



Overseas
Workers
Welfare
Administration

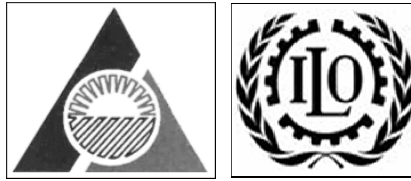


International
Labour
Organization

Case Management for Trafficked and Severely Exploited Migrant Workers



A Manual for OWWA Case Officers



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F O R E W O R D

The trafficking of migrant workers and their severe exploitation are serious cases involving violations of human rights. They concern aspects of migration, labor, gender, and criminality. Consequently, many government and non-government organizations, often with diverse mandates and advocacies, have been involved in the discussions and resolutions of trafficking and exploitation issues. They have also collectively implemented counter-trafficking activities.

The trafficking of migrant workers and their severe exploitation never happen overnight. They involve long cycles of coercion and abuse, starting at very moment the Overseas Filipino Worker (OFW) has been contracted to work. Ironically, many OFWs unknowingly fall into the trap and become helpless victims of trafficking and exploitation.

In view of these developments, the Overseas Workers Welfare Administration (OWWA) partnered with the International Labor Organization (ILO). They jointly embarked on a project entitled *“Enhancing Case Management and Providing Enhanced Recovery and Reintegration Services to Trafficked and Severely Exploited Women Migrant Workers”*. The project aimed to document notable experiences of OWWA case officers on how trafficked and severely exploited women migrant workers were assisted from overseas posts until they have been reintegrated with their families and their respective communities.

Ultimately, the said project led to the creation of this manual to standardize the system of service delivery and to promote and protect the well-being of affected OFWs, without necessarily undermining the uniqueness of their cases or the diversities of cultures and laws overseas.

To the OWWA Case Officers: learn, discover, serve better.



This manual is made possible through the OWWA-ILO Partnership, under the project “*Enhancing Case Management and Providing Enhanced Recovery and Reintegration Services to Trafficked and Severely Exploited Women Migrant Workers*”.

Our deepest gratitude goes to DOLE Secretary Marianito D. Roque for his vision of protecting and promoting the rights of OFWs, paving the way for the OWWA-ILO partnership, and to OWWA Administrator Carmelita S. Dimzon for her inspiration, leadership, and commitment in espousing the welfare of OFWs worldwide.

We acknowledge the valuable support of the officers and staff of our institutional partner, the International Labor Organization namely, Director Ma. Alcestis A. Mangahas, ILO Regional Office Bangkok, Director Linda Wirth, ILO SRO Manila, Atty. Robert L. Larga, ILO National Coordinator and Ms. Ednalyn Gulane, ILO Staff, Manila.

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Our heartfelt thanks is also extended to the Plans and Programs Development Office (PPDO) staffmembers, Ms. Nerissa Mercado and Ms. Cristabel de Leon, for their help in the initial preparation of the project proposal on the OWWA-ILO Project under the supervision of Director Vivian F. Tornea and former Deputy Administrator Adam A. Musa; to the officers and staffmembers of Regions IV-A and IV-B for their validation of the process flow and the guidelines and procedures in the delivery of services at the regional level; and to the other officers and employees of the Agency who have contributed indirectly in the development and subsequent publication of this manual.

And finally, we salute the OFWs who have allowed us to share their stories and experiences, making this manual a testament to the triumph of human spirit.

OWWA-ILO Project Management Team

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USER ‘S GUIDE



Remember this good idea.



Discuss with peers and superiors.



Check the cross-reference.



Study further.



Master the list.



Write questions or concerns.



See the main reference.

INTRODUCTION

Overview

There are at least 3,000 processed migrant workers flying out of the country daily. (POEA, 2008.) This makes the Philippines as one of the biggest labor-sending countries in the world, ranking third after India and China.

Since the '70s, the Philippines has been sending OFWs to other countries. As a result, there has been a consistent annual growth in the trend of Filipino migration.

According to the Global Migration Group, current migration flows have placed the issue of migration high on international agenda.



Today, every country is affected in some way by migration --- either as a country of origin, transit or destination, or sometimes, a combination of these.

Apparently, Filipinos work abroad to afford better quality of life for themselves and their families. Their aspirations are almost always the same: a comfortable life for the family, education for the children, acquisition of house and lot, and having business of their own.

Many have been lured by unscrupulous individuals and organized syndicates

Today, there are 9.7 million overseas Filipinos in 197 destinations, representing roughly 10% of the total Philippine population. (POEA, 2008.) These overseas Filipinos are either regular migrants or temporary residents whose stay overseas is employment-related and who are expected to return at the end of their work contracts. Surprisingly, majority of Filipinos living abroad are temporary residents. They are either illegal workers or irregular workers. To date, there are about 1.8 million Filipinos considered as irregular workers. (ILO, 2008.) They don't have the proper documentations. They have invalid work permits. Or worse, they might have been *overstaying*.

The advent of globalization, the rapid advancement in technology and financial instruments, and the fervent desire of Filipinos to go abroad opened up opportunities for human trafficking syndicates to develop cross-border networks and victimize vulnerable migrants.



engaged in illegal recruitment and human smuggling and trafficking (e.g.,

prostitution and child labor for sweat shops). In fact, out of the 1,813,471 OFWs served by OWWA in 2008, about 255,318 of them, assisted through the Social Services and Family Welfare Assistance Program, both locally and overseas, included victims of trafficking and severe exploitation.

International perspectives on trafficking

Human trafficking became a by-word in the international fora towards the end of the twentieth and twenty-first centuries.

It became the subject of renewed international interest as it already affected countries, big or small, rich or poor.

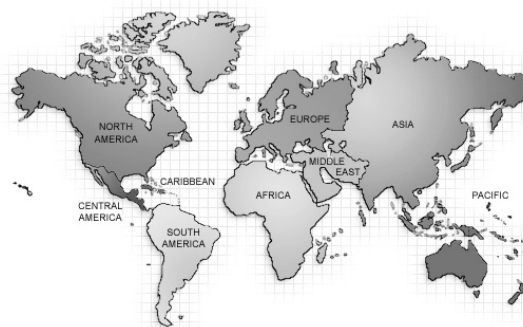
Although many countries already recognized the alarming increase in the incidence, severity, and global reach of trafficking, reliable data are not yet readily available.



The very nature of human trafficking makes it difficult to measure its magnitude and extent.

Trafficking defined

Alarmed by these developments, the international community has adopted the *“Protocol to Prevent, Suppress, and*




This is commonly attributed to the highly systematic nature and sophisticated mechanisms involved, the links with organized crime and corruption, the varied purposes for which persons are trafficked, and the particularly exploitative and abusive effects of trafficking.

However, in 2003, the US Government estimated that between 800,000 and 900,000 annually are being trafficked across international borders worldwide and between 18,000 and 20,000 of those victims are being trafficked into the United States. Roughly 120,000 are being trafficked into the European Union annually, mostly through the Balkans (IOM, 2003). Note that these estimates did not include internal trafficking.

On the other hand, ILO data showed that out of 12.5 million people in forced labor situation globally, about 2.5 million are in such situation as a result of trafficking. This is about 20 per cent of all forced labor and about a quarter of the forced labor exacted by private agents.




Punish Trafficking in Persons, Especially Women and Children”, supplementing the United Nations Convention against Transnational Organized Crime. The said protocol


(Article 3-a) defines *Trafficking in Human Beings* as:



“the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The definition of trafficking in persons as quoted above might be too wordy or complicated. For easier understanding, the technical definition can be broken down into three basic elements:

 ACTS	 MEANS	 PURPOSES
Recruiting	Threat	Prostitution
Transporting	Use of force	Other forms of sexual exploitation
Transferring	Coercion	Slavery and other practices similar to slavery
Harboring	Abduction	Removal of organs
Receiving	Fraud	
	Servitude	
	Deception	
	Abuse of power	
	Abuse of position of vulnerability	
	Receipt of payments or benefits	



Remember:

An individual is considered “trafficked” when, at least, one aspect from each of the three basic elements, can be applied to the situation of an individual.

In human trafficking, consent of the victims becomes irrelevant. To cite:

“The Palermo Protocol does not distinguish between innocent and guilty, or deserving and undeserving victims of trafficking,

thereby obliging states to provide care for all those identified as victims. The

definition also removes a major burden on the victim, as proving lack of consent is a formidable hurdle in legal settings. The definition makes choice irrelevant in defining trafficking because it recognizes that the ‘choice’ to succumb to exploitation is very often not a real choice but a forced circumstance.

The definition further protects not only those victims who were forced, or where coercion, abduction, deception or abuse of power was used, but also those who were pushed into exploitation by less explicit means of abuse of power or of a position of vulnerability of the victims. By abuse of position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to abuse.

The vulnerability may be of any kind, whether physical, psychological, emotional, family related, social or economic. The situation can be any state of hardship in which a human being is impelled to accept being exploited, such as illegal or uncertain immigration or status, past sexual abuse or prior exposure to violence or poverty.” (UNODC and Government of India, *Training Manual for Prosecutors on Confronting Human Trafficking*, 2008).

Moreover, while the protocol lists a number of exploitative purposes, the

enumeration is merely *at the minimum*. Other conditions or situation similar to those initially listed may be considered within the purview of *exploitative purposes*.

Causes of trafficking

There are many literatures that discuss what causes trafficking in persons.

The ILO, in particular, notes that to tackle trafficking, it is necessary to address the supply and demand sides – with implications for action by both source and destination countries.

It further argues that in the context of globalization, while trade and capital flows have been liberalized, deregulated, and integrated globally, people flows are not. Restrictive immigration laws and policies are obstacles to the demand for cheap, unskilled labor in destination countries, and a large supply of human resources from source countries.

(ILO, *An Information Guide: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers, Booklet 6, Trafficking of Women and Girls*. Undated.)

The ILO also lists the following factors that give rise to trafficking:

On the supply side	On the demand side
<ul style="list-style-type: none"> Poor governance that creates a climate in which traffickers can prosper, due to an ineffective, absent or corrupt public 	<ul style="list-style-type: none"> Competitive pressures in the developed world leading cost-cutting through sub-contracting, outsourcing, and downward pressure on wages

<p>administration</p> <ul style="list-style-type: none"> • Inadequacy of the legal and judicial system • Unemployment, underemployment, and underpaid employment • Gender-based discrimination in employment, education, and information • Inefficient or non-existent legal migration channels and lack of information on existing means to obtain work abroad • Poverty and indebtedness • Illiteracy and low levels of education • Lack of knowledge of the risks associated with labor migration • Trafficking is a low-risk and high profit business 	<ul style="list-style-type: none"> • Tendency of nationals to refuse employment in manual jobs due to increased education, improved welfare schemes (unemployment insurance, family allowances, minimum wages), and heightened expectations • Increased female participation in the labor force, which creates the need for domestic help, and careers for children and the elderly • Consumer demand for products and services at low cost and with quick delivery • Growth of sex and entertainment industries, hence, the growing demand for sexual services • Absence of an effective regulatory framework and lack of enforcement • Lack of respect for and/or violations of human rights • Low-risk, high profit nature of the trafficking business • Lack of awareness • Corruption of immigration and customs officials in origin, transit, and destination countries
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ILO-SAP-FL, *Trafficking for Forced Labor: Training Manual*, 2006.

Effects of trafficking

Human trafficking has effects on both the victims and the State.

Unfortunately, victims/survivors of trafficking pay a horrible price, especially women and children.

Here are the common physical effects on the victims/survivors:

a. STI and HIV/AIDS

Sexually transmitted infections (STIs), HIV/AIDS, and pelvic inflammatory diseases are often the results of trafficking for prostitution.

b. Other diseases

Due to unsanitary and crowded living and working conditions, many victims suffer from scabies,

tuberculosis, and other communicable diseases.

c. Physical injuries

Stories of women and children being beaten, mutilated, and tortured are common. Some physical injuries even result in death.

d. Sexual abuse.

Women and children are often raped by their traffickers, pimps, managers and customers when they refuse to be prostituted.

e. Poor nutrition and stunted growth in children

Victims/survivors report not being fed enough or not being given any food at all. This eventually leads to stunted growth in children victims.

f. Substance abuse.

Most women and children who are trafficked into prostitution become addicted to drugs and alcohol.

Here are the common social and psychological effects on victims and/or survivors:

a. Post-traumatic stress disorders (PTSDs)

Victim/survivors suffer intense fear, mistrust, anxiety, and depression. Women and children who become victims of trafficking have difficulty in recovering from the trauma and in engaging themselves in productive activities (e.g., employment or education).

Others are affected by mental disorders.

b. Very low self-esteem

They have very little hope of recovery. They are stigmatized and ostracized by their family and the community. Some families and communities are



not sensitive to the needs of the survivors and often condemn them for becoming involved in the sex trade.

Others suffer from strong issues of trust and have difficulties in forming good inter-personal relationships.

Human trafficking also affects families, communities, and the State:

a. Trafficking promotes social breakdown.

Trafficking tears children from their parents and women from their families. It interrupts the passage of knowledge and cultural values from parent to child and from generation to generation, weakening the core pillar of society, the family.

Trafficking involves working in hazardous and exploitative working conditions for minimal or no wages.

e. Trafficking drains government resources.

Addressing the problem of trafficking entails the use of government resources. Human trafficking is related to migration and to human smuggling. All of these deprive the State of productive human resources.

f. Trafficking increases crime rate and fuels organized crime.

Values and morals are corrupted by the commodification of women and children.

b. Trafficking undermines public health and safety.

Why? Trafficking is closely linked to prostitution and unsafe sex practices.

c. Trafficking violates human rights, women's rights, and child rights.

Human trafficking violates the universal human right to life, liberty, and freedom from slavery in all its forms.

d. Trafficking violates core labor standards and undermines the dignity of labor and decent work.

Trafficking has been linked to drug and arms smuggling and money laundering. It is the third largest revenue generating activity of organized crime groups.

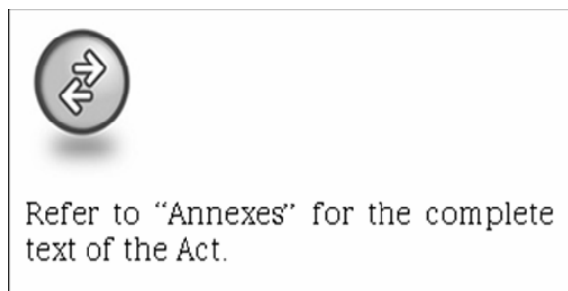
g. Trafficking fuels graft and corruption in government.

Syndicates and organized crime groups have the resources to "hire" government employees and officials to protect them.

	Notes:

The Philippine law against trafficking in persons

In support of the international effort to combat trafficking, the Philippines, through Republic Act No. 9208, The Anti-Trafficking in Persons Act of 2003, criminalized acts of trafficking.



The law instituted policies to eliminate trafficking in persons especially women and children, established the institutional mechanisms necessary to protect and support trafficked persons, and sanctions for violators.

