

[POEA DEPARTMENT CIRCULAR NO. 5, April 13, 1992]

PROCEDURES FOR THE ACCREDITATION OF FOREIGN EMPLOYERS/PROMOTERS, PRE-QUALIFICATION/RECOGNITION OF ASSOCIATIONS OF EMPLOYERS/PROMOTERS HIRING FILIPINO PERFORMING ARTISTS AND FOR THE PROCESSING OF RETURNING ARTISTS

Further to Department Circular No. 01, Series of 1991, Department Circular 02, Series of 1992 and Administrative Guidelines Implementing DC 01-91 dated 13 December 91 and in order to simplify and facilitate the accreditation with POEA of foreign promoters/employers hiring Filipino Performing Artists, either individually or as member of duly recognized employer/promoter associations and in order further to clarify processing procedures for returning Performing Artists, the following guidelines are hereby issued:

SECTION 1. Participation of Associations of Foreign Employers/Promoters in Accreditation of Members - Association of foreign employers/promoters shall be allowed to participate in the accreditation of their members with POEA subject to the following conditions:

1. That they undergo pre-qualification by the Philippine Embassy/Consulate in the worksite;
2. That they be duly recognized by POEA upon pre-qualification by the Philippine Embassy/Consulate.

SECTION 2. Pre-Qualification of Employer/Promoter Association by the Philippine Embassy - Association of employers/promoters shall be pre-qualified by the Office of the Labor Attache, Philippine Embassy in the worksite upon submission of the following requirements;

1. Certificate and number of government registration as a non-profit organization, duly authenticated by the country's Foreign Ministry;
2. Articles of Incorporation and By-laws and list of officers and directors with biodata and pictures of each;
3. Statements of accounts and assets, duly authenticated by the country's Foreign Ministry;
4. List of members (Promotions Companies and their officers/directors);
5. Police clearance/Certificate of Identity (Mibun Shomeisho) for Japan of all officers and directors of the association.

SECTION 3. Recognition by POEA of Employer/Promoter Associations - Employers/Promoters Associations shall duly be recognized by POEA before they are allowed to participate in the accreditation process on behalf of their members. For this purpose they shall submit the following requirements to POEA:

1. Certificate of Pre-qualification from the Labor Attache, Philippine Embassy/Consulate;
2. Formal endorsement to POEA of the complete/updated list of their member companies, their officers and directors including the companies' address, telephone/telex/fax numbers;
3. Special Escrow Agreement for a common cash bond in the amount equivalent to the total contributions of each member at US\$20,000.00 each and an additional cash bond of P10,000,000.00 to answer for liabilities in excess of the US\$20,000.00 individual contribution of each member;
4. Special Power of Attorney (SPA) which shall authorize the association to act for and in behalf of its members specifically in the signing of the special escrow agreement for the common cash bond.
5. Memorandum of Agreement between POEA and the association.

SECTION 4. Memorandum of Agreement with POEA - POEA and the association shall sign a Memorandum of Agreement to formalize the recognition of the association by POEA.

SECTION 5. Accreditation of Association-Member Employers/Promoters - Accreditation of employers/promoters who are bona fide members of duly pre-qualified and recognized associations maybe coursed through their Philippine agents who shall submit the following documents to POEA:

1. Authenticated Special Power-of-Attorney;
2. Authenticated Recruitment Agreement;
3. Affidavit of Responsibility executed by the promoter/principal;
4. Copy of Booking Contract between the foreign promoter and club/venue owner - translated in English and verified by the Philippine Embassy/Consulate;
5. Affidavit of Undertaking by the foreign promoter and Philippine agency that:
 - a. The performing artist(s) shall not be required to work as receptionist/hostess, to engage in "dohan" or other similar practices, to perform nude, indecent or other illegal acts, to solicit customers for the establishment or to its owners, or otherwise perform work other than that for which the artist was contracted;
 - b. The performing artist(s) deployed to a particular establishment shall not be re-booked or transferred to another club or establishment outside of the one to