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BAGONG PILIPINAS

DEPARTMENT CIRCULAR NO. 03

**PROMULGATING THE RULES OF PROCEDURE
IN THE ADJUDICATION OF CASES
IN THE DEPARTMENT OF MIGRANT WORKERS**

WHEREAS, Republic Act No. 11461 (R.A. No. 11641) or the Department of Migrant Workers Act was signed into law on December 30, 2021 and took effect on February 3, 2022;

WHEREAS, Section 8 (c) of R.A. No. 11641 provides that the Secretary shall have the power to issue orders, directives, rules, regulations, and other issuances, upon due consultation with stakeholders, to carry out policies, plans, programs, or projects pursuant to the provisions of R.A. No. 11641, and exercise such other powers as may be required to implement and realize the objectives of the said law;

WHEREAS, on April 4, 2022, the Implementing Rules and Regulations of the Department of Migrant Workers Act was issued operationalizing the provisions of R.A. No. 11641;

WHEREAS, the last paragraph of Section 51 Rule XV of the Implementing Rules and Regulations of Republic Act No. 11641 stated that the "Department shall promulgate Rules of Procedure on Adjudication of Cases. The Undersecretary for Licensing and Adjudication, shall lead the monitoring and coordination of programs relative to the implementation of the Rules of Procedure on Adjudication of Cases.";

NOW, THEREFORE, in consideration of the foregoing, the DMW hereby issues and promulgates the attached Rules of Procedure in the Adjudication of Cases in the Department of Migrant Workers.

Issued on 12th day of February 2026 at Quezon City.

HANS LEO J. CACDAC
Secretary

DEPARTMENT OF MIGRANT WORKERS
Administrative Service
General Services Division

RECEIVED

By: RICHIE M. GUEVARRA

Date: February 26, 2026 Time: 09:00 A.M.

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By: DMW General Services Division on February 26, 2026





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**THE RULES OF PROCEDURE
IN THE ADJUDICATION OF CASES IN THE
DEPARTMENT OF MIGRANT WORKERS**

Pursuant to Section 8 of Republic Act No. 11641, otherwise known as the Department of Migrant Workers Act, the following rules of procedure governing adjudication proceedings are hereby adopted and promulgated:

PART I

RULE I

Common Provisions

SECTION 1. Title. – This Rules shall be known as “The Rules of Procedure in the Adjudication of Cases of the Department of Migrant Workers”, and shall be referred to as the “DMW Rules of Procedure”.

SECTION 2. Jurisdiction. – The Department shall exercise original and exclusive, and appellate jurisdiction to hear and decide all cases which are administrative in character, involving or arising out of: (1) violations of recruitment rules and regulations, including refund of fees collected from Overseas Filipino Workers and any violation of the conditions for the issuance of the license to recruit Overseas Filipino Workers; and (2) disciplinary action cases that are administrative in character, excluding money claims.

SECTION 3. Coverage. – This DMW Rules of Procedure shall govern the adjudication proceedings of all cases before the Department within its exclusive, original, and appellate jurisdiction.

SECTION 4. Nature of Proceedings. – The technicalities of law and procedure and the rules obtaining in the regular courts of law shall not strictly apply in the proceedings before the Department, subject to the requirements of due process. Overseas Employment Adjudicators (OEAs) may employ all reasonable means to ascertain the facts of every case in accordance with justice and equity.

SECTION 5. Applicability of the Rules of Court. – In the absence of any applicable provision in this DMW Rules of Procedure, the pertinent provisions of the Revised Rules of Court of the Philippines and any prevailing jurisprudence may be applied in a suppletory or analogous character and effect.

SECTION 6. Prescription. – All cases enumerated in this DMW Rules of Procedure shall be barred, if not commenced or filed with the Department, within three (3) years after such cause of action accrued.

**RULE II
Conciliation**

SECTION 7. Mandatory Conciliation. – Unless otherwise provided by subsequent

issuances of the Department, a Request for Assistance involving an Overseas Filipino Worker, licensed recruitment and/or manning agency, or principal/employer relating to overseas employment shall undergo mandatory conciliation before docketing, in compliance with the existing rules and issuances on Single Entry Approach (SEnA) pursuant to R.A. No. 10396.

SECTION 8. Conciliation Proceedings. – Upon receipt of the Request for Assistance, the assigned Conciliator shall schedule a conference between the parties to discuss the possibility of arriving at an amicable settlement.

Where an amicable settlement is reached, the assigned Conciliator shall sign as witness and the appropriate officer shall attest to the due execution thereof. The settlement shall be final and binding upon the parties.

Where efforts for amicable settlement fail, the conciliation proceedings shall be terminated, and the Request for Assistance shall be referred to the appropriate office for action.

SECTION 9. Non-appearance of Parties. – The non-appearance of the requesting party for two (2) consecutive settings for mandatory conciliation, despite due notice thereof, shall be a ground for the termination of the Request for Assistance for lack of interest.

In case of non-appearance by the responding party for two (2) consecutive settings for mandatory conciliation, the Conciliator shall immediately terminate the proceedings and refer the Request for Assistance to the appropriate office for action.

SECTION 10. Administrative Sanction. – In case of unjustified failure by the licensed recruitment and/or manning agencies, principal/employer, or an Overseas Filipino Worker to abide by the terms of the approved settlement, the Department, upon motion of the aggrieved party or on its own initiative, shall issue a Writ of Execution for the enforcement of the settlement agreement.

Failure of any party to comply with the terms of approved settlement despite the lapse of thirty (30) calendar days from the issuance of the Writ, shall warrant the documentary processing suspension or temporary disqualification from participating in the overseas employment program of the non-complying party, as the case may be, until compliance with or satisfaction of the approved settlement. Such suspension or temporary disqualification order shall be issued by the Department.

SECTION 11. Confidentiality of Conciliation Proceedings. – Conciliation proceedings are confidential in nature. No evidence or testimony introduced therein shall be admissible as evidence in any other proceedings.

RULE III
Filing and Docketing of Complaints
and Venue of Action

SECTION 12. Who May File. – Any person, natural or juridical, who is aggrieved by the commission of an offense as enumerated in the DMW Rules and Regulations may file a complaint.

For this purpose, an aggrieved person is one who is prejudiced by the commission of any act amounting to recruitment violation or grounds for disciplinary action.

The Department may likewise initiate a complaint based on duly substantiated reports of violation of the DMW Rules and Regulations and other issuances on overseas employment. The report shall state clearly the facts constituting the offense, accompanied by all available evidence and/or supporting documents relative thereto. The same shall be referred to the Adjudication Bureau for evaluation and/or determination of the appropriate venue.

SECTION 13. Venue. – Complaints shall be filed in the Regional Office having jurisdiction over the place where the worker resides or was recruited, or where the principal office of the respondent agency or the residence of the worker-respondent is situated, at the option of the complainant.

