages sustained by the underage migrant worker. The refund shall be paid within thirty (30) days from the date of the mandatory repatriation as provided for in this Act".

Section 10. Section 17 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 17. *Establishment of National Reintegration Center for Overseas Filipino Workers.* – A national reintegration center for overseas Filipino workers (NRCO) is hereby created in the Department of Labor and Employment for returning Filipino migrant workers which shall provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.

"The Department of Labor and Employment, OWWA, and POEA shall, within ninety (90) days from the effectivity of this Act, formulate a program that would motivate migrant workers to plan for productive options such as entry into highly technical jobs or undertakings, livelihood and entrepreneurial development, better wage employment, and investment of savings.

"For this purpose, the Technical Education and Skills Development Authority (TESDA), the Technology Livelihood Resource Center (TLRC), and other government agencies involved in training and livelihood development shall give priority to returnees who had been employed as domestic helpers and entertainers".

Section 11. Section 18 of Republic Act No. 8042, as amended is hereby amended to read as follows:

"SEC. 18. *Functions of the National Reintegration Center for Overseas Filipino Workers.* –The Center shall provide the following services:

- "(a) Develop and support programs and projects for livelihood, entrepreneurship, savings, investments, and financial literacy for returning Filipino migrant workers and their families in coordination with relevant stakeholders, service providers and international organizations.
- "(b) Coordinate with appropriate stakeholders, service providers and relevant international organizations for the promotion, development, and the full utilization of overseas Filipino worker returnees and their potentials.
- "(c) Institute, in cooperation with other government agencies concerned, a computer-based information system on returning Filipino migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private.
- "(d) Provide a periodic study and assessment of job opportunities for returning Filipino migrant workers.
- "(e) Develop and implement other appropriate programs to promote the welfare of returning Filipino migrant workers.
- "(f) Maintain an internet-based communication system for on-line registration and interaction with clients, and maintain and upgrade computer-based service capabilities of the NRCO.
- "(g) Develop capacity-building programs for returning overseas Filipino workers and their families, implementers, service providers, and stakeholders.
- "(h) Conduct research for policy recommendations and program development".

Section 12. The second paragraph of Section 19 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"The establishment and operations of the Center shall be a joint undertaking of the various government agencies. The Center shall be open for twenty-four (24) hours daily including Saturdays, Sundays and holidays, and shall be staffed by Foreign Service personnel, service attaches or officers who represent other Philippine government agencies abroad and, if available, individual volunteers and *bona fide* non-government organizations from the host countries. In countries categorized as highly problematic by the Department of Foreign Affairs and the Department of Labor and Employment and where there is a concentration of Filipino migrant workers, the government must provide a *Shari'a* or human rights lawyer, a psychologist and a social worker for the Center. In addition to these personnel, the government must also hire within the receiving country, in such number as may be needed by the post, public relation officers or case officers who are conversant, orally and in writing, with the local language, laws, customs and practices. The Labor Attache shall coordinate the operation of the Center and shall keep the Chief of Mission informed and updated on all matters affecting it".

Section 13. Section 20 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 20. *Establishment of a Shared Government Information System for Migration.* – An interagency committee composed of the Department of Foreign Affairs and its attached agency, the Commission on Filipinos Overseas, the Department of Labor and Employment and its attached concerned agencies, the Department of Tourism (DOT), the Department of Justice (DOJ), the Bureau of Immigration, the National Bureau of Investigation (NBI), the Department of the Interior and Local Government (DILG), the National Telecommunications Commission (NTC), the Commission on Information and Communications Technology (CICT), the National Computer Center (NCC), the National Statistical and Coordination Board (NSCB), the National Statistics Office (NSO), and other government agencies concerned with overseas employment shall be established to implement a shared government information system for migration. The interagency committee shall initially make available to itself the information contained in existing data bases/files. The second phase shall involve linking of computer facilities in order to allow free-flow data exchanges and sharing among concerned agencies.

"The inter-agency committee shall be co-chaired by the Department of Foreign Affairs and the Department of Labor and Employment. The NCC shall provide the necessary technical assistance and shall set the appropriate information and communications technology standards to facilitate the sharing of information among the member agencies.

"The inter-agency committee shall meet regularly to ensure the immediate and full implementation of this section and shall explore the possibility of setting up a central storage facility for the data on migration. The progress of the implementation of this section shall be included in the report to Congress of DFA and the DOLE under Section 33.

"The inter-agency committee shall convene to identify existing data bases which shall be declassified and shared among member agencies. These shared data bases shall initially include, but not be limited to, the following information:

- "(a) Masterlists of Filipino migrant workers/overseas Filipino classified according to occupation/job category, civil status, by country/state of destination including visa classification.
- "(b) Inventory of pending legal cases involving Filipino migrant workers and other Filipino nationals, including those serving prison terms.
- "(c) Masterlists of departing/arriving Filipinos.
- "(d) Statistical profile on Filipino migrant workers/overseas Filipinos/tourists.
- "(e) Blacklisted foreigners/undesirable aliens.
- "(f) Basic data on legal systems, immigration policies, marriage laws and civil and criminal codes in receiving countries particularly those with large numbers of Filipinos.
- "(g) List of labour and other human rights instruments where receiving countries are signatories.
- "(h) A tracking system of past and present gender disaggregated cases involving male and female migrant workers, including minors.
- "(i) Listing of overseas posts which may render assistance to overseas Filipinos, in general, and migrant workers, in particular".

Section 14. Subparagraph (b.1) of paragraph (b) of Section 23 of Republic Act No.8042, as amended, is hereby amended to read as follows:

"(b.1) Philippine Overseas Employment Administration. – The Administration shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements. It shall be responsible for the regulation and management of overseas employment from the pre-employment stage, securing the best possible employment terms and conditions for overseas Filipino workers, and taking into consideration the needs of vulnerable sectors and the peculiarities of sea-based and land-based workers. In appropriate cases, the Administration shall allow the lifting of suspension of erring recruitment/manning agencies upon the payment of fine of Fifty Thousand Pesos (Php50,000.00) for every month of suspension.

"In addition to its powers and functions, the Administration shall inform migrant workers not only of their rights as workers but also of their rights as human beings, instruct and guide the workers how to assert their rights and provide the available mechanism to redress violation of their rights. It shall also be responsible for the implementation, in partnership with other law-enforcement agencies, of an intensified program against illegal recruitment activities. For this purpose, the POEA shall provide comprehensive Pre-Employment Orientation Seminar (PEOS) that will discuss topics such as prevention of illegal recruitment and gender-sensitivity.

"The Administration shall not engage in the recruitment and placement of overseas workers except on a government-to-government arrangement only.

"In the recruitment and placement of workers to service the requirements for trained and competent Filipino workers of foreign governments and their instrumentalities, and such other employers as public interests may require, the Administration shall deploy only to countries where the

Philippine has concluded bilateral labour agreements or arrangements: *Provided*, That such countries shall guarantee to protect the rights of Filipino migrant workers; and: *Provided, further*, That such countries shall observe and/or comply with the international laws and standards for migrant workers".

Section 15. Sub-paragraph (b.2) of Paragraph (b) of Section 23 of Republic Act No.8042, as amended, is hereby amended to read as follows:

"(b.2) Overseas Workers Welfare Administration. – The Welfare officer or in his absence, the coordinating officer shall provide the Filipino migrant worker and his family all the assistance they may need in the enforcement of contractual obligations by agencies or entities and/or by their principals. In the performance of this function, he shall make representation and may call on the agencies or entities concerned to conferences or conciliation meetings for the purpose of settling the compliance or problems brought to his attention. The OWWA shall likewise formulate and implement welfare programs for overseas Filipino workers and their families while they are abroad and upon their return. It shall ensure the awareness by the overseas Filipino workers and their families of these programs and other related governmental programs.

"In the repatriation of workers to be undertaken by OWWA, the latter shall be authorized to pay repatriation-related expenses, such as fines or penalties, subject to such guidelines as the OWWA Board of Trustees may prescribe".

Section 16. Under Section 23 of Republic Act No. 8042, as amended, add new paragraphs (c) and (d) with their corresponding subparagraphs to read as follows: "(c) Department of Health. – The Department of Health (DOH) shall regulate the activities and operations of all clinics which conduct medical, physical, optical, dental, psychological and other similar examinations, hereinafter referred to as health examinations, on Filipino migrant workers as requirement for their overseas employment. Pursuant to this, the DOH shall ensure that:

- "(c.1) The fees for the health examinations are regulated, regularly monitored and duly published to ensure that the said fees are reasonable and not exorbitant.
- "(c.2) The Filipino migrant worker shall only be required to undergo health examinations when there is reasonable certainty that he or she will be hired and deployed to the jobsite and only those health examinations which are absolutely necessary for the type of job applied for or those specifically required by the foreign employer shall be conducted.
- "(c.3) No group or groups of medical clinics shall have a monopoly of exclusively conducting health examinations on migrant workers for certain receiving countries.
- "(c.4) Every Filipino migrant worker shall have the freedom to choose any of the DOH-accredited or DOH-operated clinics that will conduct his/her health examinations and that his or her rights as a patient are respected. The decking practice, which requires an overseas Filipino worker to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed.
- "(c.5) Within a period of three (3) years from the effectivity of this Act, all DOH regional and/or provincial hospitals shall establish and operate clinics that can serve the health examination requirements of Filipino migrant workers to provide them easy access to such clinics all over the country and lessen their transportation and lodging expenses.
- "(c.6) All DOH-accredited medical clinics, including the DOH-operated clinics, conducting health examinations for Filipino migrant workers shall observe the same standard operating procedures and shall comply with internationally-accepted standards in their operations to conform with the requirements of receiving countries or of foreign employers/principals.

"Any foreign employer who does not honour the results of valid health examinations conducted by a DOH-accredited or DOH-operated clinic shall be temporarily disqualified from participating in the overseas employment program, pursuant to POEA rules and regulations.

"In case an overseas Filipino worker is found to be not medically fit upon his/her immediate arrival in the country of destination, the medical clinic that conducted the health examination/s of

such overseas Filipino worker shall pay for his or her repatriation back to the Philippines and the cost of deployment of such worker.

"Any government official or employee who violates any provision of this subsection shall be removed or dismissed from service with disqualification to hold any appointive public office for five (5) years. Such penalty is without prejudice to any other liability which he or she may have incurred under existing laws, rules, or regulations.

"(d) Local Government Units. – In the fight against illegal recruitment, the local government units (LGUs), in partnership with the POEA, other concerned government agencies, and non-government organizations advocating the rights and welfare of overseas Filipino workers, shall take a proactive stance by being primarily responsible for the dissemination of information to their constituents on all aspects of overseas employment. To carry out this task, the following shall be undertaken by the LGUs:

"(d.1) Provide a venue for the POEA, other concerned government agencies and non-government organizations to conduct PEOS to their constituents on a regular basis.

"(d.2) Establish overseas Filipino worker help desk or kiosk in their localities with the objective of providing current information to their constituents on all the processes and aspects of overseas employment. Such desk or kiosk shall, as far as practicable, be fully computerized and shall be linked to the database of all concerned government agencies, particularly the POEA for its updated lists of overseas job orders and licensed recruitment agencies in good standing".

Section 17. Subparagraph (c) of Section 24 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"(c) To tap the assistance of reputable law firms, the Integrated Bar of the Philippines, other bar associations, and other government legal experts on overseas Filipino worker laws to complement the government's efforts to provide legal assistance to our migrant workers".

Section 18. Section 25 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC.25. *Legal Assistance Fund.* – There is hereby established a legal assistance fund for migrant workers, hereinafter referred to as the Legal Assistance Fund (LAF), in the amount of One Hundred Million Pesos (Php100,000,000.00) to be constituted from the following sources:

- (a) Fifty Million Pesos (Php50,000,000.00) from the Contingency Fund of the President.
- (b) Thirty Million Pesos (Php30,000,000.00) from the Contingency Fund of the President Social Fund.
- (c) Twenty Million Pesos (Php20,000,000.00) from the Welfare Fund for Overseas Workers established under Letter of Instruction No. 537 as amended by PD Nos. 1694 and 1809.

"An amount appropriated in the annual General Appropriations Act (GAA) which shall not be less than Thirty Million Pesos (Php30,000,000.00) per year: *Provided*, That the balance of the (LAF including the amount appropriated for the year shall not be less than One Hundred Million Pesos (Php100,000,000.00): *Provided, further*, That the fund shall be treated as a special fund in the National Treasury and its balance, including the amount appropriated in the GAA, which shall form part of the Fund, shall not revert to the General Fund.

"Any balances of existing funds which have been set aside by the government specifically as legal assistance or defense fund to help migrant workers shall, upon effectivity of this Act, be turned over to, and form part of, the Fund created under this Act".

Section 19. Section 26 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 26. *Uses of the Legal Assistance Fund.* – The Legal Assistance Fund created under the preceding section shall be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress in accordance with the guidelines, criteria and procedures promulgated in

accordance with Section 24 (a) hereof. The expenditures to be charged against the Fund shall include the fees for the foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing charges or in filing cases against erring or abusive employers abroad, bail bonds to secure the temporary releases and other litigation expenses: *Provided*, That at the end of every year, the Department of Foreign Affairs shall include in its report to Congress, as provided for under Section 33 of this Act, the status of the Legal Assistance Fund, including the expenditures from the said fund duly audited by the Commission on Audit (COA): *Provided, further*, That the hiring of foreign legal counsels, when circumstances warrant urgent action, shall be exempt from the coverage of Republic Act No. 9184 or the Government Procurement Act".

Section 20. Section 32 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 32. *POEA, OWWA and other Boards; Additional Memberships.* –Notwithstanding any provision of law to the contrary, the respective Boards of the POEA and the OWWA shall, in addition to their present composition, have three (3) members each who shall come from the women, sea-based and land-based sectors respectively, to be selected and nominated openly by the general membership of the sector being represented.

"The selection and nomination of the additional members from the women, sea-based and land-based sectors shall be governed by the following guidelines:

- "(a) The POEA and the OWWA shall launch a massive information campaign on the selection of nominees and provide for a system of consultative sessions for the certified leaders or representatives of the concerned sectors, at least three (3) times, within ninety (90) days before the boards shall be convened, for purposes of selection. The process shall be open, democratic and transparent.
- "(b) Only NGOs that protect and promote the rights and welfare of overseas Filipino workers, duly registered with the appropriate Philippine government agency and in good standing as such, and in existence for at least three (3) years prior to the nomination shall be qualified to nominate a representative for each sector to the Board.
- "(c) The nominee must be at least twenty-five (25) years of age, able to read and write, and a migrant worker at the time of his or her nomination or was a migrant worker with at least three (3) years experience as such.
- "(d) A final list of all the nominees selected by the OWWA/POEA governing boards, which shall consist of three (3) names for each sector to be represented, shall be submitted to the President and published in a newspaper of general circulation.

"Within thirty (30) days from the submission of the list, the President shall select and appoint from the list, the representatives to the POEA/OWWA governing boards.

"The additional members shall have a term of three (3) years and shall be eligible for reappointment for another three (3) years. In case of vacancy, the President shall in accordance with the provisions of this Act, appoint a replacement who shall serve the unexpired term of his or her predecessor.

"Any executive issuances or orders issued that contravene the provisions of this section shall have no force and effect".

"All other government agencies and government-owned or controlled corporations which require at least one (1) representative from the overseas workers sector to their respective boards shall follow all the applicable provisions of this section".

Section 21. The first and last paragraph of Section 33 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

"SEC. 33. *Report to Congress.* – In order to inform the Philippine Congress on the implementation of the policy enunciated in Section 4 hereof, DFA and DOLE shall submit separately

to the said body a semi-annual report of Philippine foreign posts located in countries hosting Filipino migrant workers. The mid-year report covering the period January to June shall be submitted not later than October 31 of the same year while the year-end report covering the period July to December shall be submitted not later than May 31 of the following year. The report shall include, but shall not be limited to, the following information:

"Any officer of the government who fails to submit the report as stated in this section shall be subject to an administrative penalty of dismissal from the service with disqualification to hold any appointive public office for five (5) years".

Section 22. Section 35 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

SEC. 35. *Exemption from Travel Tax Documentary Stamp and Airport Fee.* – All laws to the contrary notwithstanding, the migrant workers shall be exempt from the payment of travel tax and airport-fee upon proper showing of proof entitlement by the POEA.

"The remittances of all overseas Filipino workers, upon showing of the same proof of entitlement by the overseas Filipino worker's beneficiary or recipient, shall be exempt from the payment of documentary stamp tax".

Section 23. A new Section 37-A. of Republic Act No. 8042, as amended, is hereby added to read as follows:

"SEC. 37. A. *Compulsory Insurance Coverage for Agency-Hired Workers.* – In addition to the performance bond to be filed by the recruitment/manning agency under Section 10, each migrant worker deployed by a recruitment/manning agency shall be covered by a compulsory insurance policy which shall be secured at no cost to the said worker. Such insurance policy shall be effective for the duration of the migrant worker's employment and shall cover, at the minimum:

- "(a) Accidental death, with at least Fifteen Thousand United States Dollars (US\$15,000.00) survivor's benefit payable to the migrant worker's beneficiaries.
- "(b) Natural death, with at least Ten Thousand United States Dollars (US\$10,000.00) survivor's benefit payable to the migrant worker's beneficiaries.
- "(c) Permanent total disablement, with at least Seven Thousand Five Hundred United States Dollars (US\$7,500.00) disability benefit payable to the migrant worker. The following disabilities shall be deemed permanent: total, complete loss of sight of both eyes; loss of two (2) limbs at or above the ankles or wrists; permanent complete paralysis of two (2) limbs; brain injury resulting to incurable imbecility or insanity.
- "(d) Repatriation cost of the worker when his/her employment is terminated without any valid cause, including the transport of his or her personal belongings. In case of death, the insurance provider shall arrange and pay for the repatriation or return of the worker's remains. The insurance provider shall also render any assistance necessary in the transport including, but not limited to, locating a local licensed funeral home, mortuary, or direct disposition facility to prepare the body for transport, completing all documentation, obtaining legal clearances, procuring consular services, providing necessary casket or air transport container, as well as transporting the remains including retrieval from site of death and delivery to the receiving funeral home.
- "(e) Subsistence allowance benefit, with at least One Hundred United States Dollars (US\$100.00) per month for a maximum of six (6) months for a migrant worker who is involved in a case or litigation for the protection of his/her rights in the receiving country.
- "(f) Money claims arising from employer's liability which may be awarded or given to the worker in a judgment or settlement of his or her case in the NLRC. The insurance coverage for money claims shall be equivalent to at least three (3) months for every year of the migrant worker's employment contract.

"In addition to the above coverage, the insurance policy shall also include:

- "(g) Compassionate visit. When a migrant worker is hospitalized and has been confined for at least seven (7) consecutive days, he shall be entitled to a compassionate visit by one (1) family member or a requested individual. The insurance company shall pay for the transportation cost of the family member or requested individual to the major airport closest to the place of hospitalization of the worker. It is, however, the responsibility of the family member or requested individual to meet all visa and travel document requirements.
- "(h) Medical evacuation. When an adequate medical facility is not available proximate to the migrant worker, as determined by the insurance company's physician and/or a consulting physician, evacuation under appropriate medical supervision by the mode of transport necessary shall be undertaken by the insurance provider.
- "(i) Medical repatriation. When medically necessary as determined by the attending physician, repatriation under medical supervision to the migrant worker's residence shall be undertaken by the insurance provider at such time that the migrant worker is medically cleared for travel by commercial carrier. If the period to receive medical clearance to travel exceeds fourteen (14) days from the date of discharge from the hospital, an alternative appropriate mode of transportation, such as air ambulance, may be arranged. Medical and non-medical escorts may be provided when necessary.

"Only reputable private insurance companies duly registered with the Insurance Commission (IC), which are in existence and operational for at least five (5) years, with a net worth of at least Five Hundred Million Pesos (Php500,000,000.00) to be determined by the IC, and with a current year certificate of authority shall be qualified to provide for the worker's insurance coverage. Insurance companies who have directors, partners, officers, employees, or agents with relatives, within the fourth civil degree of consanguinity or affinity, who work or have interest in any of the licensed recruitment/manning agencies or in any of the government agencies involved in the overseas employment program shall be disqualified from providing this workers' insurance coverage.

"The recruitment/manning agency shall have the right to choose from any of the qualified insurance providers the company that will insure the migrant worker it will deploy. After procuring such insurance policy, the recruitment/manning agency shall provide an authenticated copy thereof to the migrant worker. It shall then submit the certificate of insurance coverage of the migrant worker to POEA as a requirement for the issuance of an Overseas Employment Certificate (OEC) to the migrant worker. In the case of seafarers who are insured under policies issued by foreign insurance companies, the POEA shall accept certificates or other proofs of cover from recruitment/manning agencies: *Provided*, That the minimum coverage under sub-paragraphs (a) to (i) are included therein.

"Any person having a claim upon the policy issued pursuant to subparagraphs (a), (b), (c), (d), and (e) of this section shall present to the insurance company concerned a written notice of claim together with pertinent supporting documents. The insurance company shall forthwith ascertain the truth and extent of the claim and make payment within ten (10) days from the filing of the notice of claim.

"Any claim arising from accidental death, natural death or disablement under this section shall be paid by the insurance company without any contest and without the necessity of providing fault or negligence of any kind on the part of the insured migrant worker: *Provided*, That the following documents, duly authenticated by the Philippine foreign posts, shall be sufficient evidence to substantiate the claim:

- "(a) Death Certificate. In case of natural or accidental death
- "(b) Police or Accident Report. In case of accidental death
- "(c) Medical Certificate. In case of permanent disablement

"For repatriation under subparagraph (d) hereof, a certification which states the reason/s for the termination of the migrant worker's employment and the need for his or her repatriation shall be issued by the Philippine foreign post or the Philippine Overseas Labor Office (POLO) located in the receiving country.

"For subsistence allowance benefit under subparagraph (e), the concerned Labor Attaché or, in his absence, the embassy or consular official shall issue a certification which states the name of the case, the names of the parties and the nature of the cause of action of the migrant worker.

"For the payment of money claims under subparagraph (f), the following rules shall govern:

- "(a) After a decision has become final and executor or a settlement/compromise agreement has been reached between the parties at the NLRC, an order shall be released mandating the respondent recruitment/manning agency to pay the amount adjudged or agreed upon within thirty (30) days.
- "(b) The recruitment/manning agency shall then immediately file a notice of claim with its insurance provider for the amount of liability insured, attaching there with a copy of the decision or compromise agreement.
- "(c) Within ten (10) days from the filing of notice of claim, the insurance company shall make payment to the recruitment/manning agency the amount adjudged or agreed upon, or the amount of liability insured, whichever is lower. After receiving the insurance payment, the recruitment/manning agency shall immediately pay the migrant worker's claim in full, taking into account that in case the amount of insurance coverage is insufficient to satisfy the amount adjudged or agreed upon, it is liable to pay the balance thereof.
- "(d) In case the insurance company fails to make payment within ten (10) days from the filing of the claim, the recruitment/manning agency shall pay the amount adjudged or agreed upon within the remaining days of the thirty (30)-day period, as provided in the first subparagraph hereof.
- "(e) If the worker's claim was not settled within the aforesaid thirty (30)-day period, the recruitment/manning agency's performance bond or escrow deposit shall be forthwith garnished to satisfy the migrant worker's claim.
- "(f) The provision of compulsory worker's insurance under this section shall not affect the joint and solidary liability of the foreign employer and the recruitment/manning agency under Section 10.
- "(g) Lawyers for the insurance companies, unless the latter is impleaded, shall be prohibited to appear before the NLRC in money claims cases under this section.

"Any question or dispute in the enforcement of any insurance policy issued under this section shall be brought before the IC for mediation or adjudication.

"In case it is shown by substantial evidence before the POEA that the migrant worker who was deployed by a licensed recruitment/manning agency has paid for the premium or the cost of the insurance coverage or that the said insurance coverage was used as basis by the recruitment/manning agency to claim any additional fee from the migrant worker, the said licensed recruitment/manning agency shall lose its license and all its directors, partners, proprietors, officers, and employees shall be perpetually disqualified from engaging in the business of recruitment of overseas workers. Such penalty is without prejudice to any other liability which such persons may have incurred under existing laws, rules, or regulations.

"For migrant workers recruited by the POEA on a government-to-government arrangement, the POEA shall establish a foreign employers' guarantee fund which shall be answerable to the workers' monetary claims arising from breach of contractual obligations. For migrant workers classified as rehires, name hires or direct hires, they may opt to be covered by this insurance coverage by requesting their foreign employers to pay for the cost of the insurance coverage or they may pay for

the premium themselves. To protect the rights of these workers, the POEA shall provide them adequate legal assistance, including conciliation and mediation services, whether at home or abroad.

"At the end of every year, DOLE and the IC shall jointly make an assessment of the performance of all insurance providers, based upon the report of the NLRC and the POEA on their respective interactions and experiences with the insurance companies, and they shall have the authority to ban or blacklist such insurance companies which are known to be evasive or not responsive to the legitimate claims of migrant workers. DOLE shall include such assessment in its year-end report to Congress.

"For purposes of this section, DOLE, IC, NLRC, and POEA, in consultation with the recruitment/manning agencies and legitimate nongovernment organizations advocating the rights and welfare of overseas Filipino workers, shall formulate the necessary implementing rules and regulations.

"The foregoing provisions on compulsory insurance coverage shall be subject to automatic review through the Congressional Oversight Committee immediately after three (3) years from the effectivity of this Act in order to determine its efficacy in favour of the covered OFWs and the compliance by recruitment/manning agencies and insurance companies, without prejudice to an earlier review if necessary and warranted for the purpose of modifying, amending and/or repealing these subject provisions.

Section 24. A new Section 37-B of Republic Act No. 8042, as amended, is hereby added to read as follows:

"SEC. 37-B. *Congressional Oversight Committee.* – There is hereby created a Joint Congressional Oversight Committee composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the chairpersons of the Senate Committee on Labor and Employment and the House of Representatives Committee on Overseas Workers Affairs. The Oversight Committee shall have the following duties and functions:

- "(a) To set the guidelines and overall framework to monitor and ensure the proper implementation of Republic Act No. 8042, as amended, as well as all programs, projects and activities related to overseas employment.
- "(b) To ensure transparency and require the submission of reports from concerned government agencies on the conduct of programs, projects and policies relating to the implementation of Republic Act No. 8042, as amended.
- "(c) To approve the budget for the programs of the Oversight Committee and all disbursements therefrom, including compensation of all personnel.
- "(d) To submit periodic reports to the President of the Philippines and Congress on the implementation of the provisions of Republic Act No. 8042, as amended.
- "(e) To determine weaknesses in the law and recommend the necessary remedial legislation or executive measures.
- "(f) To perform such other duties, functions and responsibilities as may be necessary to attain its objectives.

"The Oversight Committee shall adopt its internal rules of procedure, conduct hearings and receive testimonies, reports, and technical advice, invite or summon by subpoena *ad testificandum* any public official or private citizen to testify before it, or require any person by subpoena *duces tecum* documents or other materials as it may require consistent with the provisions of Republic Act No. 8042, as amended.

"The Oversight Committee shall organize its staff and technical panel, and appoint such personnel, whether on secondment from the Senate and the House of Representatives or on temporary, contractual, or on consultancy, and determine their compensation subject to applicable civil service laws, rules and regulations with a view to ensuring a competent and efficient secretariat.

"The members of the Oversight Committee shall not receive additional compensation, allowances or emoluments for services rendered thereto except traveling, extraordinary and other necessary expenses to attain its goals and objectives.

"The Oversight Committee shall exist for a period of ten (10) years from the effectivity of this Act and may be extended by a joint concurrent resolution".

Section 25. *Implementing Rules and Regulations.* – The departments and agencies charged with carrying out the provisions of this Act, except as otherwise provided herein, in consultation with the Senate Committee on Labor and Employment and the House of Representatives Committee on Overseas Workers Affairs, shall, within sixty (60) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

Section 26. *Funding.* – The departments, agencies, instrumentalities, bureaus, offices, and government-owned and controlled corporations charged with carrying out the provisions of this Act shall include in their respective programs the implementation of this Act, the funding of which shall be included in the General Appropriations Act. The Congressional Oversight Committee on Overseas Workers Affairs shall have the sum of Twenty Five Million Pesos (Php25,000,000.00), half of which shall be charged against the current appropriations of the Senate while the other half shall be charged against the current appropriations of the House of Representatives, to carry out its powers and functions for its initial operations and for fiscal years wherein the General Appropriations Act is reenacted and no provision for its continued operation is included in such Act. Thereafter, such amount necessary for its continued operations shall be included in the annual General Appropriations Act.

Section 27. *Separability Clause.* – If, for any reason, any portion of this Act is declared unconstitutional or invalid, the same shall not affect the validity of the other provisions not affected thereby.

Section 28. *Repealing Clause.* – All laws, decrees, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 29. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

This Act which is a consolidation of Senate Bill No. 3286 and House Bill No. 5649 was finally passed by the Senate and the House of Representatives on January 18, 2010 and December 18, 2009, respectively.

REFERENCE NO. 3-5
OMNIBUS RULES AND REGULATIONS IMPLEMENTING
REPUBLIC ACT NO. 8042, AS AMENDED BY REPUBLIC ACT NO. 10022

Republic of the Philippines

**OMNIBUS RULES AND REGULATIONS IMPLEMENTING THE MIGRANT WORKERS
AND
OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED BY REPUBLIC ACT NO. 10022**

Pursuant to the authority vested by law on the Secretary of Foreign Affairs, Secretary of Labor and Employment, Secretary of Health, the Chairman of the National Labor Relations Commission, and the Insurance Commissioner, and in the light of Republic Act No. 10022, An Act Amending Republic Act No. 8042, Otherwise Known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and For Other Purposes, the following Implementing Rules and Regulations are hereby promulgated:

RULE I
GENERAL PROVISIONS

Section 1. Declaration of Policies. –

(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in the country or overseas, in general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt/be signatory to and ratify those that guarantee protection to our migrant workers, and endeavor to enter into bilateral agreements with countries receiving overseas Filipino workers.

(b) The State shall afford full protection to labour, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic, and legal services to Filipino migrant workers.

(c) While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development.

(d) The State affirms the fundamental equality before the law of women and men and the significant role of women in nation building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers.

(e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/documented or irregular/undocumented, are adequately protected and safeguarded.

(f) The right of Filipino migrant workers and all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed.

(g) The State recognizes that the most effective tool for empowerment is the possession of skills by migrant workers. The government shall expand access of migrant workers to free skills development and enhancement programs through guidelines on scholarships, training subsidies/grants of the concerned agencies. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only of skilled Filipino workers.

(h) The State recognizes that non-governmental organizations, trade unions, workers associations, stakeholders and other similar entities duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. The significant contribution of recruitment and manning agencies shall form part of this partnership.

RULE II DEFINITION OF TERMS

Section 1. Definitions. –

(a) Act – refers to the “Migrant Workers and Overseas Filipinos Act of 1995,” as amended by Republic Act No. 9422 and Republic Act No. 10022.

(b) Authority – refers to a document issued by the Secretary of Labor and Employment authorizing the officers, personnel, agents or representatives of a licensed recruitment/manning agency to conduct recruitment and placement activities in a place stated in the license or in a specified place.

(c) BI – Bureau of Immigration

(d) Bona fide Non-Governmental Organizations (NGOs) – refer to non-government, civil society, or faith-based organizations duly recognized by the Philippine Embassy as active partners of the Philippine Government in the protection of Filipino migrant workers and the promotion of their welfare.

(e) CICT – Commission on Information and Communications Technology

(f) Contracted Workers – refer to Filipino workers with employment contracts already processed by the POEA for overseas deployment.

(g) DFA – Department of Foreign Affairs

(h) DILG – Department of the Interior and Local Government

(i) Direct Hires – refer to workers directly hired by employers for overseas employment as authorized by the Secretary of Labor and Employment and processed by the POEA, including:

1. Those hired by international organizations;
2. Those hired by members of the diplomatic corps; and
3. Name hires or workers who are able to secure overseas employment opportunities with employers without the assistance or participation of any agency.

(j) DOH – Department of Health

(k) DOJ – Department of Justice

(l) DOLE – Department of Labor and Employment

(m) DOST – Department of Science and Technology

(n) DOT – Department of Tourism

(o) Employment Contract – refers to the following:

1. For land-based workers hired by private recruitment/employment agencies – an individual written agreement between the foreign principal/employer and the worker based on the master employment contract approved by the Administration; and
2. For seafarers – the written standard POEA-approved employment contract stipulating a specific period of employment and formulated through tripartite consultation, individually adopted and agreed upon by the principal/employer and the seafarer.

(p) Filipino Service Contractor – refers to any person, partnership or corporation duly licensed as a private recruitment agency by the Secretary of Labor and Employment to recruit workers for its accredited projects or contracts overseas.

(q) Gender Sensitivity – refers to cognizance of the inequalities and inequities prevalent in society between women and men and a commitment to address issues with equal concern for the respective interest of the sexes.

(r) Head or Manage – refers to any of the following acts:

1. Control and supervise the operations of the recruitment/manning agency or branch thereof of which they are employed; or
2. Exercise the authority to hire or fire employees and lay down and execute management policies of the recruitment/manning agency or branch thereof.

(s) Joint and Several Liability – refers to the liability of the principal/employer and the recruitment/manning agency, for any and all claims arising out of the implementation of the employment contract involving Filipino workers for overseas deployment. If the recruitment/manning agency is a juridical being, the corporate officers and directors and partners, as the case may be, shall themselves be jointly and severally liable with the corporation or partnership for the aforesaid claims and damages.

(t) IC – Insurance Commission

(u) Irregular/Undocumented Filipino Migrant Workers – refer to the following:

1. Those who acquired their passports through fraud or misrepresentation
2. Those who possess expired visas or permits to stay
3. Those who have no travel document whatsoever
4. Those who have valid but inappropriate visas
5. Those whose employment contracts were not processed by the POEA or subsequently verified and registered on-site by the POLO, if required by law or regulation.

(v) Labor Code – PD No. 442, as amended

(w) License – refers to the document issued by the Secretary of Labor and Employment authorizing a person, partnership or corporation to operate a private recruitment/manning agency.

(x) LGU – Local Government Unit

(y) Manning Agency – refers to any person, partnership or corporation duly licensed by the Secretary of Labor and Employment to engage in the recruitment and placement of seafarers for ships plying international waters and for related maritime activities.

(z) NBI – National Bureau of Investigation

(aa) NCC – National Computer Center

(bb) NLRC – National Labor Relations Commission

(cc) Non-licensee – refers to any person, partnership or corporation with no valid license to engage in recruitment and placement of overseas Filipino workers or whose license is revoked, cancelled, terminated, expired, or otherwise delisted from the roll of licensed recruitment/manning agencies registered with the POEA.

(dd) NRCO – National Reintegration Center for Overseas Filipino Workers

(ee) NSCB – National Statistical and Coordination Board

(ff) NSO – National Statistics Office

(gg) NTC – National Telecommunications Commission

(hh) Overseas Filipinos – refer to migrant workers, other Filipino nationals and their dependents abroad.

(ii) Overseas Filipino in Distress – refers to an Overseas Filipino who has a medical, psychosocial or legal assistance problem requiring treatment, hospitalization, counseling, legal representation as specified in Rule IX of these Rules or any other kind of intervention with the authorities in the country where he or she is found.

(jj) Overseas Filipino Worker or Migrant Worker – refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas. A “person to be engaged in a remunerated activity” refers to an applicant worker who has been promised or assured employment overseas.

(kk) OWWA – Overseas Workers Welfare Administration.

(ll) Placement Fees – refer to any and all amounts charged by a private recruitment agency from a worker for its recruitment and placement services as prescribed by the Secretary of Labor and Employment.

(mm) POEA – Philippine Overseas Employment Administration, shall be used interchangeably with the term “Administration”.

(nn) POLO – Philippine Overseas Labor Office.

(oo) Principal – refers to an employer or foreign placement agency hiring or engaging Filipino workers for overseas employment through a licensed private recruitment/manning agency.

(pp) Private Recruitment/Employment Agency – refers to any person, partnership or corporation duly licensed by the Secretary of Labor and Employment to engage in the recruitment and placement of workers for overseas employment for a fee which is charged, directly or indirectly, from the workers or employers or both.

(qq) Rehires – refer to land-based workers who renewed their employment contracts with the same principal.

(rr) Regular/Documented Filipino Migrant Workers – refer to the following:

1. Those who possess valid passports and appropriate visas or permits to stay and work in the receiving country; and
2. Those whose contracts of employment have been processed by the POEA, or subsequently verified and registered on-site by the POLO, if required by law or regulation.

(ss) Seafarer – refers to any person who is employed or engaged in overseas employment in any capacity on board a ship other than a government ship used for military or non-commercial purposes. The definition shall include fishermen, cruise ship personnel and those serving on mobile offshore and drilling units in the high seas.

(tt) Skilled Filipino Workers – refer to those who have obtained an academic degree, qualification, or experience, or those who are in possession of an appropriate level of competence, training and certification, for the job they are applying, as may be determined by the appropriate government agency.

(uu) TESDA – Technical Education and Skills Development Authority.

(vv) Underage Migrant Workers – refer to those who are below 18 years or below the minimum age requirement for overseas employment as determined by the Secretary of Labor and Employment.

RULE III DEPLOYMENT OF MIGRANT WORKERS

Section 1. Guarantees of Migrant Workers’ Rights. – The State shall allow the deployment of OFWs only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection of the rights of OFWs:

- (a) It has existing labor and social laws protecting the rights of workers, including migrant workers.
- (b) It is a signatory to and/or a ratifier of multilateral conventions, declarations, or resolutions relating to the protection of workers, including migrant workers.
- (c) It has concluded a bilateral agreement or arrangement with the government on the protection of the rights of overseas Filipino workers. *Provided*, that the receiving country is taking positive and concrete measures to protect the rights of migrant workers in furtherance of any of the guarantees under subparagraphs (a), (b), and (c) hereof.

“Positive and concrete measures” shall include legislative or executive initiatives, diplomatic negotiations, judicial decisions, programs, projects, activities and such other acts by the receiving country aimed at protecting the rights of migrant workers.

