

**[POEA MEMORANDUM CIRCULAR NO. 14, S. 2005,
November 17, 2005]**

**GUIDELINES FOR THE TEMPORARY DISQUALIFICATION OF A
RESPONDENT IN A DISCIPLINARY ACTION CASE**

Pursuant to Sections 4 and 5, Rule I and Section 6 and 7, Rule III, Part VII, 2002 Rules and Regulations Governing the Recruitment and Employment of Landbased Workers and Sections 5 and 6, Rule II and Sections 4 and 5 Rule III, Part VI, 2003 POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers, the following guidelines are hereby issued for the information and guidance of all concerned:

A. Coverage

These guidelines shall apply to all Overseas Filipino Workers (OFWs), seafarers, foreign employers or principals who are respondents in a Disciplinary Action case under Part VII of the 2002 Rules and Regulations Governing the Recruitment and Employment of Landbased Workers and Part VI of the 2003 Rules and Regulations Governing the Recruitment and Employment of Seafarers.

B. Definition of Terms

1. Temporary Disqualification — Refers to the suspension of a worker, seafarer, foreign employer or principal from participation in the overseas employment program for failure to file an answer within the prescribed period despite proper service of summons.
2. Lifting of Temporary Disqualification — Refers to the lifting of the respondent's temporarily disqualification or suspension from participation in the overseas employment program due to respondent's (or his duly authorized representative's) filing of an answer or voluntary submission to the jurisdiction of POEA.

C. Procedure

1. Temporary Disqualification

- a. Upon receipt of a complaint for disciplinary action, Overseas Employment Adjudicator (OEA) assigned to the case shall immediately prepare and serve summons to the respondent at the address indicated in the complaint. In the case of a foreign employer or principal, a copy of the summons shall be served at its official address and at the official address of its duly accredited or registered local agents.
- b. Should the respondent fail to file an answer within the prescribed period despite the proper service of summons, the OEA, using the attached form (Annex "A" — Notice of Inclusion^{*}) shall immediately notify the Docket and