Where two or more Regional Offices can take cognizance of the venue of the complaint, the Regional Office where the complaint was first filed shall take cognizance of the case.

In case of multiple complainants, where two or more regional offices have jurisdiction, the venue shall be at the option of the majority of the complainants. In case of disagreement, the Adjudication Bureau shall determine the venue of the case.

SECTION 14. Contents of the Complaint. – The complaint must contain the following:

- a. The complete name, complete address, electronic mail address, and contact number of the complainant;
- b. The complete name, complete address, and electronic mail address (if available) of the respondent;
- c. The specific offense/violation referred to in the classification of offenses;
- d. The substance, cause/grounds of the complaint;
- e. When and where the offense occurred;
- f. The amount of claim, if any; and
- g. The relief/s sought.

The complaint shall be under oath and must be accompanied by:

- a. Supporting documents;
- b. Certificate of Failure to Conciliate;

- c. Verification and Certification Against Forum Shopping;
- d. OFW Information Sheet, if available.

SECTION 15. On-Site Complaints. – The Manual of Operations of the Migrant Workers Office (MWO) shall be observed for complaints within the coverage of this Rules that are filed on-site.

The MWO shall endorse the complaint to the Adjudication Bureau containing the charged violation/s, together with supporting documents, Verification/Certification Against Forum Shopping, and Certificate of Failure to Conciliate.

Upon receipt of the complaint, the Case Records Management Division (CRMD) shall determine the completeness of the document. If the documents are complete, the CRMD shall docket the complaint and forward the same to the Regional Office for the conduct of proceedings. Otherwise, the complaint shall be returned to the concerned MWO for the completion of the complaint and its attachments.

For MWO-indorsed complaints, the following rules shall be observed:

- a. Indorsements of purely Sworn Statements or Complaint-Affidavits executed by complainant/s shall be treated as “Direct Filing” and shall be docketed as “Name of Complainant/s versus Name of Respondent/s”;
- b. Indorsements with any action/investigation taken on the part of the MWO shall be treated as an *In Re* Proceeding;

Once docketed, the case shall be raffled among the OEAs in the concerned Regional Office.

SECTION 16. Docket, Raffle, and Assignment of Cases. – A complaint duly received in the Regional Office shall be docketed and assigned to an OEA. In case the Regional Office has more than one OEA, the complaint shall be raffled among them. If the Regional Office has no OEA, the complaint shall be assigned to a pairing OEA nearest the Regional Office that took cognizance of the case.

For this purpose, the assigned pairing OEA shall conduct the necessary proceedings.

The office concerned shall request from the Case Records Management Division (CRMD), through electronic mail the docket number. The CRMD shall forthwith provide the appropriate docket number.

SECTION 17. Grounds for Outright Dismissal of Complaint. – The following are the grounds for the outright dismissal of the complaint, without prejudice to the re-filing of the same:

- a. Improper Party;
- b. Failure to state cause of action;
- c. Failure to comply with the formal requirements and/or with any condition *sine qua non* in the filing of a complaint; and

d. Non-appearance in the scheduled clarificatory conference/s.

The following are the grounds for the outright dismissal of the complaint with prejudice:

- a. Prescription;
- b. Misrepresentation in the Verification/Certification Against Forum Shopping; and
- c. *Res judicata*.

SECTION 18. Issuance of Show Cause Order/Summons/Notice of Hearing.

– Upon receipt of the duly docketed complaint, the OEA shall issue Show Cause Order/Summons based on the charge/s indicated in the complaint within fifteen (15) working days from receipt of case/s from CRMD.

The respondent/s is/are directed to file a verified Answer, and not a motion to dismiss, otherwise such motion shall be treated as a mere scrap of paper.

A Notice of Hearing shall likewise be issued informing the parties of the scheduled hearings.

**PART II
ACTION UPON COMPLAINT/REPORT**

RULE I

Filing and Service of Pleadings, Judgments, and Other Papers

SECTION 19. Service of Show Cause Order/Summons/Notice of Hearing. –

The Show Cause Order/Summons/Notice of Hearing, including a copy of the complaint/report and its supporting documents, shall be served upon the respondent/s through personal service, registered mail, or private courier.

If, for justifiable reason, the respondent/s cannot be served through any of the foregoing modes, service by electronic mail shall be made through the electronic mail address registered with the Department or indicated in the complaint.

SECTION 20. Proof of Completeness of Service of Show Cause Order/Summons/Notice of Hearing. – Personal service made to the registered office of the licensed recruitment and/or manning agency shall be complete upon receipt by its officer or personnel or agent.

Service by registered mail or through private courier to the registered office of the licensed recruitment and/or manning agency, the registered address of the foreign principal/employer, the registered office of the local agency to which the foreign principal/employer is actively accredited, or to the given address of the Overseas Filipino Worker shall be deemed complete upon receipt by the addressee or agent.

In case the office of the licensed recruitment and/or manning agency is closed and no notice of change of address or cessation of operation has been filed, service to the last known address duly registered with the Licensing and Regulations Bureau shall be

deemed complete.

Substituted service through electronic mail to the registered electronic mail address of the licensed recruitment and/or manning agency, foreign principal/employer, or Overseas Filipino Worker shall be deemed complete at the time of its electronic transmission.

SECTION 21. Filing of Pleadings, Motions, and Other Papers. – The filing of pleadings, motions, and other submissions, including soft copies in Microsoft Word format, shall be made by:

- a. Submitting personally the original copies thereof to the concerned Regional Office;
- b. Sending them by registered mail;
- c. Sending them by private courier; or
- d. Transmitting them by electronic mail or other electronic means to the official electronic mail addresses of the concerned Regional Office.

In the first mode, the actual date and hour of filing shall be indicated on the pleading. In the second and third modes, the date of the mailing of motions, pleadings, and other submissions, as shown by the post office stamp on the envelope or the registry receipt, shall be considered as the date of filing. The envelope shall be attached to the records of the case. In the last mode, the date of electronic transmission shall be considered as the date of filing.

The modes of filing via private courier and electronic mail shall not be applicable to initiatory pleadings such as the Complaint or Notice of Appeal, which must be done personally or by registered mail.

SECTION 22. Service of Pleadings, Motions, and Other Papers. – Service of pleadings, motions, and other submissions to the adverse party shall be made personally, or by registered mail or private courier, or by electronic mail.

The party filing a pleading shall serve the opposing party/ies with a copy thereof and its supporting documents. No pleading shall be considered without proof of service to the opposing party/ies except if filed simultaneously during a scheduled hearing before the OEA.

SECTION 23. Service of Order/Resolution/Decision. – Upon rendition of judgment or issuance of an interlocutory order, the Department, through its duly authorized representative, shall serve a copy of the Order/Resolution/Decision upon the parties and/or their counsel of record by personal service, registered mail, private courier, or electronic mail.

If a party is represented by counsel, the date of receipt by its counsel of a copy of the Order/Resolution/Decision shall be the reckoning period to file an Appeal or Motion for Reconsideration, as the case may be.