The following are the salient features of the law:

a. The law provides a comprehensive definition of trafficking in persons.

For the first time in Philippine body of laws, RA 9208 defines trafficking in persons. As may be pointed out, there are several provisions in existing laws that penalize specific

acts related to trafficking. However, these provisions were not able to capture the essence of trafficking in persons. The definition of trafficking was basically taken from the Anti-Trafficking Protocol.

b. The law defines and punishes as criminal acts certain acts of trafficking, qualified trafficking in persons, violation of confidentiality, and the use of trafficked persons for prostitution.

Not only the law defines trafficking, but it also punishes certain acts of trafficking. The law enumerates what may be considered as trafficking in persons. The law imposes the highest penalty for cases of qualified trafficking. The law provides certain instances or conditions the presence of any of which would elevate a case of trafficking to a qualified with the resulting increase in penalty.

The law also forbids the violation of the privacy of trafficked persons and confidentiality of the proceedings involving a trafficking case.

At any stage of the investigation, prosecution and trial of an offense under the law, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, prosecutors, and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all

circumstances for the best interest of the parties, order a closed-door investigation, prosecution, and trial.

The name and personal circumstances of the trafficked person or of the accused, or any information tending to establish their identities and such circumstances or information, should not be disclosed to the public.

In cases when the prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, and reporter or columnist (in case of printed materials, announcer or producer; in case of television and radio, producer; in case of the movie industry, director of a film; or any person utilizing tri-media facilities or information technology) to cause publicity of any case of trafficking in persons.

Certain acts, while not considered as trafficking acts *per se*, are also punished as they classified as acts promoting trafficking in persons. These include acts that facilitate trafficking in persons or benefiting from the services of a trafficked person.

Another innovation in this law is punishing those who patronize or engage the services of a trafficked person for prostitution. In this offense, it is the customer that is being penalized, not the victim or the trafficker. Apparently, the said provision intends to address the demand side of trafficking by going against the buyers of prostituted trafficked persons.

c. The law provides stiffer penalties for various types of trafficking.

RA 9208 imposes stiffer penalties for various types of trafficking. The highest penalty imposed is life imprisonment for qualified trafficking and 20 years of imprisonment for acts of trafficking. Acts that promote trafficking in persons are punishable with 15 years of imprisonment. These penalties include fines range from PhP 1 million to PhP 5 Million.

d. The law expands the exploitative purposes for which trafficking in persons may be committed such as prostitution, pornography, sexual exploitation, forced labor, slavery and removal and/or sale of organs.

RA 9208 expands the exploitative purposes by expressly mentioning pornogra-phy, sex tourism, and debt bondage, other forms of prostitution, other forms of sexual exploitation, forced labor or services, servitude or the removal or sale of organs. This is aside from the fact that, in the definition, the enumeration of exploitative purposes is only at the minimum. Stated otherwise, there may still be other acts which may be considered as exploitative in nature other than those enumerated.

e. The law recognizes trafficked persons as victims rather than as offenders.

The law also treats trafficked persons as victims rather than as offenders.

Expressly stated in Section 17 of RA 9208, trafficked persons shall be recognized as victims of the act or acts of trafficking and as such shall not be penalized for crimes directly related to the acts of trafficking or in obedience to the order made by the trafficker. In this regard, the consent of a trafficked person to the intended exploitation set forth in this Act shall be irrelevant.

Thus, when a victim mis-represents her age upon the order of the trafficker to be able to comply with government regulations requiring legal age, she should not be penalized for falsification or other relevant offenses punishable by law.

f. The law exempts trafficked persons from the payment of filing fees for civil action for damages.

The law also exempts trafficked persons from paying filing fees for civil action for damages should she institute a separate civil action for the recovery of civil damages. Under regular procedures, a party litigant claiming damages must pay filing fees computed on the basis of the amount being claimed. Should that be the case, a trafficked person may, or can no longer afford to file civil damages, as the filing fees appear to be prohibitive.

This provision is consistent with the provisions under the Trafficking Protocol giving the trafficked person an option to recover civil damages done.

It should be understood, however, that under the Rules of Court, when one files a criminal case, the civil

aspect is deemed instituted and will be prosecuted with the criminal action. This is true unless, the persons waives the civil action, reserves the right to institute it separately or institutes the civil action prior to the criminal action.

g. The law gives trafficked persons preferential entitlement under the Witness Protection Program.

It is said that one of the things necessary to ensure successful prosecution of trafficking cases is to protect her from harassment of traffickers and possible harm and threats to her life and that of her family. Thus, the law provides preferential entitlement to any trafficked persons under the government's Witness Protection Program as provided in RA 6981.

h. The law provides protection and assistance to trafficked persons who are foreign nationals.

RA 9208 does not discriminate against foreign nationals trafficked to the Philippines. The law says that, subject to the guidelines that may be issued by the IACAT, trafficked persons who are foreign nationals shall also be entitled to appropriate protection, assistance, and services available to trafficked persons who are Filipino nationals. They shall also be permitted continued presence in the Philippines for a length of time prescribed by the Council as necessary to effect the prosecution of offenders.

i. The law mandates government agencies to establish and implement preventive, protective, and rehabilitative programs.

The law also mandates various government agencies to establish and implement preventive, protective, and rehabilitative programs for trafficked persons to ensure comprehensive assistance.

In the process, such agencies may seek and enlist the assistance of NGOs, people's organizations, civic organizations, and other volunteer groups.



The law also requires the provision of the following mandatory services for trafficked persons:

- ✓Emergency shelter
- ✓Free counseling services
- ✓Free legal services
- ✓Free medical or psychological services
- ✓Livelihood and skills training
- ✓Educational assistance for children
- ✓Establishment of a trust fund for prevention programs and reintegration of trafficked persons

j. The law provides access to Republic Act No. 7309, The Victims Compensation Act.

The rules and regulations implementing RA 9208 mandates the Department of Justice (DOJ) to receive, evaluate, process, and investigate claims for compensation by trafficked persons, when applicable, pursuant to RA 7309.

The said law provides victims of violent crimes compensation up to a maximum of PhP 10,000 or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment,

loss of wage, loss of support or other expenses directly related to the injury, whichever is lower to be determined by the Board of Claims.

Violent crimes include rape and other offenses committed with malice which resulted in death or serious physical and or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity

k. The law creates the Inter-Agency Council Against Trafficking.

The institutional mechanism established to coordinate and monitor the implementation of the law is the Inter-Agency Council Against Trafficking in Persons (IACAT). It is composed of four major departments, four agencies and three NGO representatives, each representing the children, women, and OFWs sectors.

The Council is chaired by the Secretary of Justice and co-chaired by the Secretary of Social Welfare and Development.

The members of the Council include representatives from:

- Department of Foreign Affairs (DFA)
- Department of Labor and Employment (DOLE)
- Bureau of Immigration
- Philippine Overseas Employment Administration (POEA)

- Philippine National Police (PNP)
- National Commission on the Role of Filipino Women (NCRFW)
- Three NGOs working on children, women, and OFW concerns

The three NGO members are nominated by the Council and appointed by the President for a term of three years.

OWWA's role in the efforts against trafficking in persons



The OWWA is the lead government institution, as mandated, to protect the rights and promote the interests and general well-being of overseas Filipino migrant workers.

In response to these mandates, OWWA has evolved services for its clients prior to their departure to prepare them for life overseas, while they are in the host country, and when they finally return to the country.

The OWWA actively undertakes projects with other institutions. It developed and implemented, in collaboration with ILO,

a project entitled “*Enhancing Case Management and Providing Enhanced Recovery and Reintegration Services to Trafficked and Severely Exploited Women Migrant Workers*”. The project aims to enable victims of human trafficking to overcome their negative experiences by providing avenues for their recovery and reintegration through effective case management system. It involves a system of careful planning, assessing, and responding to each individual victim from the point of contact up to his/her reintegration.

Along with the development of an enhanced case management system is a continuous skills training and capability building of case officers on the delivery of services through the use of a Case Management Manual, such as this.

This Case Management Manual intends to provide a step-by-step practical guide for OWWA Case Officers in handling distressed migrant workers, specifically victims of trafficking and severe exploitation, towards their personal, social, and economic reintegration.

It details the dynamics of victimization, guiding principles in the treatment of victims, standard operating procedures (SOPs) in handling their cases from the point of first contact to their return/repatriation, recovery, and eventual reintegration.

It also contains reintegration programs and services, flow charts, procedures in service delivery, and referral mechanism.

Its eight modules include:



Module 1

Describes case management including its principles, goals, and phases. Includes required competencies and capabilities of OWWA Case Officers.

Module 2

Describes OWWA processes and procedures in managing the cases at overseas posts, home office, and regional offices. Defines and delineates the roles and responsibilities of OWWA Case Officers and other partners.

Module 3

Describes reintegration process for trafficked and severely exploited migrant workers.

Module 4

Describes principles, techniques, and mechanics in conducting stress debriefing.

Module 5

Describes principles, techniques, and mechanics in administering intervention during crisis.

Module 6

Describes principles, techniques, and mechanics in conducting counseling.

Module 7


Describes how to attend OFWs with behavioral and psychological disorders.

Module 8

Describes how to provide immediate health aid to physically-ill OFWs.

This Case Management Manual also contains relevant laws, OWWA policies and guidelines, sample case study reports and forms needed to enable the OWWA Case Officers to effectively manage the cases of migrants.

Hopefully, this Case Management Manual helps in servicing expeditiously and efficiently OFWs in OWWA's 17 regional offices all over the archipelago and in more than 30 overseas posts in key cities abroad.

	Notes:

MODULE 1

UNDERSTANDING THE CASE MANAGEMENT PROCESS

Case management is a collaborative process that assesses, plans, implements, coordinates, monitors, and evaluates the options and services required to meet the client's needs.

Part of this process is using the client's strengths and interests to improve the overall situation, enabling the client to return to his/her normal functioning.

Principles and Goals of Case Management

1. Integration of services

Case management uses priority-setting mechanisms in order to meet the most urgent, pressing needs of the client.

It also encourages positive interaction among the services to be provided to the client.

2. Continuity of care

In case management, the client's needs are addressed in a timely manner. The type of care being provided is not only comprehensive, but also continuous.

The aspect of continuity involves therapeutic intervention, maintaining a relationship with the client's family and significant others, crisis intervention, and social networking/linking services.

3. Equal access to services

Case management ensures direct linkage to the issues of eligibility to include those who lack traditional economic, social, and political access.

4. Quality care

Case management respects the rights of the client and demands accountability on the part of service providers.

Effective and efficient care is a key consideration in service delivery. Quality assurance is a component of case management which signifies professional excellence, high standards of care, and continuous service improvement.

5. Advocacy

Case management involves representing the concerns and interests of the client (e.g., speaking or writing in defense of a person or a cause).

6. The whole person

Case officers must be committed to a holistic view of the client receiving help in addressing his/her social, psychological, medical, skills problems, and financial needs to enable him/her to return to normal functioning.

7. Client empowerment

Case management holds that respect for the client stems from the belief that all individuals, regardless of their needs or disabilities, have integrity and worth. This belief guides the case officer to place the client in a central role in the helping process.

Client empowerment ensures the client's full participation during the service delivery involving him/her in every step, including identifying the problem, gathering information, establishing goals, planning, implementing the plan, and evaluating the plan and outcomes.

8. Evaluation

This is a critical part of case management and it takes place throughout the process. Case officers evaluate the effectiveness of the

Phases of Case Management

actual processes involved and services provided. The focus should be on client's progress and satisfaction, integration of services, and quality of services.

9. Gender sensitivity

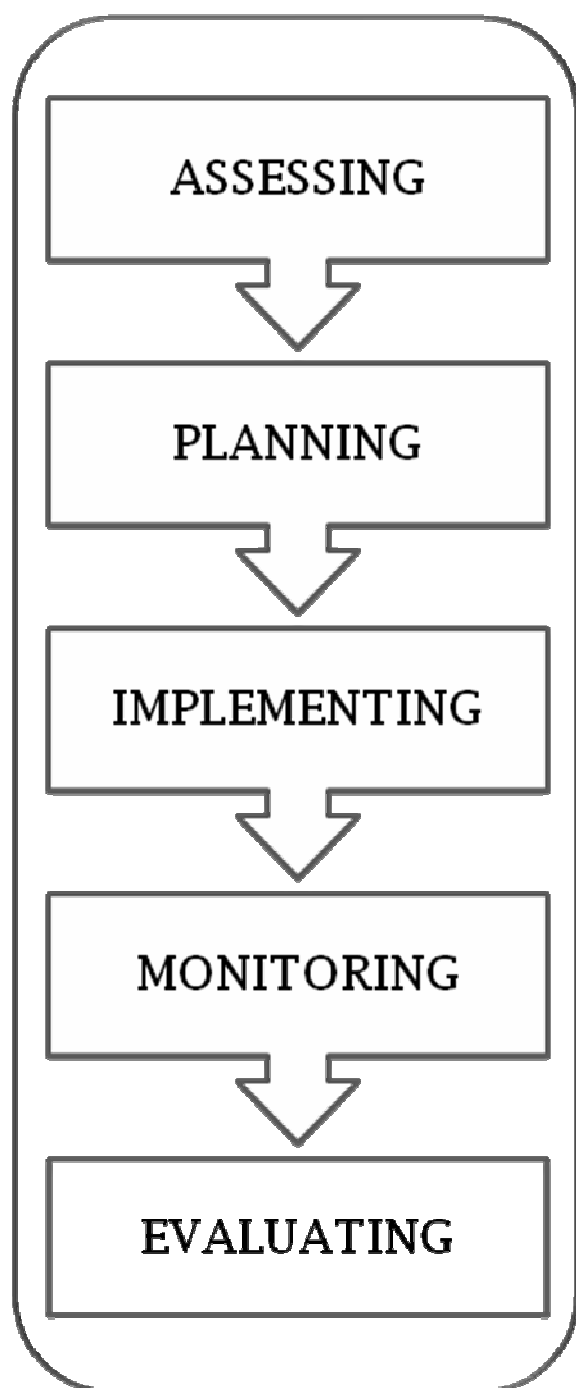
Case management is cognizant of the special needs of and equal opportunities for both men and women. It is a commitment to address issues with concern to the respective interest of the sexes.

10. Confidentiality.

Case management respects the privacy of the client being cared for.

This means that all information related to case officers are kept in strict confidence and shall be used only by the team of service providers.

	<p style="text-align: right;">Notes:</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
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1. **Assessing.** This phase involves initial contact with the client. Here, information about the client is gathered. The client's current situation is identified and the problem is defined. The client's participation is highly regarded.
2. **Planning.** This identifies the services to be provided to respond appropriately to client's needs. The client's participation is integral in the process.
3. **Implementing.** At this point, service delivery begins. The case officer's task is focused in providing the services, overseeing service delivery, and establishing network with other service providers. This phase is geared towards problem resolution.
4. **Monitoring.** This involves keeping track of the services and activities and continuously evaluating the accuracy and effectiveness of the implementation of plans.
5. **Evaluating.** This is the phase where both client and the case officer review, evaluate, and discuss the case, the goals, the service plan, the service delivery, and the outcomes. This is where the case officer may decide whether to close the case or continue monitoring until the client becomes self-sufficient.

