

**[ POEA MEMORANDUM CIRCULAR NO. 38 s. 1991,  
August 15, 1991 ]**

**AMENDMENTS TO MEMORANDUM CIRCULAR NO. 42, SERIES OF  
1990 ON SAMPLE EMPLOYMENT CONTRACT FOR VARIOUS  
SKILLS**

Further to Memorandum Circular No. 42, Series of 1990 implementing a sample employment contract for various skills, the following provisions in the contract are amended as follows:

**Provision 11:**

Personal life and accident insurance in accordance with host government and/or Philippine government laws without cost to the worker. In addition, for areas declared by the Philippine government as war risk areas, a war risk insurance of not less than P100,000 shall be provided by the employer at no cost to the worker.

**Provision 14: Termination**

a. *Termination by Employer:* The Employer may terminate this Contract on the following just causes: serious misconduct, willful disobedience of Employer's lawful orders, habitual neglect of duties, absenteeism, insubordination, revealing secrets of establishment, engaging in trade union activities, when Employee violates customs, traditions and laws of \_\_\_\_\_ and/or terms of this Agreement. The Employee shall shoulder the repatriation expenses.

b. *Termination by the Employee:* The employee may terminate this Contract without serving any notice to the employer for any of the following just causes: serious insult by the employer or his representative; inhuman and unbearable treatment accorded the employee by the employer or his representative; commission of a crime/offense by the employer or his representative and violation of the terms and conditions of the employment contract by the Employer or his representative. Employer shall pay the repatriation expenses back to the Philippines

b.1. The Employee may terminate this Contract without just cause by serving one (1) month in advance written notice to the employer. The employer upon whom no such notice was served may hold the employee liable for damages. In any case, the employee shall shoulder all expenses relative to his repatriation back to his point of origin.

This Circular shall take effect immediately.

Adopted: 15 Aug. 1991

(Sgd.) JOSE N. SARMIENTO  
*Administrator*

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