For purposes of the preceding paragraphs, the DFA shall issue a certification that a receiving country complies with any of the guarantees under subparagraphs (a), (b), and (c) hereof, and that the receiving country is taking such positive and concrete measures to protect workers, including migrant workers. The DFA shall issue such certification to the POEA, specifying therein the pertinent

provisions of the receiving country's labor/social law, or the convention/declaration/resolution, or the bilateral agreement/arrangement which protect the rights of migrant workers. Such a certification shall be subject to review by the DFA as often as may be deemed necessary.

The POEA Governing Board shall, in a Resolution, allow only the deployment of OFWs to receiving countries which have been certified by the DFA as compliant with the above stated guarantees.

The POEA shall register OFWs only for receiving countries allowed by the POEA Governing Board, subject to existing standards on accreditation of foreign employers/principals and qualification requirements for workers.

Section 2. Liability of the Members of the POEA Governing Board, Government Officials and Employees. – The members of the POEA Governing Board who actually voted in favour of a Resolution allowing the deployment of migrant workers without the DFA certification referred to in the preceding section shall suffer the penalties of removal or dismissal from service with disqualification to hold any appointive public office for five (5) years. Further, the government official or employee responsible for the issuance of the permit or for allowing the deployment of migrant workers in violation of this section and in direct contravention of a Resolution by the POEA Governing Board prohibiting deployment shall be meted the same penalties in this section.

Section 3. Deployment of OFWs to Ocean-Going Ships. – The State shall also allow the deployment of OFWs to ships navigating the foreign seas or to installations located offshore or on high seas whose owners/employers are compliant with international laws and standards that protect the rights of migrant workers.

Section 4. Deployment to Companies and Contractors with International Operations. – The State shall likewise allow the deployment of OFWs to companies and contractors with international operations: *Provided*, that they are compliant with standards, conditions and requirements, as embodied in the employment contracts prescribed by the POEA and in accordance with internationally-accepted standards.

Section 5. Deployment of Skilled Workers. – As soon as adequate mechanisms for determination of skills are in place and consistent with national interest, the Secretary of Labor and Employment shall allow the deployment only of skilled Filipino workers.

Section 6. Termination or Ban on Deployment. – Notwithstanding the provisions of Sections 1 and 5 of this Rule, in pursuit of the national interest or when public welfare so requires, the POEA Governing Board, after consultation with the DFA, may, at any time, terminate or impose a ban on the deployment of migrant workers.

The POEA Governing Board may, after consultation with the DFA, grant exceptions to the ban or lift the ban.

Section 7. Travel Advisory. – The DFA shall issue travel advisories as the need arises. A “travel advisory” is a notice to the traveling public normally for a security reason and based on the prevailing peace and order situation in a specific destination.

Section 8. Labor Situationer. – The POEA, in consultation with the DFA, shall disseminate information on labour and employment conditions, migration realities and other facts, as well as adherence of particular countries to international standards on human and worker's rights which will adequately prepare individuals into making informed and intelligent decisions about overseas employment. The POEA shall publish, in a timely manner, such advisory in a newspaper of general circulation. The POEA may undertake other programs or resort to other modes of information

and dissemination campaigns, such as the conduct of nationwide, comprehensive, and sustainable Pre-Employment Orientation Seminars.

RULE IV ILLEGAL RECRUITMENT

Section 1. Definition. – For purposes of the Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13(f) of PD No. 442, as amended, otherwise known as the Labor Code of the Philippines: Provided, that any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

- (a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay or acknowledge any amount greater than that actually received by him as a loan or advance.
- (b) To furnish or publish any false notice or information or document in relation to recruitment or employment.
- (c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code, or for the purpose of documenting hired workers with the POEA, which include the act of reprocessing workers through a job order that pertains to non-existent work, work different from the actual overseas work or work with a different employer whether registered or not with the POEA.
- (d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment.
- (e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency or who has formed, joined, or supported, or has contacted or is supported by any union or workers' organization.
- (f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines.
- (g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative.
- (h) To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures, and such other matters or information as may be required by the Secretary of Labor and Employment.
- (i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by DOLE from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the DOLE.
- (j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency.
- (k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations, or for any other reasons, other than those authorized under the Labor Code and its implementing Rules and Regulations.
- (l) Failure to actually deploy a contracted worker without valid reason as determined by DOLE.
- (m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault.
- (n) To allow a non-Filipino citizen to head or manage a licensed recruitment/manning agency.

Section 2. Crime Involving Economic Sabotage. – Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

Section 3. Other Prohibited Acts. – In addition to the acts enumerated above, it shall also be unlawful for any person or entity to commit the following prohibited acts:

- (a) Grant a loan to an OFW with interest exceeding eight per cent (8%) per annum, which will be used for payment of legal and allowable placement fees and make the migrant worker issue, either personally or through a guarantor or accommodation party, post-dated checks in relation to the said loan.
- (b) Impose a compulsory and exclusive arrangement whereby an OFW is required to avail of a loan only from specifically designated institutions, entities, or persons.
- (c) Refuse to condone or renegotiate a loan incurred by an OFW after the latter's employment contract has been prematurely terminated through no fault of his/her own.
- (d) Impose a compulsory and exclusive arrangement whereby an OFW is required to undergo health examinations only from specifically designated medical clinics, institutions, entities or persons, except in the case of a seafarer whose medical examination cost is shouldered by the principal/shipowner.
- (e) Impose a compulsory and exclusive arrangement whereby an OFW is required to undergo training, seminar, instruction or schooling of any kind only from specifically designated institutions, entities or persons, except for recommendatory training mandated by principals/shipowners where the latter shoulder the cost of such trainings.
- (f) For a suspended recruitment/manning agency to engage in any kind of recruitment activity including the processing of pending workers' applications.
- (g) For a recruitment/manning agency or a foreign principal/employer to pass-onto the OFW or deduct from his/her salary the payment of the cost of insurance fees, premium or other insurance related charges, as provided under the compulsory worker's insurance coverage.

Section 4. Persons Responsible. – The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having ownership, control, management, or direction of their business who are responsible for the commission of the offense and the responsible employees/agents thereof shall be liable.

Section 5. Penalties. –

- (a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not less than One Million Pesos (Php1,000,000.00) nor more than Two Million Pesos (Php2,000,000.00).
- (b) The penalty of life imprisonment and a fine of not less than Two Million Pesos (Php2,000,000.00) nor more than Five Million Pesos (Php5,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined therein. *Provided, however,* that the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or committed by a non-licensee or non-holder of authority.
- (c) Any person found guilty of any of the prohibited acts shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) nor more than One Million Pesos (Php1,000,000.00).

If the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings.

In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment/manning agency, lending institutions, training school, or medical clinic.

Section 6. Venue. – A criminal action arising from illegal recruitment as defined under this Rule shall be filed with the Regional Trial Court of the province or city where the offense was committed or where the offended party actually resides at the time of the commission of the offense; *Provided*, that the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Section 7. Prescription. – Illegal recruitment cases under this Rule shall prescribe in five (5) years: *Provided, however*, that illegal recruitment cases involving economic sabotage shall prescribe in twenty (20) years.

Section 8. Independent Action. – The filing of an offense punishable under this section shall be without prejudice to the filing of cases punishable under other existing laws, rules, or regulations.

RULE V PROHIBITION OF GOVERNMENT PERSONNEL

Section 1. Disqualification. – The following personnel shall be prohibited from engaging directly or indirectly in the business of recruitment of migrant workers:

- (a) Any official or employee of the DOLE, POEA, OWWA, DFA, DOJ, DOH, BI, IC, NLRC, TESDA, CFO, NBI, Philippine National Police (PNP), MIAA, Civil Aviation Authority of the Philippines (CAAP), and other government agencies involved in the implementation of the Act, regardless of the status of his/her employment.
- (b) Any of his/her relatives within the fourth civil degree of consanguinity or affinity.

Any government official or employee found to be violating this section shall be charged administratively, according to Civil Service Rules and Regulations without prejudice to criminal prosecution.

The government agency concerned shall monitor and initiate, upon its initiative or upon the petition of any private individual, action against erring officials and employees, and/or their relatives.

RULE VI ANTI-ILLEGAL RECRUITMENT PROGRAMS

Section 1. POEA Anti-Illegal Recruitment Programs. – The POEA adopts policies and procedures, prepares and implements intensified programs and strategies towards the eradication of illegal recruitment activities such as, but not limited to the following:

- (a) Providing legal assistance to victims of illegal recruitment and related cases which are administrative or criminal in nature, such as but not limited to documentation and counseling.
- (b) Prosecution of illegal recruiters, during preliminary investigation and during trial in collaboration with the DOJ prosecutors.
- (c) Special operations such as surveillance and closure of establishment or entities suspected to be engaged in illegal recruitment.
- (d) Information and education campaign.

Whenever necessary, the POEA shall coordinate with other appropriate entities in the implementation of said programs.

Section 2. Legal Assistance. – The POEA shall provide free legal service to victims of illegal recruitment and related cases which are administrative or criminal in nature in the form of legal advice, assistance in the preparation of complaints and supporting documents, institution of criminal actions.

Section 3. Receiving of Complaints for Illegal Recruitment. – Victims of illegal recruitment and related cases which are administrative or criminal in nature may file with the POEA a report or complaint in writing and under oath for assistance purposes.

In regions outside the National Capital Region, complaints and reports involving illegal recruitment may be filed with the appropriate regional office of the POEA or DOLE. The complaints and reports received by the DOLE shall be endorsed to the POEA for proper evaluation.

Section 4. Endorsement of Case to the Proper Prosecution Office. – The POEA, after evaluation and proper determination that sufficient evidence exists for illegal recruitment and other related cases, shall endorse the case to the proper Prosecution Office for the conduct of preliminary investigation.

During preliminary investigation, the complainant may avail of legal assistance or counseling from the POEA.

Section 5. Institution of Criminal Action. – The Secretary of Labor and Employment, the POEA Administrator or the DOLE Regional Director, or their duly authorized representatives, or any aggrieved person, may initiate the corresponding criminal action with the appropriate office.

Section 6. Affidavits and Testimonies of Operatives. – Affidavits and testimonies of operatives or personnel from the DOLE, POEA, and law enforcement agencies who witnessed the acts constituting the offense shall be sufficient basis to prosecute the accused.

Section 7. Legal Assistance During Trial. – In the prosecution of offenses punishable under Section 6 of the Act, the Anti-Illegal Recruitment Branch of the POEA shall collaborate with the public prosecutors of the DOJ and, in certain cases, allow the POEA lawyers to take the lead in prosecution.

Section 8. Special Allowance for Lawyers of the Prosecution Division. – The POEA lawyers who act as special counsels during preliminary investigation and/or as collaborating attorneys of the public prosecutors of the DOJ during court hearings shall be entitled to receive additional allowances in such amounts as may be determined by the Administrator.

Section 9. Action on the Complaint/Report. – Where the complaint/report alleges that illegal recruitment activities are on-going, surveillance shall be undertaken at the premises where the alleged illegal recruitment activities are conducted. If illegal recruitment activities are confirmed, the POEA Director of the Licensing and Regulation Office (LRO) shall recommend to the POEA Administrator the institution of criminal action and/or the issuance of a closure order or order of preventive suspension.

Section 10. Surveillance. – The POEA and/or designated officials in the DOLE regional offices may, on their own initiative, conduct surveillance on the alleged illegal recruitment activities.

Within two (2) days from the termination of surveillance, a report supported by an affidavit shall be submitted to the Director-LRO or the Regional Director concerned, as the case may be.

Section 11. Issuance of Closure Order. – The POEA Administrator or the concerned DOLE Regional Director may conduct an *ex parte* preliminary examination to determine whether the activities of a non-licensee constitute a danger to national security and public order or will lead to further exploitation of jobseekers. For this purpose, the POEA Administrator or the Regional Director concerned or their duly authorized representatives, may examine personally the complainants and/or their witnesses in the form of searching questions and answers and shall take their testimony under oath. The testimony of the complainants and/or witnesses shall be reduced in writing and signed by them and attested by an authorized officer.

If based on a surveillance report, or preliminary examination of the complainants, the POEA Administrator or DOLE Regional Director, or their authorized representative is satisfied that such danger or exploitation exists, a written order shall be issued by the POEA Administrator for the closure of the establishment being used for illegal recruitment activity.

In case of a business establishment whose license or permit to operate a business was issued by the local government, the Secretary of Labor and Employment, the POEA Administrator or the Regional Director concerned shall likewise recommend to the granting authority the immediate cancellation/revocation of the license or permit to operate its business.

Section 12. Implementation of Closure Order. – A closure order shall be served upon the offender or the person in charge of the subject establishment. The closure shall be effected by sealing and padlocking the establishment and posting of notice of such closure in bold letters at a conspicuous place in the premises of the establishment. Whenever necessary, the assistance and support of the appropriate law enforcement agencies may be requested for this purpose.

Section 13. Report on Implementation. – A report on the implementation of the closure order executed under oath, stating the details of the proceedings undertaken shall be submitted to the Director-LRO or the Regional Director concerned, as the case may be, within two (2) days from the date of implementation.

Section 14. Institution of Criminal Action upon Closure Order. – The POEA Administrator or the DOLE Regional Director, or their duly authorized representatives, or any law enforcement agencies or any aggrieved person may initiate the corresponding criminal action with the appropriate prosecutor's office.

Section 15. Effect of Closure Order. – All officers and responsible employees of the entity engaged in illegal recruitment activities shall be ordered included in the List of Persons with Derogatory Record and be disqualified/barred from participating in the overseas employment program of the government.

Section 16. Who May File a Motion to Reopen the Establishment. – The motion to re-open may be filed only by the following:

- (a) The owner of the building or his/her duly authorized representative.
- (b) The building administrator or his/her duly authorized representative.
- (c) Any other person or entity legitimately operating within the premises closed/padlocked whose operations/activities are distinct from the recruitment activities of the person/entity subject of the closure order.

Section 17. Grounds for Reopening the Establishment. –

- (a) That the office is not the subject of the closure order.
- (b) That the contract of lease with the owner of the building or the building administrator has already been cancelled or terminated. The request to re-open shall be duly supported by an affidavit of undertaking either of the owner of the building or the building administrator that the same will not be leased/rented to any other person/entity for recruitment purposes without the necessary license from the POEA.
- (c) That the office is shared by a person/entity not involved in illegal recruitment activities, whether directly or indirectly.
- (d) Any other analogous ground that the POEA may consider as valid and meritorious.

Section 18. Motion to Lift a Closure Order. – A motion to lift a closure order which has already been implemented may be entertained only when filed with the Licensing and Regulation Office (LRO) within ten (10) calendar days from the date of implementation. The motion shall be verified and shall clearly state the grounds upon which it is based, attaching supporting documents. A motion to lift which does not conform to the requirements herein set forth shall be denied.

Section 19. Who May File Motion to Lift a Closure Order. – The verified motion to lift closure order may be filed only by the person or entity against whom the closure order was issued and implemented or a duly authorized representative.

Section 20. Grounds for Lifting a Closure Order. – Lifting of the closure order may be granted on any of the following grounds:

- (a) The person/entity is later found out or has proven that it is not involved in illegal recruitment activities, whether directly or indirectly.
- (b) Any other analogous ground that the POEA may consider as valid and meritorious. Lifting of a closure order is without prejudice to the filing of criminal complaints with the appropriate office against the person alleged to have conducted illegal recruitment activities.

Section 21. Appeal. – The order of the POEA Administrator denying the motion to lift a closure order and/or motion to re-open may be appealed to the Secretary of Labor and Employment within ten (10) days from receipt thereof.

Section 22. Monitoring of Establishments. – The POEA shall monitor establishments that are subject of closure orders. Where a re-opened office is subsequently confirmed as still being used for illegal recruitment activities, a new closure order shall be issued which shall not be subject to a motion to lift.

Section 23. Pre-Employment Orientation Seminar (PEOS). – The POEA shall strengthen its comprehensive Pre-Employment Orientation Program through the conduct of seminars that will discuss topics such as legal modes of hiring for overseas employment, rights, responsibilities, and obligations of migrant workers, health issues, prevention, and *modus operandi* of illegal recruitment and gender sensitivity.

The POEA shall inform migrant workers not only of their rights as workers but also of their rights as human beings, instruct and guide the workers how to assert their rights and provide the available mechanism to redress violation of their rights.

Section 24. Partnership with LGUs, other Government Agencies and NGOs. – The POEA shall maintain and strengthen its partnership with LGUs, other government agencies and NGOs advocating the rights and welfare of OFWs for the purpose of dissemination of information on all aspects of overseas employment.

For this purpose, the POEA shall continuously provide the concerned entities with updated lists of licensed agencies and entities and information materials such as brochures, pamphlets, posters, as well as recent anti-illegal recruitment laws and regulations for distribution to their respective constituents.

RULE VII MONEY CLAIMS

Section 1. Jurisdiction of Labor Arbiters. – Notwithstanding any provision of law to the contrary, the Labor Arbiters of the NLRC shall have the original and exclusive jurisdiction to hear and decide, within ninety (90) calendar days after the filing of the complaint, the claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual, moral, exemplary, and other forms of damages.

Section 2. Updates in the Global Services Industry. – Consistent with the mandate in the preceding section, the NLRC shall:

- (a) Endeavor to update and keep abreast with the developments in the global services industry.
- (b) Participate in international or local conferences involving migration issues and in relevant overseas missions.

Section 3. Joint and Several Liability. – The liability of the principal/employer and the recruitment/placement agency on any and all claims under this Rule shall be joint and several. This liability shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval. The performance bond to be filed by the recruitment/placement agency, as provided by law, shall be answerable for all money claims or damages that may be awarded to the workers.

If the recruitment/placement agency is a juridical being, the corporate officers and directors and partners, as the case may be, shall themselves be jointly and severally liable with the corporation or partnership for the aforesaid claims and damages.

Such liabilities shall continue during the entire period or duration of the employment contract and shall not be affected by any substitution, amendment or modification of the contract made locally or in a foreign country.

Section 4. Compromise Agreement. – Any compromise, amicable settlement or voluntary agreement on money claims inclusive of damages under this Rule shall be paid within thirty (30) days from the approval of the settlement by the appropriate authority, unless a different period is agreed upon by the parties and approved by the appropriate authority.

Section 5. Effect of Illegal Termination and/or Deduction. – In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, or any unauthorized deduction from the migrant worker's salary, the worker shall be entitled to the full reimbursement of his placement fee with interest of twelve per cent (12%) per annum, plus his salaries for the unexpired portion of his employment contract or three (3) months for every year of the unexpired term, whichever is less.

In case of any unauthorized deduction, the worker shall be entitled to the refund of the deductions made, with interest of twelve per cent (12%) per annum, from the date the deduction was made.

Section 6. Effect of Final and Executory Judgment. – In case of final and executory judgment against a foreign employer/principal, it shall be automatically disqualified, without further proceedings, from participating in the Philippine Overseas Employment Program and from recruiting and hiring Filipino workers until and unless it fully satisfies the judgment award.

For this purpose, the NLRC or any party in interest shall furnish the POEA a certified true copy of the sheriff's return indicating the failure to fully satisfy a final and executor judgment against a foreign employer/principal.

Should the disqualified foreign employer/principal fully satisfy the judgment award, the NLRC or any party in interest shall furnish the POEA a certified true copy of the sheriff's return indicating full compliance with the judgment which may be a basis to lift the disqualification.

Section 7. Voluntary Arbitration. – For OFWs with collective bargaining agreements, the case shall be submitted for voluntary arbitration in accordance with Articles 261 and 262 of the Labor Code.

RULE VIII ROLE OF DFA

Section 1. Assistance to Nationals as the Third Pillar of Philippine Foreign Policy. – Assistance to nationals is the third pillar of Philippine foreign policy. Pursuant to the Philippine Foreign Service Act of 1991 and the Migrant Workers and Overseas Filipinos Act, as amended, the Department of Foreign Affairs (DFA) is mandated to formulate and implement policies and programs to promote and protect the rights and welfare of Filipino migrants, and provide consular and legal assistance to overseas Filipinos in distress.

Section 2. International, Regional and Bilateral Initiatives to Protect Overseas Filipino Workers. – The DFA shall continue to advocate in international and regional for the protection and promotion of the rights and welfare of overseas Filipino workers by taking the lead and/or actively participating in the crafting of international and regional conventions/declarations/agreements that protect their rights and promote their welfare.

The DFA, through its foreign service posts, shall endeavor to improve the conditions of overseas Filipino workers. It shall establish harmonious working relations with the receiving countries through, among others, the forging of bilateral agreements/arrangements or other forms of cooperation.

Section 3. One Country-Team Approach. – Under the country-team approach, all officers, representatives and personnel posted abroad, 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.

In receiving countries where there are Philippine consulates, such consulates shall also constitute part of the country-team under the leadership of the ambassador.

In the implementation of the country-team approach, visiting Philippine delegations shall be provided full support and information.

Section 4. Negotiations of International Agreements. – The DFA shall be the lead agency that shall advise and assist the President in planning, organizing, directing, coordinating and evaluating the total national effort in the field of foreign relations pursuant to the Revised Administrative Code (Executive Order No. 292).

RULE IX LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS

Section 1. Function and Responsibilities. – The Legal Assistant for Migrant Workers Affairs under the Department of Foreign Affairs shall be primarily responsible for the provision and over-all coordination of all legal assistance services to Filipino Migrant Workers as well as Overseas Filipinos in distress. In the exercise of these primary responsibilities, he/she shall discharge the following duties and functions:

- (a) Issue the guidelines, procedures and criteria for the provision of legal assistance services to Filipino Migrant Workers.
- (b) Establish close linkages with the DOLE, POEA, OWWA, and other government agencies concerned, as well as with NGOs assisting migrant workers, to ensure effective coordination in providing legal assistance to migrant workers.
- (c) When necessary, tap the assistance of the Integrated Bar of the Philippines other bar associations, legal experts on labour, migration, and human rights laws, reputable law firms, and other civil society organizations, to complement government services and resources to provide legal assistance to migrant workers.
- (d) Administer the Legal Assistance Fund for Migrant Workers and to authorize its disbursement, subject to approved guidelines and procedures, governing its use, disposition, and disbursement.

- (e) Keep and maintain an information system for migration as provided in Section 20 of the Act.
- (f) Prepare its budget for inclusion in the DFAs' budget in the annual General Appropriations Act.
- (g) Perform such other functions and undertake other responsibilities as may be useful, necessary or incidental to the performance of his/her mandate.

Section 2. Qualifications and Authority. – The Legal Assistant for Migrant Workers Affairs shall be headed by a lawyer of proven competence in the field of law with at least ten (10) years experience as a legal practitioner and who must not have been a candidate to an elective office in the last local or national elections. He/she shall be appointed by the President of the Philippines. He/she shall have the title, rank, salary, and privileges of an Undersecretary of Foreign Affairs, and shall head the Office of the Undersecretary for Migrant Workers' Affairs of the DFA.

He/She shall have authority to hire private lawyers, domestic or foreign, in order to assist him/her in the effective discharge of the functions of his/her Office.

Section 3. Legal Assistance Fund. – The Legal Assistance Fund created under the Act shall be used exclusively to provide legal services for Migrant Workers and Overseas Filipinos in distress in accordance with approved guidelines, criteria and procedures of the DFA.

It shall be used *inter alia* for the following specific purposes:

- (a) In the absence of a counsel *de officio* or court-appointed lawyer, payment of attorney's fees to foreign lawyers for their services in representing migrant workers facing criminal and labour cases abroad, or in filing cases against erring or abusive employers abroad, provided, that no amount shall be disbursed for the appeal of cases except when the penalty meted is life imprisonment or death or under meritorious circumstances as determined by the Undersecretary for Migrant Workers Affairs.
- (b) Bail bonds to secure the temporary release of workers under detention upon there commendation of the lawyer and the foreign service post concerned.
- (c) Court fees, charges and other reasonable litigation expenses when so recommended by their lawyers.

RULE X ROLE OF DOLE

Section 1. On-Site Protection. – The Department of Labor and Employment (DOLE) shall see to it that labor and social welfare laws in the foreign countries are fairly applied to migrant workers and whenever applicable, to other overseas Filipinos, including the grant of legal assistance and the referral to proper medical centers or hospitals.

Section 2. POLO Functions. – The Department of Labor and Employment (DOLE) overseas operating arm shall be the Philippine Overseas Labor Office (POLO), which shall have the following functions and responsibilities:

- (a) Ensure the promotion and protection of the welfare and interests of OFWs and assist them in all problems arising out of employer-employee relationships.
- (b) Coordinate the DOLE's employment promotion mandate, consistent with the principles of the Act.
- (c) Verify employment contracts and other employment-related documents.
- (d) Monitor and report to the Secretary of Labor and Employment on situations and policy developments in the receiving country that may affect OFWs in particular and Philippine labour policies, in general.
- (e) Supervise and coordinate the operations of the Migrant Workers and Other Overseas Filipinos Resource Center.
- (f) Such other functions and responsibilities as may be assigned by the Secretary of Labor and Employment.

A. POEA

Section 3. Regulation of Private Sector. – The Philippine Overseas Employment Administration (POEA) shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements. It shall be responsible for the regulation and management of overseas employment from the pre-employment stage, securing the best possible employment terms and conditions for overseas Filipino workers, and taking into consideration the needs of vulnerable sectors and the peculiarities of sea-based and land-based workers.

Section 4. Hiring through the POEA. – The Administration shall recruit and place workers primarily on government-to-government arrangements. In the recruitment and placement to service the requirements for trained and competent Filipino workers of foreign governments and their instrumentalities, and such other employers as public interests may require, the Administration shall deploy only to countries where the Philippines has concluded bilateral agreements or arrangements: Provided that such countries shall guarantee to protect the rights of Filipino migrant workers; and provided further that such countries shall observe and/or comply with the international laws and standards for migrant workers.

Section 5. Foreign Employers Guarantee Fund. – For migrant workers recruited by the POEA on a government to government arrangement, the POEA shall, through relevant guidelines, establish and administer a Foreign Employers Guarantee Fund which shall be answerable for the workers' monetary claims arising from breach of contractual obligations.

Section 6. Jurisdiction of the POEA. – The POEA shall exercise original and exclusive jurisdiction to hear and decide:

- (a) All pre-employment/recruitment violation cases which are administrative in character, involving or arising out of violations of Rules and Regulations relating to licensing and registration, including refund of fees collected from the workers or violation of the conditions for issuance of license or authority to recruit workers.
- (b) Disciplinary action cases and other special cases, which are administrative in character, involving employers, principals, contracting partners and OFWs processed by the POEA.

Section 7. Venue. – Pre-employment/recruitment violation cases may be filed with the POEA Adjudication Office or at any DOLE/POEA regional office of the place where the complainant applied or was recruited, at the option of the complainant. The office where the complaint was first filed shall take cognizance of the case.

Disciplinary action cases and other special cases shall be filed with the POEA Adjudication Office.

Section 8. Who may file. – Any aggrieved person may file a complaint in writing and under oath for violation of the Labor Code and the POEA Rules and Regulations and other issuances.

For this purpose, an aggrieved person is one who is prejudiced by the commission of a violation or any of the grounds for disciplinary actions provided in the POEA Rules and Regulations.

However, the Administration, on its own initiative, may conduct proceedings based on reports of violations or any of the grounds for disciplinary actions provided in the POEA Rules and Regulations and other issuances on overseas employment, subject to preliminary evaluation.

Section 9. Prescriptive Period. – All pre-employment/recruitment violation and disciplinary action cases shall be barred if not commenced or filed with the Administration within three (3) years after such cause of action accrued.

Section 10. Imposition of Administrative Penalty. – For pre-employment/recruitment violation cases, the Administrator, in the exercise of adjudicatory power, may impose the penalty of reprimand, suspension, or cancellation or revocation of license.

Where the penalty of suspension is imposed, the Administrator shall, in appropriate cases, allow the lifting of suspension of erring recruitment/manning agencies upon the payment of fine of Fifty Thousand Pesos (Php50,000.00) for every month of suspension.

For disciplinary action cases against employers, the Administrator may impose disqualification from the overseas employment program. For disciplinary action cases against workers, the Administrator may likewise impose suspension or disqualification.

Section 11. Appeal. – The decision of the Administrator may be appealed to the Secretary of Labor and Employment within fifteen (15) days from the receipt of the Decision.

B. OWWA

Section 12. Programs and Services. – The Overseas Workers Welfare Administration (OWWA) shall continue to formulate and implement welfare programs for overseas Filipino workers and their families in all phases of overseas employment. It shall also ensure the awareness by the OFWs and their families of these programs and other related governmental programs.

Section 13. Assistance in the Enforcement of Contractual Obligations. – In the implementation of OWWA welfare programs and services and in line with the One-Country Team Approach for on-site services, the Welfare Officer or in his/her absence, the coordinating officer shall:

- (a) Provide the Filipino migrant worker and his/her family all the assistance they may need in the enforcement of contractual obligations by agencies or entities and/or by their principals.
- (b) Make representation and may call on the agencies or entities concerned to conferences or conciliation meetings for the purpose of settling the complaints or problems brought to his/her attention. If there is no final settlement at the jobsite and the worker is repatriated back to the Philippines, conciliation may continue at the OWWA Central Office, or in any OWWA Regional Welfare Office.

C. NRCO

Section 14. Establishment of the National Reintegration Center for OFWs. – The NRCO is hereby created in the Department of Labor and Employment for returning Filipino migrant workers, which shall provide the mechanism of their reintegration into Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.

The NRCO shall, in coordination with appropriate government and non-government agencies, serve as a One-Stop Center that shall address the multi-faceted needs of OFW returnees and their families.

For this purpose, TESDA, the Technology Resource Center (TRC), and other government agencies involved in training and livelihood development shall give priority to household service workers and entertainers. The NRCO shall be attached to the Office of the Administrator of OWWA for supervision and policy guidance.

Section 15. Functions of the NRCO. – The NRCO shall undertake the following:

- (a) Develop and support programs and projects for livelihood, entrepreneurship, savings, investments and financial literacy for returning Filipino migrant workers and their families in coordination with relevant stakeholders, service providers, and international organizations.
- (b) Coordinate with appropriate stakeholders, service providers, and relevant international organizations for the promotion, development, and the full utilization of overseas Filipino worker returnees and their potentials.

- (c) Institute, in cooperation with other government agencies concerned, a computer-based information system on returning Filipino migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private.
- (d) Provide a periodic study and assessment of job opportunities for returning Filipino migrant workers.
- (e) Develop and implement other appropriate programs to promote the welfare of returning Filipino migrant workers.
- (f) Maintain an internet-based communication system for on-line registration of returning OFWs and interaction with clients, and maintain and upgrade computer-based service capabilities of the NRCO.
- (g) Develop capacity-building programs for returning overseas Filipino workers and their families, implementers, service providers, and stakeholders.
- (h) Conduct research for policy recommendations and program development.
- (i) Undertake other programs and activities as may be determined by the Secretary of Labor and Employment.

Section 16. Formulation of Program. – The DOLE, OWWA, TESDA, and POEA shall, within sixty (60) days from effectivity of these Rules, formulate a program that would motivate migrant workers to plan for productive options such as entry into highly technical jobs or undertakings, livelihood and entrepreneurial development, better wage employment, and investment of savings.

D. Migrant Workers and Other Overseas Filipinos Resource Center

Section 17. Establishment of Migrant Workers and other Overseas Filipinos Resource Center. – A Migrant Workers and other Overseas Filipinos Resource Center shall be established in countries where there are large concentration of OFWs, as determined by the Secretary of Labor and Employment. It shall be established within the premises of the Philippine Embassy or the Consulate and be under the administrative jurisdiction of the Philippine Embassy.

When the Migrant Workers and other Overseas Filipinos Resource 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 18. Services. – The Migrant Workers and other Overseas Filipinos Resource Center shall provide the following services:

- (a) Counseling 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.
- (k) Conciliation of disputes arising from employer-employee relationship, in accordance with this Rule.

Section 19. Personnel. – Each Migrant Workers and Other Overseas Filipinos Resource Center 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.
- (d) Legal Officers (POEA/NLRC/DOLE) and such other professionals deemed necessary by the Secretary of Labor and Employment.

Section 20. Administration of the Center. – The POLO through the Labor Attaché shall supervise and coordinate the operations of the Migrant Workers and other Overseas Filipinos Resource Center and shall keep the Chief of Mission informed and updated on all matters affecting it at least quarterly through a written report addressed to the Chief of Mission.

Section 21. Round-the-Clock Operations. – The Migrant Workers and other Overseas Filipino Resource Center shall operate on a 24-hour basis including Saturdays, Sundays and holidays. A counterpart 24-hour Information and Assistance Center to ensure a continuous network and coordinative mechanism shall be established at the DFA and the DOLE/OWWA.

Section 22. Budget. – The establishment, yearly maintenance and operating costs of the Migrant Workers and other Overseas Filipinos Resource Centers, including the costs of services and programs not specially funded under the Act, shall be sourced from the General Appropriations Act (GAA) and shall be included in the annual budget of the DOLE.

However, the salaries and allowances of overseas personnel shall be sourced from the respective agencies' budgets.

RULE XI ROLE OF DOH

Section 1. Regulation of Medical Clinics. – The Department of Health (DOH) shall regulate the activities and operations of all clinics which conduct medical, physical, optical, dental, psychological and other similar examinations, hereinafter referred to as health examinations, on Filipino migrant workers as requirement for their overseas employment. Pre-Employment Medical Examinations (PEME) for overseas work applicants shall be performed only in DOH-accredited medical clinics and health facilities utilizing the standards set forth by DOH. Pursuant to this, the DOH shall ensure that:

- (a) The fees for the health examinations are regulated, regularly monitored and duly published to ensure that the said fees are reasonable and not exorbitant. The DOH shall set a minimum and maximum range of fees for the different examinations to be conducted, based on a thorough and periodic review of the cost of health examinations and after consultation with concerned stakeholders. The applicant-worker shall pay directly to the DOH-accredited medical clinics or health facilities where the PEME is to be conducted.
- (b) The Filipino migrant workers shall only be required to undergo health examinations when there is reasonable certainty as certified by the hiring recruitment/manning agency pursuant to POEA Rules and Regulations that he/she will be hired and deployed to the jobsite and only those health examinations which are absolutely necessary for the type of job applied for or those specifically required by the foreign employer shall be conducted.
- (c) No group or groups of medical clinics shall have a monopoly of exclusively conducting health examinations on migrant workers for certain receiving countries.

- (d) Every Filipino migrant worker shall have the freedom to choose any of the DOH-accredited or DOH-operated clinics that will conduct his/her health examinations and that his/her rights as a patient are respected. The decking practice, which requires overseas Filipino workers to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed.
- (e) Within a period of three (3) years from the effectivity of the Act, all DOH regional and/or provincial hospitals under local government units shall establish and operate clinics that can serve the health examination requirements of Filipino migrant workers to provide them easy access to such clinics all over the country and lessen their transportation and lodging expenses.
- (f) All DOH-accredited medical clinics, including the DOH-operated clinics, conducting health examinations for Filipino migrant workers shall observe the same standard operating procedures and shall comply with internationally-accepted standards in their operations to conform with the requirements of receiving countries or of foreign employers/principals.

Section 2. Temporary Disqualification of Foreign Employers. – Any foreign employer who does not honor the results of valid health examinations conducted by a DOH-accredited or DOH-operated clinic shall be temporarily disqualified from participating in the overseas employment program, pursuant to POEA Rules and Regulations. The temporary disqualification of the employer may be lifted only upon the latter's unqualified acceptance of the result of the examination.

Section 3. Liability of Medical Clinic or Health Facility. – In case an OFW is found to be not medically fit within fifteen (15) days upon his/her arrival in the country of destination, the medical clinic or health facility that conducted the health examination/s of such OFW shall pay for his/her repatriation back to the Philippines and the cost of deployment of such worker.

Any DOH-accredited clinic which violates any provisions of this section shall, in addition to any other liability it may have incurred, suffer the penalty of revocation of its DOH accreditation if after investigation, the medical reason for repatriation could have been detected at the time of examination using the DOH PEME package as required by the employer/principal or the receiving country.

Section 4. Liability of Government Personnel for Nonfeasance and Malfeasance of their Duties under the Act. – Any government official or employee who violates any provision of this Rule shall be removed or dismissed from service with disqualification to hold any appointive public office for five (5) years. Such penalty is without prejudice to any other liability which he/she may have incurred under existing laws, rules or regulations.

Section 5. Issuance of Guidelines. – Within sixty (60) days from effectivity of these Rules, the DOH shall issue the pertinent guidelines to implement the provisions of this Rule.

RULE XII ROLE OF LGUs

Section 1. Role in Anti-Illegal Recruitment and the Overseas Employment Program. – In the fight against illegal recruitment, the local government units (LGUs) and the Department of the Interior and Local Government (DILG), in partnership with the POEA, other concerned government agencies, and non-government organizations advocating the rights and welfare of OFWs, shall take a proactive stance by being primarily responsible for the dissemination of information to their constituents on all aspects of overseas employment. To carry out this task, the following shall be undertaken by the LGUs:

- (a) Launch an aggressive campaign against illegal recruitment. They shall provide legal assistance to victims of illegal recruitment and, when necessary, coordinate with appropriate government agencies regarding the arrest and/or prosecution of illegal recruiters. They shall report any illegal recruitment activity to the POEA for appropriate action.
- (b) Provide a venue for the POEA, other government agencies, NGOs, and trained LGU personnel to conduct PEOS to their constituents on a regular basis.

- (c) Establish OFW help desks or kiosks in their localities with the objective of providing current information to their constituents on all the processes and aspects of overseas employment. Such desks or kiosks shall, as far as practicable, be fully computerized and shall be linked to the database of all concerned government agencies, particularly the POEA for its updated lists of overseas job orders and licensed agencies in good standing.
- (d) Establish and maintain a database pertaining to a master list of OFWs residing in their respective localities, classified according to occupation, job category, civil status, gender, by country or state of destination, including visa classification, name, address, and contact number of the employer.

RULE XIII

REPATRIATION OF WORKERS

Section 1. Primary Responsibility for Repatriation. – The repatriation of the worker or his/her remains, and the transport of his/her personal effects shall be the primary responsibility of the principal, employer or agency that recruited or deployed him/her abroad. All costs attendant thereto shall be borne by the principal, employer, or the agency concerned.