The Case Officer

A case officer (CO) facilitates the achievement of the client's wellness through assessment, planning,

communication, resource management, and service facilitation.

Based on needs and values of the client, and in collaboration with all service providers, the CO links the clients with appropriate providers and resources throughout the continuum of case management while ensuring that the services provided are safe, effective, client-centered, timely, efficient, and equitable.

Here are the five core functions of a case officer:

1. **Case assessment**

Involves appraising the client's needs, gathering data, and defining the problem.

2. **Service and treatment planning**

Includes developing plans to address the client's needs.

3. **Linkage with requisite services**

Involves referring the client to appropriate human service resources.

4. **Monitoring of service delivery**

Includes maintaining contact with service providers, ensuring that needed services are actually received, and checking the effects of the services provided vis-a-vis the client's progress.

5. **Case advocacy**

Involves advocating in behalf of the client to secure his/her needed services and resources and coordinating with other service providers and agencies to ensure access to such services and resources.



MODULE 2

MANAGING OWWA CASES

A. OVERSEAS POST

The OWWA Overseas Posts (OPs) provide on-site services to Filipino migrant workers.

These services are implemented in coordination with the Philippine Overseas Labor Offices (POLO), Philippine Embassy/Consulate Offices, and host country local authorities.

The OPs are strategically located in key cities worldwide where there is concentration of Filipino OFWs.

Each OP is managed by welfare officer/s supported by administrative assistant/s and interpreter/s.



Remember:

The term “distressed OFW” is also referred to as “client”.



The services provided to OFWs at the OP are as follows:

1. Psycho-social intervention for distressed OFWs
2. Temporary shelter
3. Assistance to OFW during conciliation/settlement
4. Assistance during rescue operation
5. On-site reintegration preparedness program
6. Repatriation services.

The services provided to OFWs at the OP are as follows:



1. **Psycho-social intervention for distressed OFWs**

This refers to a series of activities designed to address the needs of

distressed OFWs, including trafficked and severely exploited migrant workers. It is in a form of an individualized treatment program which includes stress debriefing, counseling, skills training, education, and other activities that will enhance his/her psychological, emotional, and psycho-social well-being. The intervention program involves the case management processes.

2. **Temporary shelter**

This refers to a temporary board and lodging facility where the victims of trafficking and exploitation are assisted while awaiting resolution of pending cases and/or repatriation.

The shelter is located at the Filipino Workers Welfare Center (FWRC), managed by the POLO, under the jurisdiction of the Philippine Mission.

3. **Assistance to OFW during conciliation/settlement**

This refers to facilitation in the disposition of cases with their employers and/or agencies who have pending contractual obligations with them.

Effective conciliation/mediation is being done to arrive at a satisfactory settlement between the parties involved.

However, if settlement is not reached, the Case Officer (CO) shall assist the client in filing appropriate charges against the employer and/or the Local Recruitment Agency (LRA)/ Foreign Recruitment Agency (FRA), if warranted.

4. Assistance during rescue operation

This refers to activities leading to the rescue of an OFW who is at risk and/or whose life is in danger. It is done in coordination with the Assistance to National Units (ATN) and/or the host country local authorities.

5. On-site reintegration preparedness program

This refers to services that provide OFWs with knowledge, skills, and opportunities to enable them to identify and plan for their alternative livelihood upon return to the Philippines.

The services include organized trainings, seminars, and individual business/career counseling.

6. Repatriation services

This refers to assistance in bringing home the distressed OFW.

The services include proper documentation, coordination with employer/ FRA/LRA, ATN and host country local authorities, arrangement and/or provision of return ticket, airport/escort

assistance, and other special requirements whenever needed.



Procedures at the OP

1. For walk-in clients

- 1.1 Client admission
- 1.2 Client assessment
- 1.3 Clients cases and situations:

- ✓ Client needing medical intervention
- ✓ Client needing police intervention
- ✓ Client needing labor intervention

2. For preferred clients

- 2.1 Client's personal information is insufficient
- 2.2 Client's employment information is missing
- 2.3 Client is missing

Procedures at the OP

A. For walk-in clients

1. Client's admission at POLO:

1.1

The CO receives and attends to the distressed OFW/client.

1.2

The CO assists the client in filling up of Workers Assistance Information Sheet/Client's Card.

2. Assessment of immediate needs of the client:

2.1

For a client needing immediate medical intervention:

2.1.1

The CO secures from the ATN/POLO, if needed, a referral letter to tie-up medical institutions/hospitals.

2.1.2

Together with an ATN officer, the CO accompanies the client to a hospital or tie-up medical institution.

2.1.3

If it is necessary to file a case based on the medical findings, the CO coordinates with the ATN who then reports to the Police authority. The CO monitors the case until it is resolved.

- ✓ If the client needs continuing medication/hospitalization or specialized equipment, the CO requests the employer/FRA to shoulder the medical expenses. If the financial support is not provided, the CO links with other networks and other sources for assistance.
- ✓ If the client needs surgical operation, the CO requests written permission from the next-of-kin (NOK) to allow a doctor to perform the surgery. In emergency cases that require immediate operation, the doctor's decision then prevails.

A medical certificate attesting to the need to perform such is to be secured from the attending physician. The NOK is duly notified through the Home Office (HO)/Regional Welfare Office (RWO).

2.1.4

The CO monitors the condition of the client.

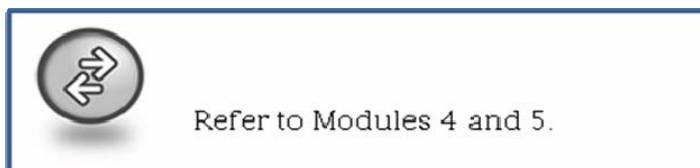
2.1.5

The CO provides regular report to HO/RWO.

2.1.6

Upon discharge of the client from the medical institution, the CO facilitates accommodation at the Filipino Workers Resource Center (FWRC) for temporary shelter. At the FWRC, the CO:

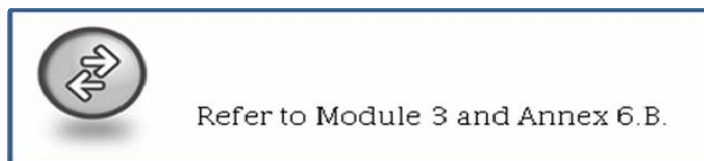
- ✓ Assists or conducts orientation of House Rules and Regulations;
- ✓ Assists the client in accomplishing the Center Accommodation Form/Workers Assistance Information Sheet/Client Card.
- ✓ Monitors the client's condition (physical, emotional, psychological, and behavioral) regularly;
- ✓ Monitors provision of continuous medication, if needed; and,
- ✓ Conducts stress debriefing and counseling.



2.1.7

The CO provides or facilitates the following OWWA regular services and activities at the POLO:

- ✓ Skills training and upgrading;
- ✓ Socio-cultural/sports/religious activities; and
- ✓ Reintegration preparedness program:
 - The CO discusses and identifies with the client his/her reintegration plan.
 - The CO provides the client information on existing reintegration programs and services of OWWA/DOLE/other service providers.
 - The CO encourages the client to attend livelihood seminars/sessions available at the FWRC such as career and business counseling; livelihood skills (e.g. dressmaking, cooking, cosmetology, food processing, baking, computer assembly and trouble shooting, etc.); agri-business; and others.



2.2

For client needing police intervention:

2.2.1

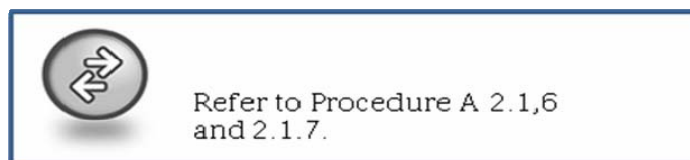
The CO refers the client to the ATN for endorsement to the police authority.

2.2.2

The CO may accompany the client, together with the ATN Officer to the police authority to report or file a complaint, if permitted.

2.2.3

The CO facilitates accommodation at the FWRC while the case is in progress



2.2.4

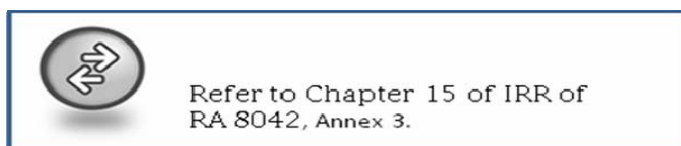
The CO monitors the case until resolved.

2.2.5

The CO provides regular reports/updates to the HO/RWO.

2.2.6

If the case is resolved, the CO facilitates the repatriation of the client.



Provision of return ticket:

- ✓ The CO requests the employer to provide a return ticket. (For an undocumented client, the CO coordinates with the ATM).
- ✓ If the employer refused, the CO requests the LRA for a return ticket through the HO/POEA.
- ✓ If the LRA failed to provide the return ticket, the CO then requests the HO to provide the said ticket.

Facilitation of travel documents:

- ✓ For a client without a passport or has an expired passport, the CO coordinates with the ATN for the processing of travel documents.

- ✓ The CO coordinates with the immigration and/or police office the issuance of the proper documents such as exit visa/cancellation of work visa/police clearance, when applicable.

Facilitation of onward travel:

- ✓ The CO coordinates with the airline company on the special needs of the client.
- ✓ The CO arranges appropriate transport service to ferry the client to the airport.
- ✓ The CO arranges for medical/OWWA escort of the client, if needed.
- ✓ The CO accompanies and assists the client at the airport.

2.2.7

The CO prepares Endorsement Letter and Case Summary Report to the HO/RWO.

2.3

For a client needing labor intervention:

2.3.1

The CO invites the employer to the POLO and informs the LRA in writing about the problem.

2.3.2

The CO conciliates/mediates to settle any or all of the following: payment of contractual claims, benefits, and damages; provision of return ticket; issuance of exit visa/permit and other pertinent travel documents, if applicable; and payment of immigration and other penalties incurred due to overstaying, if applicable.

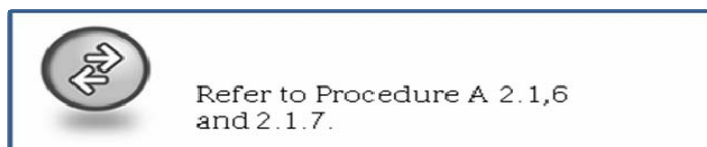
If the settlement with the employer fails:

- ✓ The CO, in coordination with the POLO, notifies the FRA to compel the employer to settle his/her obligations under the employment contract.
- ✓ If the employer refuses to settle, the CO, in coordination with the POLO, invokes the joint and solidary liability of the employer.
- ✓ The CO, in coordination with the POLO, notifies the LRA about the refusal of the employer to settle his/her obligations. The CO then invokes the joint and solidary liability of the LRA.
- ✓ If the LRA refuses to settle, the CO, in coordination with the POLO, recommends to the POEA the blacklisting of the employer and suspension of LRA on the documentary processing on hiring.

- ✓ The CO/POLO informs the client his/her legal options and the processes in the filing of a case.
- ✓ The CO assists the client in filing the case at the Labor Office of the host country should he/she decides to pursue it on-site.

2.3.3

While waiting for the resolution of the case, the CO facilitates the accommodation of the client at the FWRC for temporary shelter.

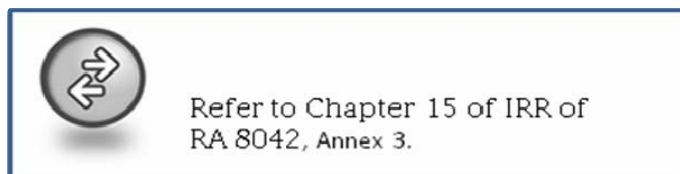


2.3.4

The CO monitors the case filed at MOL.

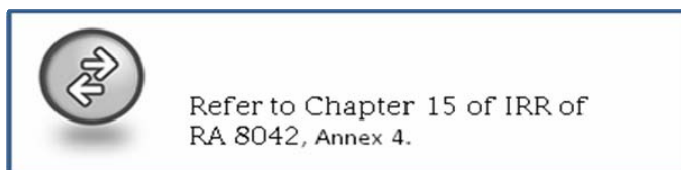
If the decision is favorable:

- ✓ The CO assists the client for possible transfer of employment or in the facilitation of repatriation.



If the decision is not favorable:

- ✓ The CO requests the LRA through the HO to provide a return ticket.
- ✓ If the LRA denies the request, the CO arranges with the HO to provide the return ticket and then informs the client that he/she may file a case against the LRA in the Philippines.



2.3.5

The CO facilitates the repatriation of the client.



Refer to RA 8042, Annex 3, and
Procedure A 2.1.6 and 2,1,7

B. For preferred clients

1. The information on victim's/client's whereabouts is insufficient:

1.1

The CO establishes contacts with the client's through friends, relatives, Filipino communities, and other networks.

1.2

The CO assesses the condition of the client upon contact.

1.2.1

If the client requests to be rescued, the CO then endorses the case to the ATN for proper representation with the local authorities. After the rescue, please refer to Procedure A.

1.2.2.

If the client denies the need for rescue but is suspected to be under pressure or threat by the employer, the CO then requires the employer/agency to present the victim/client to the POLO.

- ✓ If the client shows signs of maltreatment/abuse or fear, the CO shall request the employer/agency to leave the client under the care of the POLO, if applicable. If needed, the CO shall bring the client to a hospital for medical attention and follow Procedure A.2.1.

1.2.3

If the client has no complaint against the employer, the CO then requests the client to execute a signed written statement that he/she is in good condition and is willing to stay with the employer.

1.3

The CO provides regular reports/updates to the HO/RWO.

2. Victim's/Client's whereabouts is unknown/no recorded employer/ agency:

2.1

The CO gathers additional information from the sources of referral- HO, RWO, NGO, family and others.