SECTION 24. Proof of Completeness of Service of Order/Resolution/Decision. – Personal service is complete upon actual delivery of the copy of the Order, Resolution, or Decision. In case of refusal of the addressee to receive, physical closure of the establishment or other similar reasons preventing the enforcement officer from effecting actual delivery, he/she shall state the reason thereof in the return/report and the service shall be deemed complete.

Service by registered mail or private courier is complete upon actual receipt by the addressee. If service by registered mail or private courier could not be completed, service of the Order, Resolution, or Decision is deemed complete upon showing of proof that the Order, Resolution, or Decision has been sent to the last known registered address of the addressee, or after thirty (30) calendar days from the date of mailing, whichever is earlier.

Service through electronic mail to the registered electronic mail address of the licensed recruitment and/or manning agency, foreign principal/employer, or Overseas Filipino Worker shall be deemed complete at the time of its electronic transmission.

RULE II

Proceedings Before the Overseas Employment Adjudicator (OEA)

SECTION 25. Clarificatory Conference. – Upon receipt of the assigned case, the OEA shall evaluate the case records. The OEA, at his/her discretion, may schedule a clarificatory conference with the complainant to answer clarificatory questions.

SECTION 26. Filing of an Answer. – The verified Answer should be filed within fifteen (15) calendar days from receipt of the Show Cause Order/Summons, together with the soft copy of the same in Microsoft Word format contained in a flash drive or sent via electronic mail to the official electronic mail address of the concerned Regional Office, and proof that a copy of the verified answer was sent to the complainant.

SECTION 27. Appearances. – A party may appear personally in his/her own behalf or through a duly authorized representative with Special Power of Attorney (SPA).

A lawyer appearing for a party shall submit his/her Entry of Appearance in writing with SPA to represent, which shall indicate his/her attorney's roll number, PTR number, IBP number for the current year, valid Mandatory Continuing Legal Education (MCLE) Compliance, and complete address and electronic mail address. A lawyer appearing without complying with the foregoing shall not be recognized as a representative of a party.

The complete name and office address of counsel/representative of either party shall be made part of the record and the adverse party or his/her counsel/representative shall be properly notified. Any change in the address or electronic mail address of counsel/representative shall likewise be put on record with notice served upon the adverse party or counsel/representative within five (5) calendar days.

Any change or withdrawal of counsel/representative shall be made in accordance with the Rules of Court.

SECTION 28. Motion for Extension. – Only one motion for extension of time to file verified Answer shall be allowed. The OEA, upon receipt of such motion may, upon meritorious grounds, grant a non-extendible period of fifteen (15) calendar days.

An Answer filed out of time shall not be considered except upon motion and only on meritorious grounds.

SECTION 29. Hearings. – After due notice, the OEA shall conduct a preliminary conference to the parties for the purpose of discussing:

- a. The possibility of an amicable settlement;
- b. The simplification of the issues;
- c. The possibility of obtaining stipulations or admissions of facts and of documents to avoid unnecessary proof;
- d. The names and number of witnesses to be presented;
- e. The evidence to be presented and the purpose for its presentation; and
- f. Such other matters that may aid in the prompt disposition of the action.

The OEA shall conduct the hearing and take full control of the proceedings. He/she may freely examine the parties and witnesses with respect to the relevant matters at issue, and ask clarificatory questions to help in the effective resolution of the issues in the case. The evidence to be presented by the parties may be limited by the OEA to ensure that only those which are relevant and material to the issues at hand are litigated, and to aid in the speedy, impartial, and just dispensation of the case.

SECTION 30. Hearings for Gender-Sensitive Cases. – Upon determination, for gender-sensitive cases, hearings shall be conducted by Gender Equality, Disability, and Social Inclusion (GEDSI)-trained OEAs. At the determination of the OEA, Social Welfare Officers of the Department may be requested to assist during the conduct of hearings. The Department shall provide the necessary support in the handling of gender-sensitive cases.

SECTION 31. Referral to Another Regional Office for Reception of Documentary Evidence. – A Regional Office may, upon request of the parties, refer to another Regional Office the reception of documentary evidence. The receiving Regional Office shall endorse the evidence to the requesting Regional Office for inclusion in the case records.

SECTION 32. On-Site Testimonies. – For cases involving complainants or witnesses working overseas, the OEA shall employ all reasonable means to ascertain the relevant facts and information. The OEA shall observe the following guidelines in taking testimonies under oath from the on-site complainants and their witnesses, through the MWO:

- A. At any stage of the proceedings and before the case is submitted for resolution,

the OEA may, *motu proprio* or upon written request, allow taking testimonies under oath from the on-site complainants and/or his/her witnesses;

- B. The OEA shall prepare the questions that will be transmitted to the concerned MWO to be propounded to the on-site complainant and/or his/her witnesses. The concerned MWO shall exert all reasonable effort to ensure that the on-site complainant and/or his/her witnesses shall answer the questions truthfully within fifteen (15) calendar days from receipt thereof;
- C. Should the questions remain unanswered within fifteen (15) calendar days from receipt thereof despite diligent efforts, the MWO shall immediately inform the concerned OEA who shall proceed with the hearing and resolve the case based on available records and evidence;
- D. Upon receipt of the on-site testimonies, the handling OEA shall furnish the respondent(s) with a copy thereof, directing them to file their comments within fifteen (15) calendar days from receipt of the notice. Respondents who fail to file their comments within the prescribed period shall be deemed to have waived their right to comment on the on-site testimonies.

SECTION 33. Appearance/Non-appearance of Parties. – The OEA shall schedule at least two (2) hearings. If the complainant appears during the hearing/s while the respondent licensed recruitment and/or manning agency fails to appear in all the scheduled hearings despite notice, the complaint shall be resolved based on the evidence on record.

If the respondent foreign principal/employer or Overseas Filipino Worker fails to appear during the scheduled hearings and to file the required Answer, and there is no indication that said respondent received the Summons, the case shall be ordered archived and the respondent shall be declared temporarily disqualified from participating in the overseas employment program until the respondent submits to the jurisdiction of the Department.

If the complainant fails to appear during the scheduled hearings despite notice, the complaint shall be dismissed without prejudice to its re-filing within the prescriptive period. If a case was refiled after it has been dismissed without prejudice, similar non-appearance of the complainant shall cause the dismissal of the case with prejudice.

If both parties failed to appear during the scheduled hearings, the complaint shall be dismissed without prejudice.

SECTION 34. Motion to Re-Open a Case. – In case an Order is issued archiving the case, the respondent may file in the Regional Office a Motion to Re-Open a case with an attached verified Answer and proof of service to the complainant to remove the respondent's name from the temporary watchlist.

A motion to re-open filed by a representative shall be accompanied by a Special Power of Attorney (SPA).

The respondent must specify the electronic mail address where notices, resolution, or decision may be served.