Section 2. Obligation to Advance Repatriation Costs. – Notwithstanding the provisions of Section 37-A of the Act, the primary responsibility to repatriate entails the obligation on the part of the principal or 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 arise, 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 agency may recover the cost of repatriation from the worker if the termination of employment was due solely to his/her fault.

In countries where there is a need to secure an exit visa for the worker's repatriation, the principal or employer shall be primarily responsible for securing the visa at no cost to the worker. The agency shall coordinate with the principal or employer in securing the visa.

Every contract for overseas employment shall provide for the primary responsibility of the principal or employer and agency to advance the cost of plane fare, and the obligation of the worker to refund the cost thereof in case his/her fault is determined by the Labor Arbiter.

Section 3. Repatriation Procedure. – When a need for repatriation arises and the foreign employer fails to provide for its cost, the POLO or responsible personnel on-site shall simultaneously notify OWWA and the POEA of such need. The POEA shall issue a notice requiring the agency concerned to provide, within 48 hours from such notice, the plane ticket or the prepaid ticket advice (PTA) to the POLO or Philippine Embassy. The agency shall notify the POEA of such compliance, which shall then inform OWWA of the action of the agency.

In case there is a need to secure an exit visa for the repatriation of the worker, the employer or principal shall have fifteen (15) days from notice to secure such an exit visa. Moreover, any agency involved in the worker's recruitment, processing, and/or deployment shall coordinate with the principal or employer in securing the visa.

Section 4. Action on Non-Compliance. – If the employment agency fails to provide the ticket or PTA within 48 hours from receipt of the notice, the POEA shall suspend the documentary processing of the agency or impose such sanctions as it may deem necessary. Upon notice from the POEA, OWWA shall advance the costs of repatriation with recourse to the agency or principal. The administrative sanction shall not be lifted until the agency reimburses the OWWA of the cost of repatriation with legal interest.

If the principal or employer and/or agency fail to secure the exit visa within a period of fifteen (15) days from receipt of the POEA notice, the POEA shall suspend the employer or principal from participating in the overseas employment program, and may impose suspension of documentary processing on the agency, if warranted.

Section 5. Emergency Repatriation. – The OWWA, in coordination with DFA, and in appropriate situations, with international agencies, shall undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, without prejudice to reimbursement by the responsible principal or agency within sixty (60) days from notice. In such case, the POEA shall simultaneously identify and give notice to the agencies concerned.

Section 6. Mandatory Repatriation of Underage Migrant Workers. – Upon discovery or upon being informed of the presence of migrant workers whose actual ages fall below the minimum age requirement for overseas deployment, the responsible officers in the Foreign Service shall without delay repatriate said workers and advise the DFA through the fastest means of communication available of such discovery and other relevant information.

In addition to requiring the recruitment/manning agency to pay or reimburse the costs of repatriation, the POEA shall cancel the license of the recruitment/manning agency that deployed an underage migrant worker after notice and hearing and shall impose a fine of not less than Five Hundred Thousand Pesos (Php500,000.00) but not more than One Million Pesos (Php1,000,000.00). The POEA shall also order the recruitment/manning agency to refund all fees pertinent to the processing of papers or documents in the deployment, to the underage migrant worker or to his parents or guardian in a summary proceeding conducted.

The refund shall be independent of and in addition to the indemnification for the damages sustained by the underage migrant worker. The refund shall be paid within thirty (30) days from the date the POEA is officially informed of the mandatory repatriation as provided for in the Act.

Section 7. Other Cases of Repatriation. – In all cases where the principal or agency of the worker cannot be identified, cannot be located or had ceased operations, and the worker is in need and without means, the OWWA personnel at the jobsite, in coordination with the DFA, shall cause the repatriation in appropriate cases. All costs attendant to repatriation borne by the OWWA may be charged to the Emergency Repatriation Fund provided in the Act, without prejudice to the OWWA requiring the agency/employer/insurer or the worker to reimburse the cost of repatriation.

Section 8. Emergency Repatriation Fund. – When repatriation becomes immediate and necessary, the OWWA shall advance the needed costs from the Emergency Repatriation Fund without prejudice to reimbursement by the deploying agency and/or principal, or the worker in appropriate cases. Simultaneously, the POEA shall ask the concerned agency to work towards reimbursement of costs advanced by the OWWA. In cases where the cost of repatriation shall exceed One Hundred Million Pesos (Php100,000,000.00), the OWWA shall make representation with the Office of the President for immediate funding in excess of said amount.

Section 9. Prohibition on Bonds and Deposits. – In no case shall a private recruitment/manning agency require any bond or cash deposit from the worker to guarantee performance under the contract or his/her repatriation.

RULE XIV
SHARED GOVERNMENT INFORMATION SYSTEM FOR MIGRATION

Section 1. Composition. – An Inter-Agency Committee shall be established to implement a shared government information system for migration. The Inter-Agency Committee shall be composed of the following agencies:

- (a) Department of Foreign Affairs
- (b) Department of Labor and Employment and concerned attached agencies
- (c) Department of Justice
- (d) Department of the Interior and Local Government
- (e) Department of Health and concerned attached agencies
- (f) Department of Social Welfare and Development
- (g) Department of Tourism
- (h) Insurance Commission
- (i) Commission on Filipinos Overseas
- (j) Bureau of Immigration
- (k) National Bureau of Investigation
- (l) National Telecommunications Commission
- (m) Commission on Information and Communications Technology
- (n) National Computer Center
- (o) National Statistical and Coordination Board
- (p) National Statistics Office
- (q) Home Development Mutual Fund
- (r) Other government agencies concerned with overseas employment

Section 2. Availability, Accessibility and Linkaging of Computer Systems. – Initially, the Inter-Agency Committee shall make available to itself the information contained in existing data bases/files of its member agencies. The second phase shall involve linkaging of computer facilities systems in order to allow the free-flow data exchanges and sharing among concerned agencies.

Section 3. Chair and Technical Assistance. – The Inter-Agency Committee shall be co-chaired by DFA and DOLE. The National Computer Center (NCC) shall provide the necessary technical assistance and shall set the appropriate information and communications technology standards to facilitate the sharing of information among the member agencies.

Section 4. Declassification and Sharing of Existing Information. – The Inter-Agency Committee shall convene to identify existing databases, which shall be declassified and shared among member agencies. These shared databases shall initially include, but not be limited to, the following information:

- (a) Master lists of Filipino migrant workers/overseas Filipinos classified according to occupation/job category, civil status, by country/state of destination including visa classification.
- (b) Inventory of pending legal cases involving Filipino migrant workers and other Filipino migrant workers and other Filipino nationals, including those serving prison terms.
- (c) Master list of departing/arriving Filipinos.
- (d) Statistical profile on Filipino migrant workers/overseas Filipinos/tourists.
- (e) Blacklisted foreigners/undesirable aliens.
- (f) Basic data on legal systems, immigration policies, marriage laws and civil and criminal codes in receiving countries particularly those with large numbers of Filipinos.
- (g) List of labour and other human rights instruments where receiving countries are signatories.
- (h) A tracking system of past and present gender disaggregated cases involving male and female migrant workers, including minors.
- (i) List of overseas posts, which may render assistance to overseas Filipinos in general, and migrant workers, in particular.
- (j) List of licensed recruiters and recruitment agencies.
- (k) List of accredited foreign employers.

- (l) List of recruiters and recruitment agencies with decided/pending criminal/civil/administrative cases, and their dispositions.
- (m) Such other information as may be deemed necessary by the Inter-Agency Committee.

The Inter-Agency Committee shall establish policies, guidelines, and procedures in implementing this Rule, including declassification of information.

Section 5. Confidentiality of Information. – Information and data acquired through this shared information system shall be treated as confidential and shall only be used for official and lawful purposes, related to the usual functions of the Inter-Agency Committee members, and for purposes envisioned by the Act.

Section 6. Regular Meetings. – The Inter-Agency Committee shall meet regularly to ensure the immediate and full implementation of Section 20 of the Act and shall explore the possibility of setting up a central storage facility for the data on migration. The progress of the implementation shall be included in the report of the DFA and the DOLE under Section 33 of the Act. The Inter-Agency Committee shall convene thirty (30) days from effectivity of these Rules to prioritize the discussion of the following, *inter alia*: data to be shared, frequency of reporting, and timeliness and availability of data.

Section 7. Secretariat. – A secretariat, which shall provide administrative and support services to the Inter-Agency Committee shall be based in the DFA.

Section 8. Funds. – The Philippine Charity Sweepstakes Office shall allocate an initial amount of Ten Million Pesos (Php10,000,000) to carry out the provisions of this Rule. Thereafter, the actual budget of the Inter-Agency Committee shall be drawn from the GAA in accordance with Section 26 of Republic Act No. 10022.

The E-Government Fund may be tapped for purposes of fund sourcing by the Inter-Agency Committee.

RULE XV MIGRANT WORKERS LOAN GUARANTEE FUND

Section 1. Definitions. –

- (a) Pre-Departure Loans – refer to loans granted to departing migrant workers covered by new contracts to satisfy their pre-departure requirements such as payments for placement/processing fees, airplane fare, subsistence allowance, cost of clothing, and pocket money.
- (b) Family Assistance Loans – refer to loans granted to currently employed migrant workers or their eligible dependents/families in the Philippines to tide them over during emergency situations.
- (c) Guarantee Agreement – refers to a contract between the participating financial institution and OWWA whereby the latter pledges to pay a loan obtained by a migrant worker from the former in case the worker defaults.
- (d) GFIs – refer to government financial institutions.

Section 2. Loan Guarantee Fund. – The Migrant Workers Loan Guarantee Fund is hereby established:

- (a) To prevent any recruiter from taking advantage of workers seeking employment abroad by expanding the grant of Pre-Departure and Family Assistance Loans to covered migrant workers.
- (b) To establish and operate a guarantee system in order to provide guarantee cover on the pre-departure and family assistance loans of migrant workers who lack or have insufficient collateral or securities.
- (c) To ensure the participation of GFIs in extending loan assistance to needy migrant workers who are to be engaged or is engaged for a remunerated activity abroad.

Section 3. Coverage and Scope. – All departing migrant workers who need financial assistance to pay or satisfy their pre-departure expenses may avail of the Pre-Departure Loans.

Currently employed migrant workers or their eligible dependents who need emergency financing assistance may avail of the Family Assistance Loan.

Section 4. Administration of the Fund. – Pursuant to Section 21 of the Act, the amount of One Hundred Million Pesos (Php100,000,000.00) from the Capital Funds of OWWA shall constitute the Migrant Workers Loan Guarantee Fund. The Fund, which shall be administered by the OWWA, shall be used exclusively to guarantee the repayment of Pre-Departure and Family Assistance Loans granted by participating GFIs.

All existing revolving funds earmarked for the Pre-Departure and Family Assistance Loans shall revert back to the OWWA Capital Fund.

Section 5. Financing Scheme. – The OWWA shall initiate arrangements with GFIs to implement mutually agreed financing schemes that will expand the Pre-Departure and Family Assistance Loans.

Section 6. Guarantee Agreement. – No loan shall be considered covered by a guarantee unless a Guarantee Agreement has been prepared and approved by both the participating financial institution and the OWWA.

RULE XVI COMPULSORY INSURANCE COVERAGE FOR AGENCY-HIRED WORKERS

Section 1. Migrant Workers Covered. – In addition to the performance bond to be filed by the recruitment/manning agency under Section 10 of the Act, each migrant worker deployed by a recruitment/manning agency shall be covered by a compulsory insurance policy which shall be secured at no cost to the said worker.

Section 2. Policy Coverage. – Such insurance policy shall be effective for the duration of the migrant worker's employment contract and shall cover, at the minimum:

- (a) Accidental death, with at least Fifteen Thousand United States Dollars (US\$15,000.00) survivor's benefit payable to the migrant worker's beneficiaries.
- (b) Natural death, with at least Ten Thousand United States Dollars (US\$10,000.00) survivor's benefit payable to the migrant worker's beneficiaries.
- (c) Permanent total disablement, with at least Seven Thousand Five Hundred United States Dollars (US\$7,500.00) disability benefit payable to the migrant worker. The following disabilities shall be deemed permanent: total, complete loss of sight of both eyes; loss of two limbs at or above the ankles or wrists; permanent complete paralysis of two limbs; brain injury resulting to incurable imbecility or insanity.
- (d) Repatriation cost of the worker when his/her employment is terminated by the employer without any valid cause, or by the employee with just cause, including the transport of his/her personal belongings. In case of death, the insurance provider shall arrange and pay for the repatriation or return of the worker's remains. The insurance provider shall also render any assistance necessary in the transport, including but not limited to, locating a local and licensed funeral home, mortuary or direct disposition facility to prepare the body for transport, completing all documentation, obtaining legal clearances, procuring consular services, providing death certificates, purchasing the minimally necessary casket or air transport container, as well as transporting the remains including retrieval from site of death and delivery to the receiving funeral home. This provision shall be without prejudice to the provisions of Rule XIII of these Rules and Regulations.

- (e) Subsistence allowance benefit, with at least One Hundred United States Dollars(US\$100.00) per month for a maximum of six (6) months for a migrant worker who is involved in a case or litigation for the protection of his/her rights in the receiving country.
- (f) Money claims arising from employer's liability which may be awarded or given to the worker in a judgment or settlement of his/her case in the NLRC. The insurance coverage for money claims shall be equivalent to at least three (3) months salaries for every year of the migrant worker's employment contract.
- (g) Compassionate visit. When a migrant worker is hospitalized and has been confined for at least seven (7) consecutive days, he/she shall be entitled to a compassionate visit by one (1) family member or a requested individual. The insurance company shall pay for the transportation cost of the family member or requested individual to the major airport closest to the place of hospitalization of the worker. It is, however, the responsibility of the family member or requested individual to meet all visa and travel document requirements.
- (h) Medical evacuation. When an adequate medical facility is not available proximate to the migrant worker, as determined by the insurance company's physician and/or a consulting physician, evacuation under appropriate medical supervision by the mode of transport necessary shall be undertaken by the insurance provider.
- (i) Medical repatriation. When medically necessary as determined by the attending physician, repatriation under medical supervision to the migrant worker's residence shall be undertaken by the insurance provider at such time that the migrant worker is medically cleared for travel by commercial carrier. If the period to receive medical clearance to travel exceeds fourteen (14) days from the date of discharge from the hospital, an alternative appropriate mode of transportation, such as air ambulance, may be arranged. Medical and non-medical escorts may be provided when necessary. This provision shall be without prejudice to the provisions of Rule XIII of these Rules and Regulations.

Section 3. Duty to Disclose and Assist. – It shall be the duty of the recruitment/manning agency, in collaboration with the insurance provider, to sufficiently explain to the migrant worker, before his/her departure, and to at least one of his/her beneficiaries the terms and benefits of the insurance coverage, including the claims procedure.

Also, in filing a claim with the insurance provider, it shall be the duty of the recruitment/manning agency to assist the migrant worker and/or the beneficiary and to ensure that all information and documents in the custody of the agency necessary for the claim must be readily accessible to the claimant.

Section 4. Qualification of Insurance Companies. – Only reputable private insurance companies duly registered with the IC, which are in existence and operational for at least five (5) years, with a net worth of at least Five Hundred Million Pesos (Php500,000,000.00) to be determined by the IC, and with a current year certificate of authority shall be qualified to provide for the worker's insurance coverage.

Insurance companies who have directors, partners, officers, employees or agents with relatives, within the fourth civil degree of consanguinity or affinity, who work or have interest in any of the licensed recruitment/manning agencies or in any of the government agencies involved in the overseas employment program shall be disqualified from providing this workers' insurance coverage. It shall be the duty of the said directors, partners, officers, employees, or agents to disclose any such interest to the IC and POEA.

Section 5. Requirement for Issuance of OEC. – The recruitment/manning agency shall have the right to choose from any of the qualified insurance providers the company that will insure the migrant worker it will deploy. After procuring such insurance policy, the recruitment/manning agency shall provide an authenticated copy thereof to the migrant worker. It shall then submit the certificate of insurance coverage of the migrant worker to POEA as a requirement for the issuance of Overseas Employment Certificate (OEC) to the migrant worker. In the case of seafarers who are insured under

policies issued by foreign insurance companies, the POEA shall accept certificates or other proofs of cover from recruitment/manning agencies: *Provided*, that the minimum coverage under subparagraphs (a) to (i) are included therein. For this purpose, foreign insurance companies shall include entities providing indemnity cover to the vessel.

Section 6. Notice of Claim. – Any person having a claim upon the policy issued pursuant to subparagraphs (a), (b), (c), (d), and (e) of Section 2 of this Rule shall present to the insurance company concerned a written notice of claim together with pertinent supporting documents. The insurance company shall forthwith ascertain the truth and extent of the claim and make payment within ten (10) days from the filing of the notice of claim.

Section 7. Documentary Requirements for Accidental or Natural Death or Disablement Claims. – Any claim arising from accidental death, natural death or permanent total disablement under Section 2 (a), (b), and (c) shall be paid by the insurance company without any contest and without the necessity of proving fault or negligence of any kind on the part of the insured migrant worker: *Provided* the following documents, duly authenticated by the Philippine foreign posts, shall be sufficient evidence to substantiate the claim:

- (a) Death Certificate – in case of natural or accidental death
- (b) Police or Accident Report – in case of accidental death
- (c) Medical Certificate – in case of permanent disablement

In the case of a seafarer, the amounts provided in Section 2 (a), (b), or (c), as the case may be, shall, within ten (10) days from submission of the above-stated documents, be paid by the foreign insurance company through its Philippine representative to the seafarer/beneficiary without any contest and without any necessity of proving fault or negligence on the part of the seafarer. Such amount received by the seafarer/beneficiary shall form part of and be deducted from whatever benefits the seafarer/beneficiary may be entitled to under the provisions of the POEA-Standard Employment Contract (SEC) or collective bargaining agreement (CBA). Any claim in excess of the amount paid pursuant to the no contest, no fault or negligence provision of this section shall be determined in accordance with the POEA-SEC or CBA.

Section 8. Documentary Requirement for Repatriation Claim. – For repatriation under subparagraph (d) of Section 2 of this Rule, a certification which states the reason/s for the termination of the migrant worker's employment and the need for his/her repatriation shall be issued by the Philippine foreign post or the POLO located in the receiving country. Such certification shall be solely for the purpose of complying with this section.

Section 9. Documentary Requirements for Subsistence Allowance Benefit Claim. – For subsistence allowance benefit under sub-paragraph (e) of Section 2 of this Rule, the concerned Labor Attaché or, in his absence, the embassy or consular official shall issue a certification which states the title of the case, the names of the parties and the nature of the cause of action of the migrant worker.

Section 10. Settlement of Money Claims. – For the payment of money claims under sub-paragraph (f) of Section 2 of this Rule, the following rules shall govern:

- (a) After a decision has become final and executory or a settlement/compromise agreement has been reached between the parties at the NLRC, the Labor Arbiter shall, *motu proprio* or upon motion, and following the conduct of pre-execution conference, issue a writ of execution mandating the respondent recruitment/manning agency to pay the amount adjudged or agreed upon within thirty (30) days from receipt thereof.
- (b) The recruitment/manning agency shall then immediately file a notice of claim with its insurance provider for the amount of liability insured, attaching therewith a certified true copy of the decision or compromise agreement.
- (c) Within ten (10) days from the filing of notice of claim, the insurance company shall make payment to the recruitment/manning agency the amount adjudged or agreed upon, or the amount of liability insured, whichever is lower. After receiving the insurance payment, the

recruitment/manning agency shall immediately pay the migrant worker's claim in full, taking into account that in case the amount of insurance coverage is insufficient to satisfy the amount adjudged or agreed upon, it is liable to pay the balance thereof.

- (d) In case the insurance company fails to make payment within ten (10) days from the filing of the claim, the recruitment/manning agency shall pay the amount adjudged or agreed upon within the remaining days of the thirty (30) days period, as provided in the first sub-paragraph hereof.
- (e) If the worker's claim was not settled within the aforesaid thirty (30) days period, the recruitment/manning agency's performance bond or escrow deposit shall be forthwith garnished to satisfy the migrant worker's claim.
- (f) The provision of compulsory worker's insurance under this section shall not affect the joint and several liability of the foreign employer and the recruitment/manning agency under Section 10 of the Act.
- (g) Lawyers for the insurance companies, unless the latter are impleaded, shall be prohibited to appear before the NLRC in money claims cases under Rule VII.

Section 11. Disputes in the Enforcement of Insurance Claims. – Any question or dispute in the enforcement of any insurance policy issued under this Rule shall be brought before the IC for mediation or adjudication.

Notwithstanding the preceding paragraph, the NLRC shall have the exclusive jurisdiction to enforce against the recruitment/manning agency its decision, resolution, or order that has become final and executory or a settlement/compromise agreement reached between the parties.

Section 12. Liability of Recruitment/Manning Agency. – In case it is shown by substantial evidence before the POEA that the migrant worker who was deployed by a licensed recruitment/manning agency has paid for the premium or the cost of the insurance coverage or that the said insurance coverage was used as basis by the recruitment/manning agency to claim any additional fee from the migrant worker, the said licensed recruitment/manning agency shall lose its license and all its directors, partners, proprietors, officers and employees shall be perpetually disqualified from engaging in the business of recruitment of overseas workers. Such penalty is without prejudice to any other liability which such persons may have incurred under existing laws, rules or regulations.

Section 13. Foreign Employers Guarantee Fund. – For migrant workers recruited by the POEA on a government-to-government arrangement, the POEA Foreign Employers Guarantee Fund referred to under Section 5, Rule X of these Rules shall be answerable for the workers' monetary claims arising from breach of contractual obligations.

Section 14. Optional Coverage. – For migrant workers classified as rehires, name hires or direct hires, they may opt to be covered by this insurance coverage by requesting their foreign employers to pay for the cost of the insurance coverage or they may pay for the premium themselves. To protect the rights of these workers, the DOLE and POEA shall provide them adequate legal assistance, including conciliation and mediation services, whether at home or abroad.

Section 15. Formulation of Implementing Rules and Regulations. – Within thirty (30) days from the effectivity of these Rules, and pursuant to Section 37-A of the Act, the IC, as the lead agency, shall, together with DOLE, NLRC, and POEA, in consultation with the recruitment/manning agencies and legitimate non-government organizations advocating the rights and welfare of OFWS, issue the necessary implementing rules and regulations, which shall include the following:

- (a) Qualifications of participating insurers
- (b) Accreditation of insurers
- (c) Uniform Standard Policy format
- (d) Premium rate
- (e) Benefits
- (f) Underwriting Guidelines
- (g) Claims procedure

- (h) Dispute settlement
- (i) Administrative monitoring and supervision
- (j) Other matters deemed necessary

Within five (5) days from effectivity of these Rules, the IC shall convene the inter-agency committee to commence the formulation of the aforesaid necessary rules and regulations.

Section 16. Assessment of Performance of Insurance Providers. – At the end of every year, the DOLE and the IC shall jointly make an assessment of the performance of all insurance providers, based upon the report of NLRC and POEA on the irrespective interactions and experiences with the insurance companies, and they shall have the authority to ban or blacklist such insurance companies which are known to be evasive or not responsive to the legitimate claims of migrant workers. The DOLE shall include such assessment in its year-end report to Congress.

Section 17. Automatic Review. – The foregoing provisions on mandatory insurance coverage shall be subject to automatic review through the Congressional Oversight Committee immediately after three (3) years from the effectivity of the Act in order to determine its efficacy in favor of the covered OFWs and the compliance by recruitment/manning agencies and insurance companies, without prejudice to an earlier review if necessary and warranted for the purpose of modifying, amending and/or repealing these subject provisions.

RULE XVII MISCELLANEOUS PROVISIONS

Section 1. POEA, OWWA and Other Boards. – Notwithstanding any provision of law to the contrary, the respective boards of the POEA and the OWWA shall have three (3) members each who shall come from the women, sea-based and land-based sectors respectively, to be selected and nominated openly by the general membership of the sector being represented.

The selection and nomination of the additional members from the women, sea-based and land-based sectors shall be governed by the following guidelines:

- (a) The POEA and OWWA shall launch a massive information campaign on the selection of nominees and provide for a system of consultative sessions for the certified leaders or representatives of the concerned sectors, at least three (3) times, within ninety days (90) before the Boards shall be convened, for purposes of selection. The process shall be open, democratic and transparent.
- (b) Only NGOs that protect and promote the rights and welfare of OWFs, duly registered with the appropriate Philippine government agency and in good standing as such, and in existence for at least three (3) years prior to the nomination shall be qualified to nominate a representative for each sector to the Board.
- (c) The nominee must be at least twenty five (25) years of age, able to read and write, and a migrant worker at the time of his/her nomination or was a migrant worker with at least three (3) years experience as such.
- (d) A Selection and Screening Committee shall be established within the POEA and OWWA by the Secretary of Labor and Employment to formulate the procedures on application, screening and consultation, and shall be responsible to provide the list of qualified nominees to their respective Governing Boards.
- (e) The final list of all the nominees selected by the OWWA/POEA Governing Boards, which shall consist of three (3) names for each sector to be represented, shall be submitted to the President and published in a newspaper of general circulation.

Incumbent representatives appointed pursuant to this section and who are eligible for reappointment shall be automatically included in the list referred to under subsection (d).

Within thirty (30) days from the submission of the final list referred to under subsection (e), the President shall select and appoint from the list the representatives to the POEA/OWWA Governing Boards.

The members shall have a term of three (3) years and shall be eligible for reappointment for another three (3) years. In case of vacancy, the President shall, in accordance with the provisions of the Act, appoint a replacement who shall serve the unexpired term of his/her predecessor.

All other government agencies and government-owned or controlled corporations which require at least one (1) representative from the overseas workers sector to their respective boards shall follow all the applicable provisions of this section, subject to the respective Charters, Implementing Rules and Regulations, and internal policies of such agencies and corporations.

The existing members of the Governing Boards of POEA and OWWA representing the women, land-based, or sea-based sectors shall serve the remaining portion of their three-year terms. Thereafter, their positions shall be deemed vacant, and the process of selection of their replacements shall be in accordance with this section. If the incumbent is eligible for reappointment, he/she shall continue to serve until re-appointed or another person is appointed in accordance with this section.

Incumbent representatives in the Governing Board with no fixed term shall remain in holdover capacity, until a replacement is appointed in accordance with this section.

Section 2. Report to Congress. – In order to inform the Philippine Congress on the implementation of the policy enunciated in Section 4 of the Act, the DFA and the DOLE shall submit separately to the said body a semi-annual report of Philippine foreign posts located in, or exercising consular jurisdiction over, countries receiving Filipino migrant workers. The mid-year report covering the period January to June shall be submitted not later than October 31 of the same year while the year-end report covering the period July to December shall be submitted not later than May 31 of the following year. The report shall include, but shall not be limited to, the following information:

- (a) Master list of Filipino migrant workers, and inventory of pending cases involving them and other Filipino nationals including those serving prison terms.
- (b) Working conditions of Filipino migrant workers.
- (c) Problems encountered by the migrant workers, specifically violations of their rights.
- (d) Initiatives/actions taken by the Philippine foreign posts to address the problems of Filipino migrant workers.
- (e) Changes in the laws and policies of receiving countries.
- (f) Status of negotiations on bilateral labour agreements between the Philippines and the receiving country.

Section 3. Effect on Failure to Report. – Any officer of the government who has the legal duty to report, yet fails to submit the aforesaid Report to Congress, without justifiable cause, shall be subject to an administrative penalty of dismissal from the service with disqualification to hold any appointive public office for five (5) years.

Section 4. Government Fees, Administrative Costs and Taxes. – All fees for services being charged by any government agency on migrant workers prevailing at the time of the effectivity of this Rule shall not be increased. All other services rendered by the DOLE and other government agencies in connection with the recruitment and placement of and assistance to migrant workers shall be rendered free. The administrative cost thereof shall not be borne by the worker.

The migrant worker shall be exempt from the payment of travel tax and airport fee upon proper showing of the OEC issued by the POEA.

The remittances of all OFWs, upon showing of the OEC or valid OWWA Membership Certificate by the OFW beneficiary or recipient, shall be exempt from the payment of documentary stamp tax (DST) as imposed under Section 181 of the National Internal Revenue Code, as amended.

In addition to the original copy, a duplicate copy or a certified true copy of the valid proof of entitlement referred to above shall be secured by the OFW from the POEA or OWWA, which shall be held and used by his/her beneficiary in the availment of the DST exemption.

In case of OFWs whose remittances are sent through the banking system, credited to beneficiaries or recipient's account in the Philippines and withdrawn through an automatic teller machine, it shall be the responsibility of the OFW to show the valid proof of entitlement when making arrangement for his/her remittance transfers.

A proof of entitlement that is no longer valid shall not entitle an OFW to DST payment exemption.

The Bureau of Internal Revenue, under the Department of Finance, may promulgate revenue regulations deemed necessary and appropriate for the effective implementation of the exemption of OFWs from DST and travel tax.

Section 5. Establishment of the Congressional Migrant Workers Scholarship Fund. – There is hereby created a Congressional Migrant Workers Scholarship Fund which shall benefit deserving migrant workers and/or their immediate descendants who intend to pursue courses or training primarily in the field of science and technology, as defined by the DOST.

The fund of One Hundred Fifty Million Pesos (Php150,000,000.00) shall be sourced from the proceeds of Lotto draws.

Section 6. Creation of the Scholarship Fund Committee. – There is hereby created a Scholarship Fund Committee to be composed of representatives from the DOLE, DOST, POEA, OWWA, TESDA, and two (2) representatives of migrant workers to be appointed by the Secretary of Labor and Employment.

Section 7. Functions of the Scholarship Fund Committee. –

- (a) To set the coverage, criteria, and standards of admission to the Scholarship Program
- (b) To determine the amount of availment
- (c) To monitor and evaluate the program
- (d) To identify/accredit training and testing institutions
- (e) To perform such other functions necessary to attain the purpose of the Fund

Section 8. Implementing Agency. – The OWWA shall be the Secretariat of the Scholarship Fund Committee. As such, it shall administer the Scholarship Program, in coordination with the DOST.

RULE XVIII FUNDING

Section 1. Sources of Funds. – The departments, agencies, instrumentalities, bureaus, offices, and government-owned and controlled corporations charged with carrying out the provisions of the Act shall include in their respective programs the implementation of the Act, the funding of which shall be included in the General Appropriations Act.

RULE XIX MIGRANT WORKERS DAY

Section 1. Commemoration. – The DOLE shall lead and enlist the cooperation of other government agencies in the commemoration of a Migrant Workers Day on 7 June of every year.

RULE XX

TRANSITORY PROVISIONS

Section 1. Applicability of Criteria for Receiving Countries. – In compliance with Section 4 of the Act, the DFA shall, within ninety (90) days from effectivity of these Rules and Regulations, issue the certification for countries where the Philippines maintains an embassy.

In countries where the Philippine Embassy exercises concurrent jurisdiction and where the Ambassador is non-resident, the DFA shall have one hundred twenty days (120) from the effectivity of these Rules to issue the certification required in Section 4 of the Act. Prior to the expiration of the aforesaid period, the Secretary of Foreign Affairs, in consultation with the Secretary of Labor and Employment, shall allow the reasonable extension of the period for the issuance of the certification upon a determination that there is a need therefor.

Pending the issuance of the required certifications of compliance or determinations of non-compliance and within the periods mentioned in the preceding paragraphs, the deployment of migrant workers overseas shall proceed on a *status quo* basis. For purposes of issuance of the certifications, the DFA shall, in consultation with the POEA, issue a standard format to be accomplished by all Foreign Service posts.

Section 2. Effectivity of Compulsory Insurance Requirement. – All OFWs who were issued Overseas Employment Certificates prior to the effectivity of the necessary rules and regulations referred to under Section 15 of Rule XVI shall not be covered by the compulsory insurance requirement.

RULE XXI

FINAL PROVISIONS

Section 1. Repealing Clause. – All Department Orders, Circulars and Implementing Rules and Regulations inconsistent with these Omnibus Rules and Regulations are hereby repealed or amended accordingly.

Section 2. Effectivity. – The provisions of these Rules and Regulations shall take effect fifteen days (15) after publication in two (2) newspapers of general circulation.

Done in the City of Manila, this 8th day of July, 2010.

REFERENCE NO. 3-6

THE PESO ACT OF 1999

REPUBLIC ACT NO. 8759

AN ACT INSTITUTIONALIZING A NATIONAL FACILITATION SERVICE NETWORK THROUGH THE ESTABLISHMENT OF A PUBLIC EMPLOYMENT SERVICE OFFICE IN EVERY PROVINCE, KEY CITY AND OTHER STRATEGIC AREAS THROUGHOUT THE COUNTRY

Section 1. Title. – This Act shall be known as the *"Public Employment Service Office Act of 1999"*.

Section 2. Declaration of Policy. – It is a declared policy of the State to promote full employment and equality of employment opportunities for all, and for this purpose, to strengthen and expand the existing employment facilitation service machinery of the government particularly at the local levels.

Section 3. Establishment of the Public Employment Service Office. – To carry out the above-declared policy, there shall be established in all capital towns of provinces, key cities and other strategic areas a Public Employment Service Office, hereinafter referred to as "PESO," which shall be community-based and maintained largely by local government units (LGUs) and a number of non-governmental organizations (NGOs) or community-based organizations (CBOs) and state universities and colleges (SUCs). The PESOs shall be linked to the regional offices of the Department of Labor and Employment (DOLE) for coordination and technical supervision, and to the DOLE central office, to constitute the national employment service network.

Section 4. Objectives of the PESO. – In general, the PESO shall ensure the prompt, timely and efficient delivery of employment service and provision of information on the other DOLE programs.

Specifically, the PESO shall:

- (a) Provide a venue where people could explore simultaneously various employment options and actually seek assistance they prefer.
- (b) Serve as referral and information center for the various services and programs of DOLE and other government agencies present in the area.
- (c) Provide clients with adequate information on employment and labour market situation in the area.
- (d) Network with other PESOs within the region on employment for job exchange purposes.

Section 5. Functions of the PESO. – The PESO shall have the following functions:

- (a) Encourage employers to submit to the PESO on a regular basis a list of job vacancies in their respective establishments in order to facilitate the exchange of labour market information between jobseekers and employers by providing employment information services to jobseekers, both for local and overseas employment, and recruitment assistance to employers.
- (b) Develop and administer testing and evaluation instruments for effective job selection, training and counseling.
- (c) Provide persons with entrepreneurship qualities access to the various livelihood and self-employment programs offered by both government and non-governmental organizations at the provincial/city/municipal/barangay levels by undertaking referrals for such programs.

- (d) Undertake employability enhancement trainings/seminars for jobseekers, as well as those who would like to change career or enhance their employability.
- (e) Provide employment or occupational counseling, career guidance, mass motivation, and values development activities.
- (f) Conduct pre-employment counseling and orientation to prospective local and, most especially, overseas workers.
- (g) Provide reintegration assistance services to returning Filipino migrant workers.
- (h) Perform such functions as wilfully carry out the objectives of this Act.

Section 6. Other Services of the PESO. – In addition to the functions enumerated in the preceding section, every PESO shall also undertake the following programs and activities:

- (a) Jobs Fairs – these shall be conducted periodically all over the country to bring together in one venue jobseekers and employers for immediate matching.
- (b) Livelihood and Self-Employment Bazaars – these will give clients information on the wide array of livelihood programs they choose to avail of, particularly in the rural areas.
- (c) Special Credit Assistance for Placed Overseas Workers – this type of assistance will enable poor but qualified applicants to avail of opportunities for overseas employment.
- (d) Special Program for Employment of Students and Out-of-School Youth (SPESOS) – this program shall endeavor to provide employment to deserving students and out-of-school youth coming from poor families during summer and/or Christmas vacations as provided for under Republic Act No. 7323 and its implementing rules, to enable them to pursue their education.
- (e) Work Appreciation Program (WAP) – this program aims to develop the values of work appreciation and ethics by exposing the young to actual work situations.
- (f) Workers Hiring for Infrastructure Projects (WHIP) – this program is in pursuance of Republic Act No. 6685 which requires construction companies, including the Department of Public Works and Highways (DPWH) and contractors for government-funded infrastructure projects, to hire thirty per cent (30%) of skilled and fifty per cent (50%) of unskilled labour requirements from the areas where the project is constructed/located.
- (g) Other programs/activities developed by DOLE to enhance provision of employment assistance to PESO clients, particularly for special groups of disadvantaged workers such as persons with disabilities (PWDs) and displaced workers.

Section 7. Role of DOLE and LGUs, NGOs, CBOs, and SUCs. – Upon the request of the LGUs, NGOs, CBOs, and SUCs which do not have existing PESOs, the establishment, operation and maintenance of PESOs shall be undertaken by the DOLE. The DOLE shall enter into memoranda of agreements with the concerned LGUs, NGOs, CBOs, and SUCs for the establishment, operation, and maintenance of PESOs in their respective areas of jurisdiction, and the institutionalization of existing PESOs.

It shall be the responsibility of the DOLE to:

- (a) Establish and maintain a computerized national manpower registry of skills and employment and business opportunities to facilitate the provision and packaging of employment assistance to PESO clients and the setting-up of intra- and inter-regional job clearance systems as part of the overall employment network.
- (b) Provide office space, equipment, and/or supplies, as well as the necessary personnel complement to manage, operate and maintain the PESO.
- (c) Designate, in consultation with the LGU, NGO, CBO, or SUC concerned, a qualified project manager and/or key personnel who shall be responsible for the operation and management of the PESO.
- (d) Provide technical assistance and allied support services to the PESO.
- (e) Train PESO personnel in the various aspects of employment facilitation functions.
- (f) Extend/facilitate such other package of employment services to the provision of employment assistance to clients of the LGU, NGO, CBO, or SUC concerned, including the conduct of jobs fairs and other activities.

- (g) Undertake, monitor, assess and evaluate the PESO program implementation. For their part, the LGUs, NGOs, CBOs, or SUCs shall extend such assistance and services as may be necessary in the promotion of employment within their respective areas of jurisdiction.