2.2

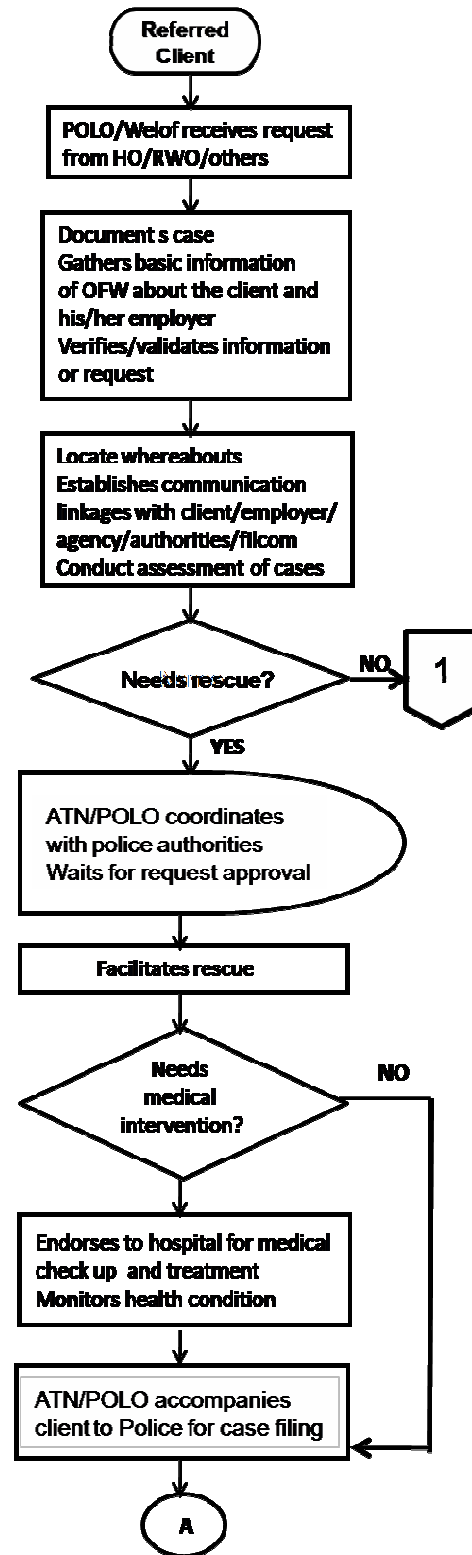
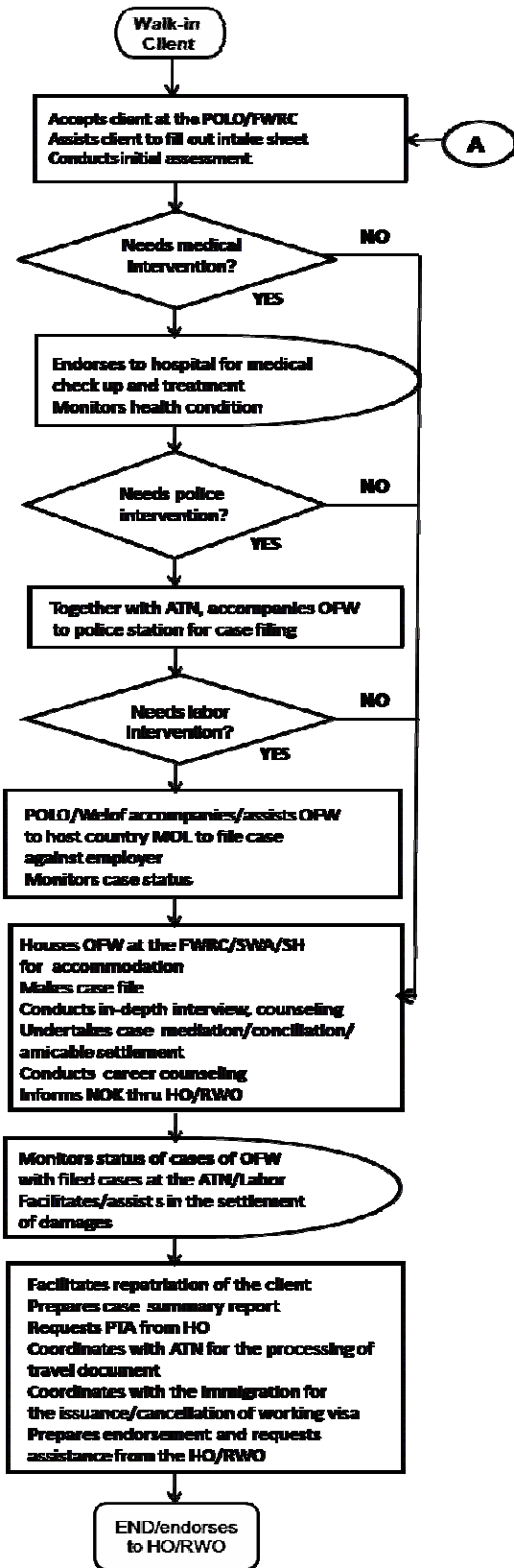
The CO follows Procedure B.1.

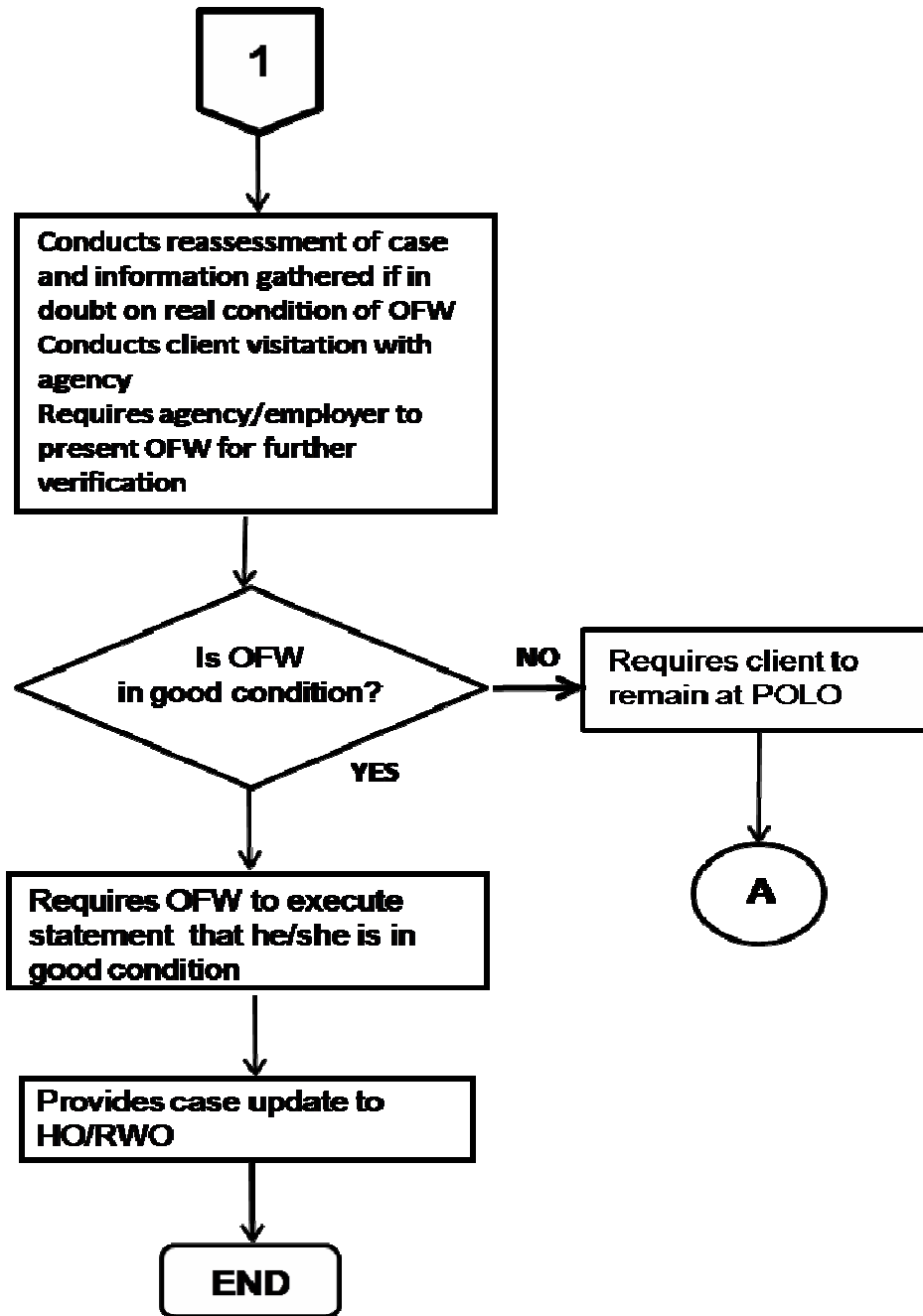
3. Victim/Client cannot be located:

The CO simply reports in writing to the HO/RWO/NOK after exhausting all means and efforts to locate the client.

Procedures at the OP (Flow chart representations)

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B. HOME OFFICE

The HO, with the Repatriation Assistance Division (RAD) as the focal unit, delivers the needed assistance and services to returning distressed OFWs.

Prior to arrival of the OFWs, the RAD coordinates with the concerned units of the HO for preparation activities to deliver quality services.



The services provided to OFWs at the HO are as follows:

1. Airport assistance
2. Temporary shelter
3. Stress debriefing
4. Counseling
5. Medical assistance
6. Legal counseling
7. Transportation service

The services provided to OFWs at the HO are as follows:

1. Airport assistance

This refers to the services at the airport to address the immediate needs of all arriving distressed OFWs. This includes first aid medical treatment/ initial medical evaluation, retrieval of luggage, and facilitation of their exit. The OWWA Airport Assistance Counter (AAC) at the NAIA I serves as the focal center in providing airport assistance. It is manned by a regular Airport Assistance Officer (AAO) and a duty nurse who attend to arriving distressed OFWs.

The counter is open from 8:00 A.M. up to the arrival of the last passenger flight.

2. Temporary shelter

This refers to a temporary board and lodging facility where returning distressed OFWs are accommodated. The OWWA Halfway Home was established to assist OFWs in their immediate needs, including stress debriefing, counseling, and initial discussion of their plans towards recovery and reintegration.

3. Stress debriefing

This refers to the process of helping individual or groups of OFWs and their families in dealing positively with the emotional impact of a severe exploitation experienced while working abroad and educating them their current and anticipated stress response through stress management and contingency planning towards recovery.

4. Counseling

This refers to the process of helping individual or groups of OFWs and their families in identifying, understanding and solving their problems using available resources geared towards improved individual or family functioning or circumstances. It aims to help the clients enhance and develop their capabilities to cope and function adequately in facing problems and difficulties.

5. Medical assistance

This refers to services of OWWA-partner medical institutions being availed of by OFWs to diagnose their health conditions and disabilities until they become fit to travel to their home destinations.

6. Legal counseling

This refers to the services provided by a lawyer, or person(s) under the supervision of a lawyer, to assist the client in seeking or obtaining legal help in resolving his/her case/s.

7. Transportation service

This refers to the provision of appropriate transportation service to physically/mentally ill or distressed returning OFWs from the airport to the HO or to other pre-identified destination points such as hospitals, airports, seaports, bus stations, or to their places of residence, if necessary.



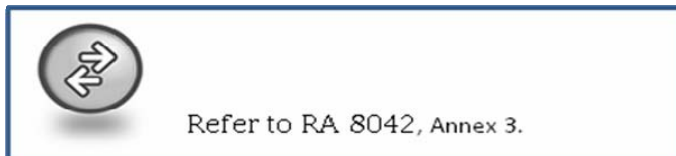
Procedures at the HO

1. Coordination of activities before the arrival of OFW
2. Assistance upon arrival at the airport
 - ✓ Client is sick, with physical disability, or with mental illness
 - ✓ Client is distressed
3. Assistance at the HO
 - ✓ Client needs medical attention
 - ✓ Client needs transportation assistance
 - ✓ Client's case involves claims and other medical, technical, or legal violations

Procedures at the HO

A. Coordination of activities prior to arrival of distressed OFW

1. The RAD CO, upon request of the OP, coordinates with the POEA and LRA in providing the return ticket to the distressed OFW. If LRA failed to provide, OWWA then advances the ticket, subject to existing guidelines of the IRR of RA 8042.



2. The CO confirms with the OP the flight details of the arriving client and coordinates with the following:

2.1

The Airport Assistance Officer (AAO), duty nurse, and Repatriation Officer (Repat. Officer) for the services needed by the client upon arrival; and

2.2

The General Administrative Service for the appropriate vehicle to transport the client.

Note: If an ambulance is needed, the CO/duty nurse checks that all the basic medical apparatus/equipment are available.

3. The CO coordinates with and informs the NOK the flight details and the condition of the client, whether physically disabled and/or with mental illness. The CO seeks the decision of the NOK where to bring the client upon arrival.

Note: The AAO/duty nurse coordinates with the Airport Clinic for the special needs of the client.

B. Assistance upon arrival at the airport

1. The CO manages/coordinates with the AAO/duty nurse and the Repat Officer on the services/assistance to be provided to the client.
2. The AAO introduces himself/herself to the client as the duty officer and facilitates the filling-up of the Arrival Data Sheet or gathers pertinent information about the client.

3. The AAO/duty nurse assesses the client's condition:

3.1

In cases where the client urgently needs medical attention, the AAO/duty nurse brings the client to the airport clinic for first-aid application/treatment.

3.2

If further treatment/hospitalization is needed, the Repat Officer/duty nurse brings the client to OWWA-partner hospitals/institutions. Please proceed to Procedure C.2.

3.3

If the client needs other assistance, the Repat Officer brings the client to the HO. Please refer to Procedure C.

4. For a client who is sick or with physical disability or mental illness:

4.1

The AAO/duty nurse brings the client to the airport clinic for medical evaluation.

4.2

If the client is in a stretcher bed, wheel chair or other similar cases, the AAO/duty nurse accompanies the NAIA medical staff to fetch the client from the airplane or tarmac.

4.3

If further medical evaluation/treatment is needed/ recommended:

4.3.1

The Repat Officer asks permission from the NOK, if present, to bring the client to OWWA-partner medical institution/s. Please proceed to Procedure C.2.

4.3.2

If the NOK decided to bring home the client against medical advice, the Repat Officer then turns-over the client to the NOK after a waiver is signed. After that, the Repat Officer provides the client and/or family with brochure/information materials on OWWA programs and services.

4.3.3

If the NOK is not present, the Repat Officer/duty nurse brings the client to the OWWA-partner medical institution/s. Please proceed to Procedure C.2.

5. For a distressed client:

5.1

The AAO/duty nurse assesses the client. If there are signs of mental or physical illness, the client is brought to the airport clinic;

5.1.1

If the client manifests emotional or mental disturbance and requires immediate medical attention, follow Procedures B.3; and,

5.1.2

If the client is fit to travel, the AAO and the Repat Officer turns him/her over to the NOK. If the NOK is not present, the AAO then endorses the client to the CO at the HO.

Note: All clients shall be provided with brochure/information materials on OWWA Programs and Services.

C. Assistance at the HO

1. The CO assists the client in filling up the Workers Assistance Information Sheet, if necessary. If the client is a trafficked victim, the CO shall fill-up the Client Card.
2. The CO assesses the needs of the client and traces the client's NOK.

