MEMORANDUM CIRCULAR NO. 14
Series of 2018

TO: ALL POEA LICENSED AGENCIES

SUBJECT: GUIDELINES IN THE REPATRIATION OF OVERSEAS FILIPINO WORKERS (OFWs) and SEAFARERS

Pursuant to the Revised POEA Rules and Regulations Governing the Recruitment and Employment of Landbased Overseas Filipino Workers of 2016 and Revised POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers of 2016, the following guidelines on repatriation are hereby issued:

A. Primary Responsibility to Repatriate OFWs and Seafarers

The repatriation of an OFW and seafarer 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 and/or deployed him/her abroad.

B. Repatriation Procedures

1. In case a request for repatriation is filed by an OFW/seafarer at the Philippine Overseas Labor Office (POLO), the Labor Attaché and/or Welfare Officer shall evaluate the request. Should there be a need for the immediate repatriation of the OFW/seafarer, the Labor Attaché shall notify the principal/employer about the request for repatriation. If the principal/employer fails or refuses to provide for the ticket or costs, the Labor Attaché shall notify the Overseas Workers Welfare Administration (OWWA) and the POEA simultaneously of such need to repatriate. In case the request is received or filed at the POEA, the POEA shall immediately notify the principal/employer, the licensed recruitment agency/licensed manning agency, and the POLO, of such request.

2. The POEA shall immediately issue a notice requiring the licensed recruitment agency/licensed manning agency to provide, within forty-eight (48) hours from such notice, the plane ticket or the prepaid ticket advice (PTA) to the POLO or Philippine Embassy. The licensed recruitment agency/licensed manning agency shall notify the POEA of such compliance, which shall then inform OWWA of the action of the licensed recruitment agency/licensed manning agency.

If the licensed recruitment agency/licensed manning agency fails to provide the ticket or PTA within forty-eight (48) hours from receipt of the notice, the Administration shall suspend the documentary processing of the licensed recruitment agency or impose such other sanctions as it may deem necessary.
3. In case the repatriation of the OFW/seafarer is dependent upon the issuance of an exit visa/clearance, the principal/employer shall have fifteen (15) days from notice to secure such exit visa. The licensed recruitment agency/licensed manning agency which recruited and/or deployed said OFW/seafarer shall exert earnest efforts in coordinating with the principal/employer to ensure the issuance of said visa.

4. When the repatriation is dependent upon the issuance of an exit visa and the principal/employer fails to secure the exit visa within a period of fifteen (15) days from receipt of the POEA notice, the Administration shall suspend the principal/employer from participating in the overseas employment program. In the same manner, where the licensed recruitment agency/licensed manning agency, despite issuing the PTA for the repatriation of the OFW/seafarer, does not exert earnest efforts in coordinating with the principal/employer to ensure the issuance of said visa, the Administration shall suspend the documentary processing of the licensed recruitment agency/licensed manning agency.

The Administrator may issue an Order lifting the suspension of documentary processing only upon compliance with the directive for which the Order of suspension of documentary processing was issued.

5. When those primarily responsible for the repatriation fail to fulfill their obligations, the Administration shall notify OWWA to advance the costs of repatriation with right of reimbursement against the licensed recruitment agency/licensed manning agency or principal/employer. The OWWA shall notify the POEA of the arrival of the repatriated OFW/seafarer. It shall likewise notify the licensed recruitment agency/licensed manning agency that has the obligation to repatriate the OFW/seafarer and demand payment, within fifteen (15) days from notice, of the costs it has advanced for the repatriation of the OFW/seafarer, including legal interest in case of default. In case the licensed recruitment agency/licensed manning agency fails to reimburse the OWWA, the latter may recommend to the POEA the imposition of suspension of documentary processing. The POEA will direct the licensed recruitment agency/licensed manning agency to settle its obligation with the OWWA within ten (10) days from notice. Non-compliance with the directive of the POEA shall result in the suspension of documentary processing.

The suspension of documentary processing imposed against the licensed recruitment agency/licensed manning agency and the principal/employer shall be lifted by the Administration only upon the clearance by the OWWA.

6. The OWWA, in coordination with DFA, and in appropriate situations, with international agencies, shall undertake the repatriation of OFWs/seafarers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, without prejudice to reimbursement by the responsible principal/employer or licensed recruitment agency/licensed manning agency
within sixty (60) days from notice. In such cases, the POEA shall simultaneously identify and give notice to the licensed recruitment agency/licensed manning agencies concerned, copy furnished the corresponding insurance companies.

7. Upon discovery or upon being informed of the presence of an OFW/seafarer whose actual age falls below the minimum age requirement for overseas deployment, the responsible officers in the foreign service shall, without delay, repatriate the said OFW/seafarer and advise the DFA through the fastest means of communication available of such discovery and other relevant information.

C. Submission of Status Reports on Repatriation

The licensed recruitment agency/licensed manning agency shall immediately submit to the Welfare Services Branch, Welfare and Employment Office, the status or updates on repatriation particularly the date of repatriation.

1. Proof of Repatriation of OFW/Seafarer

Any of the following modes of documentation of the repatriated OFW/seafarer shall be considered substantial proof of repatriation:

a. Personal appearance of the repatriated OFW/seafarer at the Repatriation Unit, Welfare Services Branch and submission of a copy of the passport or travel document of the OFW/seafarer.

b. Submission of an original Certificate of Arrival issued by the Bureau of Immigration with Official Seal and Official Receipt of the certification fee paid to the Bureau.

c. Submission of a clear photocopy of the passport of the OFW/seafarer including the page where the date of arrival of the OFW/seafarer was stamped by the Philippine Immigration Officer.

d. Submission of a Certified True Copy of the proceedings in any government office in the Philippines stating the appearance of the OFW/seafarer.

e. Other documents that the Administrator may deem appropriate.

2. Request for Extension of Time to Repatriate OFW/Seafarer

Any request for extension of time to repatriate an OFW/seafarer may be granted on the following meritorious grounds:

a. Pendency of a case filed by or against the OFW/seafarer at the jobsite
The deploying agency must attach in the request for extension of time a document with proof of record of the case of the OFW/seafarer duly verified by POLO.

b. OFW/seafarer is missing or has absconded/ran-away/deserted from the employer

The deploying agency must attach in its request for extension of time a copy of the police report or any supporting document duly verified by POLO.

c. OFW/seafarer is confined in a hospital or with medical condition

The deploying agency must submit proof of the confinement or medical certificate of the subject OFW/seafarer duly verified by POLO.

3. Withdrawal of Request for Repatriation

The request for repatriation filed by the Next-of-Kin (NOK)/requesting party may be withdrawn on the following grounds:

a. Withdrawal of request filed by NOK/requesting party

The NOK/requesting party must personally appear at the Repatriation Unit, Welfare Services Branch or at the POEA Regional Office to withdraw his/her request and must present his/her valid I.D.

b. Withdrawal of request filed by OFW/Seafarer

The deploying agency should coordinate with its Foreign Placement Agency (FPA)/foreign employer to bring the concerned OFW/seaman to POLO and have his/her statement of withdrawal/Affidavit of Withdrawal verified by POLO.

This Circular shall take effect immediately.

BERNARD P. OLALIA
Administrator