Section 8. Administration of the PESO Program. – The DOLE shall be primarily responsible for the administration of the PESO Program through BLE, as well as its regional offices throughout the country. The Secretary of Labor and Employment, in coordination with DILG and in consultation with the presidents of the various local government leagues, namely the League of Provinces, the League of Cities, the League of Municipalities, and the League of Barangays, shall accordingly promulgate, within ninety (90) days from the effectivity of this Act, the necessary rules and regulations for the effective implementation of the Program.

Section 9. Funding. – The amount necessary for the initial implementation of this Act shall be charged against the existing appropriation of the DOLE and its other operating agencies. Thereafter, the amounts needed for the full implementation of this Act shall be included in the budget of the DOLE in the succeeding General Appropriations Act.

Section 10. Repealing Clause. – All laws, decrees, executive orders, rules and regulations or any part thereof which are inconsistent herewith are hereby deemed repealed or modified accordingly.

Section 11. Separability Clause. – If for any reason, any section or provision of this Act or any part thereof, or the application of such section, provision, or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

Section 12. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved: February 14, 2000

REFERENCE NO. 3-7
IMPLEMENTING RULES AND REGULATIONS
OF THE PESO ACT OF 1999

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

DEPARTMENT ORDER NO. 07
Series of 2000

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 8759,
OTHERWISE KNOWN AS THE PUBLIC EMPLOYMENT SERVICE ACT OF 1999

These Implementing Rules and Regulations are hereby issued pursuant to the authority of the Secretary of Labor and Employment under Section 8 of Republic Act No. 8759. These rules are issued upon prior coordination with the Secretary of the Department of Interior and Local Government and consultation with the Presidents of the leagues of provinces, cities, municipalities and barangays.

RULE I
PRELIMINARY PROVISIONS

Section 1. Title. – These Rules shall be known and cited as the Implementing Rules and Regulations of the Public Employment Service Office Act of 1999. It shall be referred to herein as the Rules.

Section 2. Coverage. – These Rules shall cover all existing and accredited Public Employment Service Offices.

Section 3. Definition of Terms. – The terms used in these Rules shall mean the following:

- (a) National Facilitation Service Network (NFSN) or National Employment Service Network (NESN) – refers to the Department of Labor and Employment (DOLE), its Regional Offices, attached agencies and Public Employment Service Offices (PESOs) established at the local levels to provide integrated, collaborative, and systematic delivery of employment services to clients.
- (b) Department or DOLE – refers to the Department of Labor and Employment.
- (c) Public Employment Service Office or PESO – refers to a non-fee charging multi-employment service facility or entity established, recognized or accredited pursuant to these Rules.
- (d) Key cities – refer to all cities which are industrialized, centers of trade, commerce, and economic activities, and where employment opportunities exist or are accessible.
- (e) Strategic areas – refer to industrial centers, economic zones, agriculture, and fisheries development zones, eco-tourism, growth areas, and other areas where government intervention is needed to develop human resources in order for them to compete in open employment and self-employment.
- (f) Client – refers to jobseekers, employers, researchers, planners, policy makers, and other persons who seek the services of the PESO.
- (g) Labour Market Information (LMI) – refers to any information concerning the size, composition, functions, problems, or opportunities of the labour market or any part thereof, including but not limited to employment-related intentions or aspirations of labour market clients.

- (h) Regional Coordinating Council or RCC – refers to DOLE Regional Office and the offices of the DOLE attached agencies in the Regions.

RULE II POLICIES AND OBJECTIVES

Section 1. Declaration of Policy. – The State shall promote full employment and equality of employment opportunities for all. It shall institutionalize the NFSN or NESN, as well as strengthen and expand the existing employment facilitation service machinery of the government through the PESOs. The State shall likewise professionalize the employment service. Toward this end, all PESO personnel who are appointed, designated or accredited pursuant to Republic Act No. 8759 and these Rules shall, subject to the needs of the service, have security of tenure and be assured of stability of employment.

Section 2. Objectives of the Public Employment Service Office. – The PESO shall ensure prompt, timely and efficient delivery of employment services. Toward this end, it shall:

- (a) Provide a venue where clients could avail simultaneously various employment services such as LMI, referrals, training, self-employment, entrepreneurial, reintegration, and other services.
- (b) Serve as referral and information center for the DOLE and other government agencies by making available data and information on their respective programs.
- (c) Provide clients with adequate information on employment and the labour market situation.
- (d) Establish linkages with other PESOs for job exchange and other employment related services. The PESO shall also provide information on other DOLE programs.

RULE III FUNCTIONS AND SERVICES

Section 1. Main Functions of the PESO. – The PESO shall operate within its area of jurisdiction in coordination with other concerned agencies, but in every case subject to the requirements of the NFSN or NESN.

- (a) The PESO shall provide LMI services. For this purpose, it shall:
 - i. Market and promote each service, through all forms of media, to all its labour market clients.
 - ii. Regularly obtain a list of job vacancies from employers.
 - iii. Generate and maintain an updated registry of skills.
 - iv. Gather, collate, and process data or information on employment trends, particularly labour supply and demand and disseminate such data or information to labour market clients.
 - v. Provide information on licensed or authorized recruitment agencies or recruiters for local and overseas employment.
- (b) The PESO shall provide referral and placement services for local and overseas as well as private and civil service employment. In accordance with existing policies, rules and regulations, it shall:
 - i. Undertake active sourcing of vacancies.
 - ii. Evaluate the qualifications of jobseekers in relation to wage employment options.
 - iii. Refer jobseekers for appropriate employment assistance and monitor the result of such referrals.
 - iv. Institute measures to ensure that recruitment and placement services, both for local and overseas, are in accordance with existing laws, rules and regulations.
- (c) The PESO shall provide training and vocational guidance and employment counseling services. It shall:
 - i. Conduct pre-employment counseling, including values development and enhancement of work ethics, to prospective local and most especially to overseas jobseekers.
 - ii. Administer and evaluate psychological tests or examinations.
 - iii. Undertake employability enhancement trainings or seminars for jobseekers as well as those intending to change careers or enhance their employability.

- iv. Conduct orientation and training to prospective local and overseas jobseekers regarding rules and regulations on anti-illegal recruitment.
- (d) The PESO shall provide self-employment services. It shall:
 - i. Maintain and provide updated directory of government and non-government institutions with existing livelihood programs, including the directory of lending institutions.
 - ii. Determine client's potentials for entrepreneurial undertakings.
 - iii. Refer clients for appropriate self-employment or livelihood assistance and monitor the results of such referrals.
 - iv. In coordination with DOLE Regional Coordinating Council (DOLE-RCC), undertake livelihood and self-employment programs.
- (e) In coordination with the DOLE-RCC, the PESO shall provide reintegration assistance services to reintegration assistance services to returning overseas Filipino workers (OFWs). It shall:
 - i. Provide a mechanism for the reintegration of OFWs.
 - ii. Determine or obtain information on returning OFWs and provide periodic information of job opportunities.
 - iii. Undertake other appropriate programs to promote the welfare of OFWs and assist in gathering or tapping the skills and potentials of the returning OFWs.
 - iv. Undertake reintegration programs and projects that maybe developed by DOLE's Replacement and Monitoring Center.
- (f) The PESO shall likewise perform other functions analogous to the above including programs or activities developed by the DOLE to enhance provision of employment assistance to clients, particularly for special groups of disadvantaged workers such as persons with disabilities and displaced workers.

Section 2. Other Services of the PESO. – Where appropriate, the PESO shall likewise provide the following employment services:

- (a) Initiate and organize jobs fairs, provided that jobs fairs conducted by private entities or educational institutions shall be supervised and monitored by the PESO pursuant to DOLE guidelines.
- (b) Initiate and organize livelihood and self-employment bazaars, in coordination with government and non-government institutions undertaking livelihood and self-employment programs.
- (c) Facilitate credit access to qualified overseas workers, subject to existing rules and regulations.
- (d) Endeavour to reach out to qualified poor but deserving students and out-of-school youth to pursue their education by facilitating their employment pursuant to Republic Act No. 7323, otherwise known as Special Program for Employment of Students (SPES) and its implementing rules and regulations. The PESO shall likewise encourage qualified employers to participate in the program.
- (e) Coordinate and promote the adoption of WAP and other enrolled youth work programs pursuant to Executive Order No. 139 through Kabataan 2000 under the Office of the President as implemented by the DOLE and other agencies.
- (f) Monitor the implementation of government-funded infrastructure projects to provide recruitment assistance to contractors for their skilled and unskilled human resource requirement pursuant to Republic Act No. 6685, otherwise known as WHIP.

RULE IV

ADMINISTRATION OF THE NFSN OR NESN

Section 1. Administration Framework. – The general framework for the administration of the NFSN or NESN shall emanate from the Central Office, through BLE. Consistent with this general framework, each Regional Office shall exercise administrative and technical supervision over every PESO within its area of jurisdiction.

Section 2. Role of DOLE Central Office. – The Central Office shall:

- (a) Provide policy directions and prescribe standards on employment services.
- (b) Develop and maintain a computerized job matching facility accessible to all PESOs nationwide and the Philippine Overseas Labor Offices (POLOs) and a computerized national registry of skills, employment and business opportunities for easy access of its clients. For this purpose, the Phil-JobNet shall serve as the basic LMI system which shall be continuously enhanced and upgraded.
- (c) Develop and maintain performance-based and gender-responsive indicators to assess and evaluate the effectiveness of the NFSN and the PESOs.
- (d) Develop and maintain training curricula on all aspects of employment service, including gender awareness.
- (e) Establish and maintain training facilities for employment service providers.
- (f) Develop and maintain a Manual of Operations for the effective implementation of the employment service program.

Section 3. Role of DOLE Regional Offices. – The DOLE Regional Offices, through the Regional Directors and the DOLE-RCC, shall oversee the activities of the PESO network within their areas of jurisdiction. For this purpose, the Regional Directors shall:

- (a) Exercise administrative and technical supervision over the PESOs.
- (b) Prepare and submit budgetary requirements to the Central Office.
- (c) Recommend the requirements for human resources, equipment, and other necessary resources to the Central Office for the effective management and administration of the PESO.
- (d) Develop, administer, and manage area-based or region-specific employment projects for PESO's implementation.
- (e) Maintain a computerized regional registry of skills as well as employment and business opportunities for easy access of its clients.
- (f) Monitor and evaluate the performance of the PESOs.

RULE V ESTABLISHMENT OF THE PESO

Section 1. Establishment of the PESO. – The PESO shall be established by the DOLE pursuant to Section 3, or upon the request of a particular entity pursuant to Section 7 of this PESO Act.

Section 2. Procedures for the Establishment of PESO. – Pursuant to Section 3 of the Act, the DOLE shall establish, operate, and maintain PESOs in capital towns of provinces, key cities, and other strategic areas. Accordingly, the DOLE shall:

- (a) Provide the necessary budgetary allocation, office space, human resource complement, equipment and supplies.
- (b) In consultation with the LGU concerned, appoint PESO personnel subject to civil service rules and the accreditation requirements in these rules.
- (c) Provide administrative and technical assistance and allied support services.
- (d) Provide regular training to PESO personnel in the various aspects of employment service.

Upon the request of LGUs, NGOs, CBOs, and SUCs which does not have an existing PESO, the DOLE may likewise establish a PESO pursuant to Section 7 of the Act. Within fifteen (15) days from receipt of the request, the DOLE shall:

- (a) Evaluate the employment services and facilities needed by the clients to enable the particular PESO to efficiently discharge its functions.
- (b) Evaluate and accredit the personnel in accordance with the accreditation process provided in these Rules.
- (c) Forge a Memorandum of Agreement (MOA) with the requesting party, identifying their respective roles, duties and responsibilities in the establishment, maintenance and operation of the PESO.

RULE VI

ACCREDITATION OF PESOs AND INCUMBENT PERSONNEL

Section 1. Scope of Accreditation. – All PESOs constituted, established, organized, or in existence pursuant to a MOA between the DOLE and LGUs, NGOs, CBOs, SUCs as well as those institutionalized pursuant to legislative actions of local government units prior to the effectivity of the Act, may be accredited by the DOLE. Accreditation of existing PESOs shall be in areas of employment services provided to clients, office and facilities, as well as human resources.

Section 2. Accreditation of Services. – In the accreditation of the services provided to clients, including office and support facilities, the following procedures shall be followed:

- (a) Thirty (30) days after the effectivity of these Rules, all existing PESOs shall submit the inventory of the employment services it renders to clients as well as its equipment and facilities to the Regional Office.
- (b) The Regional Office shall evaluate the documents and conduct ocular inspection to ensure that the particular PESO is capable of discharging the functions of a PESO as enumerated in the Act and in these Rules.

Section 3. Accreditation of Personnel. – In the accreditation of PESO personnel, the following procedures shall be followed:

- (a) Thirty (30) days after the effectivity of these Rules, the PESOs shall submit the roster of its personnel and their qualifications to the appropriate DOLE Regional Office.
- (b) The Regional Office shall evaluate the qualification of the said PESO personnel based on the minimum criteria prescribed in these Rules.

Section 4. Minimum Criteria for Accreditation of PESO Personnel. – The following shall be the minimum criteria for accreditation of PESO personnel:

- (a) They should meet the minimum qualification standards set by the DOLE and Civil Service rules on education, training, relevant experience or expertise and applicable eligibility.
- (b) They should pass the medical, physical, psychological examinations administered by competent or authorized persons or institutions.
- (c) They should pass both oral and written examinations to be administered by the DOLE.
- (d) In case of LGUs and SUCs, they should occupy regular or permanent plantilla items.

Section 5. Effect of Accreditation. – Accredited personnel shall not be replaced without due process and without prior authority of the DOLE. Upon the accreditation of the PESO's employment services and personnel, the DOLE shall for a new MOA with the concerned PESO identifying the respective roles, duties and responsibilities of the parties in the maintenance and operation of the PESO.

RULE VII

DUTIES AND RESPONSIBILITIES OF PARTICIPATING AGENCIES AND INSTITUTIONS

Section 1. Duties and Responsibilities of Participating Agencies and Institutions. – The LGUs, NGOs, CBOs, and SUCs participating in the implementation of the PESO Act shall have the following duties and responsibilities:

- (a) Assist the DOLE in promoting employment programs within their respective areas of jurisdiction or operation.
- (b) Provide necessary employment related expertise such as but not limited to labour and employment researches; psychological test administration; human resource development; and other resources, including budgetary allocation as stipulated in the MOA.
- (c) Promptly submit to the DOLE Regional Office regular monitoring and performance reports.

- (d) Perform other functions as may be stipulated in the MOA or as necessary in furtherance of the objectives of the Act.

RULE VIII FUNDING

Section 1. Funding of the PESO. – The amount necessary for the initial implementation of the Act shall be charged against the existing appropriation of the DOLE and its other operating agencies. Thereafter, the amounts needed for the full implementation shall be included in the budget of the DOLE through the General Appropriations Act.

RULE IX TRANSITORY AND FINAL PROVISIONS

Section 1. Transitory Provision. – Pending appropriation through the General Appropriations Act, personal services and other expenses funded by LGU appropriations shall be maintained in accordance with the existing MOA with DOLE. The existing MOA between the DOLE and the concerned SUCs, NGOs, and CBOs shall remain in full force and effect until a new MOA consistent with the Act and these Rules shall have been signed between and among the parties concerned.

Section 2. Separability Clause. – If any provision of these Rules is held invalid or unconstitutional, any other provision not so affected shall continue to be valid and effective.

Section 3. Effectivity. – This Rules shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Manila, Philippines
30 August 2000

REFERENCE NO. 3-8
DILG MEMORANDUM CIRCULAR ON THE PESO

Republic of the Philippines
Department of the Interior and Local Government

May 2, 1994

MEMORANDUM CIRCULAR NO. 94-69

TO: ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, PUNONG BARANGAYS, MEMBERS OF THE SANGGUNIANG PANLALAWIGAN, SANGGUNIANG PANLUNGSOD, SANGGUNIANG BAYAN, SANGGUNIANG BARANGAYS, AND OTHERS CONCERNED

THRU: DILG Regional Directors

SUBJECT: ESTABLISHMENT OF THE PUBLIC EMPLOYMENT SERVICE OFFICE (PESO)

Pursuant to Memorandum Circular No. 94-09 establishing the coordinating mechanism for the implementation of KABUHAYAN 2000, specifically the job placement component, we are soliciting your support to immediately establish, operate and maintain Public Employment Service Offices (PESOs) in your respective areas of jurisdiction.

The establishment of PESOs in your locality is envisioned to ensure the prompt, timely, and adequate delivery of employment facilitation services of the government to your constituencies particularly in the KABUHAYAN 2000 projects.

Operational Definition of Terms:

- (a) **Public Employment Service Office (PESO)** – refers to a multi-service facility established to provide information and assistance to Department of Labor and Employment clients and constituents of LGUs. It makes available in one roof the various employment programs and services of the DOLE to enable all types of clientele to know more about them and to seek assistance on employment and income opportunities or other specific assistance required.
- (b) **Employment Service (ES)** – an entity, public, or private, designed to ensure effective placement by assisting workers to obtain suitable employment and employers to obtain suitable workers. An ES is chiefly concerned with the administration of the availability of work test; facilitate the shift of workers from a locality or an occupation in which there is an over-supply to one where there is a shortage by use of ‘clearance’ machinery or by effective occupational counseling and guidance programs carried on unit local officers or by providing necessary information to appropriate training agencies; and it may also provide the machinery for allocating labor supply to government sponsored public work programs, regulates the recruitment and movement of seasonal or migratory workers.
- (c) **Career Guidance** – helping people develop attitudes, values and skills in making decisions throughout life in the area of education, work or employment, family, leisure, and community participation.
- (d) **Employment Guidance** – the act of helping people in acquiring the skill in getting and changing a job, good relationship with management, supervisors, and co-workers as well as increase productivity outputs rather than just receipt of salary. It also includes the assistance on improving the skills of career decision-making.

- (e) **Labour Market Information** – refers to any qualitative or quantitative information regarding the interaction of labour demand and supply; size and characteristics of the labour market or any part of it; the employment opportunities available to those who are part of it and their corresponding intentions and aspirations; and information that is to be used to influence the labour market. Specifically, this refers to information such as population, labour force, employment, unemployment, underemployment, wages, mobility, labour turn-over, and job vacancies.

Functions of PESO:

- (a) Provide a venue where people could explore simultaneously various employment options and actually seek assistance in pursuit of their chosen field.
- (b) Serve as information and referral center for the various services and programs of DOLE and other agencies available in the province/area.
- (c) Provide clients with adequate information on employment and labour market situation in the area.
- (d) Network with other PESOs within the province/ region for vacancy and manpower clearance purpose.

Functional Components of the PESOs:

1. Employment Referral Services
 - (a) *Wage Employment Facilitation* – this component is open to jobseekers whose education, skills and experience qualifications match with the requirement of the employers both in local and overseas labour markets.
 - (b) *Livelihood and Self-Employment Facilitation* – this is open to those who cannot be readily absorbed in the wage employment sector but possesses the will and motivation, characteristics and potential to engage in own business or activity.
 - (c) *Referral for Employment Enhancement* – this is available to those who want to acquire skills or upgrade existing skills including referral to entrepreneurship development and those who want to improve job satisfaction.
2. Recruitment Assistance – this service helps employers get qualified workers suited for their manpower requirements. This also serves program implementers of livelihood and self-employment source potentials beneficiaries in the PESO.
3. Employment Information Services – provision of data and information concerning situations of labour supply and demand includes available skills, employment opportunities and prospects in certain areas, occupations and industries. This also includes provision of assistance to those interested in pursuing their own business through information of the nature of existing projects and requirements on availment.
4. Vocational Guidance Services – this is especially offered to young persons who are in the threshold of making educational and career decisions, and those who find difficulty in choosing vocation. This is done mostly in coordination with schools, and in group sessions.
5. Support Services
 - (a) *Employment Testing* – this is offered to assess jobseekers potential, aptitude, interest and emotional stability. This helps employment counselors/placement officers in determining appropriate assistance required of the jobseekers.
 - (b) *Employment Counseling* – this is provided to assist persons make full use of their potentials, skills and experiences in the pursuit of employment and income opportunities. A special module concerning work aptitude/values formation and productivity improvement shall be incorporated in employment counseling sessions.

Role of the DOLE

The Department of Labor and Employment will promulgate the necessary rules and regulations and the needed technical assistance to ensure efficient operations and compliance to standards.

In connection with the foregoing, you are hereby advised to coordinate with the regional office of the DOLE for the necessary technical inputs and proper guidance.

Please submit your compliance report to the DOLE Regional Office copy furnished the DILG Regional Office not later than June 1994.

For information and compliance of all concerned.

ALEXANDER AGUIRRE
Acting Secretary and
Acting Chairman
Steering Committee, Kabuhayan 2000

REFERENCE NO. 3-9

GUIDE IN CONDUCTING FOCUS GROUP DISCUSSION FOR THE PURPOSE OF SETTING UP A PESO

A focus group discussion (FGD) is basically an interview done with a group who has knowledge on a particular subject but have divergent views. The basic purpose is to elicit or draw needed information through a facilitator. Ideal number of participants would be from six (6) to ten (10), with their answers recorded through an audio or video tape. Focus group interviews should last no more than 2.5 hours.

The following basic steps could help when using FGD in gathering data:

- (a) Determining the objectives of the FGD.
- (b) Based on the objectives, formulate six (6) to eight (8) questions. More questions may be included for as long as they will be accomplished within the time planned for the FGD.
- (c) Identify the groups or stakeholders who should be represented in the discussion. Participants should be knowledgeable or are expected to provide the answers to the questions formulated yet have divergent views. Participants may belong to similar age group and status. Participants selected should be those who are expected to be participative and reflective. Try to go for participants who do not know each other.
- (d) In preparing for the conduct of the FGD, take note of the following:
 - Invitation to the FGD should contain the questions to be tackled (date, place, time to be spent for the discussions which should be 2.5 hour or less).
 - Agenda (welcome, review of agenda, review of meeting goal, review of ground rules, introductions, questions, answers, wrap up).
- (e) The facilitator should always remember that FGDs are done not to arrive at any decision or to make participants debate as regards their views. The FGDs primary intention is to get the divergent views from the most number of the participants as regards the proper questions. Some ground rules may be adopted such as: keep focused, maintain momentum, and get closure on questions. To ensure maximum participation, the facilitator may use the round table approach and see to it that all answers are recorded.

FGD Guide Questions on Setting up of a PESO

Four major groups should constitute the FGD participants. These are: (a) private/public training and educational institutions; (b) government agencies; (c) workers and worker groups; and (d) employers and business firms. Below is a suggested list of questions for these four major categories regarding their views on employment service. The facilitator can conduct as many sessions as considered appropriate for these groups as long as there are not more than ten participants per session.

1. What are the priority needs of your organization?
2. What do you think is the best contribution that your organization is able to give the community? Please state at least three contributions and explain why you chose these.
3. What in your view are the foremost problems the community is facing and will face in the near future? Please state three problems and explain why you chose these.
4. In connection with the above problems, what solutions can you suggest and why? (If unemployment was not included as a problem you have to introduce it).

5. Data shows that unemployment or joblessness, particularly of the youth, is a national concern. Do you think we should also be concerned about it here in our community? Why do you think so and what, to your mind, are the major causes of unemployment?
6. Many think that one of the major causes of unemployment in the community is the lack of accurate, relevant and timely information on the availability of job openings and vacancies. Do you agree? Why or why not?
7. If you agree, should the local government be actively involved in this? How? (You can guide the interviewees to the different ways LGU can do but focus on the establishment of a PESO and get their views as to its funding and relationships with private placement bodies).
8. The establishment of PESO is an initiative that has been tried in many other localities and proved effective in many instance. Do you think our community should do the same? Why or why not?
9. In the event that the LGU establishes its own PESO, how will your agency help in putting it up as well as operating it? What assistance, in your mind, could you provide in making the PESO successful? Will you be using the PESO as a way of assisting your graduates, workers, job hunters, or constituents find work? Why or why not?

REFERENCE NO. 3-10
ESTIMATED COSTS OF SETTING UP A PESO

DEPARTMENT OF LABOR AND EMPLOYMENT
BUREAU OF LOCAL EMPLOYMENT

PROJECTED EXPENSES FOR PESO OPERATIONALIZATION
OF HIGHLY URBANIZED CITIES AND FIRST CLASS PROVINCES

Items of expenditures	Class A	Target PESO	Cost
	Projected cost	Initial amount cost	
a. MOOE			
1. Personnel			
1.1 Class A (Highly urbanized Cities/First Class Province)		1,271,724.00	
1.1.1 PESO Manager (Division Chief Level SG 24)	31,334.00	376,008.00	
1.1.2 Referral and Placement Officer (LEO 3 SG 16)	19,514.00	234,168.00	
1.1.3 LMI Officer (LEO 3 SG 16)	19,514.00	234,168.00	
1.1.4 Employment and Career Guidance Counselor (LEO 3 SG 16)	19,514.00	234,168.00	
1.1.5 IT Personnel (LEO 2 SG 16)	16,101.00	193,212.00	
Total Salaries of Personnel			1,271,724.00
2. Traveling expense		300,000.00	300,000.00
3. Supplies and materials		100,000.00	100,000.00
Total Mode			1,671,724.00
b. CAPITAL OUTLAY			
1. Equipment			
1.1 Telephone with internet capabilities with initial installation cost	2,500.00	13,500.00	13,500.00
1.2 Computer units 5	35,000.00	175,000.00	175,000.00
1.3 Printer/scanner 2	6,000.00	12,000.00	12,000.00
1.4 Fax machine	6,000.00	6,000.00	6,000.00
Total Capital Outlay			206,500.00,
TOTAL PER YEAR			1,878,224.00

Note: all cost estimates as of 2011; cost estimates for succeeding years may vary due to inflation and other factors.

PROJECTED EXPENSES FOR PESO OPERATIONALIZATION OF FIRST CLASS MUNICIPALITIES, SECOND AND THIRD CLASS PROVINCES

	Class B	Target PESO	
Items of expenditures	Projected cost	Initial amount cost	Cost
a. MOOE			
1. Personnel			
1.1 Class B (1 st Class Municipalities, 2 nd and 3 rd Class Provinces)		1,210,488.00	
1.1.1 PESO Manager (Supervising LEO SG 22)	28,134.00	337,608.00	
1.1.2 Referral and Placement Officer (LEO 3 SG 16)	19,514.00	234,168.00	
1.1.3 LMI Officer (LEO 3 SG 16)	19,514.00	234,168.00	
1.1.4 Employment and Career Guidance Counselor (LEO 3 SG 16)	19,514.00	234,168.00	
1.1.5 IT Personnel (LEO 1 SG 11)	14,198.00	170,376.00	
Total Salaries of Personnel			1,210,488.00
2. Traveling expense		200,000.00	200,000.00
3. Supplies and materials		80,000.00	80,000.00
Total Mode			1,490,488.00
b. CAPITAL OUTLAY			
1. Equipment			
1.1 Telephone with internet capabilities with initial installation cost	2,500.00	13,500.00	13,500.00
1.2 Computer units 4	35,000.00	140,000.00	140,000.00
1.3 Printer/scanner 2	6,000.00	12,000.00	12,000.00
1.4 Fax machine	6,000.00	6,000.00	6,000.00
Total Capital Outlay			171,500.00,
TOTAL PER YEAR			1,661,988.00

Note: all cost estimates as of 2011; cost estimates for succeeding years may vary due to inflation and other factors.

PROJECTED EXPENSES FOR PESO OPERATIONALIZATION OF SECOND CLASS MUNICIPALITIES AND FOURTH CLASS PROVINCES

	Class C	Target PESO	
Items of expenditures	Projected cost	Initial amount cost	Cost
a. MOOE			
1. Personnel			
1.1 Class C (2 nd Class Municipalities and 4 th Class Provinces)		1,03,448.00	
1.1.1 PESO Manager (Senior LEO SG 19)	23,703.00	284,436.00	
1.1.2 Referral and Placement Officer (LEO 2 SG 13)	16,101.00	193,212.00	
1.1.3 LMI Officer (LEO 2 SG 13)	16,101.00	193,212.00	
1.1.4 Employment and Career Guidance Counselor (LEO 2 SG 13)	16,101.00	193,212.00	
1.1.5 IT Personnel (LEO 1 SG 11)	14,198.00	170,376.00	
Total Salaries of Personnel			1,034,448.00
2. Traveling expense		150,000.00	150,000.00
3. Supplies and materials		60,000.00	60,000.00
Total Mode			1,244,448.00
b. CAPITAL OUTLAY			
1. Equipment			
1.1 Telephone with internet capabilities with initial installation cost	2,500.00	13,500.00	13,500.00
1.2 Computer units 2	35,000.00	70,000.00	70,000.00
1.3 Printer/scanner 1	6,000.00	6,000.00	6,000.00
1.4 Fax machine	6,000.00	6,000.00	6,000.00
Total Capital Outlay			95,500.00,
TOTAL PER YEAR			1,339,948.00

Note: all cost estimates as of 2011; cost estimates for succeeding years may vary due to inflation and other factors.

**PROJECTED EXPENSES FOR PESO OPERATIONALIZATION OF THIRD
TO SIXTH CLASS MUNICIPALITIES**

	Class D	Target PESO	
Items of expenditures	Projected cost	Initial amount cost	Cost
a. MOOE			
1. Personnel			
1.1 Class D (3 rd to 6 th Class Municipalities)		1,007,016.00	
1.1.1 PESO Manager (LEO 3 SG 16)	19,514.00	234,168.00	
1.1.2 Referral and Placement Officer (LEO 1 SG 11)	16,101.00	193,212.00	
1.1.3 LMI Officer (LEO 1 SG 11)	16,101.00	193,212.00	
1.1.4 Employment and Career Guidance Counselor (LEO 1 SG 11)	16,101.00	193,212.00	
1.1.5 IT Personnel (LEO 1 SG 11)	16,101.00	193,212.00	
Total Salaries of Personnel			1,007,016.00
2. Traveling expense		100,000.00	100,000.00
3. Supplies and materials		50,000.00	50,000.00
Total Mode			1,157,016.00
b. CAPITAL OUTLAY			
1. Equipment			
1.1 Telephone with internet capabilities with initial installation cost	2,500.00	13,500.00	13,500.00
1.2 Computer units 1	35,000.00	35,000.00	35,000.00
1.3 Printer/scanner 1	6,000.00	6,000.00	6,000.00
1.4 Fax machine	6,000.00	6,000.00	6,000.00
Total Capital Outlay			60,500.00,
TOTAL PER YEAR			1,217,516.00

Note: all cost estimates as of 2011; cost estimates for succeeding years may vary due to inflation and other factors.

REFERENCE NO. 3-11
THE GUIDANCE AND COUNSELING ACT OF 2004

Republic Act No. 9258

AN ACT PROFESSIONALIZING THE PRACTICE OF GUIDANCE
AND COUNSELING AND CREATING FOR THIS PURPOSE A PROFESSIONAL
REGULATORY BOARD OF GUIDANCE AND COUNSELING, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES

ARTICLE I
TITLE, DECLARATION OF POLICY, DEFINITION OF TERMS

Section 1. Title. – This Act shall be known as the “Guidance and Counseling Act of 2004”.

Section 2. Declaration of Policy. – It is hereby declared a policy of the Senate to promote the improvement, advancement and protection of the guidance and counseling services profession by undertaking and instituting measures that will result in professional, ethical, relevant, efficient, and effective guidance and counseling services for the development and enrichment of individuals and group lives.

The State recognizes the important role of guidance and counselors in nation-building and promotes the sustained development of reservoir of guidance and counselors whose competence have been determined by honest and credible licensure examinations whose standards of professional practice and service are world-class and Internationally recognized, globally competitive through preventive regulatory measures, programs, and activities that foster their continuing professional development.

Section 3. Definition of Terms. – As used in this Act, the following terms shall mean:

- (a) Guidance and Counseling is a profession that involves the use of an integrated approach to the development of a well-functioning individual primarily by helping him/her potentials to the fullest and plan him/her to utilize his/her potentials to the fullest and plan his/her future in accordance with his/her abilities, interests and needs. It includes functions such as counseling subjects, particularly subjects given in the licensure examinations, and other human development services.
- (b) A guidance counselor is a natural person who has been registered and issued a valid Certificate of Registration and a valid Professional Identification Card by the Professional Regulatory Board of Guidance and Counseling and the Professional Regulatory Commission (PRC) in accordance with this Act and by virtue of specialized training performs for a fee, salary or other forms of compensation, the functions of guidance and counseling under Section 3 (a) of this Act.

ARTICLE II
THE PROFESSIONAL REGULATORY BOARD OF COUNSELING

Section 4. Creation of Professional Regulatory Board of Guidance and Counseling. – There shall be created a Professional Regulatory Board of Guidance and Counseling, hereinafter referred to as the Board, Under the administrative control and supervision of the Professional Regulatory Commission, hereinafter referred to as the Commission, to be composed of a Chairman and two (2) members who shall be appointed by the Philippines from a list of three (3)

recommendees for each position submitted by the Commission from a list of five (5) nominees for each position submitted by the accredited and integrated organization of guidance counselors.

Section 5. Powers, Functions, Duties and Responsibilities of the Board. – The professional Regulatory Board shall have the following specific powers, duties and responsibilities:

- (a) Supervise and regulate the practice of Guidance and Counseling.
- (b) Determine and evaluate the qualifications of the applicants for registration with or without licensure examinations and for issuance of special permits.
- (c) Prepare the examination questions in accordance with Section 15 hereof or the modification thereof, and correct and rate the examination papers through a process of computerization.
- (d) Prepare, adopt issue or amend the syllabi for the subjects in the licensure examination, in consultation with the Commission on Higher Education (CHED), the academe and the accredited professional organizations.
- (e) Register successful examinees in the licensure examination and issue the corresponding certificates of registration.
- (f) Issue special/temporary permits to foreign guidance counselors to practice Guidance and Counseling for specific duration of time for a fee or on medical mission without a fee.
- (g) Monitor the conditions affecting the practice of Guidance Counseling, conduct ocular inspection of places where guidance counselors practice their profession and adopt measures for the enhancement of the profession and the maintenance of high professional, technical, and ethical standards.
- (h) Ensure, in coordination with the CHED, that all education institutions offering the course/program of Guidance and Counseling comply with the policies, standards and requirements of the said course prescribed by the CHED in the areas of curriculum, faculty, library and facilities.
- (i) Promulgate rules and regulations including a Code of Ethics, a Code of Technical Standards for guidance counselors and administrative policies, orders and issuances, to carry out the provisions of this Act.
- (j) Investigates violations of this Act and the Rules and Regulations, Code of Ethics Code of Technical Standards, administrative policies, orders and issuances, promulgated by the Professional Regulatory Board. The Rule on administrative investigation promulgated by the Commission shall govern in such investigation.
- (k) Issue subpoena or subpoena *duces tecum* to secure the attendance of respondents or witnesses or the production of documents relative to the investigation conducted by the Board.
- (l) Render decision, order or resolution on preliminary investigation or inquiry against violators of this Act, Rules and Regulations, Code of Ethics, Code of Technical Standards or any policy on undocketed cases and the docketed administrative cases against examinees and registrants, which shall become final and executory unless appealed with the Commission within fifteen (15) days from receipt of the copy thereof.
- (m) Issue, suspend, revoke, or re-issue any license for the practice of Guidance and Counseling as defined in this Act.
- (n) Administer oaths necessary for the effective Implementation of this Act.
- (o) Initiate criminal action against any violator of this Act and/or the rules and regulation of the Board.
- (p) Adopt the official seal of the Board.
- (q) Prescribed guidelines and criteria on the continuing professional education.
- (r) Adopt such measures necessary and proper for the maintenance of high ethical and professional standards in the practice of the profession.
- (s) Perform such other functions and duties as may be necessary to effectively implement this Act.

The policies resolutions and rules and regulations issued or promulgated by the Professional Regulatory Board shall be subject to review and approval by the Commission; however, the Board's decisions, resolutions orders which are not interlocutory, rendered in an administrative case, shall be subject to review only if on appeal with the Commission. The decision of the Board and/or the Commission may be appealed to the Court of Appeals in accordance with the Rules of Court.

Section 6. Qualification of Professional Regulatory Board Members. – The Chairman and members of the Professional Regulatory Board, at the time of their appointment shall:

- (a) Be a citizen of the Republic of the Philippines.
- (b) Be a resident of the country for at least five (5) years immediately prior to his/her appointment.
- (c) Be of good moral character and must not have been convicted of any crime involving moral turpitude.
- (d) Be a qualified guidance counselor holding a valid Certificate of Registration: *Provided*, that in the case of the first members of the Board of Guidance and Counseling, they shall be issued Certificates of Registration as guidance counselors without prior examination.
- (e) Be a holder of a doctoral degree in Guidance and Counseling from a reputable college or university duly recognized by the CHED and/or by a duly accredited college or university abroad.
- (f) Have at least ten (10) years of continuous professional practice as guidance counselor or counselor educator under this Act.
- (g) Not be a member of the faculty of any school, college, or university where regular and/or review courses in guidance and counseling education is taught nor have any pecuniary interest in such institution.
- (h) Not be an official of the integrated and accredited national professional organization.

Section 7. Term of Office. – The members of the Board shall hold office for a term of three (3) years or until their successors shall have been appointed and qualified. They may, however, be reappointed for a second term. Of the members to be appointed for the first Board, one (1) member shall hold office as Chairman for three (3) years; one (1) as member for two (2) years; and one (1) member for a term of one (1) year. Any vacancy in the Board shall be filled for the unexpired portion of the term only. Each member shall take the proper oath prior to assumption duty.

Section 8. Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services. – All records of the Board, including application for examination and administrative and other investigative cases shall be under the custody of the Commission. The Commission shall designate the Secretary of the Board and shall provide the secretariat and support services to implement the provision of this Act.

Section 9. Compensation and Allowances of the Board. – The Chairman and members of the Boards shall receive the compensation and allowances comparable to the compensation and allowances received by the chairman and members of existing regulatory board under the Commission as provided for in the General Appropriations Act.