If the motion filed is compliant with the requirements, an Order shall be issued by the Regional Director granting the same copy-furnished the Enforcement Division of the Adjudication Bureau and the case shall be assigned to an OEA for the conduct of hearing, if necessary.

SECTION 35. Discovery of Another Violation. – When in the course of the proceedings, another offense is discovered, the OEA shall issue the necessary supplemental Show Cause Order or Summons to inform the respondent of the charge discovered during the proceedings and enter the same in the Minutes of the Hearing. The OEA shall allow the respondent the requisite period within which to file an Answer to the Supplemental Show Cause Order or Summons.

Failure to charge the newly discovered violation within the prescriptive period shall be a bar to the commencement of another action based on said newly discovered violation.

SECTION 36. Discovery of Another Respondent. – When in the course of the proceedings, another licensed recruitment and/or manning agency, principal/employer or Overseas Filipino Worker appears to have committed an offense related to the subject of the proceedings, the OEA shall implead said licensed recruitment and/or manning agency, principal/employer or Overseas Filipino Worker in the pending case. For this purpose, a corresponding Show Cause Order or Summons shall be issued to the licensed recruitment and/or manning agency, principal/employer or Overseas Filipino Worker in accordance with this Rules.

Failure to implead the newly discovered respondent within the prescriptive period shall be a bar to the commencement of an action against the licensed recruitment and/or manning agency, principal/employer or Overseas Filipino Worker.

SECTION 37. Desistance, Recantation of Testimony, or Withdrawal of Evidence. – Any desistance, recantation of testimony, or withdrawal of complaint or evidence shall be made in an affidavit form and affirmed before the OEA.

Provided, that any handwritten desistance, recantation of testimony, withdrawal of complaint or other similar statement made by the complainant and affirmed before any OEA shall have the same effect as that of a notarized affidavit.

If the handwritten desistance, recantation of testimony, withdrawal of complaint or other similar statement is affirmed before an OEA other than the handling hearing officer, the same shall be immediately endorsed to the regional office where the case is pending.

The submission of Affidavit of Desistance, Recantation of Testimony, Withdrawal of the complaint, or other similar statement by the complainant through the MWO and/or Philippine Embassy/Consulate shall be subject for confirmation/authentication by the concerned office.

Provided further that any withdrawal of complaint/desistance shall not bar the OEA

from proceeding with the investigation of the recruitment violation case/complaint for disciplinary action. The case shall be resolved on the merits if there is substantial evidence warranting the imposition of appropriate penalties.

SECTION 38. Records of Proceedings. – The records of all proceedings before the OEA shall be chronologically arranged and appropriately paginated. The Minutes of Proceedings shall be signed by the parties and shall form part of the records. In case the parties refuse to sign, the refusal and reason/s given must be indicated by the OEA in the minutes.

SECTION 39. Resolution of the Case. – Within one hundred eighty (180) calendar days from the date of the conduct of the last hearing or after the case is submitted for resolution, the OEA shall submit his/her findings and recommendations to the Regional Director in the form of a draft Order. The Regional Director shall render a decision within ninety (90) calendar days from receipt of the findings and recommendations.

In cases of outright dismissal of complaint under Section 17, the OEA shall submit his/her findings and recommendations to the Regional Director in the form of a draft Order within ninety (90) calendar days from receipt of the OEA of the case records. The Regional Director shall render a decision within thirty (30) calendar days from receipt of the findings and recommendations.

SECTION 40. Contents of Order. – The Order issued by the Regional Director shall be clear and concise and shall include the following:

- a. Facts of the case;
- b. Issue/s involved;
- c. Applicable laws or rules;
- d. Conclusions and reasons therefor; and
- e. The specific sanction, remedy or relief granted.

RULE III Remote Hearings

SECTION 41. Hearings through Videoconference. – In case a party is outside the Philippines, he/she may request for a videoconference hearing provided that he/she shall have to communicate with the OEA concerned for his/her availability to go to the MWO/Philippine Embassy/Consulate.

In case an OFW is in the Philippines but unable to physically attend his/her scheduled hearings, he/she may, upon verified motion based on meritorious grounds, request for a videoconference hearing.

A verified motion requesting for the conduct of videoconference hearing must be filed at least five (5) working days prior to the scheduled hearings.

If the motion is found to be meritorious, the OEA shall schedule the videoconference in a manner that would be most convenient to all the parties.

The hearings through videoconference to be conducted shall, as far as practicable, be consistent with pertinent issuances of the Supreme Court.

SECTION 42. Notices, Invitations, and Links for Videoconference. – The Regional Office concerned shall send out to the party litigants' electronic mail addresses on record, the invitation or link to the videoconference at least twenty-four (24) hours before the scheduled hearing. The invitation or link must be treated with strict confidentiality and shall not be shared by the party litigants with any other person.

SECTION 43. Recording the Videoconference Hearing. – The proceedings through videoconference shall be recorded by the OEA. All other participants attending the videoconference hearing are strictly prohibited from recording any portion of the proceedings through any means. However, litigants and their counsel may be allowed to view the recording upon motion and approval of the OEA.

SECTION 44. Suspension or Discontinuance of Videoconference. – The OEA may, at any point during the videoconference, suspend the proceedings should any technical issue tending to taint the regularity or fairness of the proceedings arises. Should the said technical issue remain unresolved despite efforts to fix the same, the OEA may altogether discontinue the proceedings. The same action shall be taken when matters arise warranting the physical appearance of a litigant or witness. In all cases, the reason/s for the suspension or discontinuance shall be reflected in the Minutes of the Proceedings.

SECTION 45. Presentation of Evidence. – Evidence, unless already part of the records of the case, shall be filed and served at least three (3) calendar days prior to the scheduled videoconference. The OEA may direct the party litigant or his/her counsel to share the evidence on-screen, through document cameras, digital screen-sharing function of the videoconference software or platform, and other electronic means.

SECTION 46. Minutes of the Proceedings. – The Minutes of the Proceedings shall be read to the parties and they shall signify their conformity thereto. Such facts must be properly indicated by the OEA in the Minutes of the Proceedings.

SECTION 47. On-Site Investigation and Conduct of Hearing. – Upon determination of the Secretary, on-site investigation and conduct of hearing shall be conducted pursuant to the guidelines to be issued by the Department.

RULE IV

Order of Preventive Suspension

SECTION 48. Issuance of Order of Preventive Suspension. – Pending investigation of the recruitment violation or disciplinary action complaint, the erring recruitment/manning agency, foreign principal/employer, or Overseas Filipino Worker

may be suspended by the Department for a period not exceeding ninety (90) calendar days, on the following grounds:

- a. For the recruitment/manning agency
 - 1. There exists reasonable ground to believe that the continued operation of the licensed recruitment and/or manning agency will lead to further violation or exploitation of workers being recruited or deployed, or will adversely affect friendly relations with any country, or will prejudice national interest; and
 - 2. There is a *prima facie* evidence of a case for violation of the DMW Rules and Regulations pertaining to a serious or less serious offense.
- b. For a foreign principal/employer
 - 1. There exists reasonable ground to believe that the continued deployment to the principal/employer will result in further violation or exploitation of OFWs; and
 - 2. There is a *prima facie* evidence of a case for violation of the DMW Rules and Regulations.
- c. For a migrant worker
 - 1. There is a *prima facie* evidence of a case for violation of the DMW Rules and Regulations pertaining to a serious offense and there is reasonable ground to believe that the continued deployment of the worker shall be harmful to the life of other overseas workers, public health, morality, human dignity, or the dignity of the Republic of the Philippines.