2.1

If the client needs medical attention:

2.1.1

The Repat Officer/duty nurse brings the client to OWWA-partner hospitals/institutions;

2.1.2

The CO/duty nurse then monitors the condition of the client until discharge;

2.1.3

The CO locates the NOK;

2.1.4

After the NOK is contacted, the CO/duty nurse turns-over the client to the NOK once present. Both the client and the NOK are given brochure/information materials on OWWA Programs and Services; and,

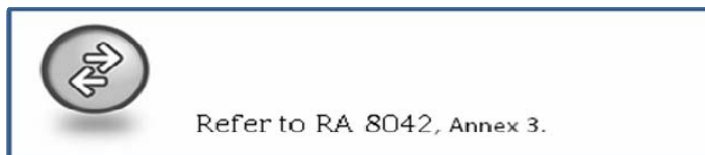
2.1.5

If the NOK is not available, the CO brings the client to the OWWA Halfway Home upon discharge, for temporary shelter. Please refer to Procedures C.2.)

2.2 If the client needs transportation assistance:

2.2.1

The CO coordinates with the LRA in providing transportation assistance to the client who lives outside Metro Manila. If the LRA failed to provide, OWWA advances the transportation costs, subject to the provisions of IRR of RA 8042.



The Repat Officer then brings the client to the bus terminal, seaport or airport for his/her onward travel.

2.2.2

The Repat Officer accompanies the client who wants to go home to a relative in Metro Manila and suburbs and provide the transport fare.

2.3

If the client is in a stretcher, wheel-chair and/or discharged from hospital needing special medical attention on his/her onward travel to home destination:

2.3.1

The CO informs the RWO and/or NOK on arrival schedule of the client.

2.3.2

The CO coordinates with the LRA in providing the transportation assistance for the client's onward travel.

2.3.3

If the LRA failed to provide, OWWA then advances the transportation costs subject to the provisions of the IRR of RA 8042.



2.3.4

The CO arranges the schedule, mode of transport and needed medical equipment during the travel and assigns the Repat Officer and/or medical escort.

2.3.5

The CO prepares a referral/endorsement letter to the RWO for continued assistance to the client.

2.4

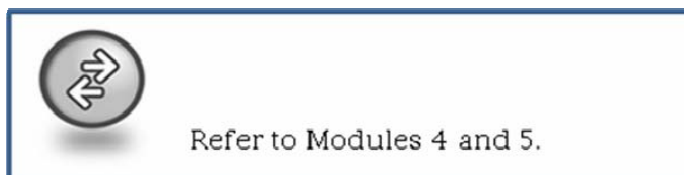
If the client is without a NOK and lives in a far flung area such as Visayas, Mindanao, and island provinces in Luzon and awaiting arrangement for onward travel, the CO endorses him/her to the OWWA Halfway Home for temporary shelter. Please refer to Procedures C.2.

2.4.1

The houseparent accepts the client at the OWWA Halfway Home and conducts orientation on rules and regulations.

2.4.2

The CO/Social Worker conducts stress debriefing and counseling sessions, including structured learning experiences and group activities.



2.4.3

The houseparent maintains a daily monitoring report on status of the client.

2.4.4

The CO monitors the status/progress of case while the client is staying at the Halfway Home. At the same time, the CO traces the client's NOK.

2.4.5

If the client's NOK is contacted, the CO turns-over the client to the NOK once present from the Halfway Home.

2.4.6

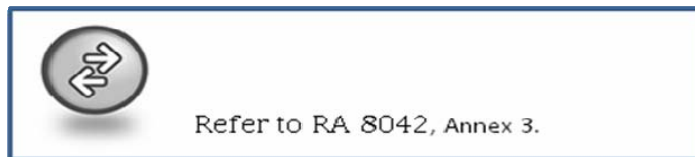
If the NOK is not contacted, the CO assists the client on his/her onward travel to home destination. Please refer to Procedures C.2.

2.4.7

The CO prepares referral/endorsement letter to the RWO for continued assistance to the client.

2.5

If the client's case involves money claims and other violations of RA 8042, CO refers him/her to appropriate authorities.



2.5.1

If the client requests for an amicable settlement, the CO shall notify the LRA to appear at the HO for conciliation/settlement.

2.5.2

If there is no agreement reached, the CO shall inform the client of his/her options to file a case against the LRA, whether in Metro Manila or home province.

2.6

If the client's case involves violation of RA 9208, the CO shall refer him/her to appropriate authorities to pursue case against his/her perpetrators.

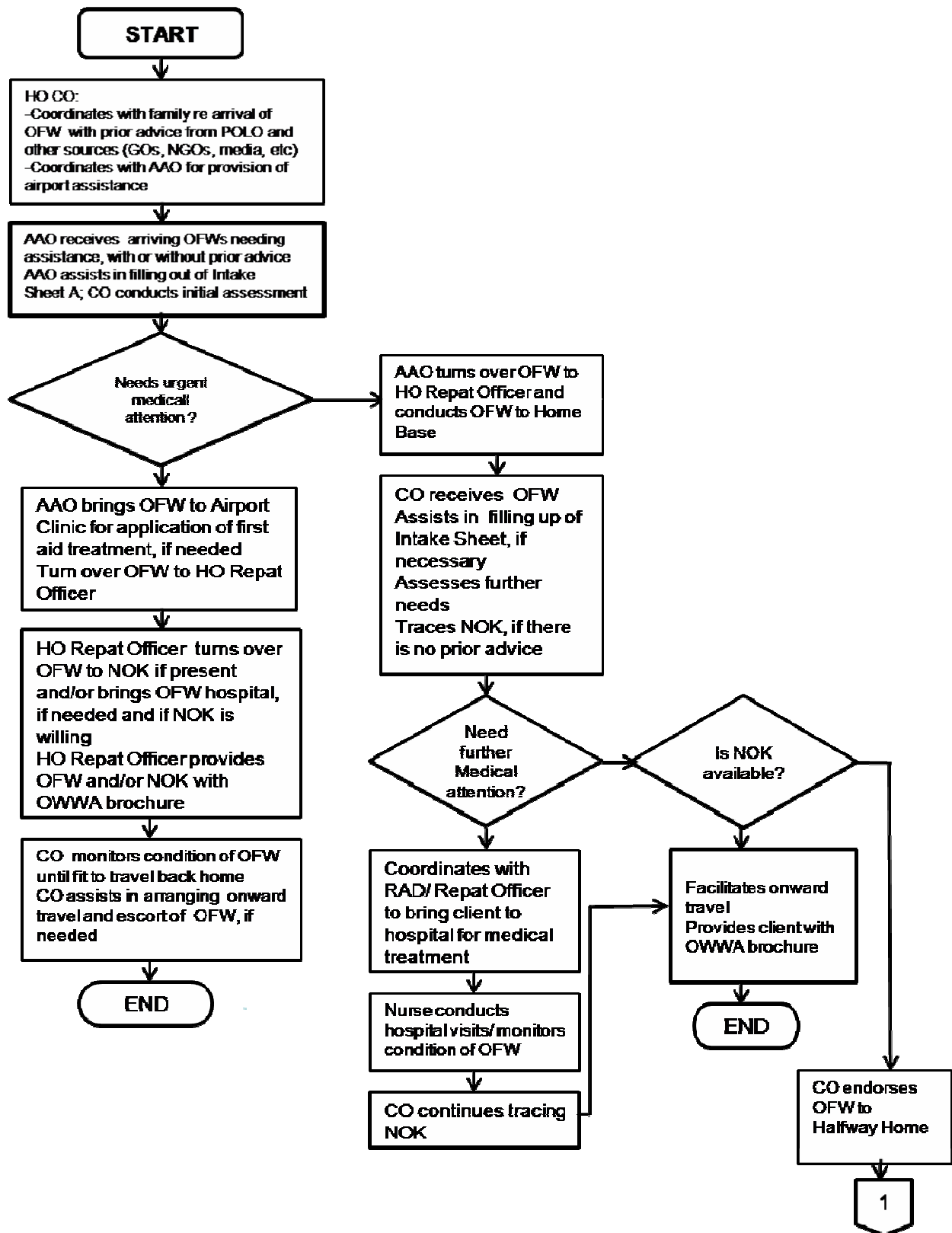


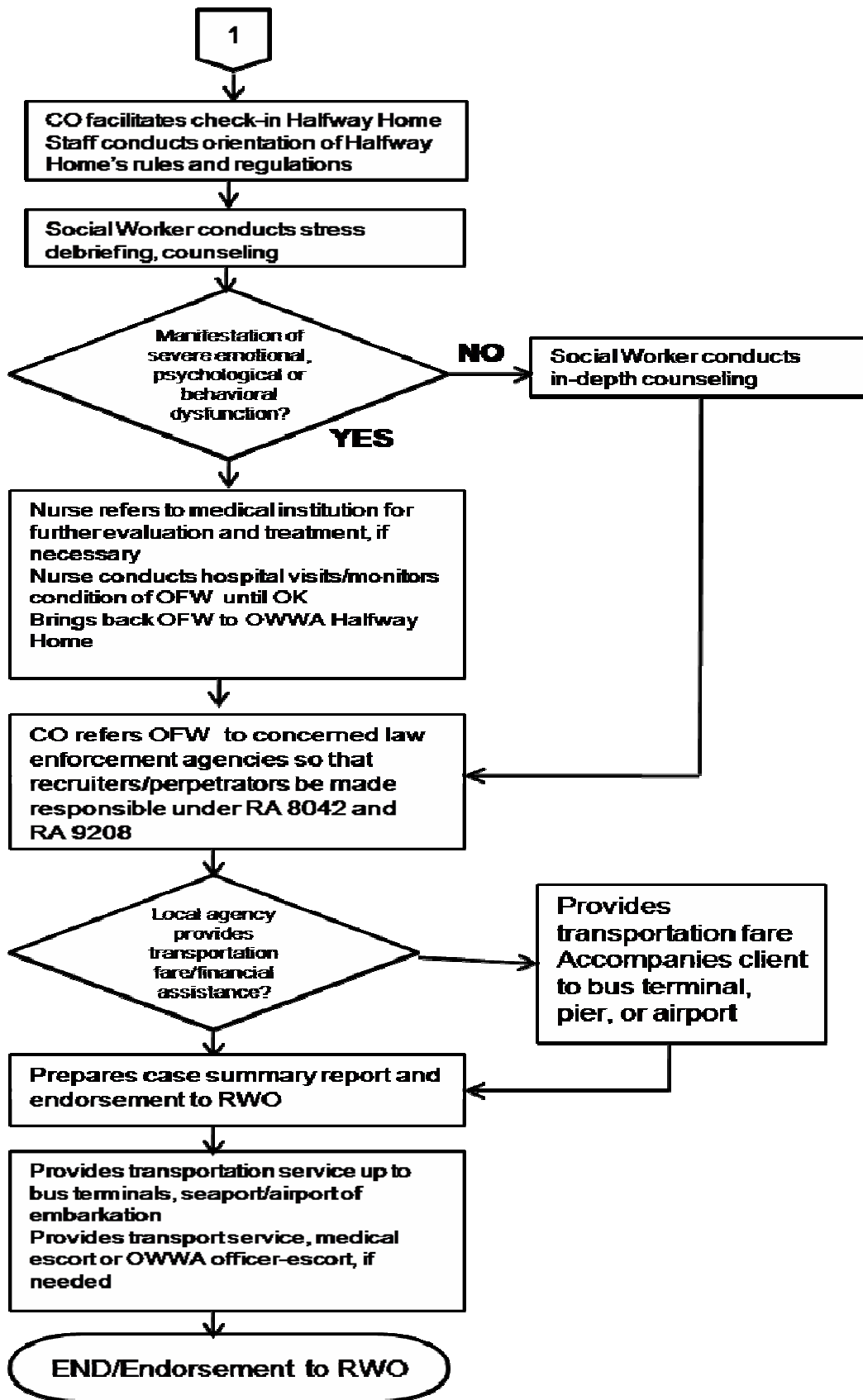
2.7

The CO prepares the Case Summary Report and endorses the client to the RWO for continued assistance. The CO assists the client on his/her onward travel. Please refer to Procedures C.2.

Note: All clients shall be provided with brochure/information materials on OWWA Programs and Services.

Procedures at the HO (Flow chart representation)





C. REGIONAL WELFARE OFFICES

The Regional Welfare Offices (RWOs) are strategically located in 17 regions in the country. These offices provide and sustain OWWA services to OFWs including their families. It is the implementing arm of OWWA in extending its reintegration programs and services to returning OFWs in the region.



The services provided to OFWs at the RWO are as follows:

1. Airport assistance
2. Client recovery
3. Reintegration service
4. Regular OWWA programs and services
5. Monitoring and evaluation
6. Databasing

The services provided to OFWs at the RWO are as follows:

1. Arrival assistance

This refers to the help extended to distressed OFWs who arrive through the local airport, sea port or land travel accompanied by the HO Case Officer/Repat Officer. This assistance includes coordination with the NOK and provision of appropriate vehicle or transportation assistance up to home destination of the client.

2. Client recovery

This refers to the formulation of treatment plan leading to the psychological, emotional, and physical recovery of the client. This includes psycho-social intervention such as case assessment, identification of immediate and other underlying needs, stress debriefing, referral to medical and legal assistance, conduct of individual and family counseling, networking with other service providers, and advocacy efforts towards recovery and reintegration of the client.

3. Reintegration service

This refers to relevant, individualized, and appropriate integration services cognizant to the specific needs of returned victims of trafficking and migrant workers who have been severely exploited. It includes personal and social enhancement activities, organizing OFW Family Circles, skills training, preparation of livelihood programs, and other business undertakings.

4. Regular OWWA programs and services

This refers to other programs and services of OWWA available to all qualified OWWA-member OFWs and their families. These include skills training and upgrading, scholarship grants, insurance benefits, and loan programs.

5. Monitoring and evaluation

This refers to tracking the effectiveness of the reintegration plan by measuring the client's achievement in relation to his/her goals and the impact on himself/herself.

6. Databasing

This refers to a systematic data collection of the relevant demographic information of the clients, their experiences and the services provided to them. The database is utilized by the system's functions in generating case information for sharing and documentation of best practices and other related reportorial requirements.



Procedures at the RWO

1. Coordination of activities prior and upon the arrival of OFW

1. Assistance for the recovery of the client

✓ For walk-in clients

✓ For clients with endorsements

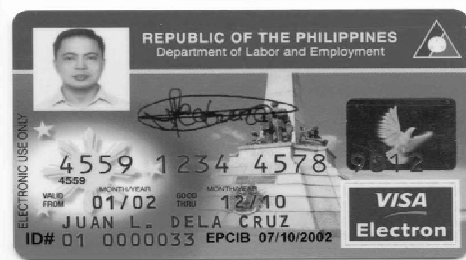
✓ For clients referred through phone

3. Clients reintegration assistance

4. Availment of regular OWWA programs and services

5. Monitoring and evaluating

6. Databasing



Procedures at the RWO

A. Assistance prior and upon arrival of the client at the RWO

1. For clients who are sick, with physical disability or mental illness as advised by the OP/HO/NOK and other sources:

1.1

Prior to arrival of the client, the CO confirms the flight details of the arriving client/OFW.