Section 10. Grounds for Suspension and Removal of Board Members. – The President of the Philippines, upon the recommendation of the Commission, after giving the concerned member an opportunity to defend himself/herself a proper administrative investigation to be conducted by the Commission, may remove and suspend any member on the following grounds:

- (a) Neglect of duty or incompetence.
- (b) Violating or tolerance of violating this Act or the Code of Ethics and Code of Professional and Technical Standards for guidance counsellors.
- (c) Conviction by final judgement of crimes involving moral turpitude.
- (d) Manipulation of rigging of the licensure examination results, disclosure of secret information or the examination, or tampering of the grades therein.
- (e) Conviction by the final judgement of any criminal offense by the courts.

Section 11. Annual Report. – The Chairman of the Board, shall after the close of the fiscal year, submit an annual report to the commission, giving a detailed accounting of the proceedings of the Board during the year and embodying such recommendation as the Board may desire to make.

ARTICLE III EXAMINATION, REGISTRATION, AND LICENSURE

Section 12. Examination Required. – All applicants for registration for the practice of Guidance and Counseling shall be required to undergo a licensure examination to be given by the Board and the Commission in such places and dates as the Commission may designate in accordance with Republic Act No. 8981, subject to compliance with the requirements prescribed by the Commission.

Section 13. Qualification for Examination. – In order to qualify for the examination, an applicant must, at the time of filing the application be:

- (a) A citizen of the republic of the Philippines or a foreigner whose country has reciprocity with the Philippines in the practice of Guidance and Counseling.
- (b) Has not been convicted of any offense involving moral turpitude by a competent court.
- (c) Holder of a Bachelor's Degree in Guidance and Counseling or in other Allied Disciplines and a master's degree in Guidance and Counseling from an institution in the Philippines or abroad recognized or accredited by the CHED.

Section 14. Registration Without Taking Licensure Examination. – A person who possesses the pertinent qualifications required for admission in the examination for registration as guidance counselor pursuant to the provisions of this Act maybe registered without examination: *Provided*, That the applicant files with the Board within two (2) years after its creation, an application for registration and issuance of a Certificate of Registration and Professional Identification Card by submitting credentials showing that the applicant before the effectivity of this Act:

- (a) Had been doctoral and Masters Degree holders in Guidance and Counseling with at least three (3) years of teaching Guidance and Counseling courses and/or full-time counseling practice for the same period.
- (b) Had passed at least eighteen (18) units of Master's level courses in Guidance and Counseling such as Counseling Techniques/Theories, Organization or Administration of Guidance Services, Test and Measurements, Group Process/Counseling and Career Guidance/Counseling; and have at least seven (7) years of experience in counseling work.
- (c) Has completed academic requirements for a master's degree in guidance and counseling and have five (5) years experience as full-time guidance counselors.

Section 15. Scope of Examination. – The examination shall cover the following subject areas:

- (a) Philosophical, Psychological and Sociological Foundations of Guidance
- (b) Counseling Theories, Tools and Techniques
- (c) Psychological Testing
- (d) Organization and Administration of Guidance Services
- (e) Group Process and Program Development

The Board, subject to approval by the Commission, may revise or exclude any of the subjects and their syllabi, and add new ones as the need arises.

Section 16. Report of Rating. – The Board shall, within ten (10) days after the examination, report the ratings obtained by each candidate to the Commission.

Section 17. Ratings in the Examination and Re-examination. – To be qualified as having passed the licensure examination for guidance and counselors, a candidate must have obtained a weighted general average of seventy-five per cent (75%), with no grade lower than sixty per cent (60%) in any given subject. However, an examinee who obtains a weighted average of seventy-five per cent (75%) or higher but obtains a rating below sixty per cent (60%) within two (2) years from the date of the last examination. The subjects or subjects retaken must have each a rating of no less than seventy-five per cent (75%) in order to qualify as having passed the examination.

Section 18. Oath-Taking. – All successful examinees shall be required to take a professional oath before any member of the Board or any officer of the Commission authorized by the PRC, or any officer authorized by law.

Section 19. Issuance of Certificates of Registration and Professional Identification Card. – A Certificate of Registration as a guidance counselor shall be issued to any applicant who passes the examination or who is registered without examination, bearing the signature of the Commission Chairperson and Chairman and members of the Board, and official Seal of the Board.

A Professional Identification Card bearing the registration number, date of issuance, expiry date, duly signed by the Commission Chairperson shall likewise be issued to every registrant who has paid the prescribed fee.

Section 20. Roster of Guidance Counselors. – The Board, In coordination with the accredited professional organization, shall kept a roster of the names, residence, and office addresses of all registered and licensed guidance counselors and the said roster shall be made available to the public upon request.

Section 21. Integration of Guidance Counselors. – All registered/licensed Guidance Counselors whose names appear in the roster of guidance counselors shall be united and integrated to their automatic membership in a one (1) and only registered and accredited national organization of registered/licensed Guidance Counselor which the Board, subject to approval by the Commission, shall recognized and accredit after consultation with all existing organizations of registered and licensed Guidance Counselors and, if possible with all those who are not members of any of the said organizations. The members in the said integrated and accredited national organizations shall receive benefits and privileges appurtenant thereto upon payment of required fees and dues. Membership integrated organization shall not be a bar to membership in any association of Guidance Counselors.

Section 22. Indication of Certificate of Registration Number and Professional Tax Receipts. – The Guidance Counselors shall be required to indicate his/her Certificate of Registration number, the date of issuance, the period of validity of the license, including the professional tax receipt number on the documents he/she signs, uses or issues in connection with the practice of his/her profession.

Section 23. Practice Through Special/Temporary Permit. – Special/Temporary Permit may be issued by the Board, subject to the approval of the Commission and payment of the fees the latter has prescribed and charged thereof, to the following persons:

- (a) Licensed Guidance Counselors from foreign countries/states whose services are either for a fee or free:
 - i. If they are internationally well-known counselors or outstanding experts in any branch or specialty of Guidance and Counseling.
 - ii. If their services are urgently and importantly necessary for lack of, or inadequacy of available local specialists/experts for the promotion or advancement of the practice of guidance and counseling through transfer of technology.
- (b) Licensed Guidance Counselors from foreign countries/states whose services shall be free and limited to indigent patients in a particular hospital, center, or clinic.
- (c) Licensed Guidance Counselors from foreign countries/states employed as exchange professors in branch or specialty of Guidance and counseling in schools, colleges, universities offering the course of guidance and counseling.

The permit shall, among other things, include these limitations and conditions for a period of not more than one (1) year subject to renewal, the branch or specialty of guidance and counseling, and the specific place of practice such as clinic, hospital, center, school/college/university offering the course of guidance and counseling. The Board, subject to approval by the Commission, shall prescribe rules and regulations on the implementation of this particular section.

Section 24. Denial, Suspension, Revocation of a Certification of Registration, Cancellation of Special Permit. – The application for registration and the issuance of a Certificate of Registration may be denied for any of these causes:

- (a) Conviction of an Offense involving moral, turpitude by a competent court.
- (b) Finding of Guilt by the Professional Regulatory Board for immoral and/or dishonorable conduct.
- (c) Declaration by the court of the applicant as being insane.

The Certificate of Registration may be revoked or suspended, or the special permit may be cancelled for any of the above-enumerated causes including the following: fraudulent acquisition of Certificate of Registration and/or special permit; abetment or tolerance of illegal practice by unqualified person through the use by the latter of Guidance Counselor's Certificate, or special permit; Violation of any provision of this Act, Rules and Regulations of the Board and Commission and other policies thereof, including the Code of Ethics and Code of Technical Standards or Guidance Counselors; unethical, immoral, dishonorable or unprofessional conduct; malpractice; guilty of drug or alcohol abuse impairing his/her ability to practice his/her profession; and practice of the profession during period of suspension by one whose Certificate of Registration had been suspended by the Board.

No certificate shall be denied, revoked, or suspended or any of the reason herein provided, until after sworn complaint in writing against the applicant or holder thereof shall have been filed and heard in a public hearing or upon request, behind closed doors.

Section 25. Reinstatement. – A person may apply to the Board for reinstatement of a certificate the issuance of which has been duly revoked at any time after the expiration of one (1) year from the date of revocation of the said certificate. The application shall be in writing and shall conform to requirement provided by the Board. No certificate shall be reinstated unless the Board is satisfied that a good cause exists to warrant such reinstatement.

Section 26. Appeal. – The decision on the denial or refusal to issue Certificate of Registration, the revocation or suspension of the Certificate of Registration, or cancellation of special permit by the Board shall be final unless appealed to the Commission within fifteen (15) days from receipt of the decision. The decision of the Board and/or Commission may be appealed to the Court of Appeals.

ARTICLE IV PRACTICE OF GUIDANCE AND COUNSELING

Section 27. Prohibition Against the Practice of Guidance and Counseling. – No person shall: (a) engage in the practice of guidance and counseling without a valid Certificate of Registration and the valid Professional Identification Card or a special permit; (b) make representations to the public or to third person as a licensed Guidance Counselor during the time that the licensed has been revoked or suspended; and, (c) allow anybody to use his/her license as guidance counselor to enable such unqualified individual to engage in the practice of guidance and counseling.

No corporation, partnership, association or entity shall operate a guidance and counseling office or center, or otherwise engage in the practice of guidance and counseling without securing a permit from the Board, which shall be issued only after it has satisfied itself that such establishment is properly staffed by duly licensed Guidance Counselors.

Any unethical practice of guidance and counseling as may be defined in a Code of ethics and Code of Technical Standards to be prepared by the Board in consultation with Guidance Counselors, is prohibited.

Section 28. Right to Privilege Communication for Guidance Counselor. – A certified Guidance Counselor who is allowed to practice guidance and counseling in accordance with this Act, without the consent of the client, be examined as to any communication or information which has been acquired while attending to such client. The protection accorded herein shall also extend to the records and Secretary or Clerk of a license Guidance Counselor, who may not be examined concerning any fact, the knowledge of which has been acquired in such capacity. Any evidence obtained in violation of this provision shall be inadmissible for any purpose and any proceeding.

Section 29. Foreign Reciprocity. – No foreign Guidance Counselor shall be admitted to the examinations, or be given a certificate of Registration, or be entitled to any of the rights and privileges under this Act unless the country or state of which he/she is a subject or citizen permits Filipino Guidance Counselors to Practice within its territorial limits on the same basis as the subjects or citizen of said country or state: *Provided*, that the requirement for certification of Guidance Counselors in said foreign state or country are substantially the same as those required and contemplated under this Act: *Provided, further*, That the laws such states or country grant the same privilege to Filipino Guidance Counselors on the same basis as the subjects or citizens of such foreign state or country

Section 30. Funding Provisions. – The Chairperson of the Commission shall include in the Commission's Programs the implementation of this Act, the funding of which shall be included in the General Appropriations Act.

Section 31. Assistance of Law Enforcement Agency. – Any law enforcement agency shall, upon call or request of the Commission or the Board, render assistance in enforcing this Act, including all the rules and regulations promulgated thereunder by prosecuting the violators thereof in accordance with law and the Rules of Court.

Section 32. Implementing Rules and Regulations. – Within sixty (60) days after the effectivity of this Act, Subject to the approval of the Commission, the Board shall promulgate the necessary rules and regulations, in coordination with the integrated and accredited professional organization, to implement the provisions of this Act, which shall be effective after fifteen (15) days following its publication in the Official Gazette or newspaper of general circulation.

Section 33. Penalty Clause. – Any person who violates any provision of this Act and the rules and regulations issued by the Board and the Commission or commits fraud in the acquisition of Certificate of Registration or Special Permit, shall be punished with imprisonment of not less than six (6) months but not more than eight (8) years, or a fine of not less than Fifty Thousand Pesos (Php50,000.00) but not more than One Hundred Thousand Pesos (Php100,000.00) or both in the discretion of the court.

Section 34. Separability Clause. – If any part of this Act is declared unconstitutional, the remaining parts not affected thereby shall continue to be valid and operational.

Section 35. Repealing Clause. – All laws, decrees, orders, circulars, rules and regulations and other issuances, which are inconsistent with this Act, are hereby repealed, amended or modified accordingly.

Section 36. Effectivity. – This Act shall take effect one (1) month after its publication in a newspaper of general circulation in the Philippines.

This Act which a consolidation of House Bill No. 5253 and Senate Bill No. 2126 was finally passed by the House of Representatives and the Senate on January 20, 2004 and February 19, 2004 respectively.

Approved: March 2, 2004

REFERENCE NO. 3-12

100 EVALUATIVE FACTORS: AN ILO TOOL FOR ASSESSING THE PESO

100 EVALUATIVE FACTORS: EMPLOYMENT SERVICES IN DEVELOPING COUNTRIES

This assessment instrument, which was developed by the ILO, provides a clear-cut yet thorough means of evaluating Public Employment Services (PES) in developing countries. The checklist makes administering and scoring easy. The instrument yields a score that is applied to the following interpretative ranges:

Score range	Level of PES services and operations
90-100	Optimal
75-89	Very good
60-74	Good
45-59	Fair
25-44	Many improvements needed
Below 25	Much improvement needed

The 100 factors define high performance and standards in most PESO service and management areas. As such, the most valuable use of this instrument is that of PESO **improvement**. PESO staff should regularly endeavor to achieve high performance as denoted in the 100 factors.

Administration instructions: Read each factor and check the appropriate reply.

Scoring: Each reply has the value of: ‘Fully’=1, ‘To some extent’=0.5 or ½, ‘Not at all’ and ‘Not applicable’=0. Add all replies to derive the score.

Interpretation: The interpretative ranges and descriptors shown above (Optimal, Very good, etc.) are only approximations and should be viewed in terms of levels of improvements needed.

100 Evaluative factors: employment services	Please check as appropriate			
	Fully	Some extent	Not at all	N/A
PESO Location				
1. Maps and directions to PESO are available in printed copy or on the web				
2. PESO is in a safe area				
3. PESO is easy to get to				
4. Close proximity parking is available				
5. PESO is close to public transport				
Signage				
6. PESO has large appealing sign(s) outside at street level to identify and advertise its services				
7. Main doors to building have a PESO sign				
8. Buildings have directional sign to PESO – in foyer, hallways, stairways, etc.				
9. Signs inside PESO clearly identify areas/ services				
10. Name plates are on door, desks or cubicles of staff				
11. All signs are professional or neatly printed (not handwritten)				

100 Evaluative factors: employment services	Please check as appropriate			
	Fully	Some extent	Not at all	N/A
Office First Impressions and General Observations				
12. Opening and closing hours are posted – hours are convenient to customers				
13. Office is clean, uncluttered and appealing				
14. Office has good ventilation or air conditioning				
15. Office/work noise is at appropriate level				
16. Office has a ‘jobs/career’ identity (imparted by jobs-related materials, posters, etc.)				
17. Layout of office is conducive to efficient customer flow				
18. Office is disabled-friendly				
19. Office projects a look and ‘feel’ that is professional, dynamic and forward-looking (more like a dynamic private company and less like a typical government office)				
Reception				
20. Receptionists are welcoming, attentive, helpful and professional				
21. Reception desk is uncluttered and conducive to receiving/submitting forms				
22. Writing surfaces (clipboards, desk, tables) are provided				
23. Pens/pencils are available				
24. A readable placard lists required registration materials and basic registration instructions				
25. Proper and sufficient chairs are available for waiting registrants				
26. Size of lobby/waiting area is sufficient for customer flow				
27. Magazines/newspapers, training/educational catalogues, labour market information and vocational-related brochures are available to inform/educate waiting registrants and to keep them occupied				
28. Registrant waiting time is within acceptable limits				
Registration Forms and Procedures				
29. Registration form contains necessary information fields: -Jobseeker details -Information regarding education, experience, skills, and qualifications -Work-related factors -Administrative information				
30. Registration forms are user-friendly and good print quality				
31. Registrants are assigned ID or tracking numbers				
32. Registrant information is updated regularly and registrants are designated as <i>active</i> (seeking work-filed by occupational code) or <i>inactive</i> (not seeking work-no assistance required)				
33. An Index File (alphabetical list of active registrants) is used and maintained				
34. A system is used and maintained to record and track all services provided to registrants				
Job Vacancy Boards				
35. Job vacancy boards are located in registration/ waiting area				
36. Job boards are accessible and unobstructed for viewing by multiple jobseekers				
37. Overall appearance of job vacancy boards is appealing				
38. Generally, a sufficient number of vacancies are posted to populated job boards				
39. All job postings are printed or neatly handwritten on uniform-sized and formatted forms				
40. Job postings are organized/clustered by sector				
41. Job boards are well-maintained – displaying only current and available jobs				

100 Evaluative factors: employment services	Please check as appropriate			
	Fully	Some extent	Not at all	N/A
Staff Offices, Cubicles or Work Areas				
42. Work areas reflect professionalism (diplomas and certificates displayed, pictures and posters impart 'jobs/career' identity)				
43. Staff desks and work areas are arranged/ furnished to optimize provision of services				
44. Proper and sufficient side chairs are available for customers				
45. Work areas are appropriately/sufficiently private				
Interviewing and Referring				
46. Interviewers are welcoming, attentive and professional				
47. Interviewers are trained and proficient in all aspects of interviewing				
48. The following interviewing functions are thoroughly and efficiently provided: -Identification/ verification of registrant education, experience, skills, and qualifications -Ascertaining registrant training needs and referring to training -Provision of job/ occupational information -Referring to counseling and workshops -Provision of resume and job search assistance -Matching jobseekers to vacancies -Referring registrants to employers -Assigning job codes or key words -Inputting/recording of registrant information and service transactions				
Interviewing Forms and Procedures				
49. Procedures to assign numeric occupational and industrial codes are used				
50. Interviewing and referral forms contain necessary fields, are user-friendly and are good print quality				
Employer Outreach and Services				
51. Employer outreach staff are personable, proactive, professional and engaged with the employer community				
52. Employer outreach staff are trained and proficient in all aspects of employer services				
53. The following employer outreach functions are thoroughly and efficiently provided: -Representing the PESO and establishing relationships with employers -Generating and obtaining job orders from employers -Providing labour market information to employers -Promoting disabled workers to employers and assisting with disabled accommodations -Interfacing with employers to complete Job Vacancy Records -Assigning job codes or key words to job orders -Inputting/recording of employer information and service transactions				
54. Employer outreach staff obtains specifications from employers as to their preferences for jobseeker application, referral and referral follow-up				
Employer Outreach Forms and Procedures				
55. Employers are assigned ID or tracking numbers				
56. Procedures to assign numeric occupation and industrial codes are used				
57. A 'Job Order' or Job Vacancy Registration Form' is used and maintained and contains the following field: -Job title -Occupational and industrial codes -Employer information				

100 Evaluative factors: employment services	Please check as appropriate			
	Fully	Some extent	Not at all	N/A
<ul style="list-style-type: none"> -Job information (number of positions, hours per week, wages, permanent or temporary, start date) -Job tasks -Education, experience and skills required -Record of vacancy referrals 				
58. A system is used and maintained to organize/ track job orders as to <i>open orders, referred orders and closed orders</i>				
59. Employer outreach forms are user-friendly and are good print quality				
60. A system is used and maintained to record and track all services provided to employers				
Job Matching				
61. Job matching staff are trained and proficient in all aspects of job matching				
62. Job matching staff are well-informed of employers' requirements and expectations for all vacancies				
63. Job matching staff are well-informed of registrants' job preferences, experience, education, and qualifications				
Job Matching Forms and Procedures				
64. Procedures to match jobseeker qualifications with job requirements are methodical, objective, efficient, and transparent – and yield highly qualified referrals				
65. Forms and procedures are in-place to document job matching decisions				
66. Procedures are in place to monitor and periodically audit job matching activities				
Career Advising and Counseling				
67. Counseling staff are personable, empathetic, and professional				
68. Counseling staff have specialized training/education in: <ul style="list-style-type: none"> -Principles of career choice, change, and adjustment -Occupational information and resources -Vocational self-assessments -Career development and planning -Theory and method of counseling 				
69. The following counseling functions are fully and efficiently provided: <ul style="list-style-type: none"> -Assisting clients with vocational choice, change and adjustment -Providing guidance to clients to reduce vocational barriers -Providing resources on jobs in demand, job duties, working conditions, and required skills/ training -Assisting clients with career exploration and job search -Assessing jobseeker interests and abilities -Assessing training/educational needs of clients -Fitting jobseekers' attributes with occupational requirements -Providing job coaching -Developing career plans -Inputting/recording of counselee information and service transactions 				
Counseling Forms and Procedures				
70. Procedures are in-place to identify and refer registrants requiring counseling				
71. A 'Counselee Record' is used and maintained and contains the following field: <ul style="list-style-type: none"> -Counselee details -Vocational issues -Work experience -Education and training 				

100 Evaluative factors: employment services	Please check as appropriate			
	Fully	Some extent	Not at all	N/A
<ul style="list-style-type: none"> -Extracurricular and leisure time activities -Functional and transferable skills -Assessment factors and results -Work field explored, considered, and selected -Vocational plan summary -Comments-progress-action taken 				
72. A 'Vocational Planning' form is used that details: <ul style="list-style-type: none"> -Counselee career goals -Training and education action plan -Employability steps -Employment schedule 				
73. Counseling forms are user-friendly and are good print quality				
74. Rules and procedures are in-place and adhered to with respect to confidentiality of counselee records				
75. A system is used and maintained to record and track all services provided to counselees				
Labour Market Information(LMI) and Vocational/Career Resources				
76. PESO actively partners with other units/agencies to generate labour market information and vocational/career resources that are: (a) geared toward students and jobseekers; (b) clear-cut and interesting; and (c) highly useable with practical illustrative content and hands-on applications				
77. Country-specific and regularly updated labour market information is regularly dispensed to jobseekers and students and contains particulars such as: <ul style="list-style-type: none"> -Jobs in demand and projected growth occupations/sectors -Localities where demand-jobs are concentrated -Details about jobs in demand such as job duties, working conditions, approximate earnings, required skills, training, and education requirements -Forecast for skills needs (future demanded skill-sets) 				
78. Vocational resources are regularly dispensed to jobseekers and students and provide coverage on topics including: <ul style="list-style-type: none"> -Planning and effective use of time to find jobs -Matching background, training, and experience to jobs -Effective job search techniques -Filling-out applications the right way -Writing effective cover letters -Preparing winning CVs -Right appearance and attitudes for getting jobs -Tips for interviewing -Work ethics, team work, communications and other soft skills 				
79. Labour market information and career resources are of such caliber to enable users (students and jobseekers) to make informed educational and employment decisions				
Jobseeker Self-Service Facilities				
80. PESO provide self service facilities for jobseekers such as desks, supplies, phone, fax, directories, copier, computer, printer, internet, and vocational-related materials (<i>such facilities are provided befitting local needs and PESO resources</i>)				
Automation and On-line Services				
81. Public employment service is automated and web-active (<i>as befitting in-country computer/internet usage and infrastructure</i>)				

100 Evaluative factors: employment services	Please check as appropriate			
	Fully	Some extent	Not at all	N/A
Inter Office and PESO Customer Communications				
82. PESO has electronic equipment or manual means to transmit information to/from customers and between offices in an efficient and timely manner				
83. Communications within and between offices are open and on-going – keeping staff informed and encouraging expression of ideas				
Customer Orientation, Outreach, Satisfaction Surveys and Demand-Driven Service				
84. The PESO actively fosters strong customer orientation as evidenced by: <ul style="list-style-type: none"> -Listening to customers -Keeping promises to customers -Using empathy to deal with customer complaint -Being helpful, friendly and courteous -Thinking ‘outside of the box’ -Empowering staff with best service practices 				
85. PESO routinely reach out to customers and the community via: <ul style="list-style-type: none"> -Career presentation at schools -Participation in career and job fairs -Provision of employment-related workshops and participation in panels/seminars as requested by community organizations -Hosting of employer forums -Media promotions and advertising 				
86. The PESO routinely administers formal customer satisfaction surveys to obtain inputs as to service usage and quality				
87. PESO services are demand-driven – designed, provided, and continuously improved based on customer needs				
Stakeholder Advisory Committee				
88. A Public Employment Service Stakeholder Advisory Committee is in-place. The Stakeholder Committee: <ul style="list-style-type: none"> -Has an official charter -Acts as an advisory board -Is empowered to provide oversight and guidance -Meets regularly (quarterly or semi-annually) -Imposes accountabilities to ensure PES sustainability 				
Public Employment Service Measures/Data				
89. PESO routinely collects measures as to the number of: <ul style="list-style-type: none"> -Customers (walk-in clients) -Jobseeker registrants -Interviews -Job orders (from employers) received -Vacancies posted -Referral made -Placements (number of referees hired) -Employer visits made -Counseling sessions -Individuals counseled -Special population clients (disadvantaged etc.) served -Workshops presented -Participants in workshops -(Jobseeker and employer demographic information) 				
90. Procedures are in-place and used to route Public Employment Service data to LMI, research and planning, and statistics units				
91. Measures/statistics are used to evaluate and guide PESO operations and to inform strategic planning				

100 Evaluative factors: employment services	Please check as appropriate			
	Fully	Some extent	Not at all	N/A
Staffing of PESO				
92. The number, range, and level of PESO positions are sufficient to meet needs as prescribed by local labour market conditions and interests				
93. PESO staff are selected and promoted based on qualifications and abilities necessary to perform employment service work functions				
Staff Training and Exposure to Public Employment Service Best Practices and Innovation				
94. Staff are appropriately and fully trained in PES processes, systems, work functions, and values				
95. DOLE, LGU, and PESO management promotes and supports advanced PES training and continuous learning				
96. DOLE, LGU, and PESO management encourages and supports PESO staff membership and participation in PES-related organizations, associations, conferences and workshops such as the World Association of Public Employment Services (WAPES)				
Employee Performance Evaluation				
97. PESO has in-place and administers a formal employee performance system that objectively evaluates individual work performance and is used to monitor/improve performance and inform personnel actions				
Management				
98. PESO managers provide competent leadership evidenced by: <ul style="list-style-type: none"> -Imparting forward-looking vision -Providing clear direction and expectations -Fostering teamwork -Giving frequent recognition -Resolving conflicts -Encouraging learning -Motivating employees -Leading courageously -Championing change 				
Strategic Planning				
99. On an annual basis, PESO management prepares and implements a strategic plan that: <ul style="list-style-type: none"> -Sets goals -Identifies implementation partners -Specifies enabling activities to achieve goals -Provides dates and timeframes -Establishes indicators to measure progress 				
Operations Manual				
100. PESO has in-place and abides by an Operations Manual outlining: <ul style="list-style-type: none"> -PESO vision and mission -PESO structure -PESO processes and systems -Work functions -Performance evaluation -Administrative procedures -Staff conduct and responsibilities -Accounting system 				

REFERENCE NO. 4-1
SANGGUNIAN RESOLUTION (GENERAL TRIAS, CAVITE)

Republic of the Philippines
Region IV-A (Calabarzon)

PROVINCE OF CAVITE
Municipality of General Trias
Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 09-03
CREATING THE PUBLIC EMPLOYMENT SERVICE OFFICE (PESO)
IN THE MUNICIPALITY OF GENERAL TRIAS

Be it enacted by the Sangguniang Bayan that:

Section 1. Title. – There is hereby created the Municipal Public Employment Service Office (PESO) in the Municipality of General Trias, a unit under the office of the Mayor.

Section 2. Statement of Policy. – The Municipality of General Trias hereby declares its strong commitment to provide full and equal employment opportunities for all Gentriaseños through Municipal PESO.

Section 3. Definition of Terms. – The following terms used in this ordinance are defined as:

- (a) MUNICIPAL PESO – the Municipal Public Employment Service Office is a unit under the Office of the Municipal Mayor that provides employment opportunities to Gentriaseños.
- (b) EAP – Employment Assistance Program
- (c) LSAP – Labor Sector Assistance Program
- (d) ISAP – Informal Sector Assistance Program
- (e) PRESEED – Promotion of Employment thru Self Employment and Entrepreneurship Development Programs
- (f) WHIP – Workers Hiring for Infrastructure Projects
- (g) SME – Small and Medium Enterprise
- (h) DOLE – Department of Labor and Employment
- (i) DPWH – Department of Public Works and Highways
- (j) POEA – Philippine Overseas Employment Agency
- (k) TESDA – Technical Educational and Skills Development Authority

Section 4. Employees of the Municipal Public Employment Service Office. –

- (a) The Municipal Mayor of General Trias shall designate a PESO Manager.
- (b) All other employees deemed necessary for the efficient and effective service of the Municipal PESO shall be designated through job order or memorandum from the Mayor.

Section 5. Objectives of the Municipal PESO. – As Guided by Republic Act 8759 otherwise known as the Public Employment Service Office Act of 1999, the Municipal PESO shall:

- (a) Provide employment opportunities for all Gentriaseños.
- (b) Strengthen the existing employment facilitation service machinery particularly at the barangay levels.
- (c) Provide a venue where the Gentriaseños could explore various employment options and seek assistance they prefer.

- (d) Serve as referral and information center for various services and programs of the DOLE and other government agencies.
- (e) Provide clients with adequate information on employment and labour market situation in the province and in the national and global areas.
- (f) Network with the PESO Managers in all the Municipalities for the consolidated employment services.
- (g) Serve as venue for mediation and conciliation of labour disputes.
- (h) Provide social protection program for the informal sector (i.e. drivers, domestic helpers, construction workers, vendors, etc.).

Section 6. Functions of the Municipal PESO. – The functions of the Municipal PESO shall be the following:

- (a) Encourage employers, locators, SMEs, line agencies like DOLE, POEA, DPWH, and embassies to provide the PESOs with job orders and lists of vacancies in their respective establishments in order to facilitate the provision of the labour market information for the Gentryaseños jobseekers both for local and overseas employment.
- (b) Develop and administer pre-qualification and screening processes for effective job matching through skills mapping, counseling and training.
- (c) Provide entrepreneurial Gentryaseños access to various livelihoods, finance and self-employment programs offered by both government and NGOs for job generation.
- (d) Coordinate with TESDA, local colleges and universities regarding employability enhancement, training/seminars for jobseekers as well as those who would like to change career or enhance their employability.
- (e) Provide employment or occupational counseling, career guidance, mass motivation, and values development activities.
- (f) Conduct pre-employment counseling and orientation to prospective local overseas jobseekers.
- (g) Provide reintegration assistance service to returning Gentryaseños migrant workers.
- (h) Provide business development assistance to the families of OFWs.
- (i) Conduct skills and job matching activities in barangay/school/parish levels, subdivisions to provide Gentryaseños better access to employment.
- (j) Implement social protection program for the informal sector.
- (k) Implement integrated program for the labour sector (mediation and conciliation, industrial peace program, occupational health, livelihood for the displaced workers).
- (l) Intensify the job matching on-line thru the Phil-JobNet.

Section 7. Mandatory Services of the Municipal PESO. –

- (a) Employment Assistance Program (EAP)
 - i. Prequalification and screening of applicants at the barangay/municipal levels
 - ii. Data banking for jobseekers and employers (local and overseas)
 - iii. Job matching (local and overseas)
 - iv. Job fairs (municipal, barangay, schools, and subdivisions)
- (b) Labor Sector Assistance Program (LSAP)
 - i. Adjustment Measures for Displaced Workers – this type of assistance shall provide laid-off/terminated workers to avail of livelihood and micro-financing assistance.
 - ii. Continuous Employment Assistance Program for Contractual Workers – this will include monitoring of the employment status of contractual workers and seek options for their continuous employment.

RESOLUTION NO. 09-06

Authors: Committee of the Whole

ADOPTING INTO LOCAL LAWS REPUBLIC ACT 8759 OTHERWISE
KNOWN AS THE PUBLIC EMPLOYMENT SERVICE OFFICE ACT OF 1999
AND ENACTING AN ORDINANCE CREATING THE MUNICIPAL PUBLIC EMPLOYMENT
SERVICE OFFICE (PESO) IN THE MUNICIPALITY OF GENERAL TRIAS FOR THE PURPOSE

WHEREAS, it is a declared policy of the state to promote full and equal employment opportunities for all, and for this purpose, strengthen and expand the existing employment facilitation service machinery of the government particularly at the local levels;

WHEREAS, the Honorable Mayor Luis A. Ferrer through his letter, requested the august body to adopt Republic Act 8759 otherwise known as the Public Employment Service Act of 1999 into local laws and the creation of the Municipal Public Employment Service Office (PESO) in the Municipality;

WHEREAS, the Municipal Public Employment Service Office (PESO) of the Municipality under the Office of the Mayor has been in existence for the past years providing employment opportunities to jobseekers through various Jobs Fair, Local Recruitment Activities in coordination with TESDA, DOLE, POEA, and companies in the economic zones and other recruitment agencies;

WHEREAS, for the purpose of efficient and effective delivery of public services in the local government unit, adoption of Republic Act 8759 into local laws and creation of the Municipal Public Service Office (PESO) are strongly recommended;

WHEREAS, the Municipal Public Employment Service Office (PESO) in the local government unit shall operate mainly on the guidelines set forth in Republic Act 8759;

WHEREAS, the Municipal Public Employment Service Office (PESO) shall ensure the prompt, timely and efficient delivery of employment service and provision of information on the programs of the Department of Labor and Employment;

WHEREFORE, on motion of SB Member Alfredo L. Pozas seconded by SB Member Carlos C. Viniegra II., SB Member Primitivo S. Porto, SB Member Mauricio C. Sison, SB Member Demetrio P. Trinidad, SB Member Bienvenido M. Custodio, SB Member Richard R. Parin, SB Member Noel A. Morena, SB Member Walter C. Martinez and SB Member Allen C. Ignacio, be it;

RESOLVED, AS IT IS HEREBY RESOLVED, to adopt Republic Act 8759 otherwise known as Public Employment Service Act of 1999 into local laws and enacting an ordinance creating the Municipal Public Employment Service Office (PESO) in the Municipality of General Trias for the purpose to be read as follows:

A. Special Program for Employment of Students

This program shall provide employment of students in pursuance to Republic Act No. 7323 which is an act to help poor but deserving students to pursue their education by encouraging their employment during summer and/or Christmas vacations, through incentives granted to employers, allowing them to pay only sixty per cent of their selected wages and the forty per cent (40%) through education vouchers to be paid by the Department of Labor and Employment (DOLE), prohibiting and penalizing the filing of fraudulent or fictitious.

B. Skills Mapping/Manpower Registry Program

This skills registry system will produce information on the stock of skilled Gentriseños workforce who is seeking employment by education, training, work experience, and location. The databank will help the policy makers including the local executives in managing labour market issues; the investors on making the investment decisions; employment facilitation service in matching jobs and skills; employers in finding the right workers; and unemployed person in marketing, their skills to a wide range of manpower seekers.

C. Phil-JobNet Program

This program will serve as the backbone for the skills mapping project because this computerized job matching facility is capable of processing and generating labour market information based on varying characteristics, including locations and addresses.

D. Other programs/activities developed by the DOLE to enhance provision of employment assistance to PESO clients particularly for special groups of disadvantaged workers such as persons with disabilities and displaced workers.

Section 8. Effectivity. – This Ordinance shall take effect immediately upon approval hereof.

Enacted under THIRD AND FINAL READING on 14 December 2009.

REFERENCE NO. 4-2
SANGGUNIAN RESOLUTION (LANAO DEL SUR)

Republic of the Philippines
AUTONOMOUS REGION IN MUSLIM MINDANAO
PROVINCE OF LANA DEL SUR
Capitol Complex, Buadi Sacayo, Marawi City

SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG
PANLALAWIGAN OF LANA DEL SUR, HELD IN ITS CONFERENCE ROOM
NEW CAPITOL COMPLEX, MARAWI CITY ON SEPTEMBER 17, 2007
AT 2:00 O'CLOCK IN THE AFTERNOON.

RESOLUTION NO. 44-2007
Series of 2007

**CONFIRMING THE CREATION OF THE PUBLIC EMPLOYMENT SERVICE
OFFICE (PESO) IN THE PROVINCE OF LANA DEL SUR**

WHEREAS, through Executive Order No. 003, dated July 19, 2007, the Honorable Governor created the Public Employment Service Office (PESO);

WHEREAS, the objectives, services offered and benefits doled out by the PESO will not only arrest the mounting problems on unemployment and underemployment, but will ultimately alleviate poverty;

WHEREFORE, in the light of the foregoing, the Sanggunian has RESOLVED as it is hereby RESOLVED, to confirm the creation of the Public Employment Service Office (PESO) in the Province of Lanao del Sur which shall be directly supervised by the Office of the Governor;

RESOLVED FURTHER, that the operational expenses of the PESO shall be chargeable against the funds of the Office of the Governor, subject to the usual accounting and auditing rules and regulations;

RESOLVED FINALLY, to furnish copies of this resolution to all concerned offices at the Provincial Capitol.

APPROVED.

Done this 17th day of September 2007 at New Capitol Complex, Buadi Sacayo, Marawi City, Philippines.

REFERENCE NO. 4-3
CITY ORDINANCE (SAN FERNANDO, PAMPANGA)

REPUBLIKA NG PILIPINAS
LALAWIGAN NG KAPAMPANGAN
Lungsod ng San Fernando
TANGGAPAN NG SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE 124TH REGULAR SESSION OF
THE 3RD SANGGUNIANG PANLUNGSOD OF THE CITY OF SAN FERNANDO
PAMPANGA HELD AT THE CITY SESSION HALL, BARANGAY STO. ROSARIO
CITY OF SAN FERNANDO, PAMPANGA ON THE 9TH DAY OF DECEMBER 2009

ORDINANCE NO. 2009-016

Author and Sponsor: Hon. Alex F. Patio
Co-Sponsor: Hon. Redentor S. Halili

AN ORDINANCE CREATING THE CITY EMPLOYMENT SERVICE DIVISION (CESD)
OF THE CITY OF SAN FERNANDO, (P), PROVIDING FOR ITS DUTIES AND FUNCTIONS
AND APPROPRIATING THEREON ITS FUNDING REQUIREMENT FOR ITS OPERATION

EXPLANATORY NOTE

WHEREAS, unemployment and underemployment continue to be perennial problems of the City of San Fernando, Pampanga attributed to many factors such as: (a) inability of our economy to generate jobs; (b) labour market imperfections; and (c) lack of information about market supply and demand, among others.

WHEREAS, the City Government has endeavored to strengthen its employment promotion programs toward the upliftment of human resources in the City of San Fernando, Pampanga, and has shown and is commitment to realize the same.