SECTION 49. Imposition of Preventive Suspension on a Recruitment/Manning Agency. – An Order of Preventive Suspension (OPS) shall be imposed on a recruitment/manning agency under any of the following circumstances:

- a. Upon docketing of a recruitment violation case, and without prior notice and hearing:
 - 1. When the worker is a minor or below the prescribed minimum age requirement at the time of deployment;
 - 2. When there are five (5) or more complainants, if the circumstances so warrant; or
 - 3. When there is a report of Human Trafficking or Illegal Recruitment case endorsed by members of the Inter-Agency Council Against Trafficking (IACAT), or the Presidential Task Force Against Illegal Trafficking (PTFAIR), the Embassy, or MWO. Provided, that is supported by a detailed report, and sworn statement/s of worker/s or affidavit/s of witness/es, and other evidence.
- b. When based on the recommendation of the endorsing office, it is determined that there is a necessity for the issuance of an OPS prior to the resolution of the case, the recruitment/manning agency shall be given a non-extendible period of five (5) calendar days from receipt of the Show Cause Order within which to file an Answer/Explanation; or
- c. When during the pendency of the investigation of the case and after the filing of

the Answer or lapse of the period for filing the same, it is determined that there is a necessity for the issuance of an OPS prior to the resolution of the case.

SECTION 50. Imposition of Preventive Suspension on a Foreign Principal/Employer. – An Order of Preventive Suspension (OPS) shall be imposed on a foreign principal/employer under any of the following circumstances:

- a. Upon docketing of the case, without need of a notice or hearing:
 1. When there are five (5) or more complainants, if the circumstances so warrant;
 2. When the worker involved is a minor or below the prescribed minimum age requirement at the time of deployment;
 3. When the worker dies or suffers severe physical, psychological, or sexual abuse in the course of the employment; or
 4. When there is a report of Human Trafficking or Illegal Recruitment case endorsed by members of the Inter-Agency Council Against Trafficking (IACAT), or the Presidential Task Force Against Illegal Trafficking (PTFAIR), the Embassy, or MWO. Provided, that is supported by a detailed report, and sworn statement/s of worker/s or affidavit/s of witness/es, and other evidence.
- b. When based on the recommendation of the endorsing office, it is determined that there is a necessity for the issuance of an OPS prior to the resolution of the case, the recruitment/manning agency shall be given a non-extendible period of five (5) calendar days from receipt of the Show Cause Order within which to file an Answer/Explanation;
- c. When during the pendency of the investigation of the case and after the filing of the Answer or lapse of the period for filing the same, it is determined that there is a necessity for the issuance of an OPS prior to the resolution of the case; or
- d. When the Foreign Placement Agency has direct or indirect participation in the above-mentioned circumstances.

SECTION 51. Period to Resolve. – The OEA shall submit his/her findings and recommendations to the Regional Director in the form of a draft Order resolving the case on the merits. The Regional Director shall render a decision from receipt of the findings and recommendations.

The Order shall be issued within ninety (90) calendar days from the date of receipt by the respondent/s of the Order of Preventive Suspension. Otherwise, the suspension shall be deemed lifted through an Order, without prejudice to the outcome of the investigation.

RULE V

Imposition of Penalties and Application of Mitigating, Aggravating, or Exempting Circumstances

SECTION 52. Penalty When a Case Involves Five or More Workers. – The penalty of cancellation of license may be imposed upon a respondent agency found

liable for committing a less serious or light offense against five (5) or more workers in a single case. This provision shall not apply to consolidated cases unless there are five (5) or more complainants in any of the consolidated cases.

SECTION 53. Fines and Service of Penalty. – In lieu of the penalty of suspension of license of the recruitment and/or manning agency, the penalty of fine, which shall be computed at Fifty Thousand Pesos (PhP50,000.00) for every month of suspension, may likewise be imposed.

The payment of fines and judgment award imposed shall be made to the Adjudication Bureau.

In case the penalty is fully served and/or the alternative penalty has been paid, a Lifting Order shall be issued by the Department or its duly authorized representative.

SECTION 54. Accessory Penalties. – The following accessory penalties may be imposed:

- a. Refund of placement and recruitment fees;
- b. Refund of actual documentation costs;
- c. Return of documents or refund of the cost of the documents; and
- d. Other accessory penalties as may be deemed just and equitable.

In case of refund of placement and recruitment fees, the Order/Resolution/Decision shall specifically indicate the amount awarded, including legal interest, if any. The legal interest shall be computed from the time of the finality of the Order up to the time of the issuance of Writ of Execution, and/or the same has been voluntarily paid by the respondent, whichever comes first.

SECTION 55. Mitigating, Aggravating, or Alternative Circumstances. – Except when the impossible penalty is cancellation of license or permanent disqualification, the following mitigating, aggravating, and alternative circumstances attendant to the commission of the offense shall be considered in the determination of the penalties:

- a. First time offender;
- b. Admission of guilt and voluntary restitution, where applicable;
- c. Exemplary performance;
- d. Habitual offender; or
- e. Other analogous circumstances.

The party shall invoke in the Complaint or Answer/Explanation the existence of any of the above enumerated circumstances. Failure to raise attendant mitigating/aggravating/alternative circumstances in the complaint/answer shall be deemed a waiver thereof.

SECTION 56. Habitual Commission of Less Serious Offenses. – A licensed recruitment and/or manning agency which commits the same less serious offense five

(5) times or more shall be considered a habitual offender. For this purpose, the maximum of the penalty shall be imposed upon it.

SECTION 57. Imposition of Penalty. –When applicable, the penalty of suspension may be imposed in accordance with the following:

- a. The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present.
- b. The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.
- c. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.
- d. Where aggravating and mitigating circumstances are present, paragraph (a) shall be applied where there are more mitigating circumstances present; paragraph (b) shall be applied when the circumstances equally offset each other; and paragraph (c) shall be applied where there are more aggravating circumstances.

SECTION 58. Exempting Circumstances. – The following are considered as legitimate reasons for an Overseas Filipino Worker not to depart for the worksite, or to abandon or withdraw from employment:

- a. Exposure to hazardous or demeaning working and living conditions;
- b. Refusal of the principal to grant, release or remit wages and other benefits due the worker;
- c. War, plague or other calamities or other dangerous situations at the worksite as determined by the Department;
- d. Violation by the principal/employer of labor laws of the Philippines, the host country or international labor laws; and
- e. Other exceptional or humanitarian circumstances, upon submission of proof of reimbursement of the actual expenses warranted by the Rules which were incurred by the recruitment and/or manning agency.