1.2

The CO informs the NOK the flight details and condition of the client.

1.3

Upon arrival, the CO attends to the client and introduces himself/herself as the duty officer.

1.4

The CO assesses the immediate needs of the client.

1.4.1

For clients needing further medical evaluation/treatment as recommended by the OP/HO:

- ✓ If the NOK is present, the CO assists the NOK in bringing the client to a medical institution. If the NOK decides to bring home the client, the CO turns-over the client to the NOK after a waiver is signed. If necessary, the CO facilitates the client's travel to his/her home destination.
- ✓ The CO provides the client/NOK information on OWWA programs and services available at the RWO.

1.4.2

For clients who are sick, with physical disability or mental illness accompanied by HO Repatriation Officer:

- ✓ The CO coordinates with the NOK prior to the arrival of the client.
- ✓ The CO turns-over the client to the NOK if present. If the NOK is not present, the CO arranges onward travel or shall accompany the client to his/her home destination.

- ✓ If the client needs further medical evaluation/treatment as recommended, please refer to Procedure A 1.4.
- ✓ The CO provides the client/NOK information on OWWA programs and services.

B. Assistance for the recovery of the client

1. For walk-in clients:

1.1

The CO receives the client and assists him/her in filling up the OFW Information Sheet. For trafficked victims, the CO accomplishes the Client Card.

1.2

The CO assesses the immediate needs of the client.

1.2.1

If the client needs medical assistance:

- ✓ The CO informs or coordinates with NOK and prepares referral letter to a medical institutions and/or other service providers for assistance.
- ✓ The CO provides the client and/or NOK with OWWA programs and services that the client can avail of upon his/her discharge.
- ✓ The CO prepares a case summary report.

1.2.2

If the client's case involves violation of RA 8042, the CO refers the client to appropriate authorities.



Refer to RA 8042, Annex 3.

- ✓ For labor related cases involving money claims, the CO refers the client to National Labor Relations Commission (NLRC).
- ✓ For cases involving the recruitment-related violations, the CO refers the client to POEA.

- ✓ For illegal recruitment cases, the CO refers the client to Interagency Committee on Anti-Illegal Recruitment: POEA, Department of Justice (DOJ), National Bureau of Investigation (NBI), and Philippine National Police (PNP).

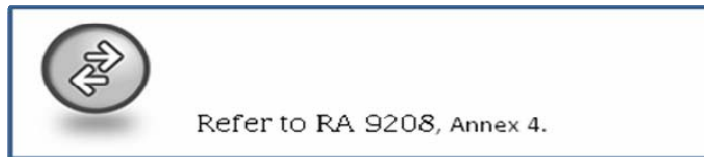
1.2.3

If the client refuses to pursue any case, the CO informs him/her of other services that he/she can avail of from OWWA and other service providers.

1.2.4

If the client's case involves violation of RA 9208 (trafficked or severe exploitation):

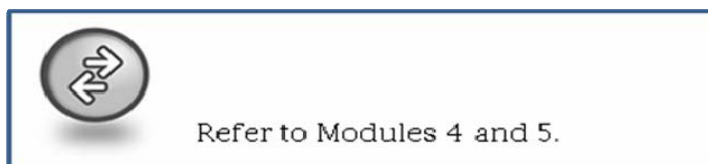
- ✓ The CO refers the client to appropriate authorities such as the Regional Inter-Agency Committee on Anti-trafficking (RIACAT) -- NBI, DOJ, PNP, POEA, Department of Foreign Affairs (DFA), and Department of Social Welfare and Development (DSWD) --- to pursue case against his/her perpetrator.



- ✓ The CO may accompany the client to the said offices, if necessary.
- ✓ The CO monitors the status of the case, if filed.
- ✓ If the client refused to pursue case, the CO informs him/her of other services that he/she can avail of from OWWA and other service providers.

1.3

The CO conducts stress debriefing and counseling, individual and group, upon assessment of the client's need and readiness to undertake the activities.



1.4

The CO evaluates the client's physical and emotional recovery and discusses his/her reintegration plans.

1.5

The CO monitors the status of the client and his/her readiness towards reintegration. If the client is ready, the CO shall conduct career counseling and coaching. If not, the CO shall follow Procedures C, D, and E.

1.6

The CO follows the procedures on client's social and economic reintegration. Please refer to Procedure C.

1.7

The CO prepares and/or updates the client's case summary report.

2. For clients with endorsement/prior advice from the OP and HO and other sources, the CO receives the client and reviews his/her case summary report and accomplished Workers Assistance Information Sheet. Please follow Procedures B 1.7.
3. For clients and/or NOKs who report their cases through phone with or without referral from OP, HO and other sources:

3.1

The CO identifies the client's needs.

3.2

The CO verifies if the client is an OWWA member or not.

3.3

If the client is a member, the CO informs him/her of the OWWA services that he/she can avail of.

3.4

If the client is capable to go the RWO, the CO follows Procedures B 1, for walk-in clients. If the client is not capable, the CO may monitor case through home visitation until such time that he/she is able to proceed to the RWO. The CO may also refer to other service providers/networks.

3.5

If the client is not a member, the CO refers the client to other service providers/networks.

C. Client's reintegration assistance

1. Personal and social reintegration:

1.1

The CO assesses the client's emotional and psychological readiness towards social reintegration.

1.2

The CO validates from family members the improvement of client's social functioning and emotional stability.

1.3

The CO enhances the self-esteem of the client by entrusting some responsibilities he/she can perform and cope with.

1.4

The CO encourages/motivates the client to join and participate in various activities of OFW Family Circles and other community groups.

1.5

The CO prepares/updates the case summary report.

2. Economic reintegration:

2.1

The CO reviews and discusses the reintegration plan with the client and/or his/her family.

2.2

The CO evaluates the feasibility of the client's reintegration plan.

2.3

If the client prefers to be re-employed locally:

2.3.1

The CO identifies the client's interest and occupational skills.

2.3.2

The CO matches the interest and skills of the client with available job opportunities.

- ✓ If the client's qualifications do not match the requirement of the jobs that are in demand, the CO informs the client to upgrade his/her skills through training.

- ✓ The CO assists the client to enrol in skills training/upgrading program under Skills-for-Employment Scholarship Program (SESP), subject to existing guidelines.

If the client is not qualified under the SESP program, the CO may refer the client to other institutions that offer skills training and upgrading courses.

- ✓ The CO monitors the progress of the client's training.
- ✓ After completion of the training, the CO shall refer the client to the DOLE or Bureau of Local Employment (BLE) or Public Employment Service Office (PESO) for local employment.

2.4

If the client prefers to be re-employed overseas:

2.4.1

The CO provides the client with information that will raise his/her awareness on safe migration to avoid similar experience of exploitation and/or trafficking.

2.4.2

The CO provides guidance on how to improve his/her situation abroad by having networks of information and social support from Filipino communities.

2.4.3

The CO provides the client with the directory of Philippine Embassies/Consulates/POLOs.

2.4.4

The CO informs the client to deal with legitimate LRA and/or POEA only to avoid fraudulent and exploitative practices during the recruitment process.

2.5

If the client prefers to enter into a business:

2.5.1

The CO helps the client identify his/her interest and occupational skills.

2.5.2

The CO matches the interest and skills of the client with his/her preferred business undertaking, including profile of the place/community where he/she intends to undertake the business.

2.5.3

If the client's knowledge or skills is not sufficient to undertake the proposed business venture, the CO recommends to him/her to undergo the appropriate training.

- ✓ The CO assists the client to enrol in skills training/upgrading courses under the SESP.

The CO may also refer the client to other institutions that offer skills training and upgrading courses.

- ✓ The CO monitors the progress of the client's training.
- ✓ After completion of the training program, the CO guides or coach the client on how to start a business.

2.5.4

If the client is qualified under the existing Expanded Livelihood Development Program (ELDP).

- ✓ The CO assists the client in the preparation, completion of documentary requirements, and implementation of the business undertaking.
- ✓ The CO monitors the status and progress of the said business undertaking.

2.5.5

If client is not qualified under the existing ELDP, the CO may refer the client to other available national and local livelihood programs provided by the Local Government Units (LGUs), DOLE, Department of Trade and Industry (DTI), Technology and Livelihood Resource Center (TLRC), Non-Government Organizations (NGOs), and other service providers.

- ✓ The CO monitors status of the referrals.

2.6

The CO prepares/updates the case summary report.

D. Availment of other regular OWWA Programs and Services

1. The CO determines the client's eligibility to any of the OWWA programs and services such as insurance and disability benefits and education and training benefits.
2. The CO refers the client to concerned units of the RWO for receipt, processing, evaluation, and approval of his/her application to any of the aforementioned programs and services.
3. The CO prepares/updates the case summary report.

E. Monitoring and Evaluating

1. The CO keeps track the services and activities and continuously evaluates the accuracy, effectiveness, and success/failure of the implementation of the client's reintegration plans.
2. Both the CO and the client review/evaluate the goals and accomplishments and the outcomes.

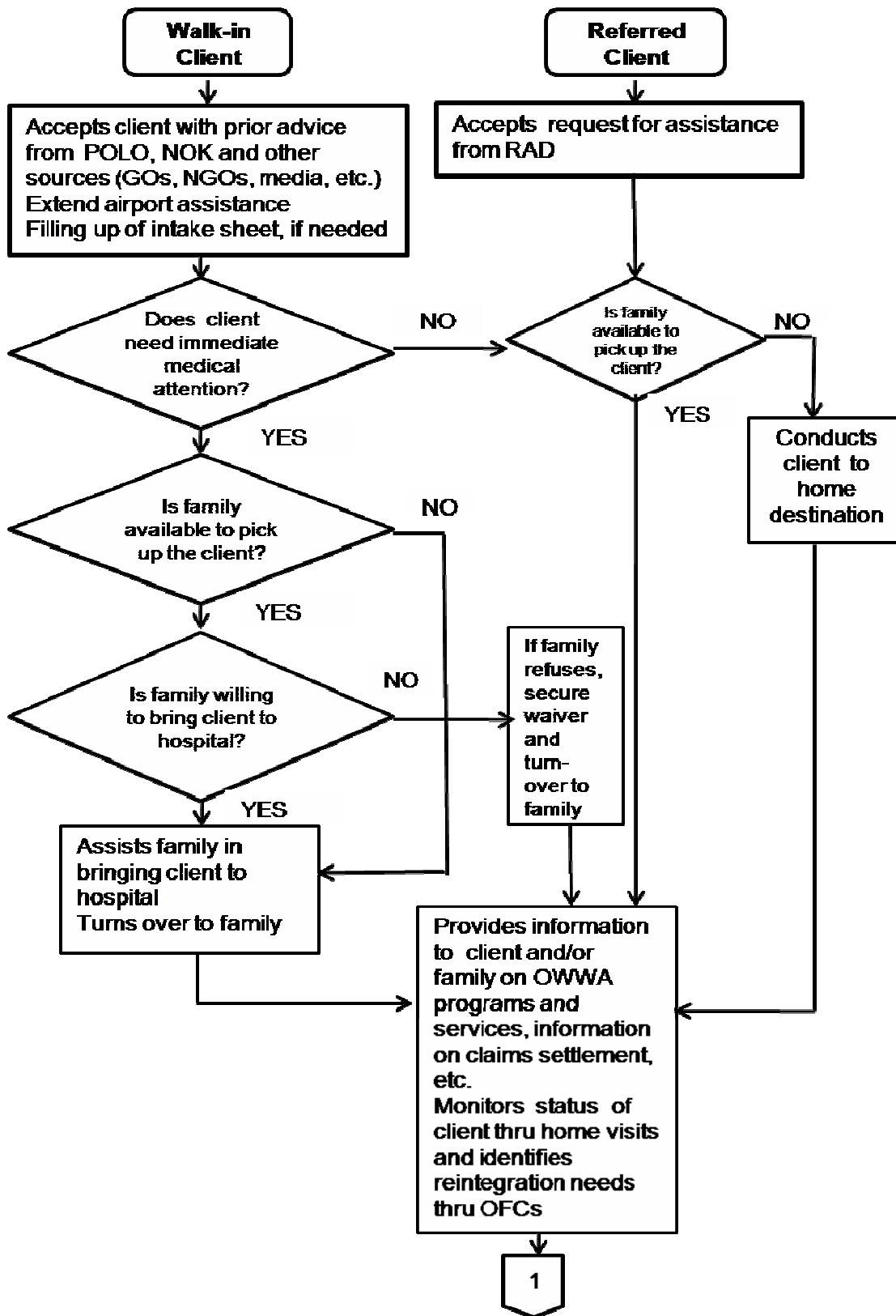
If the implementation is not successful, the CO helps the client in revising the plan for another time frame of reintegration.

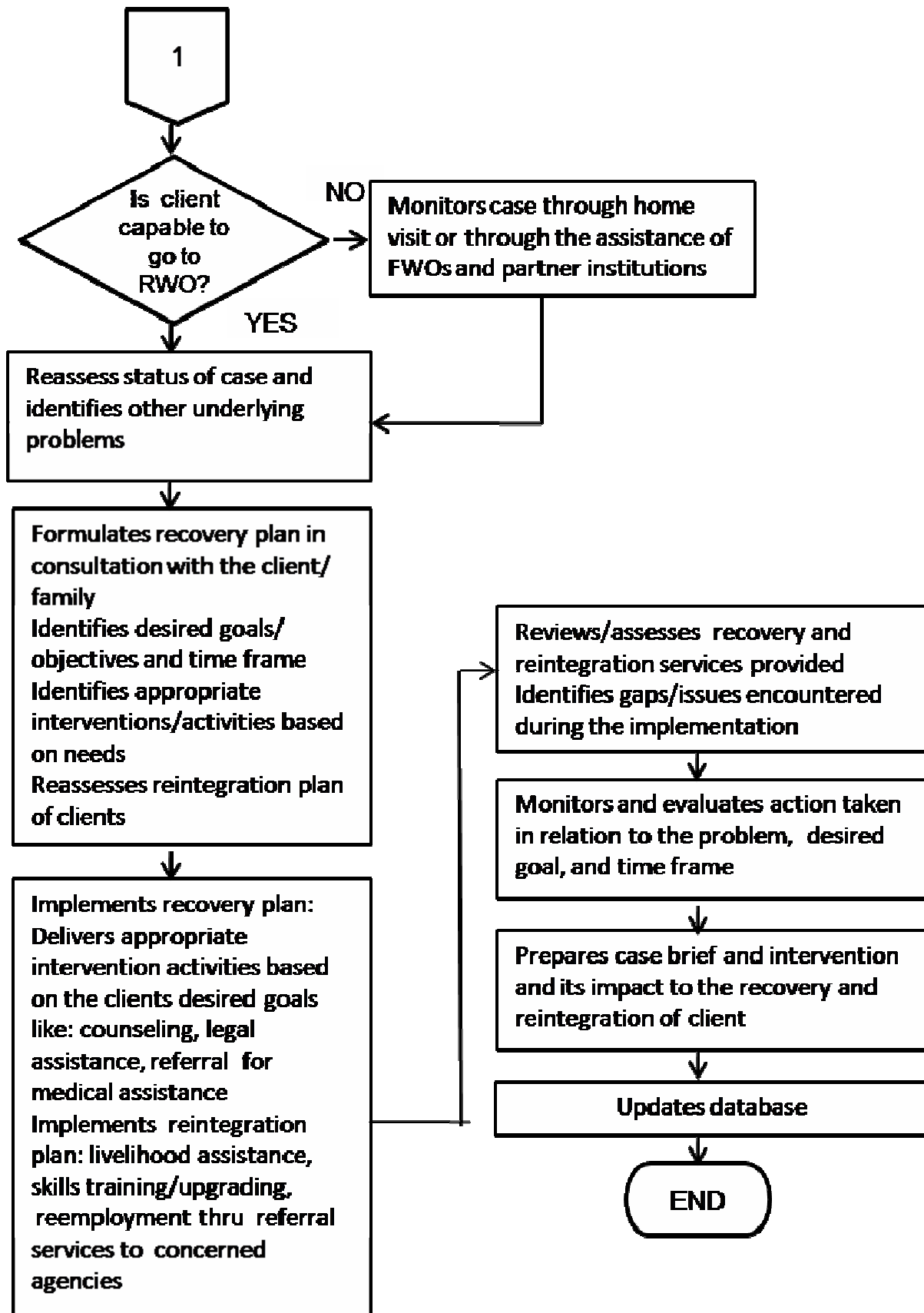
3. The CO assists the client in a systematic documentation of the progress of the implementation.
4. The CO conducts a mid-assessment of the implementation to find out if it is on target. If not, the CO assists the client to review the goals and accomplishment and formulate alternative actions/options.
5. The CO prepares/updates the case summary report.