WHEREAS, Republic Act No. 8759, was enacted to institutionalize and expand employment opportunities and services through the establishment, operation, and maintenance of a Public Employment Service Office in every province, key cities, and other strategic areas throughout the country;

NOW THEREFORE, the Sangguniang Panlungsod of the City of San Fernando, Pampanga in session assembled, adopts as it hereby adopts the following Ordinance:

ARTICLE I
TITLE AND SCOPE

Section 1. Title. – This Ordinance shall be known as “The City Employment Service Division (CESD) of the City of San Fernando, (P)”.

Section 2. Scope. – This Ordinance shall be find application only within the territorial jurisdiction of the City of San Fernando, Pampanga.

Section 3. Declaration of Policy. – It is hereby the policy of the City Government of San Fernando, Pampanga to provide Fernandinos an ideal and habitable place where human dignity is at its best. For this reason, the city government has envisioned to become the gateway to the north, a regional center of Central Luzon, a champion of good governance in 2015, a global gateway by 2020, and a Habitat for Human excellence by 2030.

Following the roadmap of development its leaders have crafted, the city government addresses among others the areas of employment, education, health, infrastructure, trade and industry, environment, peace and order, and preservation of its cultural heritage vis-à-vis effective public governance.

The City Government advocates for the attainment of optimized human resources where human dignity is foremost. Hence, this Ordinance is enacted to harness at its best the human resources of the City of San Fernando (P) to alleviate and/or eradicate poverty in the city, by providing all qualified Fernandinos to a job/work that is suited to everybody's capabilities and self-worth.

Through the City Employment Service Division (CESD), the City Government shall ensure the prompt, timely and efficient delivery of employment services and provision of information relative to employment opportunities.

ARTICLE II

THE CITY EMPLOYMENT SERVICE DIVISION

Section 1. Creation of the City Employment Service Division. – There is hereby created the City Employment Service Division (CESD) which shall be placed under the control and supervision of the City Administrator and shall be linked with the Department of Labor and Employment for coordination and technical supervision to constitute the national employment service network.

Section 2. Duties and Functions of the CESD. – The CESD shall perform the following duties and responsibilities, to wit:

- (a) Encourage employers to submit to the CESD on a regular basis a list of job vacancies in their respective establishments in order to facilitate the exchange of labour market information between jobseekers and employers by providing employment information services to jobseekers, both local and overseas employment and recruitment assistance to employees.
- (b) Coordinate with the DOLE subject to technical supervision on the operation of the PESO.
- (c) Provide persons with entrepreneurship qualities access to the various livelihood and self-employment programs offered in the City by both government and NGOs.
- (d) Undertake employability enhancement trainings/seminars for jobseekers as well as those who would like to change careers or enhance their employability.
- (e) Provide employment or occupational counseling, career guidance, mass motivation, and values development activities.
- (f) Conduct pre-employment counseling and orientation to prospective local and most especially overseas workers.
- (g) Provide reintegration assistance service to returning Filipino migrant workers.

In addition to the foregoing, the CESD shall undertake the following programs and activities:

- (a) Job Fair – this shall be conducted periodically in the City to bring together in one venue the jobseekers and employers for immediate matching.
- (b) Special Program for the Employment of Students (SPES) – this program shall endeavor to provide employment to deserving students and out-of-school youth coming from poor families during summer and/or Christmas vacation as provided under RA No. 7323 and its implementing rules to enable them to pursue their education.
- (c) Work Appreciation Program (WAP) – this program aims to develop the values of work appreciation and ethics by exposing the young to actual work situations.

- (d) Livelihood and Self-Employment Bazaars – these will give clients information on the wide array of livelihood programs they choose to avail of particularly in the rural areas.
- (e) Vocational and Career Guidance Program – coordinate with schools and guidance counselors in the conduct of vocational guidance sessions for high school graduating students.
- (f) Provide a venue where Fernandinos in particular, could explore simultaneously various employment options.
- (g) Serve as referral and information center for the various services and programs of DOLE and other government agencies.
- (h) Provide would be employers and other stakeholders with adequate information on employment and labour market situation in the City.
- (i) Network with other PESOs within the region on employment for job exchange purposes.

Section 3. Organizational Structure of CESD. – The CESD shall be headed by a Supervising Labor and Employment Officer (PESO Manager) who shall be assisted by a Labor and Employment Officer III (Assistant PESO Manager) in the supervision of the following units:

- (a) Labour Market Information Section
- (b) Referral, Placement and Working Permit Section
- (c) Livelihood Section and Manpower Development, Livelihood and Training Section
- (d) Youth Development and Vocational and Career Guidance Section

Section 4. Duties and Functions of the PESO Manager. – The following shall be the duties and functions of the PESO Manager, to wit:

- (a) Recommend to the City Mayor the appointment of the members of the CESD staff.
- (b) Coordinate closely with the DOLE, TESDA, DTI, CHED, DepEd, City College of San Fernando, Pampanga and establish linkages with other labour and employment agencies, both local, national, and international in the attainment of the CESD goals and objectives.

Section 5. Staffing Pattern. – The CESD shall implement the herein attached approved Staffing Pattern in accordance with the rules and regulations promulgated by the Civil Service Commission, prioritizing thereon the hiring/retention of the existing personnel of the City Employment Service Office, which under the existing Plantilla of Positions of the City Government, is only a Section under the Office of the City Administrator.

ARTICLE III FUNDING REQUIREMENT

Section 1. Budget Requirement. – The amount of Php2,926,765.53 is hereby appropriated for the Plantilla of Positions as embodied in this ordinance and shall be given priority in the 2010 Annual Executive Budget of the City Government of San Fernando, Pampanga.

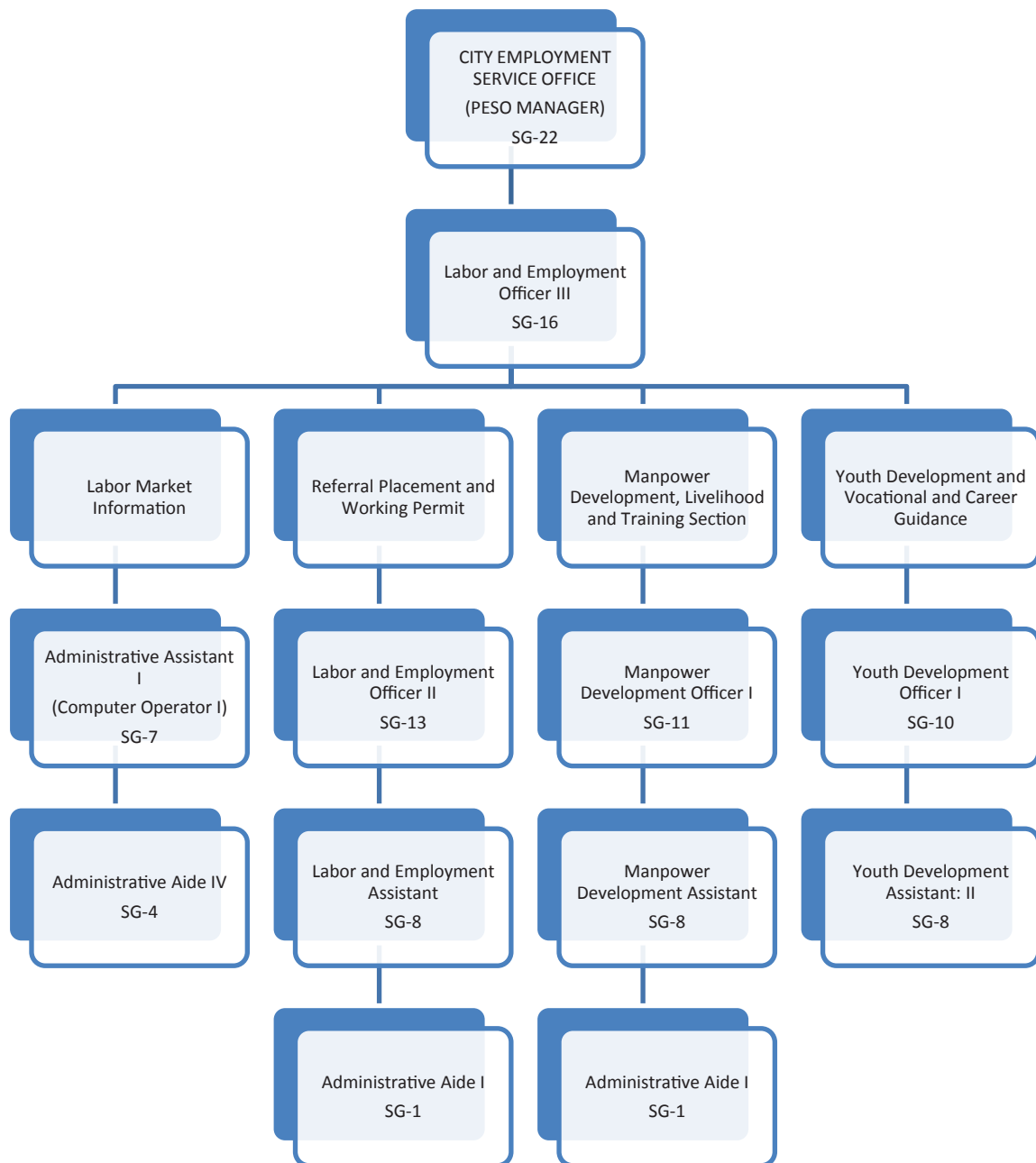
ARTICLE IV FINAL PROVISIONS

Section 1. Repealing Clause. – Local Ordinances, Resolutions, Orders, Rules and Regulations and other issuances of the City Government of San Fernando, Pampanga that are inconsistent with this Ordinance are hereby repealed, amended, and modified accordingly.

Section 2. Separability Provision. – If for any reasons, any section of this Ordinance, or any portion hereof or the application of such section or provision, or portion hereof to any person, group, or circumstance is declared invalid or unconstitutional, the remainder shall be in full force and effect.

Section 3. Effectivity. – This Ordinance shall take effect 15 days after its approval.

Adopted this 9th day of December 2009.



PESO Staffing Pattern

REFERENCE NO. 4-4
PROVINCIAL ORDINANCE
(APPROPRIATING FUNDS FOR INSTITUTIONALIZED PESO)

Republic of the Philippines
PROVINCE OF AGUSAN DEL SUR
Government Center, Prosperidad
NINTH SANGGUNIAN PANLALAWIGAN

PROVINCIAL ORDINANCE NO. 17
Series of 1999

AN ORDINANCE APPROPRIATING FUNDS FOR THE OPERATION OF THE
GOVERNMENT OF THE PROVINCE OF AGUSAN DEL SUR FROM JANUARY ONE
TO DECEMBER THIRTY ONE, YEAR TWO THOUSAND AND FOR OTHER PURPOSES

Be it ordained by the Sangguniang Panlalawigan in session assembled:

Section 1. General Fund Certified Statement of Income. – The Local Finance Committee, certified to the reasonable profitability of collection of the estimated income for the General Fund (Budget Year, CY 2000), based on the present economic conditions and subsisting revenue ordinances, which is hereby adopted as follows:

1.0 Tax Revenue.....	Php443,028,094.00
2.0 Operating and Miscellaneous Revenue.....	12,187,200.00
3.0 Capital Revenue – (Sale of Fixed Assets).....	80,000.00
4.0 Grants and Aids from other Level of Government.....	0.00
5.0 Domestic Borrowing.....	80,000,000.00
6.0 Balance Beginning.....	0.00
7.0 Surplus Adjustment.....	0.00
Total	Php535,295,294.00

Section 2. Domestic Borrowings. – The amount of Eighty Million Pesos (Php80,000,000.00) under Item 5.0, Section 1, on Domestic Borrowings shall be used for the construction of Legislative and Judiciary buildings, construction of Provincial Capitol Auditorium and the extension and repair of the Provincial Training Center, all in the Provincial Government located at Patin-ay, Prosperidad, Agusan del Sur.

Section 3. Appropriation of Funds. – The following sums indicated for programs, projects, and activities and key budgetary inclusions, or so much thereof as may be necessary are hereby appropriated on the General Fund in the Office of the Provincial Treasurer of Agusan del Sur not otherwise appropriated, for the operation of the Government of the Province of Agusan del Sur from January 1 to December 31, 2000 except otherwise specifically provided:

GENERAL FUND

I. OFFICE OF THE PROVINCIAL GOVERNOR

A. The Governor's Office

Current Operating Expenditure

- 1.0 Operating requirements of the Governor's Office – for operation, control, supervision, and management of provincial affairs, including the Governor's OfficePhp13,376,833.00
- 2.0 Necessary expenses for special missions – for special missions and receptions of foreign dignitaries150,500.00
- 3.0 Superintendence and coordination with national agencies and instrumentalities – for superintendence and coordination with national agencies and instrumentalities operating within the territorial jurisdiction of the Province of Agusan del Sur93,000.00
- 4.0 General supervision over component LGUs – for general supervision over component municipal and barangay governments.83,000.00
- 5.0 Special intelligence and security operations – for the special intelligence and security operations14,992,358.00
- 6.0 Construction of building and structure acquisition of furniture, fixture, equipment, books, and acquisition of service vehicles.85,260,000.00
 - 6.1 Land and land improvement..0.00
 - 6.2 Building and structure outlay81,500,000.00
 - 6.3 Construction of guest houses0.00
 - 6.4 Improvement/Completion of sports complex00
 - 6.5 Acquisition of service vehicles2,760,000.00
 - 6.6 Furniture, fixture, equipment, and book.1,000,000.00

Total New Appropriations

OFFICE OF THE PROVINCIAL GOVERNOR.....Php113,955,691.00

Special Provisions

1. Administrative and Technical Supervision – All personnel appearing in the personnel schedule under the Office of the Provincial Governor shall be under the administrative and technical supervision of the Provincial Governor. The personal staff of the Provincial Governor shall have coterminous appointment.
2. Building and Structure Outlay – The amount of Eighty One Million Five Hundred Thousand Pesos (Php81,500,000.00) shall be used for the construction of Legislative and Judiciary Buildings, Provincial Auditorium, and extension and repair of the Provincial Training Center in the Provincial Government Center, located at Patin-ay, Prosperidad, Agusan del Sur.
3. Acquisition of Service Vehicles – The amount of Two Million Seven Hundred Sixty Thousand Pesos (Php2,760,000.00) shall be used for the acquisition of service vehicles.

Department/Office: OFFICE OF THE PROVINCIAL ADMINISTRATOR

Current Operating Expenditure

- 1.0 Executive Assistance in the direction, control, supervision, and management of the Provincial Affairs and Programs – for executive assistance, the direction, control, supervision, and management of provincial affairs and programsPhp4,042,522.00
- 2.0 Coordination of activities of different executive committees, councils, and boards – for coordinating the activities of different executive committees and councils, including meetings, conferences, inspections, investigations, and performance audit180,000.00

Total, Project 2.0Php180,000.00

2.1 Capital OutlayPhp100,000.00

Special Services – for the operational requirement of Nutrition Services, Sports and Youth Development Services, Provincial Education Services, Cooperative Services, Library Services, Population Management Services, Information Services, Correctional Services, Civil Security Services, Provincial Employment Services, Provincial Agricultural Engineering Services, and WATSAN Services

1.0	Nutrition Services – for the operation and general support of nutrition Services.....	Php1,864,573.00
2.0	Sports and Youth Development Services – for the operational support of the sports and youth development services.....	2,227,724.00
3.0	Provincial Education Services – for the general administration and support of provincial education services.....	906,635.00
4.0	Cooperative Services – for the operation of the cooperative services.....	1,327,097.00
5.0	Library Services – for the operation and support of the library services.....	650,855.00
6.0	Population Management Services – for the operation and support of the population management services.....	783,982.00
7.0	Information Services – for the operation and support of the provincial information services.....	3,756,068.00
8.0	Provincial Jail/Provincial Correctional Services	
8.1	Correctional administration and operation – for the operational requirement and general administration of the provincial jail.....	7,373,999.00
9.0	Civil Security Unit – for the operational requirement and general administration of the civil security unit.....	5,023,190.00
10.0	Provincial Employment Service Office – for the operational requirement and general administration of the PESO.....	539,986.00
11.0	Provincial Agricultural Engineering Services – for the operational requirement and general administration of the provincial agricultural engineering unit.....	4,670,742.00
12.0	Water Center.....	1,170,071.00
Total, Office of the Provincial Administrator.....		Php34,617,444.00

Special Provisions

1. Administrative and Technical Supervision – All personnel appearing on the Personnel Schedule under the Nutrition Services, Sports and Youth Development Services, Provincial Education Services, Library Services, Population Management Services, Cooperative Services, Information Services, Correctional Services, Civil Security Services, Provincial Employment Services, Provincial Agricultural Engineering Services, and WATSAN Services shall be under the administrative and technical supervision of the Provincial Administrator.
2. Inmates Subsistence – Inmate shall be entitled to a Twenty Five Pesos (Php25.00) per inmate per day of food allowance. The rate of food allowance for inmate may be increased by the Sangguniang Panlalawigan within the year upon the joint recommendation of the Provincial Warden, Provincial Budget Officer, and Provincial Treasurer.

2.10 Public Employment Services Office

- I. OBJECTIVE: To ensure the efficient delivery of employment service and provision of information on other Department of Labor and Employment Programs.
- II. FUNCTIONS AND GENERAL WORK PROGRAM. The Public Employment Services Office will implement the efficient employment service to the province of Agusan del Sur. Public Employment Services Office also expand the Department of Labor and Employment programs even to the remote areas in the province, thus it is a venue to seek assistance either wage or self-employment.

ANNUAL BUDGET CALENDAR YEAR 2000...LBP FORM NO. 153

Old item number	New item number	Position, title, and name of incumbent	Date of appointment/promotion	Grade	Step	Actual salary as of 12-31-1999	Grade	Step	Proposed salary effective 01-01-2000	Increase/decrease
	E-151	Supervising Labor and Employment Officer (Proposed)					22	1	200,004.00	200,004.00
	E-152	Clerk II (Proposed)					4	1	67,752.00	67,752.00
E-146	E-153	Utility Worker (transfer from PGSO) Mellie G. Cellan	2/16/1992	1	3	55,476.00	1	3	55,476.00	0
						55,476.00			323,232.00	267,756.00

REFERENCE NO. 6-1

EXCERPTS FROM PESO MANUAL OF OPERATIONS

QUALIFICATION OF PESO MANAGER (PESO MANUAL OF OPERATIONS)

1. Duties of PESO Manager

The primary essence of work of the PESO Manager is to manage all technical and administrative activities.

- (a) Staff Management
 - Detail staff responsibilities and guide and coach staff when needed.
 - Identify training needs and arrange staff training as necessary (i.e. in-house or block release) training staff, or delegating training to appropriate staff, to undertake their duties effectively and efficiently, dealing with any problems such staff may have undertaking their duties.
 - Be responsible for informal stages of staff discipline, including coaching/counseling. Referring to Civil Service Commission Rules when formal disciplinary action requires to be considered.
- (b) Working Environment
 - Ensure that safe working practices are adopted by staff within the department at all times.
 - Ensure department is maintained in a clean and tidy state at all times.
- (c) Communication to the Higher Authority
 - Maintain effective communications with LGU Head/Management and staff through relevant briefing sessions or method appropriate to circumstances and attend supervisory meetings when called.
- (d) Planning
 - Develop action plans, proposals and other documents needed in the implementation of programs and services.
- (e) Conducting Daily Activities
 - Maintain a systematic process flow to ensure the effective and efficient running of the office and to avoid complaints from the clients.
 - If required to do so in “emergency situations” (i.e. situations where extreme staff shortages arise) undertake duties assigned to staff to cover his/her absences and avoid delay of transaction.
- (f) Monitoring PESO Activities
 - Ensure, by regular checking, that the quality of the service is consistent to the de-sired standard.
 - As appropriate conduct a reviews of the daily procedures being implemented in order to update and trim down unnecessary processes and carry out remedial action.

(g) Improvement and Problem Solution

- Satisfactorily resolve internal or external matters relating to the operation (i.e. operational or staff) referring more complex issues to the PESO Manager for advice or guidance (includes operational issues coming from previous or subsequent PESO units). If any matter cannot be resolved at this level it should be passed on to the DOLE Provincial Officer.
- Ensure implementation of improvement initiatives, maintaining appropriate records and working with staff on continual improvement of processes and reduction of waste.

2. Staff Management

Staff management is similar to managing the resources of the company basically it is managing human resources. In order to effectively manage the staff, the manager must be fully equipped with knowledge and skills on management in theory and in practice.

2.1 How to Recruit Staff

The objective of staffing is to ensure that organization roles are filled by those qualified personnel who are able and willing to occupy them. This is done by identifying work force requirements, inventorying the people available, and recruiting, selecting, placing, promoting, appraising, planning the careers of compensating, and training or otherwise developing both the candidates and current job holders so that they can accomplish their tasks effectively and efficiently.

Although it's not the PESO Manager, but the LGUs personnel department or board who is in charge of staff recruiting, it is necessary for PESO Manager to know the qualifications of PESO Staff both theoretically and practically and to give advice to the said personnel authority. PESO Manager should write job description for himself/herself or for the people in the personnel section of the higher authority in order that they could understand what the real qualifications for each position are.

2.1.1 The Principles of Staffing

The recruitment and selection must observe the Civil Service Laws and Rules and should be aligned to the LGU standards and practices. In addition to these laws and rules, the following principles indicate the means of effective staffing:

(a) *Principle of job definition*

The more precise the results expected from each position are clearly identified, the more their task can be defined. This explains that since organizational roles are occupied by people with different needs, these roles must have many dimensions such as pay, status, power discretion and possibility of accomplishment.

(b) *Principle of appraisal*

The more clearly verifiable objectives and required activities are identified, the more precise can be the appraisal against these criteria. The principle suggests that performance should be measured both against verifiable objectives and against standards of performance.

(c) *Principle of open competition*

The more an enterprise is committed to the assurance of quality management, the more it will encourage open competition among all candidates for each position. Although social pressures strongly favour promotion within the firm, these forces should be resisted whenever better candidates can be brought in from the outside. The application of this principle obliges the organization to appraise its people accurately and to provide them with opportunities for development.

2.1.2 The Recruitment Process

Staff of PESOs may be recruited from within or outside the LGUs, provided they qualify with the minimum criteria set forth in the accreditation guidelines per position category (Position titles at the PESO were included in the accreditation guidelines). Before recruiting begins, the position requirements which should relate directly to the task must be clearly identified.

All recruitment and selection must observe the Civil Service Laws and Regulations.

(a) *Recruit from within the LGU*

The advantage of recruiting from within the LGU is that personnel administration section of the said LGU have list of information about the candidates, especially their personality, attitude, experience. The focus of the section will be more on these characteristics of the candidate.

The following are the basic procedures:

- i. Simply publish all the position requirements thru the personnel office of the LGU.
- ii. Assess the overall potential of the candidates and their interest particularly in providing service to people.
- iii. Evaluate the previous work assignment of the candidates and the work attitude.
- iv. Evaluate the personality of the candidate, specially “patience” which is the essence of public service, coupled with resourcefulness in locating vacancies and finding ways to help jobseekers who most need our service.

(b) *Recruit from outside the LGU*

The advantage of recruiting outside the LGU is that there may be much qualified person among the large candidate pool.

Be careful some of them have very high aptitude (ability latent, not apparent) which can be actualized through trainings. The focus of selection will be not only apparent ability but also on their aptitude.

(c) *Qualification for PESO Officers*

Characteristics common to all the categories of public servant:

After satisfying the Civil Service Commission Qualification Standard for technical positions such as college graduate and passed the Career Professional CSC examination.

- Must have will and ethics for being a public servant.
- Must have will for contributing to the nation, the society, and the public.

Characteristics common to all the categories of PESO staff:

- Must have interest and common knowledge about employment, economy, and society.
- Must show interest in people and must show compassion.
- Must have good communication skills.
- Must have knowledge on how to use computer (if computer is available at the said PESO).

Characteristics specified to each category of PESO staff:

i. LMI Officer

- Must have basic statistics and economic background.
- Must know how to analyze and write simple observation and analysis.
- Must be interested in market trends and development.
- Must know how to market employment services.

ii. Placement Officer

- Must know how to relate well with jobseekers.
- Must be resourceful and willing to spend more time for jobseekers that need more help.
- Must understand the requirement of job vacancies and qualification of jobseekers and how to match them.

iii. EG Counselor

In addition to the qualification for Placement Officer mentioned in b) above,

- Must have interest in people and its behavior as well as its potentials.
- Must know how to establish linkages with educational institution, schools placement bureaus, career developers.

Note: EG Counselor does not necessarily need to be a Psychology Graduate. Through Off-JT (including self-training) and on-the-job training in the daily work at PESO, anyone who has strong will to become EG Counselor can do so.

In this Manual, especially in “Useful Information” as Annex, readers could find several articles which are useful to understand the world of EG Counselor.

REFERENCE NO. 6-2

MINIMUM STAFFING AND SALARY SCALE

SUGGESTED MINIMUM STANDARD STAFFING PATTERN OF A PESO

The standard of the PESO will depend on the classification of the city, municipality, or province. Suggested salary grade or level for PESO Managers will depend on the capacity of the LGU. Below is a matrix of suggested salary scales by classification of LGU:

LGU classification	Proposed salary grade	Salary equivalent per month
Highly urbanized city and first class province	SG 24 to SG 25	Php31,334 to P33,085
First class municipality/capital towns	SG 22 to SG 24	Php28,134 to P31,334
Component city, second to third class province	SG 19 to SG 22	Php23,703 to P28,134
Fourth class province	SG 15 to SG 16	Php18,292 to P19,514
Fourth to sixth class municipality	SG 13 to SG 15	Php16,101 to P18,292

The duties of the LMI Officer:

- (a) Market and promote services, through all forms of media, to all its labour market clients.
- (b) Regularly obtain a list of job vacancies from employers.
- (c) Generate and maintain an updated registry of skills.
- (d) Update list of jobseekers which can be accessed by all PESO clients (employers) through internet.
- (e) Gather, collate, and process data or information on employment trends, particularly labour supply and demand, and disseminate such data or information to labour market clients.
- (f) Conduct a regular industry/employer's forum to assess satisfaction on PESO services (it is applicable or effective for PESO covering the area where lots of business establishments are accumulated. For other PESOs assessments can be done during individual visits).
- (g) Participate actively in consultative meetings/trainings conducted by employers association, council, and other institutions with related program on employment and livelihood.
- (h) Provide information to licensed or authorized recruitment agencies or recruiters for local and overseas employment.
- (i) Establish a strong network with other PESOs for job vacancy exchange purposes.

The duties of the Placement Officer:

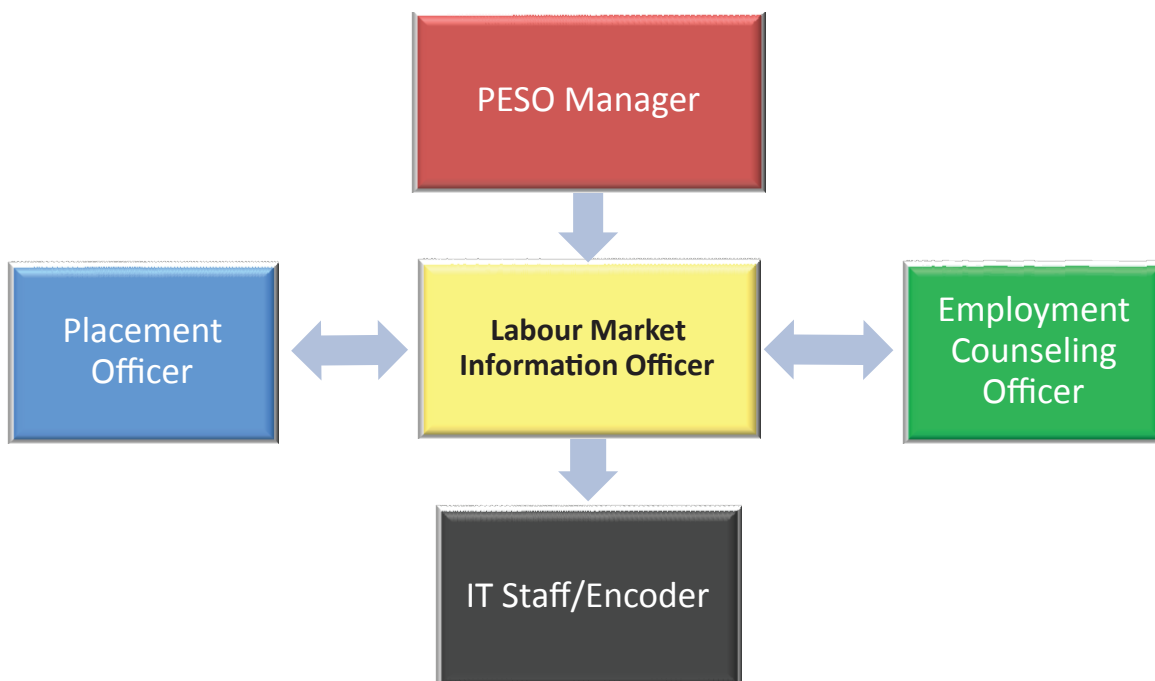
- (a) Receive jobseekers.
- (b) Perform employment facilitation process such as registration, preliminary interview, matching, referral, and follow-up with employers regarding employment referrals.
- (c) Conduct job hunting skills training for jobseekers to give them information about the proper way to look for job vacancies as well as other LMI and to market themselves to employers. This information is additional to the PESO services usually given to jobseekers.
- (d) Ensure jobseekers readiness towards employer's interview and eventual placement.
- (e) Maintain filing system for active, inactive and pending applications.
- (f) Provide/submit monthly/semestral accomplishment reports for easier monitoring of movement of on-file applicants.
- (g) Establish good rapport of linkage with companies to be able to have an easy access to them in terms of job vacancy assistance and referrals/placements.

The duties of the Employment Counseling Officer

Generally, counselors assist people with problem such as personal, family, educational, mental health, or occupational. Their duties depend on the individuals they serve and on the settings in which they work. As an Employment Guidance Counselor, it is their goal to assist individuals with their career decisions for gainful employment.

The duties of the IT Staff/ Data Encoder:

- (a) Operate data entry device, such as keyboard or photo composing perforator. Duties may include verifying data and preparing materials for printing.
- (b) Compile, sort, and verify the accuracy of data before it is entered.
- (c) Compare data with source documents, or re-enter data in verification format to detect errors.
- (d) Store completed documents in appropriate locations.



Ideal minimum staffing complement of a PESO Office

REFERENCE NO. 7-1

SAMPLE ANNUAL WORK AND FINANCIAL PLAN

Key result areas	Programs/ Projects activities	Performance indicator	Target	Program commitments/targets					Budget requirements	Person involved
				Total	Q1	Q2	Q3	Q4		
I. PROGRAM DEVELOPMENT										
	<p>A. PESO ADVOCACY</p> <p>Development of a proposal for the funding of the following PESO activities:</p> <p>1. Conduct of continuing forums for the promotion of PESO program to employers</p> <p>1.1. Conduct of semestral meeting between LGU and employers groups</p> <p>Things to do:</p> <ul style="list-style-type: none">• Communication details• Coordination with ROs and employers• Preparation of documents and materials <p>1.2. Conduct of meeting among academic institutions, NGOs, and support groups</p> <p>Things to do:</p> <ul style="list-style-type: none">• Communication details• Coordination with academe• Preparation of documents/ materials <p>B. PESO OPERATION PHYSICAL TARGETS</p> <p>1. Job applicants registered</p> <p>2. Job applicants referred for:</p> <p>2.1. Placement</p> <p>2.2. Training/employability enhancement</p> <p>2.3. Self-employment/ livelihood</p> <p>3. Job applicants placed:</p> <p>3.1. Private sector</p> <p>3.2. Government</p> <p>C. NETWORKING/LINKAGING</p> <p>1. Attendance to PESO Federation meetings</p> <p>2. Attendance to DOLE initiated meetings</p>	<p>1 mother proposal developed</p> <p>Meetings conducted</p>	<p>2 meetings conducted</p> <p>1 meeting</p>	<p>4</p> <p>4</p>	<p>1</p>	<p>1</p> <p>1</p>				
									Travel cost	

REFERENCE NO. 7-2

EXCERPTS FROM PESO MANUAL OF OPERATIONS

BASIC PESO ORGANIZATION AND OPERATIONS

1. WHAT IS PESO?

The Public Employment Service Office or PESO is a non-fee charging multi-employment service facility or entity established or accredited pursuant to Republic Act No. 8759 otherwise known as the PESO Act of 1999. To carry out full employment and equality of employment opportunities for all, and for this purpose, to strengthen and expand the existing employment facilitation service machinery of the government particularly at the local levels there shall be established in all capital towns of provinces, key cities, and other strategic areas a Public Employment Service Office, Hereinafter referred to as “PESO”, which shall be community-based and maintained largely by Local Government Units (LGUs), Non-Governmental Organizations (NGOs), Community-Based Organization (CBOs), Universities and Colleges, Technical and Vocational Institutions, as well as those institutionalized by virtue of legislative actions of local government units. The PESOs shall be linked to the regional offices of the Department of Labor and Employment (DOLE) for coordination and technical supervision, and to the DOLE Central Office, to constitute the national employment service network.

2. OBJECTIVES OF PESO

According to Republic Act 8759, objectives of the PESO are as follows:

2.1 General Objective

Ensure the prompt, timely, and efficient delivery of employment service and provision of information on the other DOLE programs.

2.2 Specific Objectives

- (a) Provide a venue where people could explore simultaneously various employment options and actually seek assistance they prefer.
- (b) Serve as referral and information center for the various services and programs of DOLE and other government agencies present in the area.
- (c) Provide clients with adequate information on employment and labour market situation in the area.
- (d) Network with other PESOs within the region on employment for job exchange purposes.

3. ROLES OF PESO

PESO has three major roles, the customers/beneficiaries of which are different. PESO Manager/Staff should always consider the balance among these three roles during their activities.

3.1 Guarantee Workers’ ‘Right of Work’ and ‘Freedom of Occupational Choice’

It is the most important role of PESO and has legal basis, both domestically and internationally.

- (a) **Book One Article 12 of the Philippine Labor Code** – support the role of PESO in “facilitating a free choice of available employment by persons seeking work in conformity with the national interest”.

- (b) **Article 6 of ILO Convention No. 88** – which provides that “the employment service shall be so organized as to ensure effective recruitment and placement, and for this purpose shall assist workers to find suitable employment and assist employers to find suitable workers, and more particular shall, in accordance with rules framed on a national basis: (i) register jobseekers for employment, take note of their occupational qualifications, experience, and desires, interview them for employment, evaluate if necessary their physical and vocational capacity, and assist them where appropriate to obtain vocational guidance or vocational training or retraining; (ii) obtain from employers precise information on vacancies notified by them to the service and the requirements to be met by the workers whom they are seeking; (iii) refer to available employment jobseekers with suitable skills and physical capacity; and (iv) refer jobseekers and vacancies from one employment office to another, in cases in which the jobseekers cannot be suitably placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action”.
- (c) **Local Government Code (Book 1, Title 1, Chapter 2, Sections 16 and 17)** – the Local Government Code also has articles concerning social welfare, labour, and employment, implying PESO activities from the viewpoint of “Right of Work” of the people.

3.2 Guidance and Assistance Concerning Recruitment Activity (for Employers)

Through this service, PESO can increase its credibility and enjoy the trust of employers and get sufficient job vacancies from them. In addition, PESO can contribute to economic development through assigning proper human resources to proper position in the industry (national manpower policy).

3.3 Construct the Database Concerning Labour Market and Disseminate (for all stakeholders)

The database includes both micro data (data on PESO operations concerning jobseekers and vacancies) and macro data (statistics about the labour market e.g. employment, unemployment, and underemployment). Stakeholders in this case are jobseekers, employers, policy makers, and researchers who are engaged in the employment and employment promotion.

4. FUNCTIONS AND PROGRAMS OF PESO

4.1 Core Functions

- (a) **Provision of Labour Market Information** – Labour Market Information (LMI) constitutes any information that affects the movement of labour supply and demand. The following are the activities that relate to the provision of LMI:
 - i. Encourage employers to submit to the PESO on a regular basis a list of job vacancies in their respective establishments.
 - ii. Provide employment information services to jobseekers, both for local and overseas employment, and recruitment assistance to employers.
 - iii. Generate information about the labour supply and demand in various disaggregation levels.
- (b) **Referral and Placement** – Referral is a process of directing pre-screened jobseekers to employers with vacancies matching their qualifications, while placement is the result of a successful referral. The following are the activities in conducting referral and placement:
 - i. Provide referral to jobseekers who match qualification requirements of vacancies posted by employers. (Note: As for jobseekers who would like to work overseas, PESO is not allowed to conduct job placement services for them; PESOs only role is to instruct them to proceed to the nearest POEA Office or Licensed Private Overseas Recruitment Agencies).

- ii. Provide persons with entrepreneurship qualities access to the various livelihood and self-employment programs offered by government and NGOs at the provincial/city/municipal/barangay levels by undertaking referrals for such programs.
 - iii. Refer jobseeker to skills training to different training centers if the former is willing to undergo the said training.
 - iv. Make follow-up to the employers regarding the status of the referred jobseeker.
- (c) Employment Guidance and Counseling – Employment Guidance and Counseling is a process of assisting people intellectually and psychologically to make decisions about their career and act to realize it. The following are the basic tasks to consider in providing the service:
- i. Conduct pre-employment counseling and orientation to prospective local and overseas workers.
 - ii. Identify occupationally set or not set jobseekers and provide appropriate referrals to them.
 - iii. Counsel jobseekers base on the current labour market situation.
 - iv. Provide employment or occupational counseling, career guidance, mass motivation, and values development activities.
 - v. Conduct career guidance and employment counseling to graduating students of secondary, tertiary, and technical/vocational schools.
 - vi. Undertake employability enhancement seminars for jobseekers as well as those who would like to change career or enhance their employability.

4.2 Special Programs

As provided for in the PESO Act, PESO shall also undertake the following activities, see “Information” 1 for more details.