RULE VI Appeal

SECTION 59. Jurisdiction. – The Secretary shall have exclusive jurisdiction over appeals from the Orders of the Undersecretary for Licensing and Adjudication Services and the Regional Directors.

The Secretary shall also assume jurisdiction on appeals from the previous decisions of the Administrator of the former POEA, provided that the same are filed within the reglementary period.

SECTION 60. Period to Appeal. – The party aggrieved by an Order/Decision may appeal the same within fifteen (15) calendar days from receipt of a copy thereof. No motion or request for extension of the period within which to perfect an appeal shall be allowed.

A Motion for Reconsideration shall be treated as an appeal and should therefore comply with the requirements on appeal.

SECTION 61. Where to File Appeal. – Appeals from the Orders/Decisions of the Regional Director, Undersecretary for Licensing and Adjudication Services or the former POEA Administrator shall be filed with the Office of the Legal Service or the Regional Office concerned.

SECTION 62. Requirements for Appeal. – The appealing party shall file a Notice of Appeal and Memorandum of Appeal, with proof of service upon the adverse party, if any. The Memorandum of Appeal shall be verified and shall clearly point out the errors of law and/or fact in the Order/Decision appealed from.

In case a fine and/or monetary award is imposed against the appealing party, the appealing party shall also file a supersedeas bond in the amount of such fine, monetary award, and/or alternative penalty of fine in lieu of suspension. The supersedeas bond shall be in cash, or in a surety bond acceptable to the Department, and shall be valid until the case is finally resolved. No Motion to Reduce Bond shall be entertained by the Department.

To be acceptable, the following documents shall be attached to the surety bond submitted:

- a. Certified copy of a valid certificate of accreditation and authority issued by the Office of the Court Administrator of the Supreme Court containing the photograph of the authorized agent;
- b. Copy of the certificate of compliance with Circular No. 66 of the Insurance Commission, duly certified by the Insurance Commission; and
- c. Corporate secretary's certificate containing the specimen signatures of the agents authorized to transact business with courts.

Failure to comply with the requirements for Appeal shall not toll the running of the period for perfecting an appeal.

Non-compliance with the foregoing requirements shall be a ground for dismissal of the Appeal.

SECTION 63. Appearance on Appeal. – Any change or withdrawal of counsel/representative shall be made in accordance with the Rules of Court.

In case of a collaborating counsel, he/she must submit an Entry of Appearance in writing with SPA to represent as a collaborating counsel, which shall indicate his/her attorney's roll number, PTR number, IBP number for the current year, valid MCLE Compliance, and complete address and electronic mail address. A lawyer appearing without complying with the foregoing shall not be recognized as a representative of a party.

SECTION 64. Grounds for Appeal. – The appeal may be entertained only on

any of the following grounds:

- a. If made on questions of law; and/or
- b. If serious errors in the findings of facts are raised which, if not corrected, would cause grave or irreparable damage or injury to the appellant.

It shall clearly point out the errors of law and/or fact in the decision appealed from and shall be verified.

SECTION 65. Admissibility of New Evidence on Appeal. – In the interest of substantial justice and only on meritorious grounds, the Secretary may, in the evaluation of the appeal, admit new or additional evidence submitted by the parties.

SECTION 66. Transmittal of the Records. – Upon notice that an Appeal has been seasonably filed, the concerned Office shall transmit the entire records of the case to the Office of the Legal Service.

SECTION 67. Failure to Perfect an Appeal. – In case of failure to file an appeal within the reglementary period, the Order shall be deemed final and executory.

In case any of the requirements has not been complied with, the appeal shall not be given due course. An Order to such effect shall be issued by the Secretary or his/her duly authorized representative.

SECTION 68. Comment on Memorandum of Appeal. – The appellee may file with the Legal Service a comment to appellant's Memorandum of Appeal, not later than ten (10) calendar days from receipt thereof. Failure on the part of the appellee to file a Comment within the said period may be construed as a waiver to file the same.

SECTION 69. Period to Resolve Appeal. – The case shall be deemed submitted for resolution upon filing of the last pleading or memorandum, if required. The Appeal shall be resolved within one hundred eighty (180) calendar days from receipt of the last pleading or memorandum.

SECTION 70. Motion for Reconsideration. – Motion for Reconsideration of any decision, resolution or order of the Secretary shall not be entertained except when based on palpable or patent errors; provided that the motion is filed within ten (10) calendar days from receipt of such decision, resolution or order, with proof of service that a copy of the motion has been furnished to the adverse party; and provided further, that only one such motion from the same party shall be entertained.

PART III JUDGMENT AND SERVICE OF PENALTIES

RULE I Finality of Judgment

SECTION 71. Entry of Judgment. – An Entry of Judgment shall be issued by

the Secretary or by his/her duly authorized representative, upon failure to file an appeal within the reglementary period or to comply with any of the requirements for the perfection of an appeal.

In case of appeal, the Secretary or his/her duly authorized representative shall issue an Entry of Judgment either upon failure to file a Motion for Reconsideration within the reglementary period or upon resolution of the Motion for Reconsideration, as the case may be.

SECTION 72. Transmittal of the Records. – After the issuance of Entry of Judgment, the Secretary or his/her duly authorized representative, as the case may be, shall immediately transmit the entire records of the case to the Adjudication Bureau for execution of judgment.

RULE II

Execution of Judgment

SECTION 73. Stay of Execution. – The original Order shall be stayed during the pendency of the appeal except when:

- a. the penalty imposed is cancellation of license;
- b. the penalty imposed is suspension of license for one (1) year or more; or
- c. the penalty imposed is permanent disqualification against the principal/employer.

A Petition for Certiorari shall not stay the execution of the assailed Order/Decision unless a restraining order is issued.

SECTION 74. Effect of Permanent Disqualification of Principal/Employer or Worker. – In case the penalty of permanent disqualification is imposed against a principal/employer or worker through an Order, Decision or Resolution, the Regional Office shall transmit to the Adjudication Bureau the copy of such Order, Decision or Resolution and proof of transmittal of the same to the concerned respondent. Upon receipt, the Adjudication Bureau shall immediately include the concerned respondent in the list of persons or entities disqualified from participating in the overseas employment program unless cleared by the Department or the penalty imposed is lifted.

SECTION 75. Service of Multiple Penalties. – If the respondent is found liable for two (2) or more offenses, service of the penalties shall be in the following manner:

- a. If the penalties consist of both cancellation/disqualification and suspension and the penalty of cancellation/disqualification is appealed, the penalty of suspension cannot be served simultaneously with the execution of the cancellation/disqualification pending appeal.
- b. If the penalties consist only of suspension, they shall be served successively. In case the same penalty/ies of suspension are rendered against the same respondent in different cases before different Regional Offices, the suspensions

shall likewise be served successively.

