

[OWWA MEMORANDUM OF INSTRUCTIONS NO. 003, S. 1997, February 13, 1997]

GENERAL POLICIES, GUIDELINES AND PROCEDURES IN THE IMPLEMENTATION OF THE REPATRIATION ASSISTANCE PROGRAM FOR MIGRANT WORKERS

Pursuant to Sections 15 and 16 of the Migrant Workers and Overseas Filipinos Act of 1995 and in consonance with its Implementing Rules and Regulation issued by the Secretary of Labor and Employment and to ensure the immediate repatriation of Overseas Filipino Workers (OFW) in meritorious cases as hereto specified, the Repatriation Assistance Program as mandated by law, shall be implemented and administered according to the policy guidelines and procedures hereto provided.

I

PROGRAM OBJECTIVE

The Program ensures the immediate repatriation of Migrant Workers without prior determination of its ultimate responsibility so as to prevent them from being stranded abroad and thus avoid experiencing its negative consequences.

Specifically it aims to:

1. Facilitate the compliance of the Local Agency/Principal in their primary responsibility of immediately repatriating the OFW/or the remains of the deceased OFW including the transport of their personal belongings up to the allowable free baggage allowance of the Carrier.
2. Provide referral assistance to migrant workers in their claims for the refund of the repatriation cost they incurred from the Local Agency/Principal/Employer in case the Overseas Filipino Worker (OFW) shouldered their own repatriation.
3. Undertake the repatriation of workers in cases of war, armed conflicts, hostilities, epidemic, disasters or calamities, natural or man-made and other similar events without prejudice to reimbursement by the principal or recruitment agency and include those cases where principal or recruitment agency cannot be identified.

II

TARGET BENEFICIARIES

All Filipino Migrant Workers who are in need of immediate/emergency repatriation shall be the beneficiaries of the program. All validated requests for repatriation of workers for whatever cause without prior determination of ultimate responsibility

shall be covered under the program.

III

IMPLEMENTING UNITS

The Field Services Office (FSO) through the Workers Assistance Division (WAD) and Regional OWWA Units (ROUs) and the Overseas Operations Coordinating Center (OCCC) through the Philippine Overseas Labor Officers (POLOs) shall be the lead implementing units in the actual repatriation activities of this Program. The Workers Assistance Division (WAD) shall be responsible for all cases within Metro Manila and shall coordinate with the other ROUs and Overseas Posts relative to the implementation of the same.

The Internal Management Services Office (IMSO) shall be responsible in the overall fund management of the Emergency Repatriation Fund (ERF) including maintenance of the subsidiary book of accounts.

The Plans and Programs Office (PPO) shall be responsible in the monitoring and timely evaluation of the program.

IV

CREATION AND ESTABLISHMENT OF AN EMERGENCY REPATRIATION FUND

An Emergency Repatriation Fund (ERF) as mandated by Republic Act 8042 shall be created and established under the administration control and supervision of OWWA.

An initial amount of One Hundred Million Pesos (P100,000,000.00) which shall serve as the Fund, shall be advanced from the existing fund of OWWA as provided for by OWWA Board Resolution No. 96-010 dated 19 August 1996. 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 that advanced by OWWA inclusive of outstanding balances.

The creation of the fund shall mean the maintenance of a subsidiary account in order to maintain its interest income thru investment.

V

GENERAL GUIDELINES

1. Primary Responsibility for Repatriation:

The repatriation of the worker, or his/her remains and the transport of their personal effects shall be the primary responsibility of the principal or agency which recruited or deployed him/her abroad. All costs attendant thereto shall be borne by the principal or the agency concerned.

2. Determination of Liability of Repatriation Costs:

The National Labor Relations Commission (NLRC) shall have the exclusive

jurisdiction in the ultimate determination of liability of repatriation by the Agency/Employer or the OFW.

3. Repatriation in Emergency Situations:

The OWWA in coordination with the DFA and in appropriate situations, with international agencies, shall undertake the repatriation of workers in cases of war, hostilities, armed conflicts, epidemics, 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 notice.

The following cases shall also constitute as an emergency situation and shall serve as criteria for the POLOs to undertake immediate repatriation on any possible means of the OFW who is deemed to be in need and without means:

- a. There is danger to life and limb of the OFW;
- b. OFW is stranded with no employer to work with;
- c. OFW is mentally or physically ill;
- d. OFW is underage as provided under Section 16 of RA 8042; and
- e. Other situations which demand immediate repatriation of OFW.

Where the principal or agency of the worker cannot be identified, cannot be located or had ceased operations, the OWWA personnel at jobsite in coordination with DFA shall cause the repatriation subject to item V-3.

If the employment agency fails to provide the ticket within 48 hours from receipt of notice, the POEA pursuant to the Implementing Rules and Regulation of RA 8042 shall suspend the license of the agency or impose such sanctions as it may deem necessary. Upon notice of repatriation from the foreign post, OWWA shall advance the cost 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.

The agency/principal shall reimburse the claim on repatriation by OWWA within fifteen (15) working days upon receipt of Reimbursement Demand Letter (RDL) from OWWA. If the concerned agency, failed to do so then it shall be the ground for OWWA to take legal action in addition to the suspension of license by the POEA.

4. Cost of Repatriation Advances and Refund

Repatriation cost shall refer to all attendant cost of repatriation which shall include the following:

- a) For Live OFWs

Airfare, Exit Visa, Penalties, Travel expenses of Escorts (for medical repatriation) and other reasonable expenses supported by receipts.