- (a) For All Types of Jobseekers
 - i. Job Fair – is an employment strategy which brings together in one venue, the employers and jobseekers for immediate matching.
- (b) For Certain Types of Jobseekers
 - i. Special Program for the Employment of Students (SPES) – this program is intended to help poor but deserving students pursue their education by means of employment during summer and Christmas vacation.
 - ii. Kabataan Program – provide the youth, especially the out-of-school youth with alternatives which will install the values of discipline, hard work, community service, teamwork, volunteerism, and productive undertakings.
 - iii. Workers Hiring for Infrastructure Project (WHIP) – is a program which aims to employ constituents of LGUs where construction project of the DPWH are located.
 - iv. Tulong at Alalay sa Taong may Kapansanan (TULAY) – a special program for persons with disability, whose main objective is to assist in the integration of persons with disabilities into society, is providing them access to training and employment opportunities in the formal and informal sector.
 - v. Kasanayan at Hanapbuhay Program (KASH) – generally, KASH shall ensure the availability of qualified skilled workers based on industry needs and requirements as well as facilitate and speed up the matching of jobseekers with available jobs. KASH should be taken care by TESDA and the role of PESO should be limited to referral in coordination with TESDA.

5. PRINCIPLES OF PESO ACTIVITIES

5.1 Freedom of Occupational Choice for Jobseekers

No jobseekers should be forced to choose and apply to any vacancies against their will. However, as much as possible the matching officer should give the most appropriate advice to the jobseeker to, the most appropriate job vacancy matching the jobseeker's qualification.

5.2 Freedom of Employing Jobseekers for Employers

No employers should be forced to employ any jobseekers against their will. On the other hand, no employers should discriminate any jobseekers that have the qualification to the said vacancy because of gender, religion, and any other traits which have nothing to do with the requirement of the said vacancy.

5.3 Appropriate Matching between Aptitude of Jobseekers and Necessary Qualification for Vacancies

In order to achieve appropriate matching, PESO should have sufficient job vacancies from both qualitative and quantitative point of view.

5.4 Equality of Treatment for Clients by PESO Staff

There must be no discrimination, among jobseekers because of his/her gender, religion, and any other traits which are not related with the qualifications of the vacancy. There must be equal treatment towards PESO clients. There must be no discrimination among employers, either, because of their business size, industrial type, etc.

5.5 Neutral Position between Workers and Employers

No referral should be issued when dispute happens between labour unions and employers.

5.6 Opening/Informing Labour Conditions to Jobseekers

For appropriate matching and avoiding the problems caused by misunderstanding after matching.

5.7 Protection of Client's Privacy

It is strictly prohibited for PESO Officers to open any information which can be collected during the process of guidance and consultancy against the customer's will.

6. PESO OFFICERS

The Department's guidelines on PESO accreditation covers all PESOs constituted, established, organized, or in existence pursuant to a Memorandum of Agreement between DOLE and LGU, NGOs, CBOs, Universities and Colleges, Technical and Vocational Institutions, as well as those institutionalized by virtue of legislative actions of LGUs. Subject for accreditation shall be key PESO personnel involved in the conduct of specific core functions of the PESO, and the Office, which includes the services provided to its clients, and its facilities. They are: the PESO Manager, LMI Officer, Placement Officer, and Employment Guidance Counselor (EG Counselor).

6.1 Among the LMI Officer, Placement Officer, and EG Counselor exchange of information about jobseekers, business establishments/employers, job vacancies, and any other information concerning labour market is crucial. If possible, all the staff should have meeting/training to share

their information (e.g.) information about business establishment/employers and current tendency of world of work which the LMI Officer is in-charge of is also indispensable for Placement Officer/EG Counselor to conduct effective placement service/employment guidance.

6.2 If the number of PESO staff is less than that of these positions, PESO Manager carefully assign the functions to the present staff from the viewpoints of the relation among their functions.

7. PESO CLIENTS

The clients include jobseekers, employers, students, out-of-school youth, migratory workers, persons with disabilities, returning OFWs, displaced workers, planners, researchers, labour market information users, NGOs and foundations, and other persons and organizations engaged in employment promotion.

8. HOW TO AVAIL OF PESO SERVICES

8.1 For Jobseeker

Report personally to PESO in your respective provincial, city, municipal, NGOs, CBOs, or UCs for registration and employment interview.

8.2 For Employers

Inform nearest PESO of the vacancies for job matching.

8.3 For Researchers, Planners and LMI Users

Inquire personally and secure available materials at nearest PESO.

NOTE: There is a PESO Directory at the BLE Website (dole.gov.ph) where all the necessary information about the PESO is available.

REFERENCE NO. 7-3

PRIMER ON THE BEST PESO AWARDS

SCOPE OF AWARD

The search for the best PESO aims to recognize the contribution of the PESO in employment facilitation and to reward outstanding accomplishments. It covers all existing and operational PESOs in the country—whether LGU, NGO, or school-based—as confirmed by the DOLE Regional Offices.

CATEGORIES OF AWARD AND QUALIFICATION OF CANDIDATES

1. **Regional Awards.** For each of the administrative region of the country, regional awards are given to outstanding PESOs and LCEs. In all, eight awards per region are conferred on outstanding PESOs in the following categories:

- (a) Best PESO First Class Province Category
- (b) Best PESO Second Class Province Category
- (c) Best PESO Third Class Province Category
- (d) Best PESO Highly Urbanized City Category
- (e) Best PESO Component City Category
- (f) Best PESO First to Third Class Municipality Category
- (g) Best PESO Fourth to Sixth Class Municipality Category
- (h) Best PESO NGO and SUC Category

Candidate PESOs for the regional awards must meet the following criteria:

- (a) Must be an operational PESO at the time of candidacy as certified by the DOLE Regional Office. An **operational** PESO is characterized by:
 - Has a designated PESO Manager.
 - Undertakes at least one of the following PESO Core Services: (i) Referral and Placement; (ii) Employment Guidance and Counseling; and (iii) Labour Market Information. PESOs undertaking SPES and jobs fair programs only are not classified as operational inasmuch as SPES and job fair are seasonal in nature. A proof of this is that a PESO cannot fulfill the monthly reportorial requirements of the DOLE if SPES and jobs fair are the only activities being done by the PESO.
 - Must be regularly submitting monthly accomplishment reports to DOLE Regional Office through Provincial and Field Office.
 - Must have accomplished and submitted the PESO Survey Form
- (b) The PESO Manager and Staff should have no pending administrative or criminal case at the time of the nomination of their office.
- (c) Must submit an accomplished letter of intent together with the following supporting documents: (i) Duly accomplished Application Form (SBP Form No. 2) Containing the following details; (ii) PESO Office Information; (iii) Summary of Accomplishments; (iv) Certification of the PESO Manager; and (v) Nomination.

2. **National Awards.** Regional Award winners are automatically included as candidates for the National Awards. Only one nominee per category for each region will vie for the National Awards.

3. **Hall of Fame Award.** The Hall of Fame Award is awarded to any PESO winning the Best PESO Award for three consecutive years in the same category. If an awardee is elevated to Hall of Fame status at the same instance, the award will be conferred at the same occasion. The Hall of Fame Awards shall contain an active roster of national awardees. To maintain stature in the roster, the awardees must maintain a performance rating not lower than 85 per cent. Failure to maintain required rating will mean that the office will be taken off from the Hall of Fame list. Hall of Fame awardees dropped from the list can still vie and compete for the Best PESO Award. In order to be elevated back to the Hall of fame rosters, the PESO should win at least once in the same category where they earned the Hall of Fame Award.

CRITERIA FOR EVALUATION

There are three major criteria for evaluation of PESOs vying for regional and national awards. These are:

- Impact of performance/achievement... 80 per cent
- Recipient of employment-related awards/achievements from prestigious institutions... 10 per cent
- Leadership in a prestigious organization with contribution to employment... 10 per cent
- Total.....100 per cent**

The first criterion, impact of performance/achievement, is broken down into these sub-criteria:

1. Referral and placement – placement rate and number of beneficiaries (nominees should at least accomplish a 75 percent placement rate).
2. Labour market information – number of reports (nominees should at least submit twelve (12) reports a year).
3. Career guidance and employment counseling – number and beneficiaries (nominees should have targeted between one thousand (1,000) and ten thousand (10,000) beneficiaries depending on income class of city or municipality).
4. Programs of DOLE – variable points are given to nominees depending on how many DOLE programs they have implemented.

The second criterion, the receipt of awards from prestigious institutions, refers to awards for employment-related achievements garnered by the PESO and its staff.

Under the third criterion, variable points are given to the PESO based on the number of leadership position garnered by the PESO in prestigious organizations with contribution to employment.

COMPOSITION OF THE COMMITTEE ON AWARDS

Committee for the National Awards includes the Undersecretary for Employment and Manpower Development and one representative each from the Media and the Employers/Industry Sector. For the Regional Awards, the Committee includes the DOLE Regional Director, RCC representative, and a representative from the Media.

TIMELINES

National awards are conferred during the National PESO Congress.

REFERENCE NO. 7-4

BEST PRACTICES (TAGUM CITY PESO)

BRIEF PROFILE OF THE CITY OF TAGUM

Tagum City, the capital of the province of Davao del Norte was officially created into a component city on March 7, 1988. Situated 55 kilometers north of Davao City it is one of the fastest growing cities in Region XI. It has a total land area of 19,580 hectares. In a study conducted by the Asian Institute of Management Tagum was ranked among the 20 most viable component cities to do business in the country. The present administration introduced dynamic reforms in local governance. Political will in the implementation of various programs and projects become the foundation that guides the city development in various sectors most importantly the infrastructure. The incumbent LCE with the support of the City Council and the LGU organization, initiated to forge new brand of public administration. The mayor as a corporate man, replicate some of the management principles and strategies of the corporate world in local governance. This opens gateway towards more efficient and effective delivery of public services and massive implementation of important infrastructure.

VISION

A dynamic, developed city driven by a sustainable resource based agro-industrialization providing globally competitive trade and service opportunities through a gender responsive governance and empowered citizenry, enjoying quality life in a peaceful and harmonious environment under the guidance of the Divine Providence.

MISSION

“We the peace-loving and customer-friendly people of the City of Tagum are committed to pursue sustainable growth and development through agro-industrialization, globally competitive and accessible services and opportunities under good governance for a wholesome quality of life for all”.

GOVERNMENT THRUSTS

- Employment Generation
- Education
- Revenue Generation and Prudent Fiscal Administration
- Maintenance of Peace and Order and Public Safety
- Infrastructure Development
- Agricultural Productivity/Livelihood Development and Promotion
- Human Resource/Sports Development
- Environment/Shelter Development
- Investment/Tourism and Cultural Promotion
- Comprehensive Health Services

BASIC FACTS

Total land area.....	19,580 has
Number of barangays.....	23 barangays
Total population.....	215,967 (as of 2007)
Male.....	108,168
Female.....	107,779
Estimated labourforce (65 per cent)...	140,379
Unemployed (7.6 per cent).....	10,669
Unemployment rate in Region XI.....	6.4 per cent (April 2009)

Target for CY 2008

Applicants registered (30 per cent).....5,314
Applicants referred (75 per cent).....3,758
Applicants placed (75 per cent).....3,554

As noted 94.5 per cent of the total work force has been facilitated and provided with jobs.

LEGISLATIVE MILESTONES OF THE TAGUM CITY PESO

- (a) June 16, 1994 – Department of Labor and Employment and the City Government of Tagum signs MOA.
- (b) June 24, 1994 – Nilda A. Garcia designated as PESO Manager.
- (c) February 14, 1999 – PESO Act (Republic Act 8759) signed into law.
- (d) December 9, 2002 – City Ordinance No. 58 series of 2002 approved by City Council. Said ordinance created PESO and provided for its composition, duties, functions, and responsibilities and approved funds for such a purpose. Budget appropriation was One Million Pesos (Php1,000,000.00).
- (e) February 28, 2005 – City Ordinance No. 187 series of 2005 required private recruitment and placement agencies recruiting manpower for foreign or local jobs within the city to secure a Special Mayors Permit on Recruitment.
- (f) September 5, 2005 – City Ordinance No. 187 series of 2005 adopted the Revised Organizational Structure Staffing Pattern of the City Government of Tagum.
- (g) May 12, 2008 – Resolution No. 332 series of 2008 authorized the City Mayor to enter into and sign for and in behalf of the City Government a MOA with DOLE Region XI for the Grow Micro Program.
- (h) September 15, 2008 – Resolution No. 474 series of 2008 authorized City Mayor to enter into a MOA with DOLE regarding the implementation of Tagum City's Grow Micro Program. Amount released was Three Hundred Fifty Thousand Pesos (Php350,000.00) for Capability Building and Training-cum-Production.
- (i) January 2, 2009 – Office Order No. 75, Series of 2009 designated Nilda A. Garcia, MPA as PESO Manager of the City of Tagum.
- (j) July 30, 2009 – LGU of Tagum and DOLE signed a Memorandum of Undertaking to implement Skills Registry System.

PESO PERSONNEL

The Public Employment Office is manned by nine personnel, five of whom have permanent status and four are casual employees. Personnel have undergone thorough trainings on the core services of the PESO making them effective facilitators on Labour Market Information Guidance and Employment Counseling and Referral and Placement. They also lend support to the other PESOs in the province by acting as resource speakers and facilitators on PESO-initiated trainings and seminars. Under the PESO Manager, Ms Nilda A. Garcia, Tagum PESO has garnered a multitude of awards including plaques of citation and recognition as outstanding PESO implementer and is a Hall of Famer in the Best PESO Awards.

SERVICES OFFERED BY TAGUM CITY PESO

- Conducts job vacancy solicitation
- Registers and interviews job applicants
- Counsels and schedules job applicants for the pre-employment seminar for local applicants
- Administers and evaluates examinations
- Refers qualified job applicants to private entities, GOs, NGOs, or other institutions for self and wage employment or training opportunities

- Follows up referrals
- Institutes measures that ensure recruitment and placement services, local and overseas, are in accordance with existing laws, rules, and regulations
- Submits to DOLE–PO monthly reports of accomplishment not later than the 21st of each month

CORE SERVICES BEING OFFERED

1. Labour Market Information
 - a) Wage employment facilitation
 - Regular Local and Overseas Employment Facilitation
 - Conduct Local and Overseas Job Solicitations
 - Job Referral and Placement
 - Posting of Local and Overseas Job Vacancies in the PESO Bulletin Board
 - b) Self-employment facilitation
 - Organization of the Informal and Women Sector
 - Capability Building Seminars
 - Community Based Livelihood Trainings
 - Business Management Seminars
 - Entrepreneurial Capability Building
 - Facilitation of Market Linkages
 - Fund Linkage with DOLE with fund releases of Three Hundred Fifty Thousand Pesos (Php350,000.00) and One Hundred Thousand Pesos (Php100,000.00) from the National Commission for Culture and the Arts
2. Employment Guidance and Counseling
 - Career Guidance for Elementary and High School Graduating Students
 - Pre-Employment Seminars for Local Applicants
 - PEOS for Overseas Job Applicants
 - PDOSLA for Local Job Applicants
 - Anti-illegal Recruitment Campaigns in schools, LGUs at the barangay level through the barangay captains, local, and overseas job applicants
 - Employment and Guidance Counseling Seminars in all schools through School Guidance Counselors
 - Organization of Guidance Counselors into the Tagum City Employment and Guidance Counselors Facilitators
3. Referral and Placement

For referral and placement, the Tagum City PESO has established linkages with other PESOs in the region, private companies regularly submit their job vacancies for posting and dissemination to jobseekers. Local applicants regularly come to the PESO office with an average of sixty three (63) applicants per day. The PESO personnel facilitate referral of these jobseekers to private employers. Tagum is a favorite destination of overseas employment agencies. An average of three Special Recruitment Activities is conducted per month.

DOLE EMPLOYMENT PROGRAMS BEING IMPLEMENTED

1. Special Program for the Employment of Students (SPES) – Since 2004 the PESO is implementing the SPES Program which enables poor but deserving students to pursue and finish their studies. To date, some of the student beneficiaries are now occupying major positions in government and private offices in the city.

2. Tulong Alalay sa Taong May Kapansanan (TULAY) – This program is helping persons with disabilities in the City of Tagum. Activities for PWDs include:

- Identification and Organization of TCAP (Tagum City Association of Persons with Disabilities).
- Conduct of Financial Literacy and Business Management Trainings.
- Fund Linkage with DOLE with fund releases amounting to One Hundred Thousand Pesos (Php100,000.00) and the Rotary Club of Golden LACES with Fifty Thousand Pesos (Php50,000.00).
- Release of Livelihood Assistance to PWD in the amount of Five Thousand Pesos (Php5,000.00) per member.
- Provision of Livelihood kiosk located at the Tagum City Overland Transport and Integrated Terminal (TOTIT).

3. Work Application Program (WAP) – This program has served many Tagumenos who are newly graduates and would like to avail of on-the-job trainings while at the same time earn a salary.

4. Job Fair – The City PESO regularly conducts Job Fairs to its constituents with added features such as Livelihood and Skills Demonstrations, Livelihood Fair and Bazaar. Job applicants during job fairs range from 400-600 jobseekers. Barangay Councils have become major partners in these activities.

5. WHIP – The City PESO through the PESO Manager has modified this program. Maximum consideration is given to infrastructure development in the city that gives employment opportunities to local skilled workers.

6. GROW Micro Program – Jointly implemented with DOLE, the Grow Micro Program has more than 60 beneficiaries. Fund for the program is provided by DOLE Region XI with the City Government of Tagum providing a counterpart for capability building of the informal sector. Amount released by DOLE is Three Hundred Fifty Thousand Pesos (Php350,000.00). Activities conducted for the informal sector are:

- Identification of beneficiaries from the Informal Sector
- Conduct of Capability Building and Business Management Seminars
- Organization the beneficiaries into an association
- Fund release in the amount of Five Thousand Pesos (Php5,000.00) per beneficiary

7. Mobile Passport Service – Personnel from DFA are brought to the city to facilitate processing of passport applications of locals. A regular Mobile Passport Service (MPS) is conducted quarterly. Average passport applicants are 200-300 per MPS.

8. Mobile PRC Renewal – This is another endeavor geared toward employment which caters to the needs of the professionals. Personnel of PRC are brought to the City to facilitate the renewal of professional licenses.

9. Community Based Training – This is a local initiative of the City PESO in coordination with TESDA. The trainings offered are demand driven and includes Food and Beverages Service Attendant, Massage Therapy, Shielded Metal Arc Welding, House Painting, Masonry, Slaughtering Operation, and Consumer Electronics. After completion, trainees are eligible for an NC Level II certification. Graduates of the Food and Beverages Service Attendant course are now employed in various hotels in Tagum and Davao City. Massage Therapists have been organized and given a space by the local government of Tagum City where they can practice their profession and earn a living. Seven (7) graduates of the Slaughtering Operation course are settled in Canada working as butchers.

10. OFW Reintegration Program – In coordination with OWWA, the program aims to educate and empower OFWs. Major accomplishments of the program are:

- Installation of OFW Desk Officer
- Organization and sustenance of the twenty three (23) barangay OFW family circles
- Federation of the organizations of OFWs into the city level
- Annual celebration of OFW Family Day and Migrant Workers Day (which is only practiced in Tagum City)
- Groceria sa Masa
- Facilitation of referral of OFWs to OWWA

11. Establishment of two academe-based PESOs – Another milestone of the Tagum City PESO is installing two academe based sub-PESOs. The SMCT-PESO, one of these school-base PESOs, has been awarded the following:

- 2008 National BEST PESO – NGO/SUC Category
- 2nd Place Outstanding Literacy Program and Outstanding Literacy Implementer during the 2008 National Literacy Awards
- Region XI Outstanding Community Extension Program awarded by the Commission on Higher Education (CHED) in December 2008
- Recognition from the Sangguniang Panlungsod of Tagum City through Resolution No. 478 Series of 2008
- National Winner on 2009 Presidential Citation for Best Practices in Creating an Enabling Business and Investment Environment awarded in July 2009
- Meanwhile, the UM-PESO (which is the other school-base PESO referred to) has been awarded as Regional Best PESO on Career Guidance in 2008

REFERENCE NO. 7-5

BEST PRACTICES (PROVINCE OF BULACAN PESO)

PROVINCE OF BULACAN

Bulacan has a total land area of 277,485 hectares or roughly 14 per cent (14%) of the total area of Central Luzon, the biggest Philippine island, and 0.9 per cent of the country's total land area. The province has 21 municipalities, three cities, and 569 barangays. Malolos in the southwestern part is the capital of the province. Of the twenty one (21) municipalities and three (3) cities of the province, Doña Remedios Trinidad (DRT) is the biggest municipality having a total land area of about 93,926 hectares or almost 34 per cent of the provincial land total. DRT is followed by the municipalities of San Miguel and Norzagaray with land areas representing more than 19 per cent of the provincial total. Guiguinto, on the other hand, has the smallest landmass with only 2,750 hectares or 0.99 per cent of the entire area of Bulacan.

LABOUR FORCE AND EMPLOYMENT

The Province of Bulacan recorded the highest employment figure in the region for the period of five (5) years. In 1995, Bulacan had 668,755 employed who engaged in various income generating activities. As compared with the 1990 employment scenario, the province in 1995 grew by 41 per cent (41%) also the highest per cent increase among the six (6) provinces of Central Luzon. Based on the National Statistics projection, by 2007, Bulacan will almost double its employment figure to 1,315,978 or an increase of 647,223.

BULACAN PESO PROFILE

The Provincial Government of Bulacan implements its economic development programs particularly on the areas of employment promotion, skills enhancement, livelihood programs, and youth development through PESO. The creation of the Bulacan PESO in 1994 was anchored on the Provincial Government of Bulacan's vision of: "A province that is progressive, peaceful, and self-reliant where its people are living models of its historical heritage and cultural excellence with strong middle class as the core of the citizenry with equal access to opportunities and services".

The Provincial Government has manifested its full and continued support in strengthening the operations of the PESO. Since its creation, from being only a section in 1994 to a division of the Provincial Youth, Sports, Employment, Arts, and Culture Office (PYSEACO) as a result of re-organization in 2003, PESO has played a vital role in the various programs and services for sustainable economic development operating under the Economic Cluster of the Provincial Government. This cluster is responsible for programs for investment promotion, jobs creation, increased employment, and income for Bulakeños.

The Bulacan PESO is headed by Ms Elizabeth Alonzo. Under her leadership, the Bulacan PESO garnered the Best PESO Award in 2007. In the same year, she was also cited as Best PESO Manager. Six (6) permanent plantilla positions perform PESO core services and other special programs. Other personnel from the Department provide administrative and technical support in the implementation of various programs and services including supervision of the 24 city and municipal PESOs and 569 Barangay Training and Employment Coordinators (BTECs).

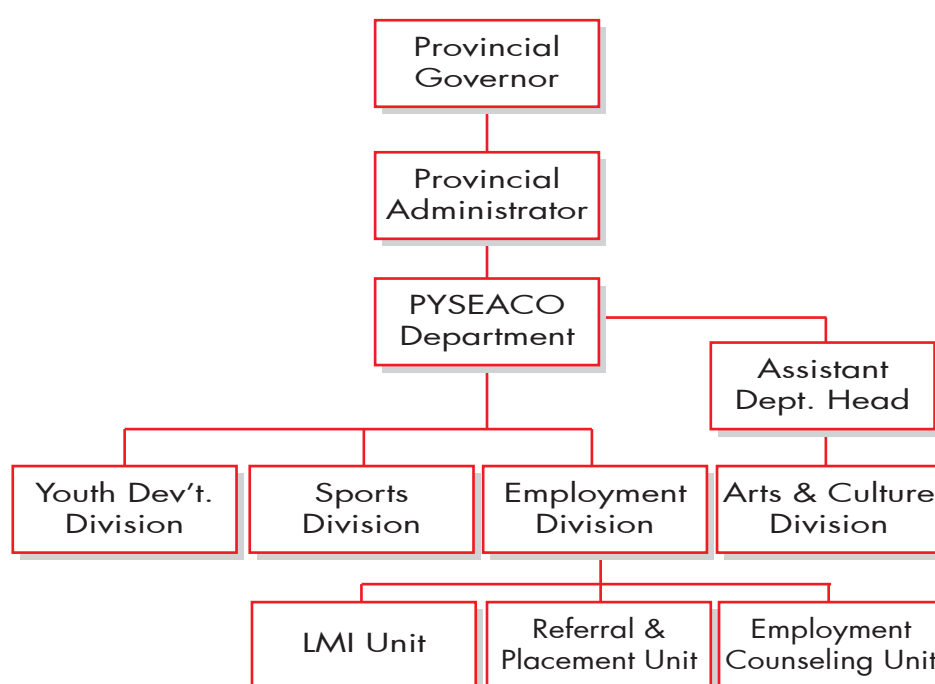
The creation of the 569 BTECs through Memorandum No. 174, Series of 2006 dated 04 August 2006 expanded the services of the PESO program down to the barangay level. The BTECs assist the PESOs in disseminating employment and training opportunities in the barangay. Likewise, they assist in the conduct of registration under the skills mapping project, updating the employment

bulletins provided in each barangay, coordination of skills training, and monitoring status of job applicants and training graduates.

MONITORING OF PESO PERFORMANCES

Regular monthly meetings are conducted to monitor performances of the Municipal PESOs and BTEC leaders and to address issues and concerns including updates related to program implementation. Likewise, Provincial PESO provides the necessary assistance in the conduct of the regular monthly meetings of the BTECs which is facilitated by the city/municipal PESOs. Further, field visitations and regular coordination with LCEs form part of the technical supervision and administration of the Provincial PESO.

Organizational Structure



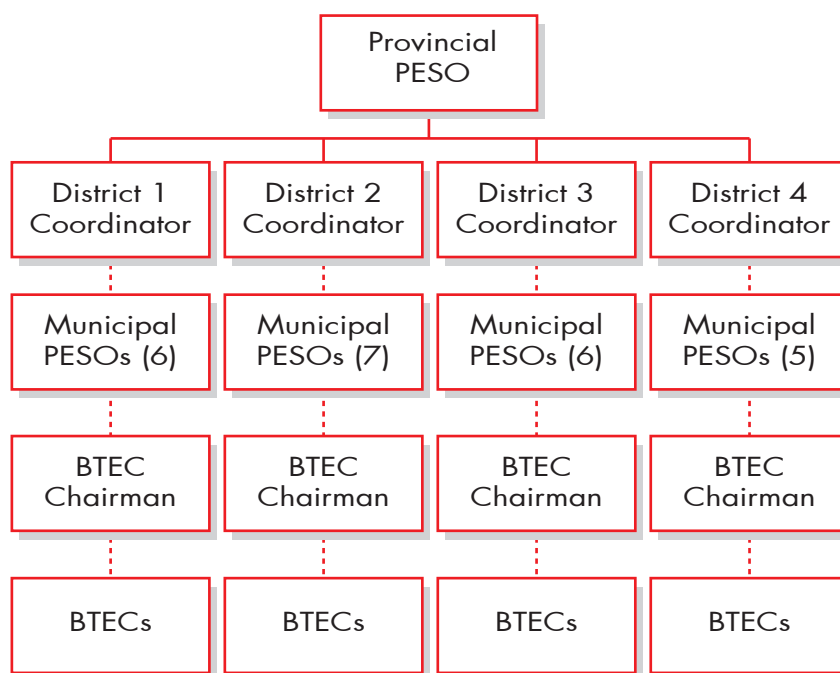
DYNAMIC PARTNERSHIP WITH OTHER SECTORS

Recognizing the need for program complementation, PESOs had linked with other sectors, both private and public, in performing their mandated functions rather than doing it alone. Municipal PESO membership to the Personnel Managers Association of the Philippines Bulacan Chapter has contributed to their competencies in performing human relations functions, particularly in the area of employment facilitation services.

Likewise, it paved the way for closer coordination between employers and PESOs. Their partnership with the academe, in terms of capability building modules for staff development and career guidance advocacy, has made their programs and services become more responsive to clients.

The inclusion of other allied services of various national government agencies in the conduct of jobs fair provided wider access to employment facilitation service for jobseekers. Provincial PESOs support to DOLE in terms of program implementation, both on the regional and provincial levels, paved the way for a more meaningful program implementation over the years.

PESO Provincial/Municipal/BTEC Structure



SOCIAL MARKETING

In support of PESO institutionalization, the Provincial Government, through the Sangguniang Panlalawigan, passed a resolution (Kapasiyahan Bilang 483, Taon 2005–Kapasiyahan na sumusuporta sa kahilingan ng PESO Managers sa paglikha ng plantilla position para sa Municipal PESO/Community Training and Employment Officer sa dalawampu’t dalawang bayan sa Lalawigan ng Bulacan). This was based on a resolution passed by the League of Municipal Mayors–Bulacan Chapter under Kapasiyahan Bilang 4, Serye ng 2005. This supports the Bulacan PESO Federation’s Resolution in 2004, requesting for the creation of plantilla position for PESOs/CTECs. To date, plantilla positions ranging from Labor and Employment Officer I to Supervising LEO have been created for the Municipalities of Marilao and Meycauayan while other LGUs are in the process of creating their respective PESO/CTEC plantilla positions. As preparatory activities for the eventual creation of the plantilla positions, some PESOs are undergoing an equivalency program at Barasoain Center for Innovative Education which developed a curriculum for the required educational qualifications for the positions.

PURSUED CAPABILITY BUILDING FOR PESOS/BTECS

Human resource development (HRD) programs for PESOs are given due concern by the Provincial Government of Bulacan. Various HRD programs that ensure congruence of knowledge, skills, and behavior of the PESO vis-a-vis the mandated functions of the office are regularly conducted in coordination with DOLE and other partners. To further equip the BTECs, capability building trainings including team building seminars are conducted yearly. Some 569 appointed/designated BTECs benefits from familiarization on operations and programs of the PESO.

INCENTIVES, BENEFITS, AND FUNDING ALLOCATION

The Provincial Government provides monthly allowances to all city and municipal PESOs amounting to One Thousand Pesos (Php1,000.00) in recognition of their contribution to the province’s thrusts on employment, trainings and livelihood. Likewise, regular funding allocations to cover

operations and maintenance of the PESO, including support to its special programs and services are included in the department's budget since its creation.

The Provincial Government also provides Five Hundred Pesos (Php500.00) monthly allowances to BTEC Chairpersons in municipalities and cities in the province. Prior to this initiative, some barangays already provides monthly allowances to their BTECs sourced from barangay funds. This is through the initiative of the provincial and municipal PESOs. Continuous representations in the League of Barangay Captains are being exerted for the inclusion of the BTECs monthly allowances in the barangay fund allocations.

ASSISTANCE PROVIDED TO CITY/MUNICIPAL PESOS

Meanwhile, assistance provided to City/Municipal PESOs include:

- Acting as Resource Speakers in Career Guidance Seminars/Orientations in secondary schools benefitting some 24,000 high school students as of 2008.
- Assistance in the conduct of job fairs and special recruitment activities both for local and overseas employment.
- Conduct of orientation/briefing to students-beneficiaries/applicants under the SPES.
- Conduct of PEOS as preparatory activity for the job fairs and job orientations on overseas employment.
- Orientation/briefing on documentary requirements in the Passport Serbilis activity, in coordination with DFA. More than 10,000 passport applicants have been benefitted.
- Assistance in the monitoring and supervision of the BTECs, particularly on the provision of job vacancies for the Employment Corner Bulletin.
- Implementation of the Youth-Initiated Program for Entrepreneurs and Entrepreneurship (YIPEE III) Program Components – Kabuhayan Center, Loan and Cart.
- Assistance in Skills Mapping and Registration.
- Assistance in operationalization of Phil-JobNet.
- Assistance in more than 20 projects funded under DOLE Integrated Livelihood Program.
- Assistance in preparatory activities of TUPAD projects.
- Provision of monthly honorarium to all PESOs and BTEC Chairpersons.

OTHERS

Monthly city/municipal PESO reports, including LMI reports, are submitted during monthly meetings. Monthly meetings are conducted (including the conduct of a Provincial PESO Mid-Year and Year-end Performance Assessment) in coordination with DOLE Regional or Provincial Offices. Regional PESO Federation meetings and activities are chaired or facilitated, including a Regional Year-end PESO Assessment and Annual Assembly.

PESO CORE SERVICES

(a) Referral and Placement

Interventions in this area include the organization of BTECs as its barangay arm and posting of job vacancies in the Employment Corner Bulletin in the Barangay Hall or other strategic place in the barangay, contributed to the increase in the number of jobseekers referred and placed by the office. More than 38,000 jobseekers are referred under the regular employment facilitation service, majority of which are monitored, placed, and assisted. Bulacan records a placement rate of more than 70 per cent. Monitoring of placement is being done on a per company basis either through phone or visit. Provincial PESOs placement figure is reported at some 3,000 applicants assisted for local and overseas employment, training, and self-employment.

(b) Labour Market Information

PESO Bulacan was recognized as Phil-JobNet Champion on applicant registration in 2006 as a result of its Skills Mapping Project. BTECs were tasked to collect data for the Skills Mapping of Out-of-School Youth in their barangay. Some 10 per cent of the labour force was surveyed and data banked. The 25 Phil-JobNet workstations both in the provincial and city/municipal PESOs are continuously operating on-line and off-line registration are also entertained. PESO Bulacan registered more than 23,000 applicants into the system as of 2008. Yearly, 12 LMI reports from the city/municipal PESOs are submitted along with monthly PESO reports to the DOLE Bulacan Provincial Office. Thus, four LMI quarterly reports are prepared and submitted to DOLE Regional Office on a yearly basis for inclusion to Regional LMI reports.

(c) Employment Guidance Counseling

The importance given by PESO Bulacan in addressing the problem of mismatch of educational qualifications and industry requirements can be seen in its initiatives and hard work in pursuing career guidance orientation program through seminars.

The Provincial PESO developed a standard module in 2001 which was adopted by other provinces in the region. In 2007, a revised module updated manpower supply and demand information needed by students to set their career goals and plan. Within the year, the Provincial PESO conducted a Training of Trainers on the updated module. The same module was used for the conduct of Career Guidance in 2008. The city/municipal PESOs coordinates with educational institutions in providing Career Guidance Orientation/Seminar for Third Year High School students from 84 schools in the province. The Province of Aurora and Zambales adopted the revised module after a series of trainings provided by PESO Bulacan. To date, the Career Guidance Seminar Module is being adopted by the Provinces of Aurora, Bataan, Nueva Ecija, City of Tarlac, and Zambales.

In the last quarter of 2008, there were discussions on the possible integration of the Career Guidance Module with the Life Planning Module (Responsible Youth toward a Life Ready for the Future Orientation Seminar). Although Career Guidance Seminars conducted in previous years were coordinated with the DepEd, tie-ups with DepEd are being strengthened as teachers will be requested to comprise the pool of trainers. They will be trained, provided with reference materials, visual aids, and honoraria. This is expected to greatly increase the number of students oriented and guided in planning for their future, particularly in choosing a course. Apart from mismatch, the lack of preparedness of applicants is also one thing that needs to be addressed. This is a contributing factor why PEOS are being conducted in colleges and universities in Bulacan as well as in LGUs through coordination between the city/municipal PESO and BTEC. A PESO certificate has become a pre-qualification in job fairs. This aims to provide jobseekers basic skills on job hunting and employment procedures as well as information on local and overseas employment. PESOs also provided regular basic employment counseling to walk-in applicants as part of the employment facilitation process.

(d) Other DOLE Programs

The Provincial Government of Bulacan, through the provincial and municipal PESOs, has implemented other programs in coordination with DOLE Regional and Provincial Offices. These are:

1. **Special Program for the Employment of Students.** Students and out-of-school youth benefits from the SPES through employment in both public and private sectors.
2. **Work Appreciation Program.** Trainees are provided employment through the WAP, mostly in service occupations.
3. **Bisikleta Bilis Kita Program.** Through the “Bisikleta Bilis Kita” Program, PWDs are granted livelihood assistance in coordination with the Municipal Social Welfare and Development Office.

4. **Jobs Fair.** Jobs fair for local and overseas employment are conducted in coordination LGUs and educational institutions. The process includes registering jobseekers and reporting or monitoring jobseekers placed locally and abroad.
5. **Local/Special Recruitment Activities.** More LRAs/SRAs are being conducted as it is seen as more effective than jobs fair when it comes to retrieval of placement reports. Activities include facilitation of recruitment activities and assisting or interviewing jobseekers.
6. **Phil-JobNet.** Phil-JobNet Program was operationalized in some 25 operational work stations (on-line and off-line schemes) resulting to the registration of more than 24,000 applicants as of 2008.
7. **Workers Hiring in Infrastructure Projects.** In coordination with the Provincial and Municipal Engineer's Offices on the implementation of the WHIP, some 1,500 skilled and unskilled labourers were monitored or placed by the Provincial PESO through the city/municipal PESOs in 2008.
8. **DOLE Integrated Livelihood Program (DILP).** The Province of Bulacan availed of 20 projects benefitting some 1,500 beneficiaries (women, informal sector, parents of child labourers) amounting to Php6.7 million as of 2008.
9. **Social Protection Program.** Advocacy program for the social protection of workers in the informal sector is being pursued by the PESO Bulacan. BTECs, in particular, were given access to medical assistance through free PhilHealth cards.
10. **Child Labour Program.** PESOs actively participated in the child labour program. Provincial and Municipal Councils for the Welfare of Children were established to advocate for the rights of children. Support is extended to the Angel Tree Project, Rising Star, and Angel Kisses. This includes providing livelihood assistance to parents of child labourers.
11. **Overseas Workers Welfare Assistance.** In coordination with OWWA, repatriation, burial, and educational assistance are being provided to OFWs and their dependents. A Memorandum of Agreement was signed between OWWA and the Provincial Government, Municipalities of Calumpit, San Ildefonso, Plaridel, Bulakan, and Paombong for the appointment of a Migrants' Desk Officer in their respective localities.
12. **POEA Help Desk.** An Anti-Illegal Recruitment Help Desk at the municipal level is seen as an initial step in banishing illegal recruitment. Toward this end, a Memorandum of Agreement between POEA and the Provincial Government, Cities, and Municipalities of Bulacan was signed.
13. **Tulong Panghanapbuhay sa ating Disadvantaged Workers.** The Province of Bulacan was also able to avail five TUPAD Projects amounting to Php8.3 million, wherein more than 500 out-of-school youth benefitted as of 2008.
14. **Region III PESO Managers Federation, Inc. Activities.** PESO Bulacan actively participated in all activities of RPMFI.