F. Databasing

1. The CO gathers data from the Workers Assistance Information Sheet and Client Card which contain information derived from case assessment and management, including client's reintegration.
2. The CO reviews and assesses the case information generated from the data collection.
3. The CO identifies and documents the good practices on case management and client's reintegration.
4. The CO organizes a meeting with other stakeholders for sharing of good practices and lessons learned.

Procedures at the RWO (Flow chart representations)





MODULE 3

REINTEGRATING TRAFFICKED AND SEVERELY EXPLOITED WORKERS

The return and reintegration process for OFWs may appear to be straightforward. Unfortunately, it is often more problematic than their initial departure for migration. It is the part of the migration cycle that is the least subject to policy interventions.

When OFWs return, it is commonly assumed that they will be able to invest their savings or find remunerative employment at home, adjust to changes in their personal and family lives, and pick up where they left off with minimal support.



In reality, the situation may be different. It may even be difficult in the case of returning women who often face greater

re-integration problems than men. While migration may reinforce empowerment of women, it may also reinforce their vulnerabilities. The return and reintegration process for them involves a host of psychological and social adjustments both at home and their community.

This process of return and reintegration is even far more difficult in the case of trafficked persons and exploited migrants, especially women. Many of them experience severe exploitation resulting in trauma, post-traumatic stress disorder, serious medical and health problems, and/or other psychosocial effects. Some hesitate to return home immediately for fear that their families will not accept them, and even blame them for what had happened. They also worry about the possible stigmatization by the community. Complicating the situation is their financial difficulty as many of them come-home empty handed, or, with inadequate savings or wasted savings. Many are still heavily indebted and bothered about liquidating the loans. Even if they want to earn for a living upon their return, employment opportunities are limited and their skills may not be suited to the local labor market demand. Unable to find jobs, many think of re-migrating that often leads to a “revolving door” phenomenon, with the trafficked persons falling back

into the hands of the traffickers and being re-trafficked.

It is thus important that reintegration programs are responsive to the needs of victims/survivors of trafficking and other exploitation. These programs should have components that equally address the psycho-social issues as well as the economic needs of the victims/survivors towards obtaining gainful occupation or careers in order that they will be able to rebuild their lives and live normal, happy lives.

General guiding principles

In addition to the principles on case management as contained in this manual, the following general guiding principles should be considered in working with victims/survivors, especially in the area of economic empowerment:

1. Manage each case on an individual basis.

Each person is unique and therefore, has specific needs and concerns, strengths and resources. And so are victims/ survivors of trafficking or severe exploitation. There is no 'one-size-fits-all' solution to all. Victims/survivors have varying degrees of recovery. Some can return to society almost immediately; some need time to heal and strengthen themselves; and some will need longer-term care and assistance.



Each case should be treated differently from the other and in accordance with expressed need of the victim/survivor.

2. Flexibility is key.

Victims/survivors of trafficking return from a myriad of different situations, different countries and different sectors. Each returnee has specific needs and concerns and has specific strengths and resources. Those must determine the type of assistance provided. Thus, service providers must have the capacity and be prepared to address different needs and situations. However, women who have just returned often do not wish to get assistance, but initially prefer to deal with their situation on their own. Later, however, after several months back home, they might slowly "wake-up" to the difficulties of being back and therefore be in need of assistance.



It is important that OFWs are provided with contact details and other relevant information in case they decide to seek assistance.

3. Reintegration is meaningless if victims/survivors have no livelihood to return to

Labor migrants including victims/survivors of trafficking go abroad in search of better incomes. This fact should be recognized and should be central to any program dealing with their reintegration.

Reintegration becomes problematic and half-baked if it will not create alternative livelihoods for returning migrants, especially victims of trafficking.

It is important to them that they have a source of income to support family needs.

Thus, economic assistance is as important as psycho-social interventions and social preparations.



This may include career assessment and counseling, occupational guidance, referral for training, capital assistance, enterprise development, job placement, etc.

4. Economic empowerment is, however, endangered when social aspects of reintegration are not addressed.

Employment or livelihood alone does not ensure a good life. Even if good employment or business is provided to victims/survivors, it comes to naught when they still cannot save money, probably because of continued family pressure, or when they are unprotected from domestic violence and abuse. In which case, family values and gender orientation may be necessary. Opportunities to relate with others who have experienced similar situation should likewise be explored,

i.e., peer groups, self-help organizations, community support networks. These may help boost

their self-confidence as well as provide them access to relevant information, resources and other available support measures.

5. Widen training options.

Skills training courses offered by service providers, either government or NGOs, although provided with good intentions, are often limited both in terms variety and quality.



It is important to link skills training to private sector and out-side 'real-life' on-the-job training.

Thus, knowledge of available training options may help service providers and case managers in dealing with victims. It may also be necessary to network or develop partnership with other relevant institutions to facilitate referral services.

6. Training is not the goal but a work that works.

The choice for skills training should be based on labor market and attainment of skills that will lead to stable, sustainable jobs or livelihoods that are in demand in the place where the victims/survivors will eventually reintegrate.

It is also important that the choice is in line with the victim's/survivor's own preference and interest. In the case of women victims/survivors, consideration should also be made on the duration of training and availability of victims/survivors for training as they may have domestic responsibilities to attend to.

Business awareness courses can be excellent – but be aware that they not necessarily entrepreneurial than others. It is crucial to undertake systematic skills assessment or recognition to help them appreciate their innate capacities and weaknesses and eventually assist them in deciding on what specific skills they want to upgrade and make use of.

Case officers should assist victims/survivors in identifying relevant training courses as well as advise them on potential jobs/careers afterwards. It is also critical to coordinate with employers' and workers' organizations as well as the private sector regarding skills training, job placement, apprenticeship and business opportunities. Information on social finance schemes and other similar arrangements would be relevant to those who intend to engage in business.

7. Safe and legal re-migration should be included as a livelihood strategy.

Economic reintegration options vary as much as victims/ survivors also have different interests and wishes. It is an important lesson that many wish to migrate again in order to

work and make better earnings than possible at “home”. Even if they have faced exploitation as migrants and are aware of the risks, they are willing to go and believe they can be more successful next time.

While it is important to offer economic empowerment at the returnee’s place of origin it is equally important to offer assistance returnees who are likely to migrate again.

It is therefore significant to educate them on safe, legal migration including rights and options for redress under applicable criminal, civil, labor and administrative laws in destination and origin countries.

- 8. Coordination and cooperation.** Networking with government agencies, NGOs, civil society groups, United Nations agencies and local communities should be continuously strengthened.

Referral systems established for the support of trafficked and exploited persons should be utilized and maximized.

Establishing support networks at various levels (international, national, sub-national, local and community) will definitely contribute a lot in ensuring the availability of needed services throughout the return and reintegration process.



OWWA’s Reintegration Program

The reintegration program for trafficked and severely exploited migrant workers is OWWA’s corporate response to provide more relevant, individualized, and appropriate psycho-social and economic reintegration services to trafficked and severely exploited migrant workers in cognizance of their specific needs.

The OWWA reintegration program covers two major components: economic and psycho-social.

1. Psycho-Social Reintegration

The psycho-social component shall be addressed to by the RWOs all over the country through the OFW Family Circles. It includes community

organizing program or organizing of OFW Family Circles, services like social counseling, family counseling, stress debriefing, and training on capacity building, value formation, and others.

Returning women migrant workers who are victims of trafficking and severe exploitation face numerous psychological adjustments and traumas and need help adjusting to family and spousal relationships. They may feel changes in their own sense of identity and in many cases culture shock and alienation from their communities result. As such, OWWA COs should give emphasis on the following services:

1.1 Counseling

Returnees are informed that counseling services are available in the HO and in the RWO. They are given information and contact details of the support and assistance available in their community.

The CO should handle counseling sensitively and confidentially. Gender issues and cultural and social practices should be seriously considered.

Victims of trafficking and abuse may not only have been severely traumatized but also fear the shame and stigma of being labeled prostitutes by their home communities.

The counseling services should involve the families of the returnees. However, it should be noted that this may not be advisable if a returnee

has been abused or involved in prostitution or trafficked and severely exploited. The victim might not have informed her family of what happened to her, fearing stigmatization or even rejection.

1.2 Medical assistance

The mental health of the returnees should be a major concern. Taking care of their mental health contributes to identifying positive and sustainable solutions for their enhanced reintegration.

At the National Capital Region (NCR), OWWA has tie-up with the National Center for Mental Health and Philippine General Hospital to accommodate immediate medical needs of the returnees prior to their eventual return in their respective provinces.

At RWO, in addition to the need for psychological, psychiatric or other direct medical or non-medical interventions for the individual victim, OWWA may refer to community-based services to address the needs of the returnees and their families and assist the returnee to recover from the trauma that they have experienced.

There are numerous medical related problems that the returnees face. Victims of trafficking and sexual abuse may be offered HIV/AIDs and pregnancy testing during counseling.

It is essential to ensure that these services are anonymous and voluntary rather than mandatory. The Department of Health (DOH)

service delivery at the LGUs has HIV/AIDs and pregnancy testing facility.

1.3

Legal assistance

Returning migrants often need legal assistance for variety of reasons. Legal concerns include the original recruitment process, violations by employers, unpaid wages, illegal termination, contractual problems, violations committed by the migrants themselves, and the likes.

Serving as the first contact when OFWs return home, OWWA has a crucial role to play in providing legal counseling.



OFWs need to be informed that legal aid is available to them if they wish to take action against their exploitative employers or recruitment agencies or their perpetrators

Legal assistance should be gender-sensitive. Women who were trafficked into prostitution should not be treated with prejudice. Sensitivity is also required because many of the women who were trafficked may have been severely traumatized by their experiences. Also, they may find it easier to speak to a woman legal officer.

2. Economic Reintegration

The economic reintegration is geared towards the provision of support services for the establishment of income generating schemes.

It includes:

- Social preparation programs for livelihood projects;
- Cooperatives or community-based ventures;
- Business and skills training;
- Granting of financial assistance; and,
- Networking with support institutions.

Trafficked and severely exploited workers do not have the means or savings to establish a business. They also lack the needed collateral to acquire a loan. Hence, there is the apparent difficulty in coming up with a specific reintegration program for them. However, by providing relevant training, acquiring marketable and appropriate skills (vocational-technical or business), or applying for financial assistance, they can take advantage of securing extended source of livelihood.

2.1

Skills training and upgrading/re-tooling

The Skills Enhancement Program for the victims of trafficking and severe exploitation is in the form of skills acquisition or upgrade through appropriate technical/ vocational trainings. It is patterned after the regular SESP where applicants are equipped with technical skills through appropriate training in technical/vocational courses deemed in demand and short in supply to

enhance their chance of landing successfully in local and/or overseas jobs. Similar to SESP, the amount of financial assistance is paid directly to the training institution. Also, if the tuition fee is more than the financial assistance, the scholar shoulders the difference.

Course offerings include: agriculture and fishery; processed food and beverages; tourism (hotel and restaurant); decorative crafts and ceramics; gifts, toys and housewares; jewelry; metals and engineering; furniture and fixtures; garments; construction; communication/electronics/information technology; maritime; land transport; health, social services; and other community, social and personal services.

2.2 Livelihood assistance

Through the OWWA Fund, migrant workers are provided economic and social assistance and benefits upon their return. The Expanded Livelihood Development Program of OWWA offers credit services to returning migrants and their families.

The OWWA-NLSF LDPO Project. This program is a joint undertaking of OWWA and National Livelihood Support Fund (NLSF) to address the economic component of the OFW Reintegration Program. It is designed to improve the OFWs and their families and organizations' access to entrepreneurial development opportunities and credit facilities. The possible enterprises include the following:

- Trading (general merchandise and buy-and-sell, etc.);
- Services (repair shops, restaurants, parlors, etc.);
- Manufacturing (meat/fruit processing, shoes, etc.); and,
- Agri-business (tilapia culture, piggery, poultry, etc.).

The OWWA-NLSF Livelihood Development Program currently has the Collateral Loan Window for individual and group borrowers. Acceptable loan purposes include:

- Working capital for purchase of merchandise goods and/or raw materials;
- Business assets acquisition (like machines and equipments, except lots); and,
- Business site construction or improvement.

Eligible borrowers are:

- Member-OFWs and former member-OFWs;
- Their immediate family members (one family member per one OFW);
- For married OFWs: spouses or children of legal age;
- For single OFWs: parents or siblings of legal age;
- OWWA-LDPO beneficiaries with good repayment records; and,
- Legally organized groups of OFWs (partnerships, corporations, OFW organizations/associations/cooperatives and federations).

Wishes of the trafficked and severely exploited person upon return



The following information may be used by the CO in understanding the psychology of returning OFWs.

The OWWA-ILO project documented 164 returned trafficked and severely exploited migrant women either through deportation or orderly repatriation from May 1 to December 31, 2008. The following tabulates their reintegration decisions upon return:

Reintegration Decisions	No. of Clients
Reunification with family	108
Local employment	10
Re-migration (Overseas)	116
Continue Studies	7
Upgrade skills	33
Engage in small business	12
Follow-up counseling/Medical and legal assistance	152
Referral for short-term care facility for pregnant women	2

Note that re-migration remains to be an attractive option, or maybe, the only option, to many returnees despite their experiences and various problems they have gone through in their country of destination.