In this regard, the Enforcement Division shall maintain a system of monitoring of the successive service and/or implementation of penalties.

- c. Without prejudice to the enforcement of a penalty, if the same consists of suspension with the alternative penalty of fine and/or accessory penalty of fine, the respondent may exercise the option to pay the full amount thereof by filing a written manifestation to the Enforcement Division of the Adjudication Bureau within fifteen (15) calendar days from receipt of the decision/resolution. Provided, that if the penalty is imposed subsequent to the cancellation of the license of the respondent by virtue of a final judgment in another case, the alternative penalty of fine shall be instead enforced by garnishing the corresponding amount from the escrow deposit.

Failure of the respondent to file a written manifestation shall be deemed a waiver of the exercise of the option to pay the full amount of the alternative penalty of fine, in which case, the penalty of suspension shall be executed unless stayed by an appeal seasonably filed.

SECTION 76. Issuance, Form, and Contents of a Writ of Execution. – A Writ of Execution may, upon motion or *motu proprio*, be issued by the Undersecretary for Licensing and Adjudication Services or his/her duly authorized representative to enforce the Order or Decision of the Regional Director or Office of the Secretary. The Writ of Execution must be issued in the name of the Republic of the Philippines, requiring the Enforcement Officer to execute the Orders/Resolutions/Decisions of the Regional Director or the Office of the Secretary or his/her duly authorized representative, as the case may be.

The Writ of Execution must contain the dispositive portion of the Order, Resolution or Decision sought to be executed. It must require the Enforcement Officer to serve the writ upon the losing party or upon any other person required by law to obey the same before proceeding to satisfy the judgment.

Execution shall proceed against the escrow deposit of the losing recruitment agency or the supersedeas bond, if applicable.

In case the license of the respondent agency has been cancelled and the escrow deposit is already insufficient, the prevailing party shall file his/her claim before the appropriate forum.

A Writ of Execution shall not be necessary for the enforcement of Orders or Decisions in the following cases:

- a. For the return of travel and other related documents. A copy of the Order or Decision served upon the losing party or upon any other person required by law to obey such Order or Decision is sufficient; and
- b. Where the agency had earlier posted a cash bond in relation to an appeal.

Certified copies of the final and executory Order and official receipt of the cash bond shall be sufficient basis for the preparation of the voucher for the release of the amount to be refunded, or for the confiscation/forfeiture of the amount equivalent to the fine.

The Writ of Execution shall be valid and effective for a period of sixty (60) calendar days from issuance thereof.

Thereafter, an alias Writ of Execution may, upon motion, be issued by the Adjudication Bureau to enforce the Order or Decision of the Regional Director or Office of the Secretary.

SECTION 77. Motion to Quash Writ of Execution. – Within five (5) calendar days from receipt of a copy of Writ of Execution, the judgment debtor may file a Motion to Quash the Writ of Execution on meritorious ground. The filing of such motion shall not stay the execution of the writ, unless a cash or surety bond is posted equivalent to the judgment award and/or fine which shall answer for the same in the event that the motion is denied.

An Order denying a Motion to Quash the Writ of Execution is final and no further motions of similar nature shall be entertained.

SECTION 78. Enforcement of Writs. – In executing an Order or Decision, the Enforcement Officer shall be guided by the applicable rules concerning enforcement of decisions under the Revised Rules of Court.

SECTION 79. Garnishment. – By virtue of the Writ of Execution, the Enforcement Officer shall issue a Notice of Garnishment to the person/entity having in possession or control of the escrow deposit belonging to the licensed recruitment and/or manning agency, directing said person/entity not to deliver, transfer or otherwise dispose of such escrow deposit except to the above-mentioned enforcement officer.

In cases where several Writs of Execution are issued against the same licensed recruitment and/or manning agency, satisfaction of the claims of Overseas Filipino Workers against the escrow deposit shall be on a “first come, first served” basis, irrespective of the date of filing of the case or date of the decision or date of the Writ of Execution; Provided, that where the Orders of Garnishment are served simultaneously, the escrow deposit shall be given pro-rated among the claimants.

In case of fine and/or alternative penalty of fine imposed against a cancelled/delisted agency, the escrow deposit of the losing party shall be subjected to garnishment if the latter requests for the withdrawal of its escrow deposit.

SECTION 80. Return of Writ of Execution. – The Enforcement Officer implementing the Writ of Execution shall submit his/her return immediately upon the satisfaction of the judgment award. However, regardless of the outcome of implementation, the enforcement officer shall submit the return not later than sixty (60) calendar days from date of issuance thereof. The return shall state the mode of

service, the name of the person or entity served and the date of receipt. The return shall also indicate legibly the full name of the officer who served the writ. The return shall form part of the records of the case.

PART IV CLEMENCY/DELISTING/COMMUTATION

RULE I Where to File and Effect of Filing

SECTION 81. Where to File. – A foreign principal/employer imposed with permanent disqualification, or a partner, officer or a director of a recruitment and/or manning agency whose license has been cancelled may file a Motion/Petition for Clemency or a Motion/Petition to Delist Name from Derogatory Record, respectively, with the Adjudication Bureau. Similarly, an Overseas Filipino Worker may file a Motion/Petition for Clemency/Commutation of Penalty with the Adjudication Bureau.

SECTION 82. Effect of Filing of a Motion/Petition for Clemency. – The filing of a Motion/Petition for Clemency shall be deemed a waiver of the right to appeal, or an automatic withdrawal of a pending appeal.

SECTION 83. Availment of Clemency. – The grant of clemency under this Rules may be availed of only once.

In case of denial, no Motion for Reconsideration shall be entertained. However, the movant may file another motion/petition for clemency only after the lapse of one year from the date of such denial.

RULE II Clemency, Delisting, and Commutation of Penalty

SECTION 84. Grant of Clemency/Delisting from Derogatory Record. – The Secretary and/or his/her duly authorized representative, upon motion/petition, may grant clemency/delisting from derogatory record, after determination of compliance by the movant/petitioner of the following conditions:

- I. Foreign Principal/Employer:
 - a. the respondent is a first-time offender;
 - b. the respondent has only one case involving not more than five (5) workers for which it has been ordered disqualified as certified by the Adjudication Bureau;
 - c. the respondent did not commit a grave misconduct or gross negligence leading to serious injury, illness, and/or death of the worker;
 - d. the claims against respondent have been settled or the offended party has pardoned the respondent; and
 - e. the principal/employer has the capacity to provide decent employment for Overseas Filipino Workers.