STRATEGIES, INITIATIVES, AND INNOVATIONS

(a) Expansion and Intensification of PESO Services

1. **Computer Van Aralan.** This project of the Ai-Hu Foundation, in coordination with selected LGUs and TESDA led to some 900 benefitting from the project as of 2008.
2. **YIPEE III (Youth-Initiated Program for Entrepreneurs and Entrepreneurship).** YIPEE III started in 2007. Unlike the other two phases of the program which concerns both employment and entrepreneurship strategies, YIPEE III focused on entrepreneurship alone. This was in accordance with the directive of the LCE as one of the priority programs of the Provincial Government of Bulacan to address the unemployment problem, particularly of out-of-school youth and undergraduates. The premise is that economic crisis affects companies and thus leads to less job opportunities, while entrepreneurship provides a job for would-be entrepreneurs and eventually creates more jobs for other

- people. A total of 245 skills training graduates and BTECs are members of seven (7) pilot Kabuhayan Centers. By 2008, a total amount of Php1.2 million Kabuhayan Loans and 32 Kabuhayan Carts were disbursed by the program.
3. **YIPEE Kabuhayan Center.** This is a place allotted in the city/municipal government compound to serve as production, display, and selling area through a MOA with LGU. Beneficiaries are carefully selected by the city/municipal PESO. YIPEE III skills training graduates are given priority to ensure that training leads to earning. Forty (40) beneficiaries per city/municipality are organized and registered with DOLE for accreditation. Each Kabuhayan Center has its own set of officers to manage their organization and businesses. In collaboration with DOLE, DTI, TESDA, and DOST, the group is provided with various entrepreneurship trainings to further develop entrepreneurial capabilities. The pilot Kabuhayan Centers which opened in 2008 are:
 - Gasibul Malolos Kabuhayan Center
 - Bukas, May K! Kabuhayan Center (Bulakan)
 - Balagtas Kabuhayan Center
 - Guiguinto Kabuhayan Center
 - Caritas Plaridel Kabuhayan Center
 - San Ildefonso Kabuhayan Center
 - Evergreen City Kabuhayan Center
 4. **YIPEE Kabuhayan Cart (Market Reach).** Thirty-two (32) beneficiaries received Kabuhayan Carts from partner companies such as Coca-cola Philippines, Inc., Well-made Corporation, CDO Foodsphere, Inc., and Nestle Philippines. Apart from increasing market reach, the companies provide more livelihood opportunities. DOLE released One Million Pesos (Php1,000,000.00) grant to the Provincial Government of Bulacan which the latter released to five (5) Kabuhayan Centers (Bulakan, Balagtas, Guiguinto, San Ildefonso, and City of San Jose Del Monte). Each group received Two Hundred Thousand Pesos (Php200,000.00) grant. Individual beneficiary received Five Thousand Pesos (Php5,000.00) loan in the form of materials. The loan is expected to be paid by group members and becomes a savings mobilization fund. As of 2008, Kabuhayan Multi-purpose Cooperative provided loans to the seven (7) Kabuhayan Centers. The amount of Twenty Thousand Pesos (Php20,000.00) were awarded to each of the six (6) kabuhayan centers including Malolos as initial capital for putting-up the center and One Hundred Thousand Pesos (Php100,000.00) for Plaridel.
 5. **Agapay sa Barangay.** Agapay sa Barangay program is continuously being implemented bringing opportunities and services according to the needs identified in each barangay. Skills training is one of the projects that is requested and is seen to be the intervention needed to ease the unemployment problem in many of the barangays. Starter kits are given to skills training graduates for use in the identified livelihood project.
 6. **Passport Serbilis.** As aid to applicants for overseas employment, the Passport Serbilis Project is conducted by the provincial, city, and municipal PESOs throughout the year in coordination with DFA. In 2008 alone, more than 10,000 passports were released and eleven (11) batches of Passport Serbilis conducted by the city/municipal PESOs.
 7. **One-Stop-Shop.** To further assist applicants in job application, jobs fair also serve as one-stop-shop centers for clearances, Social Security System, PhilHealth enrolment and others.
 8. **BTEC Recognition, Seminar, Education, and Medical Assistance.** Barangay Training and Employment Coordinators (BTECs) are effective partners of the PESOs in coordinating and implementing programs in the barangay. In recognition of their hard work and commitment, PESO Bulacan launched “The Search for Excellent Economic Key Persons in the Barangay” (TSEK Awards) for:
 - Best BTEC Chairman
 - Best BTEC Senior
 - Best BTEC Junior
 - Best BTEC Group

BTECs are participants in entrepreneurship seminars to equip them in guiding beneficiaries of livelihood programs and enhance their entrepreneurial skills for their own business venture. BTECs and their children are also given scholarships under the educational assistance for volunteer workers. The Provincial Government also allotted PhilHealth membership to BTECs.

REFERENCE NO. 7-6

BEST PRACTICES (ISULAN PESO)

MUNICIPALITY OF ISULAN PROFILE

Isulan is a first class municipality in Sultan Kudarat Province. Strategically located at the center of the province, which covers 49, 551 sq. km. land area, one third of it is plains which is fully settled, developed, and cultivated. The rest is mountainous and is settled by Lumads and other minority groups. Agriculture is the primary source of livelihood. Much of the plains are planted with rice while some portions are planted with African Palm trees, coconut, bananas, and other fruit trees. Corn sugarcane, legumes, vegetables, and other root crops are grown in upland areas. A smaller portion is devoted to residential, commercial, industrial, and institutional establishments.

Isulan, the capital town of Sultan Kudarat Province is strategically located at the center of the province. Isulan has pooled its efforts and resources to make the province a peaceful, ecologically-balanced, and self-sustaining community. This has made it attractive to neighboring municipalities like Esperanza, Sto. Niño, Magano, and Ampatuan (in Maguindanao). Statistics will show that there is an improvement of the quality of life of the people of Isulan as evidently seen in a growing economy, rural accessibility, agro-industrial development, higher per capita income, transportation and communication, and others. However, we cannot but admit that there are still a number of its people who remain unemployed and unproductive and this should be looked upon with utmost concern. As a prevalent phenomenon, the Municipal PESO is addressing this to the utmost.

MISSION-VISION

- To develop and utilize its manpower resources in line with its agro-industrial development thrust.
- To improve the development of both agriculture and industry to promote employment and minimize underemployment.
- To promote people's participation in planning and implementation of government programs and activities.
- Improved quality of life through gainful, productive and more employment.
- Reduce unemployment and underemployment.
- Provide more employment opportunities.
- Improve quality of employment.

POLITICAL LEADERSHIP

The past administration of Mayor Ernesto F. Matias (who served for three terms) was instrumental in giving the PESO a place in the local government's development efforts and projects. His unwavering support and personal attention to the programs of DOLE is a big factor in the warm welcome it received from constituents. His successor, Mayor Diosdado G. Pallasigue recognized the importance of PESO in local development and has continued and intensified the support of the LGU to PESO Programs. The Isulan PESO Manager is Ricardo T. Dagcuta. He is behind the many innovations and successes of the PESO as documented here.

SKILLS REGISTRATION

The conduct of skills mapping of workers is a priority project of the Isulan PESO. This is a strategy of the government to enable persons with skills to find jobs that fit their specialization and minimize their effort in finding a job. Skills registration in all barangays of Isulan is encouraged. Aside from barangay to barangay campaigns, the Isulan PESO utilizes SPES beneficiaries by obliging them to take home five skills registry form and asking their family and friends to fill these up.

The forms are submitted before the end of their employment. This strategy is successful with more than 1,000 skilled workers having been mapped as of 2008. At least 25 per cent of registered workers have been employed through the program.

CAREER AND EMPLOYMENT COUNSELING

The Isulan PESO regularly conducts career guidance in secondary schools and employment counseling in tertiary schools. This annual activity of the PESO includes giving information on hard to fill and in demand courses to graduating high school students. The information provided by the PESO helps students in their career decisions (including which courses fit their skills, passion, capabilities, and which could give them a profitable income). The PESO continues to receive positive feedback from students and parents. Moreover, schools look forward to the yearly activity and are suggesting ways to improve career counseling in their institutions.

CAREER/PESO CARAVAN

The PESO caravan is one of the best practices being initiated in Isulan by PESO Manager Ricardo Dagcuta who is also president of the PESO Managers Association of the Province of Sultan Kudarat. This program aims to help the PESOs in implementing core programs within their area, make the job of the PESO lighter, and foster bonding among the PESOs, DOLE and other partners in the area. New PESO managers are enabled to understand their functions better and learn the proper and effective way of delivering DOLE and PESO services to clients. Staff from the DOLE Field Office including the PESO Manager gives lectures on career planning, pre-employment orientations, and one-on-one consultation during PESO Caravans. Parts of the activity are on-site visitation of DOLE-assisted projects and other projects seeking assistance from the PESO.

SPECIAL PROGRAM FOR THE EMPLOYMENT OF STUDENTS

Labour Day (May 1) is also SPES Day for beneficiaries of the program in Isulan. Various activities such as sports competition, cultural show, and livelihood demonstration are conducted through the efforts of the PESO and DOLE. In the duration of their employment, students in the clean and green project acquire skills in skirting, flower arrangement, and food processing. These simple skills aim to provide the beneficiaries sources of income while in school or in instances where they cannot pursue their education. For the period 1995-2008, the LGU has employed 1,082 student beneficiaries, 80 per cent of whom are now employed and successful in their chosen careers, 10 per cent are entrepreneurs while another 10 per cent were not able to finish their education. Through SPES, many poor but deserving students broke the chain of poverty and ignorance through perseverance and support from their parents and the government.

JOBS FAIR

Jobs fair is a priority of Isulan PESO. In 2008, two jobs fair were initiated: one at the municipal foundation anniversary of Isulan; and another at the foundation anniversary of Sultan Kudarat Polytechnic State College. Different entities participated, offering jobs such as bank representatives within the municipality and call center representatives. In the jobs fair at Sultan Kudarat Polytechnic State College, one of the leading tertiary schools in the province, 600 graduating students of the college from its different satellite campuses participated.

One-on-one counseling is done by PESO Manager Ricardo Dagcuta for those applicants who pass the preliminary interview. Tips are provided on what to do in order to pass the final interview. Illegal recruitment complaints in Isulan are minimized because applicants are advised that they should go to the PESO when job hunting. A pre-orientation departure seminar to applicants is regularly conducted as an eye opener on what life is abroad, how it is to work in a foreign land, and how to deal with homesickness and foreign employers.

TULONG ALALAY SA TAONG MAY KAPANSANAN (TULAY 2000)

Persons with Disability (PWD) are a priority sector of the Local Government of Isulan. A yearly celebration, during the National Disability and Prevention Week, is conducted by the PESO. The 2009 activity was held on July 17-23 at Isulan Municipal Gymnasium. PESOMASK organized the activity. Mini Olympics, talent presentation, and livelihood training such as utilization of herbal medicine as a substitute for commercial medicine and food processing were the highlights. Meanwhile, the Bambad PWD have been the beneficiary of a Fifty Two Thousand Eight Hundred Pesos (Php52,800.00) livelihood assistance, through the Isulan PESO.

RETURNING OVERSEAS FILIPINO WORKERS

The PESO facilitated the registration of three OFW Organizations in New Pangasinan, D'Lotilla, and Laguilayan. These barangays have also received assistance from OWWA through its Groceria sa Barangay Project. These stores have since expanded. From only one (1) purok in 2008, two (2) other puroks were added in Laguilayan in 2009. For this reason, the OWWA awarded the Groceria as a best performing Groceria sa Barangay in Region XII. The three barangays also received additional funding in 2009 worth One Hundred Fifty Thousand Pesos (Php150,000.00) each. The projects served as a testimony that being a successful entrepreneur in one's own locality together with one's family may be more desirable than working abroad.

OFW FAMILY DAY 2008

In keeping with the tradition of bringing services closer to the people, the Isulan PESO hosted the Overseas Filipino Workers Caravan 2008. The DOLE Regional Office co-sponsored the said caravan that gathered hundreds of OFWs and their families. Activities were held such as a seminar on financial capability in which OFWs are taught how to handle and invest their income wisely. Livelihood assistance was also distributed by the DOLE to the families of OFWs. Other programs include career guidance for children of OFWs. The lecturers gave tips on what practical courses children should take up in college. There was also a jobs fair for OFWs wanting to return abroad. Lastly, the release of NRCO livelihood assistance to three organizations in Isulan capped the occasion.

ANTI-ILLEGAL RECRUITMENT (AIR) CAMPAIGN

The Municipal Government of Isulan is aware that there are illegal recruitment activities happening in its vicinity, especially in its remote barangays. The people of these barangays are prone to be victims of illegal recruitment because of lack of information. The solution seen by the Municipality of Isulan is to conduct an anti-illegal recruitment campaign in every barangay through the PESO. Four barangays were identified as places where illegal recruitment persists. These are namely: Laguilayan, Bambad, Kalawag 1, and Dansuli. A series of intensive dissemination of information was done by PESO to these barangays. Jobseekers are encouraged to go to the PESO if they wanted to work abroad to verify the authenticity of the agency that they are applying to. The rate of illegal recruitment was minimized as a result of these activities.

PROJECT ANGEL TREE

The Isulan PESO, in collaboration with the Rotary Club of Isulan, distributes school supplies to elementary and high school students whose family income is below the poverty line. This activity was dubbed Project Angel Tree. Qualified students are given monthly allowances to support daily expenses. A total of 20 elementary and high school students have already benefitted from the program in 2008.

PROMOTION OF RURAL EMPLOYMENT THROUGH SELF-EMPLOYMENT AND ENTREPRENEURSHIP DEVELOPMENT

The Archdiocesan Primary Health Care Services of Isulan, a church-based association is one of the groups helping the church in its education program for youth and women of the parish. The association conceived the idea of its youth sector going into the production of religious novelty items and candles to finance its activities and to provide employment for underprivileged members. The initial capital of Php49,475.00 was granted to the association in 2006. By 2009, the project is earning sufficient income for members and patrons are increasing. Two (2) of its staff has been approached as trainers for the candle making seminars in the towns of President Quirino and Makilala in North Cotabato. The factory and the display center of the association are located at Isulan Parish. Meanwhile, the Isulan Electrician and Plumbers Association has acquired legal personality in 2003 through the efforts of the Isulan PESO. The association then entered into an agreement with the Local Engineering Office that only members of the association with trade test certification from TESDA could sign documents for submission and processing to the Engineering Office. The association is improving the skills of its members through trainings and seminars. Its members are also hired by TESDA as trainers. They are encouraging members who are not trade test passers to take the accreditation examination, 90 per cent of the organization's members are trade test passers and are operating in Isulan and nearby municipalities.

WOMEN EMPLOYMENT AND ENTREPRISE DEVELOPMENT

Not all women, especially mothers, have a stable job to support the needs of their families. With the initiative of the PESO, women are now given opportunities to make their time more productive through employment and establishing their own businesses. Skills training such as flower arrangement are being taught to interested women from different barangays in Isulan. These trainings have produced mothers who are also entrepreneurs using acquired skills and assistance from the local government to augment their start-up capital.

WORKING YOUTH CENTERS

Annually, the local government through the PESO provides a budget for the implementation of youth programs. This is integrated with the Office of the Mayor's budget. In 2008, the Working Youth Center of Isulan conducted a flower making and arrangement seminar. This was held October 31 to November 2, 2008 at the Municipal Gymnasium and participated in by out-of-school youth. The finished products were displayed and sold during All Souls Day and the out-of-school youths earned a reasonable profit from their products. The PESO also helped the 105 out-of-school youth finish their schooling by enrolling them in DepEd's Alternative Learning System (ALS). Aged 15 years old and over, the youth became beneficiaries of skills training in smoked bangus production. The youths were also taught simple accounting to ensure continuity of income-generating projects particularly in the handling of financial transactions.

MOBILE PASSPORTING

Mobile passporting is conducted yearly during Isulan's foundation anniversary. The aim is to provide persons within the municipality who are aiming to work abroad easier access to a passport. Davao City and General Santos City are the nearest places to secure a passport. Every year, Isulan PESO caters to a minimum of 400 individuals.

LIVELIHOOD AND SELF-EMPLOYMENT

In 2008, Isulan PESO launched the program BIKK Unlad Kabuhayan Project on Alternative Medicine and Trade Fair. With participation from more than 200 women from different barangays, the program focuses on utilizing alternative medicine abundant in the locality as a substitute for high-cost commercial medicine. The activity helped the participants identify herbal plants that can treat simple illnesses, such as cough and headache. The idea is to motivate them to venture into a small business selling homemade medicines at affordable rates.

TRIPARTITE INDUSTRIAL PEACE COUNCIL

In 2008, public and private employees and employers throughout the Region gathered for the Regional Tripartite Industrial Peace Convention. This was hosted by the local government of Isulan through its PESO in cooperation with the DOLE Sultan Kudarat Field Office. The convention aims to foster harmonious relationship between employers and employees at work. It also aims to initiate programs in response to issues in today's workplace. An open forum was held pertaining to salary and other benefits. The convention gave employers and employees the opportunity to get to know and socialize with each other. This contributed to attaining common goals wherein both parties are able to benefit.

VOLUNTEER SENIOR CITIZEN EMPLOYMENT COUNSELORS

Another breakthrough for the PESO is the extension of services through the creation of Employment Counseling Desk manned by retired senior citizens. Employment counseling aims to counsel persons embarking on their first work experience. Topics include values formation and work ethics. The counselors are composed of retired professionals such as attorneys, teachers, among others, who voluntarily share their time to counsel new entrants to the labour force. They are members of the Senior Citizen's Association of the municipality. The experience they gained from their past work is shared with first time workers. This program started in 2008. An average of three to four (4) hours is allotted for individual counseling. A survey by the Isulan PESO was administered to employers recently. The survey found that 95 per cent of employers are satisfied with the work performance of those who underwent counseling at the PESO and are now employed with them.

“MAAYONG AGA ISULAN” PROGRAM

To inform more constituents, LGU Isulan broadcasts its activities regularly through Radio Natin Isulan 101.3 FM. The program GOOD MORNING ISULAN is a way of informing the public about the activities done and those that need to be undertaken by the municipality. The PESO Manager regularly gives an interview to inform local folks about new job opportunities and PESO programs. As a result of on-air broadcasting of information, PESO clients have climbed to double its original. This is one of the most effective strategies, in Isulan PESO's experience, to extend the reach of PESO programs to clients.

MEETINGS HOSTED

The PESO of Isulan regularly hosts meetings. Monthly meetings are conducted with officials and staffs of Municipal Management Committee. Monthly meetings are also regular affairs for the PESO MASK (Public Employment Service Office Manager's Association of Sultan Kudarat). The PESO Manager of Isulan views these meetings as a venue to discuss how to be an effective PESO Manager and how to help constituents while at the same time using resources wisely. The organizational meetings of the Career Counselors Association of Sultan Kudarat are also held in Isulan.

LINKAGES

The Isulan PESO has strong linkages with public and private organizations not only in the municipality but also in other localities. This includes linkages with the Rotary Club, Jaycees, Knights of Columbus, Rural Improvement Clubs, and Women's Groups and Farmer's Groups. This enables fast tracking of services rendered by the PESO in disseminating programs and rendering of basic services to beneficiaries.

REFERENCE NO. 8-1
MOA BETWEEN DOLE-RCC AND PESO FEDERATION OF REGION 1

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement, made and entered into in San Fernando City, La Union by and between:

The DEPARTMENT LABOR AND EMPLOYMENT-REGIONAL COMMITTEE (DOLE-RCC) Regional Office No. I (hereinafter referred to as “DOLE-RCC”, a committee composed of the attached agencies of DOLE with official address at Arnel Bldg., Mabini Street, Catbangan, San Fernando City, La Union, represented herein by its Chairman, DIRECTOR HENRY JOHN S. JALBUENA;

The REGIONAL PUBLIC EMPLOYMENT SERVICE OFFICE (PESO) FEDERATION OF REGION I (hereinafter referred to as “PESO”, a non-profit organization established under the PESO Act of 1999, with office address at San Fernando City, La Union, herein represented by its President, SAMUEL BUGARIN.

WITNESSETH

WHEREAS the PESO Federation of Region I was created to establish concerted efforts among the existing PESO in the area with end view of strengthening the provision of employment facilitation assistance, information dissemination, assistance for the availment of livelihood assistance programs and other employment programs to their respective constituents;

WHEREAS the members of the PESO Federation agrees to cooperate for the betterment of its services and to abide with the vision and mission of the federation;

WHEREAS the PESO is mandated under the PESO Act of 1999 to implement, among other things, the following:

1. Provide a venue where people could explore simultaneously various employment options and seek assistance they prefer.
2. Serve as referral and information center for the various services and programs of the DOLE and other agencies.
3. Provide clients with adequate information on employment and labour market situation in the area.
4. Network with other PESOs within the region for job exchange purposes.
5. Encourage employers to submit to the PESO on regular basis a list of job vacancies.
6. Provide persons with entrepreneurial qualities access to the various livelihood and self-employment programs.
7. Provide employment or occupational counseling, career guidance, mass motivation and values development activities.
8. Conduct pre-employment counseling and orientation to prospective local and most especially overseas workers.

WHEREAS under the PESO Act of 1999, the DOLE shall be primarily responsible for the administration of the PESO Program through BLE as well as its Regional and Field Offices throughout the country;

WHEREAS the DOLE is the government agency which is mandated to oversee the national implementation of employment facilitation and employment regulation;

WHEREAS the DOLE implements employment programs through its Regional and Field offices and the PESO;

NOW THEREFORE for and in consideration of the foregoing premises and the terms and covenants herein contained, the parties hereby agree as follows:

Article 1 RESPONSIBILITIES OF DOLE-RCC

The DOLE through its Regional and Field Offices:

1. Shall establish and maintain a computerized national manpower registry of skills.
2. Shall provide technical assistance and allied support services to the PESO.
3. Shall train PESO personnel in the various aspects of employment facilitation functions as well as in the employment regulation programs.
4. Shall extend, facilitate such other package of employment services to the provision of employment assistance to clients.
5. Shall monitor, assess, and evaluate the PESO program implementation.

In addition to the foregoing commitment of DOLE, its Regional Office shall establish and maintain a monitoring system to ensure full compliance with all the terms and conditions of this Agreement.

Article 2 RESPONSIBILITIES OF THE PESO FEDERATION

The PESO Federation shall assist the DOLE in promoting the following:

1. Posting of job vacancies of private and public establishments in their respective areas through the Phil-JobNet.
2. Organizing Guidance Counseling Networks in their respective areas.
3. Campaign against illegal recruitment pursuant to the provisions of the Labor Code, as amended, and trafficking in persons pursuant to the Anti-Trafficking in Persons Act of 2003.
4. Advocating programs of the DOLE particularly those programs under the BLE, POEA, and OWWA.
5. Assisting in the conduct of the national manpower skills registry.
6. Assisting in the promotion of other programs of the DOLE as well as other livelihood programs.
7. Advocating Training Programs/ Services of TESDA and facilitate referral or availment, thereof.

Article 3 ENTIRE AGREEMENT

This Memorandum of Agreement contains an entire agreement among the parties and supersedes provisions in all previous written or verbal understanding and arrangements entered into by the parties hereto which are inconsistent with this agreement. No provision of this Memorandum of Agreement may be amended, supplemented or modified, nor any of the terms hereof waived, without the written consent of all the parties.

Article 4
EFFECTIVITY

This Memorandum of Agreement shall take effect upon the signing by the parties and shall remain in full force and until terminated by any party upon three (3) months written notice to the other party.

In WITNESS WHEREOF the parties hereto have cause this Memorandum of Agreement to be signed on September 5, 2008 in San Fernando City, La Union.

DEPARTMENT OF LABOR AND EMPLOYMENT

PESO FEDERATION

DIR. HENRY JOHN JALBUENA
Chairman, DOLE-RCC

SAMUEL BUGARIN
President

REFERENCE NO. 8-2
MOA BETWEEN DOLE AND LGU OF PANDAN

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Regional Office No. V, Legazpi City

MEMORANDUM OF AGREEMENT

KNOWN ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement entered into by and between the DEPARTMENT OF LABOR AND EMPLOYMENT Regional Office No. V represented herein by Regional Director ERNESTO C. BIHIS with office address at Doña Maria Street, Old Albay, Legazpi City herein after referred to as DOLE:

-and-

The LOCAL GOVERNMENT UNIT OF PANDAN, represented herein by Hon. JOSEFINA E. SANTELICES, with office address at Pandan, Catanduanes hereinafter referred to as Local Government Unit:

WITNESSETH

WHEREAS, the national government is committed to the organization, development, and maximum utilization of the country's manpower resources;

WHEREAS, the Department of Labor and Employment is a government agency with employment promotion, regulation stimulation, and labour market statistics;

WHEREAS, unemployment and underemployment are some of the serious problems of the country today which are given priority concern by the administration;

WHEREAS, the magnitude and urgency of these problems necessarily require the active involvement of the Local Government of Pandan;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE FOREGOING, the parties have agreed as they hereby agree, to sincerely cooperate between themselves in helping solve/minimize the region's unemployment and underemployment problems by performing their respective roles/commitments as provided hereunder:

A. DEPARTMENT OF LABOR AND EMPLOYMENT

1. To formulate/implement employment programs/projects in coordination with LGU.
2. To render technical assistance to the LGU in the established and operationalization of a municipal PESO which will:
 - (a) Register jobseekers and classify them according to occupational skills, education, and personal characteristics.
 - (b) Obtain information on job vacancies from employers and match qualified applicants for job placements.
 - (c) Gather employment data from employers and update lists of establishments.
 - (d) Provide referral services for self-employment, overseas employment, and skills and entrepreneurship training.
 - (e) Provide occupational/vocational guidance and employment counseling services.

- (f) Administer aptitude and occupational test.
- (g) To extend such other package of employment services to promote welfare of the employed, underemployed/unemployed citizens.

B. LOCAL GOVERNMENT OF PANDAN

- 1. To commit LGU resources in the establishments and operationalization of PESO.
- 2. To provide the necessary staff, facilities, and operating funds for the PESO.
- 3. To supervise and control the operation and activities of the PESO with the technical assistance of the DOLE.
- 4. To furnish the DOLE a copy of the PESO's monthly accomplish report.
- 5. To extend such other assistance and services as may be necessary in the promotion of employment within the area of its jurisdiction.

C. EFFECTIVITY

This Memorandum of Agreement shall take effect upon its signing by the parties and shall remain in full force and effect until terminated by the contracting parties.

D. AMENDMENT

It is understood that all additional provision for this agreement shall be duly covered by an addendum signed by all parties.

IN WITNESS WHEREOF, the parties have hereunto affixed their signature this 13th day of October 2008 at Pandan, Catanduanes, Philippines.

DEPARTMENT OF LABOR AND EMPLOYMENT

**LOCAL GOVERNMENT UNIT
OF PANDAN**

ERNESTO C. BIHIS
Regional Director

HON. JOSEFINA E. SANTELICES
Municipal Mayor

REFERENCE NO. 8-3

BASIC REPORTORIAL REQUIREMENTS AND FILLING GUIDE

GUIDE TO FILLING UP THE STATISTICAL PERFORMANCE REPORTING SYSTEM (SPRS) PESO REPORT

Information gathered from the Public Employment Service Offices (PESOs), through the above reportorial form, will help provide a picture of the overall performance of the country's employment service.

1. The report indicates the annual targets for particular indicators. It is done on a monthly basis and shows past and present levels so and cumulative totals every month against annual targets.
2. The indicators are described as follows:
 - (a) **Job Vacancies Solicited/Reported** – refers to the vacancies gathered by the PESO from employers located in their geographical labour market. It also includes those that are voluntarily registered by employers. They could come from public and private employers.
 - (b) **Job Applicants Registered** – refers to all persons going to the PESO to manifest interest to land a job. These persons could be the unemployed, underemployed, employed seeking better jobs.
 - (c) **Job Applicants Referred for Job Placement** – refers to all registrants who are directed towards available job vacancies for the period.
 - (d) **Training/Employability Enhancement** – refers to that portion of applicants who are not referred to placement but to training or upgrading to training institutions located in the area.
 - (e) **Job Applicants Placed in Private Sector** – refers to all those directed for placement in private employers e.g. privately run businesses and NGOs.
 - (f) **Job Applicants Placed in Government Sector** – refers to those placed in publicly run enterprises including government owned and controlled corporations.
 - (g) **Youth Provided With Bridging Employment Assistance** – refers to all job applicants provided assistance aged 15-24.
 - (h) **Job Fairs Conducted** – refers to all job fairs led and conducted by the PESO.
 - (i) **Job Applicants Registered** – refers to all jobseekers registering in the job fairs either for overseas or local job vacancies.
 - (j) **Special Program for the Employment of Students** – refers to the number of youth provided with temporary employment during summer and Christmas vacation and given vouchers to be used for schooling covered by RA No. 7323.
 - (k) **Career Guidance** – refers to the provision of labour market information specifically on present and future jobs that are and will be in demand in the labour market. Also includes an assessment of the aptitudes and interests of students. The ultimate objective of which is to prevent future mismatches in the labour market.
 - (l) **Number of Students Provided with Career Guidance** – refers to the total number of students (high school and college) registered as participants in the activity.
 - (m) **Labour Market Information** – refers to all data and information resulting from the interaction of the basic elements of the labour market.
 - (n) **Labour Market Reports Prepared** – refers to reports or publications on the PESOs labour market situation on a periodic basis.

Major final output	Programs	Indicators	Whole year target	ACTUAL PERFORMANCE					
				Previous reporting month		Current reporting month		Cumulative (January to current reporting)	
				Total	Female	Total	Female	Total	Female
GOAL 1: GAINFULLY EMPLOYED WORKFORCE									
I: Job Search Assistance Services for Wage Employment	A. Job Search Assistance Program	1. Job search assistance through Public Employment Service Office (PESO)							
		1.1 Job vacancies solicited/reported							
		1.2 Job applicants registered							
		1.3 Job applicants referred for:							
		a. Job placement							
		b. Training/employability enhancement							
		1.4 Job applicants placed							
		a. Private sector (direct employers)							
		b. Government sector							
		1.5 Youth provided with bridging employment							
		1.6 Job fairs conducted							
		a. Job applicants registered							
		1.7 SPES							
		1.8 Career guidance							
		a. Number of schools/institution							
		b. Number of students provided with career guidance							
		1.9 Labour Market Information							
		a. Labour market reports prepared							

REFERENCE NO. 9-1

PESO TRAINING AND ENHANCEMENT COURSES

DETAILS OF TRAINING COURSES

Course title	Course description	Duration	Participants	Venue	Cost
1. Labour Market Management Course	Designed to provide LCEs, PESO Managers, and LMI Officers basic knowledge and skills required to enable them to formulate labour market policies and programs that maximizes use of local labour markets.	8 days with 4 days observation tour	Maximum 30 pax preferably LCEs and PESO Managers and LMI Officers	To be determined by DOLE	To be provided by DOLE
2. PESO Management Course	Designed to enable PESO Managers (potential and incumbents) to formulate PESO work and financial plans, coordinate its implementation, monitor its progress, and assess its performance.	4 days observation tour	Maximum 30 pax preferably incumbent and potential PESO Managers	To be determined by DOLE	To be provided by DOLE
3. Career Guidance and Counseling Course	Designed to enable PESO career guidance officers in selecting, administering, and interpreting proper test instruments, results of which will be used as basis for guidance and counseling of graduating students and jobseekers.	4 days observation tour	Maximum 30 pax preferably incumbent and potential Career Guidance Officers	To be determined by DOLE	To be provided by DOLE
4. Placement and Referral Course	Designed to enable personnel assigned in job vacancy solicitation and placement referrals to network with employers and training and educational institutions.	4 days observation tour	Maximum 30 pax preferably incumbent and potential Placement and Referral Officers	To be determined by DOLE	To be provided by DOLE
5. Information Technology Course	Designed to enhance the capability of PESO personnel assigned in the use and application of information technology in labour market management, career counseling, job vacancy solicitation, job referrals, and maintenance of electronic job exchange network.	7 days with 4 days observation of Phil-JobNet	Maximum 30 pax preferably incumbent and potential Information Technology Officers	To be determined by DOLE	To be provided by DOLE

REFERENCE No. 10-1

PERFORMANCE ASSESSMENT GUIDE

PERFORMANCE ASSESSMENT GUIDE

1. After six (6) months of operation, the newly established PESO will be assessed by the DOLE Regional Office upon request by the PESO Management and endorsed by the LCE.

2. The DOLE Assessment Team shall evaluate the performance of the PESO using or looking into two major sources namely:

- (a) record of planned versus actual accomplishments as stated in the Work and Financial Plan (WFP) and;
- (b) views and impressions gathered from users and stakeholders in the Community's PESO using FGD.

3. The assessment of available document and the views gathered shall form the basis for the report of findings and recommendations of the DOLE Assessment Team.

OPERATIONAL ASSESSMENT SHEET

Key result areas	Programs/projects activities	Performance indicators	Targets		Variance (per cent)	Reason	Costs		Variance (per cent)	Reason	Assessor's comments
	A. PESO ADVOCACY Development of a proposal for the funding of the following PESO activities		Planned	Actual			Planned	Actual			
	1. Conduct of continuing fora for the Promotion of PESO Program to employers										
	<i>1.1 Conduct of semestral meeting between the LGU and employers group</i> Things to do: a. Communication to- b. Coordination with ROs/employers c. Preparation of documents/materials										
	<i>1.2 Conduct of meeting among academic Institutions, NGOs, and support group</i> Things to do: a. Communication to- b. Coordination with academe c. Preparation of documents/materials										

Key result areas	Programs/projects activities	Performance indicators	Targets		Variance (per cent)	Reason	Costs		Variance (per cent)	Reason	Assessor's comments
	B. PESO OPERATION PHYSICAL TARGETS		Planned	Actual			Planned	Actual			
	1. Job applicants registered										
	2. Job applicants referred for: <i>2.1 Job placement</i>										
	<i>2.2 Training/employability enhancement</i>										
	<i>2.3 Self-employment/livelihood</i>										
	3. Job applicants place: <i>3.1 Private sector</i>										
	<i>3.2 Government</i>										
	C. NETWORKING AND LINKAGING										
	1. Attendance to PESO Federation meetings										
	2. Attendance to DOLE-initiated meetings										

Afterword

The Bureau of Local Employment (BLE) is mandated to develop programs, projects, and activities that aid in the proper implementation, monitoring, and evaluation of the government's Public Employment Service Program. As expressed in Republic Act No. 8759, otherwise known as the PESO Act of 1999, DOLE through the BLE touches base with the Public Employment Service Offices (PESO) to implement the program. However, as already mentioned, one of the key challenges in the effective and sustainable deployment of the said program is the fact that only a small fraction of PESOs have attained institutionalization.

This indeed is a road block given that RA No. 8759 remains an unfunded law, and constrains DOLE, as a national agency, to implement and operationalize at the community level the Public Employment Service Program. Thus, it has been the advocacy and constant thrust of the Department to pursue the localized institutionalization of all established and operational PESOs nationwide. This is regarded as the most strategic approach to warrant the sustainability of deployed employment service related programs, projects, and activities.

What has been done?

As an initiative to achieve the end goal of PESO institutionalization, the Bureau partnered with the International Labour Organization (ILO) to develop the PESO Starter Kit. The chosen title encapsulates the recognized good practices of LGUs and likewise serves as a start-up kit to LGUs aiming at improving the delivery of employment facilitation in their respective localities.

This kit represents one of the many endeavors of the Bureau to improve the capability of the PESO in serving as the main provider of intermediary services between the available manpower supply and demand at the community level. We believe that based on the current situation, this is the only viable method of dealing head on the growing concern over job-and-skills mismatch. Hopefully, this kit will be fully utilized by its intended audience—the Local Chief Executives (LCEs).

Where do we go from here?

DOLE has undertaken several steps to address the growing concern over job-and-skills mismatch that will likewise strengthen and harness the potentials of the PESO. Thru the BLE, the lead manager of the PESO program, initiatives are currently underway toward re-engineering the means of delivering the job matching, referral, and placement practice of the PESO via launching the Enhanced Phil-JobNet System and its sub-system, the National Skills Registry System (SRS). It is envisioned that once the SRS is integrated into the IT-based Enhanced Phil-JobNet System, it will help the PESO fast track its job matching, referral, and placement function.

Moreover, it is envisioned that the Enhanced Phil-JobNet System with the SRS, as its supply component, will also help the PESO establish greater linkages amongst other PESOs and other relevant private and public partners, which in return will encourage and greatly improve its intermediary function between available the manpower supply and demand within and outside its locality.

Also, since the registry has the capacity to capture the skills set of registrants, employers would be able to choose registrants based on their specific set of skills-related requirements. However, it must be emphasized that the sustainability of this initiative and the maximization of its impact is heavily reliant on the strength of the PESO, which is determined by its capacity to bring forth apt, sustainable, efficient, and progressive services to its clientele, especially the vulnerable sectors like women and youth. Again, this is only possible thru the institutionalization of all established and operational PESOs.

Indeed, there are still many challenges threatening the existence of the PESO but everyone is assured that we at the DOLE shall continuously strive to promote, develop, and re-engineer programs, projects, and activities that promote decent and sustainable work opportunities for all geared toward the achievement of the Millennium Development Goals and Inclusive Growth.

Kaya tara na tunggo sa Paglago at Makabuluhang Pag-asenso!

BUREAU OF LOCAL EMPLOYMENT
Department of Labor and Employment
Manila, Philippines
January 2012

About the MDG Achievement Fund

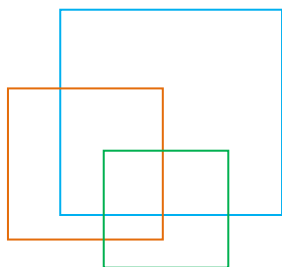
MDG Achievement Fund (MDG-F) supports innovative programs and policies at the country level for the replication and scaling up of models that should help accelerate the achievement of the Millennium Development Goals.

For further information, log on to:

<http://www.mdgfund.org>

<http://www.ph.one.un.org/mdgfphilippines>

<http://www.ilo.org/manila>



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