- II. Partner, officer, director, or employee of a recruitment and/or manning agency whose license has been cancelled:
- a. the licensed recruitment and/or manning agency has only one (1) case involving not more than five (5) workers for which the license has been cancelled as certified by the Adjudication Bureau;
 - b. the partner, officer, director, or employee must prove that he/she did not participate in the commission of the charged violation;
 - c. proof of the full satisfaction of the awards on the case, if any;
 - d. the complainant/s had condoned the acts of the licensed recruitment and/or manning agency;
 - e. the partner, officer, director, or employee has not participated in the overseas employment program for at least six (6) years from the time of cancellation of license;
 - f. submission of NBI clearance; and
 - g. proof of publication in a newspaper of general circulation of the movant's/petitioner's intent to apply for re-admission to the overseas employment program.

SECTION 85. Grant of Commutation of Penalty to an Overseas Filipino Worker. – The Secretary and/or his/her duly authorized representative, upon motion/petition, grant commutation of penalty to an Overseas Filipino Worker (OFW) meted with suspension from participation in the overseas employment program provided that the following conditions are met:

- a. The OFW is a first-time offender;
- b. There is a settlement of claims or the complainant has condoned the acts of respondent, if applicable.

SECTION 86. Grant of Clemency to an Overseas Filipino Worker. – The Secretary and/or his/her duly authorized representative, upon motion/petition, grant clemency to an Overseas Filipino Worker (OFW) who is penalized with permanent disqualification or suspension from participation in the overseas employment program, provided, that the following conditions exists:

- a. The offense committed does not involve a serious offense, or crime involving moral turpitude, misrepresentation or theft;
- b. There is a settlement of claims or the complainant has condoned or pardoned the acts of respondent;
- c. In case of suspension, the respondent should have served at least 50% of the period of penalty imposed; and
- d. The respondent should not have been granted any commutation of penalty.

SECTION 87. Removal from the Derogatory List. – In all other cases not falling in the preceding sections, the movant may file a motion to remove the name from the derogatory list/watchlist together with documentary evidence justifying the relief sought for.

The Secretary and/or his/her duly authorized representative shall issue an Order

granting or denying such Motion.

PART V

RULE I

Miscellaneous Provisions

SECTION 88. Automatic Disqualification of Principal/Employer. – The name of the principal/employer shall be automatically included in the list of disqualified principal/employer without further proceedings, in case a final and executory judgment issued by the National Labor Relations Commission (NLRC) against the principal/employer shall not have been fully satisfied. An Order to this effect shall be issued by the Adjudication Bureau Director.

For this purpose, any party shall furnish the Adjudication Bureau with certified true copies of the Order stating the judgment award and the sheriff's return indicating the failure of the principal/employer to fully satisfy the final and executory judgment against it.

SECTION 89. Lifting of the Automatic Disqualification. – The automatic disqualification referred to in the preceding section shall be lifted upon full satisfaction of the judgment award, as evidenced by certified true copies of the sheriff's return indicating full compliance/satisfaction of the judgment award by the principal/employer.

SECTION 90. Temporary Disqualification of Overseas Filipino Worker. – An Overseas Filipino Worker against whom a Warrant of Arrest or a Hold Departure Order was issued by a competent authority shall be disqualified to participate in the overseas employment program.

For this purpose, any party shall furnish the Adjudication Bureau with certified true copies of the Warrant of Arrest or Hold Departure Order.

SECTION 91. Lifting of Temporary Disqualification of Overseas Filipino Worker. – The temporary disqualification referred to in the preceding section shall be lifted upon furnishing the Adjudication Bureau with proof that the Warrant of Arrest or Hold Departure Order is already lifted or with certified true copies of the proof of dismissal of the case or any Order granting provisional liberty to an accused, as the case may be.

SECTION 92. Effects of Orders of Preventive Suspension, Suspension, or Cancellation of License. – An Order of Preventive Suspension, Suspension, or Cancellation of License shall have the effect of suspending or terminating all activities of the recruitment and/or manning agency which fall under the definition of recruitment and placement, including the processing of pending contracts of applicant workers. The suspension or cancellation shall not, however, affect the transfer of accreditation of the principal/employer to another licensed recruitment and/or manning agency.

SECTION 93. Inhibition of the Overseas Employment Adjudicator. – The

OEA, upon motion or *motu proprio*, shall inhibit from the case on the ground of conflict of interest within the purview of existing laws, or on such other justifiable grounds.

The case shall be assigned to a designated pairing OEA or raffled among remaining OEAs, as the case may be, through an Order issued by the Adjudication Bureau.

For this purpose, the assigned OEA or the OEA to whom the case is raffled shall conduct the hearing.

SECTION 94. Consolidation of Cases. – When two (2) or more cases involving the same parties and/or issues are filed, the case which was filed last, may, *motu proprio* or upon written motion and with notice to all parties, be consolidated with the first, if practicable.

The Adjudication Bureau shall issue the necessary Order to consolidate the cases and assign the same to the proper OEA to whom the first case was assigned/raffled.

SECTION 95. Motions in General. – All Motions shall be in writing, except those made in the course of a hearing, and shall state the relief sought and the grounds upon which it is based.

Except those motions requiring immediate action, all motions shall be scheduled for hearing, if necessary.

RULE II

Final Provisions

SECTION 96. Transitory Provisions. – All actions, claims, or causes of action accruing prior to the effectivity of this Rules of Procedure shall be governed in accordance with the laws in force at the time of their accrual.

Cases docketed before the effectivity of R.A. No. 11641 which are still pending after the issuance of this Rules shall be referred to the Adjudication Bureau for proper disposition. Jurisdiction over these cases shall continue to be assumed by the Undersecretary for Licensing and Adjudication Services.

On the other hand, all other cases shall be transferred to the respective Regional Offices for proper disposition pursuant to R.A. No. 11641.

Pending the publication of this Rules, issuance of corresponding transition guidelines, and physical transfer of cases to the regional offices, Orders resolving and disposing cases shall still be signed by the Undersecretary for Licensing and Adjudication, maintaining the *status quo* until further orders, consistent with the authority of control and supervision over regional operations under R.A. No. 11641.

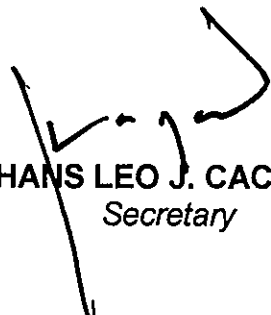
SECTION 97. Separability Clause. – The provisions of this Rules of Procedure

are declared to be separable, and if any provision or the application thereof is held invalid or unconstitutional, the validity of the other provisions shall not be affected.

SECTION 98. Repealing Clause. – Upon effectivity of this Rules, and unless expressly provided, all resolutions, orders, memorandum circulars, and issuances, which are inconsistent herewith are hereby repealed, amended, or modified accordingly.

SECTION 99. Effectivity. – This Rules shall take effect fifteen (15) calendar days from publication in a newspaper of general circulation, and upon filing with the Office of the National Administrative Registry of the University of the Philippines Law Center.

Signed this 12th day of February 2026, at Quezon City, Philippines.



HANS LEO J. CACDAC
Secretary