Their experiences range from non-payment of salaries, contract violations, illegal detention, trafficking, inhumane accommodation, physical and sexual abuse, and psychological distress.

Despite their experiences, distressed OFWs still remain open to such risks because they really desire to work.

Safe re-migration

During counseling sessions or in the process of monitoring the individual cases of the returnees, the CO should take the following measures:

- **Help returnees to make informed decisions.**

Their traumatic experience is often attributed to poor decision because they do not see or refuse to see an impending danger because of their excitement of a promising job prospect their recruiters/perpetrators present to them.

The CO should inform or guide them that decision making should be based on facts or correct information. It includes reading newspapers, checking the legality of the operation of the recruitment agency or whether there is existing job orders which can be checked at POEA, or talking or checking to people who could provide sound advice.

If available, provide the returnees themselves and their families with adequate and accurate information to be able to help them see the need to protect themselves. The following measures should be strictly followed:

- ✓ A pre-departure orientation is a must especially for women in domestic employment who are vulnerable to maltreatment, abuse and other forms of violence. It should include modules on health and sexuality, HIV/AIDS, self-defense techniques, etc.
- ✓ Make sure that they are legally recruited and migrate as a documented migrant worker.
- ✓ Undertake language and culture familiarization course.
- ✓ Undergo stress management session.
- ✓ Get all the information about the recruitment agency, employer and country of destination.

- ✓ Make sure that there is a valid written employment contract: in a language that is understood by the returnee. The contents should be examined carefully and signed by both the migrant worker and the employer.
- ✓ Make sure to have all the necessary travel documents and the costs that the migrant has to pay.

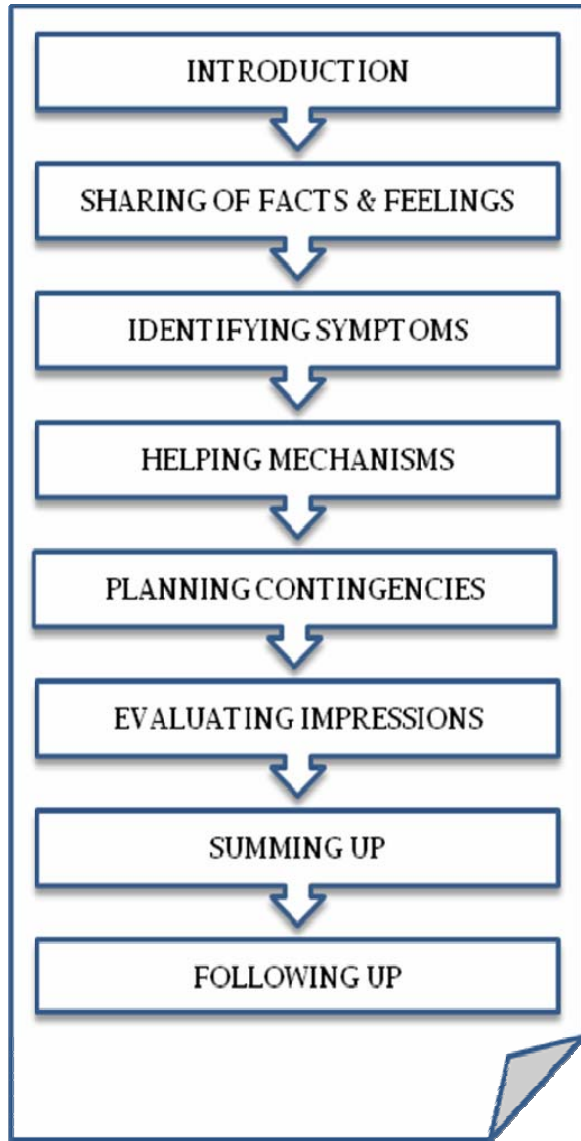


MODULE 4

CONDUCTING STRESS DEBRIEFING

Stress debriefing is a process of helping individuals, families, groups, and crisis workers to deal positively with the emotional impact of a severe event and to provide education about the current and anticipated stress response, as well as information about stress management and contingency planning.

Stress debriefing stages



A. Introduction

First, the facilitator/CO introduces himself/herself to the individual, family, or group. Then, he/she presents the objectives of the session.

Standard objectives include:

- ✓ Sharing of experiences, feelings, and reactions during the critical incident.

- ✓ Providing information as to how a critical incident could affect individuals at home and at work.
- ✓ Identifying and discussing some coping skills in reducing stress.
- ✓ Formulating and discussing contingency plans.

Eventually, the facilitator/CO informs the participants on the confidentiality of the session.

B. Sharing of facts and feelings

The facilitator/CO encourages the individual to share the following:

- ✓ What happened to her/him?
- ✓ How did he/she feel then?
- ✓ How does he/she feel now?

Then, the facilitator/CO compliments or acknowledges the individual for his/her willingness to share. Soon, the facilitator/CO points out to the individual that his/her feelings and reactions are normal responses in experiencing a critical event.

C. Identifying symptoms and stress responses

The facilitator/CO observes and notes the following:

Physical
(How stress/critical incident has affected the individual's body)

Emotional

(How stress/critical incident has affected the way he/she feels)

Cognitive

(How stress/critical incident has affected the way he/she thinks)

Behavioral

(How stress/critical incident has affected his/her behavior)

Spiritual

(How stress/critical incident has affected his/her faith and belief)

Awareness of the responses to stress/critical incident enables the individual to understand how he/she can be affected by stress/critical incident and how it can interfere or impair one's functioning. However, it is helpful to share that such responses are normal reactions to an abnormal situation.

D. Helping mechanism to cope with stress

The facilitator/CO asks the individual to share what he/she has done and what he/she is doing now to cope with the stressful situation. And then, the facilitator/CO emphasizes that the coping skills he/she has adapted are some ways of dealing positively with the impact of the event. Affirmation of the coping skills utilized usually boosts one's morale.



E. Planning contingencies

The facilitator/CO asks about:

- ✓ His/her plan?
- ✓ What he/she wants to do?
- ✓ How he/she will cope in the future?

F. Evaluating impressions

The facilitator/CO asks the following questions:

- ✓ Is there anything which should have been discussed but wasn't?
- ✓ How did he/she feel after the session?
- ✓ What did he/she like most and like least about the session?
- ✓ Was the session helpful? In what way/s?

G. Summing up

The facilitator/CO remembers the following:

- ✓ Ways to help oneself: (a) recognize and accept feelings about the situation; and (b) accept the current situation.
- ✓ Plan accordingly. (a) keep informed. Avoid passing on rumors; (b) set short term goals; and (c) create a routine for the present situation.
- ✓ Gauge what is a reasonable amount of focus on the situation and limit anxiety-producing or burdensome interactions.
- ✓ Practice self-care through exercise, good physical nourishment, and enough rest and sleep.
- ✓ If debriefing was done in a group, here are some ways to help:

- Understand other's behavior for what it is.
- Cultivate calmness. Demonstrate deep breathing. Relax shoulders. Lower voice pitch. Speak more slowly.
- Listen intently, discourage speculation, encourage facts, and avoid grinding repetitions of negative nature.
- Participate in community activities.

H. Following up

As facilitator/CO:

- ✓ Inform him/her that there will be a follow-up session. Agree on a schedule.
- ✓ Before ending the session, appreciate his/her/their sharing and cooperation.

MODULE 5

PROVIDING COUNSELING

Counseling is a process of helping a person, family, or group to identify, understand and solve their problems using available resources to bring about a positive resolution of the problem. It aims to help the client enhance/develop his/her capability to cope and function adequately in facing problems and difficulties.



Counseling principles

1. Trust in the capacity of the client
2. Confidentiality
3. Non-judgmental attitude
4. Respect for the client as a person.
5. Self-determination of the client.
6. Emotional detachment.



Counseling principles

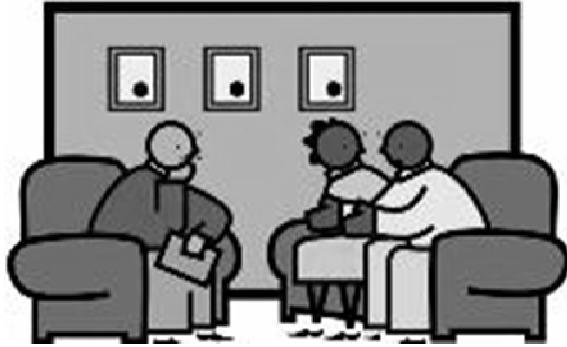
1. **Trust in the capacity of the client.** Given proper assistance and support, the client will be able to constructively deal with his/her problems.
2. **Confidentiality.** Discussions during the counseling sessions are to be treated with strict confidentiality. Specific details of the counseling sessions can be shared to a third party only upon the client's written consent. The facilitator/CO can share

minimum information with other people only if the client is in danger of harming himself/herself or others and if the recipient of information can help the client.

3. **Non-judgmental attitude.** A facilitator/CO should not impose his/her own values to his/her client. Although, at times, when the facilitator's/ CO's values or opinions may be different from that of his/her client's, the facilitator/CO should still accept that of the client's.
4. **Respect for the client as a person.** A facilitator/CO should see every client as an individual with inherent dignity and worth.
5. **Empowerment of the client.** Instead of doing things for the client, a facilitator/CO should enhance the client's ability to do things for himself/herself. This will increase the client's sense of power and control over his/her own life, thus adding to his sense of self-esteem.
6. **Self-determination of the client.** A facilitator/CO should avoid giving advice and imposing decisions to the client. It is his/her life, and he/she is the one who will have to live with the consequences of his/her decisions. However, there are some exemptions to this.

If a client is actively psychotic (out of touch of reality), suicidal, homicidal, or extremely depressed (such that he/she is immobilized and unable to make decisions for himself/herself), then a facilitator/CO can take a more active and directive role.

7. **Emotional detachment.** A facilitator/CO should be able to maintain some degree of emotional detachment from the client.



The CO as counselor

A CO must understand that a counselor is trained to help clients understand their problems, identify and develop solutions, and subsequently make their own decisions on paths they should take. She/he needs to be with the clients, and is willing to listen as clients talk about their problems and anxieties.

The CO as an effective counselor

As a CO providing counseling services, he/she must define the counseling boundaries and sticks to it until the end of the process. He/she needs to distinguish between empathy and sympathy.



Empathy is the capacity to recognize or understand another's state of mind or emotion.

Empathy is often characterized as the ability to “put oneself into another's shoes” or in some way, experience the outlook or emotions of another person's being within oneself. It may be described metaphorically as an emotional kind of resonance or mirroring.



Sympathy, on the other hand, simply refers to the feeling of compassion with another person.

Sharing the client's feelings, needs, and emotions breaks the line that defines the counselor-client relationship. Despite the risk of getting emotionally involved, it is important that the client feels that the counselor is interested in her problem. Empathizing shows clients that they can entrust their feelings to the counselor. Some people may show compassion, but the feeling may not be genuine, and clients can sense this. Without breaking the boundaries of

client-counselor relationship, an effective counselor must be true to his/her feelings. He/she should be able to focus his/her ability to be empathic and express genuine concern in improving the client's condition.

Qualities of a CO as an effective counselor

- ✓ Accepting attitude
- ✓ Resilience
- ✓ Sensitivity
- ✓ Patience
- ✓ Coolness
- ✓ Trustworthiness
- ✓ Self-confidence
- ✓ Firmness
- ✓ Flexibility
- ✓ Attentiveness/ listening skills good
- ✓ Creativity
- ✓ Warmth
- ✓ Being friendly

Characteristics of an effective counselor-client relationship

1. It is warm and accepting. The counselor accepts the client as she/he is and the counselor exercises a non-judgmental attitude.

2. Communication is heightened in the counseling relationship.
3. It involves value orientation. The counselor accepts the client's own value orientation but may not impose on the client.
4. It requires the best use of available information.
5. It leads to individualized learning.

Forms of counseling

1. Individual counseling

This is a one-on-one session between the counselor and the client. The counselor listens to the information being shared and assesses the current situation of the client. The counselor also assists the client to verbalize and identify what he/she wants to do or how he/she intends to deal with his/her situation. The counselor empowers the client to handle the situation and make decisions.

2. Counseling by couples

This is designed to modify the relationship of two people who are in conflict with one another on one or a number of parameters. Their conflict may include emotional, social, and economic concerns. This type of counseling aims to relieve emotional distress and to promote the well-being of the couple as partners and as individuals.

In dealing with couples, a counselor should address the following concerns: improving communication between partners; learning to resolve

differences; understanding each other's feelings; giving feedback and dealing with criticisms; managing anger, resentments, and frustrations; and discussing issues on goals and well-being.

3. **Family counseling**

Here, the task of the counselor is to determine how each member works and acts in relation to the other members of the family unit. This type of counseling hopes to resolve or reduce conflict among family members; enhance acceptance and/or understanding of the situation; encourage appropriate role relationships between gender and generations; and help strengthen the capacity of the individual client, as well as the family to cope with problematic situations inside and outside the family environment.

4. **Group counseling**

This is also known as mutual support grouping. The main strengths of this form include the opportunity to get immediate feedback from the group and the chance for both counselor and client to observe particular responses to a variety of the group's reactions.

Self-help groups are made of people trying to cope with a specific problem or life crisis. The sharing of experiences, emotions, and thoughts could help each member in terms of awareness, education or re-education, mutual support, and dissolution of feelings and alienation. The development of strong bonding among members of a self-help group is expected, because they share many similarities.

Counseling objectives

As a facilitator/CO, working as a counselor, you should aim to:

1. Help the client change a negative emotional state:
 - ✓ Facilitate emotional release through active listening, empathy, support, and accepting attitude.
 - ✓ Mobilize support system, if necessary.
2. Help the client increase his/her understanding of himself/ herself and of the situation:
 - ✓ Clarify expectation.
 - ✓ Gather relevant information through interviews, home visits, case conferences, and direct observations.
 - ✓ Help client identify and prioritize problems.
 - ✓ Help client identify resources and limitations.
3. Assist client to make sound decisions:
 - ✓ Assist client to identify alternatives/options.
 - ✓ Clarify consequences of each alternative.
 - ✓ Guide clients to make a decision.

4. Guide client in implementing his/her decisions:

- ✓ Help client make plans and procedures to meet objectives.
- ✓ Encourage client to implement plan.
- ✓ Help client evaluate results.



Counseling phases

Understanding. This leads to defining and clarifying the problem.

Challenging. This leads to re-defining the problem, shift in the client's view of the problem.

Resourcing. This leads to managing the problem and developing alternatives or options.

Counseling process

1. Establishing the initial contact

This is when the counselor meets the client for the first time. It is important at this stage to establish an atmosphere of trust and understanding. The counselor should show genuine concern to help the client.

Here are some ways on how the counselor can show understanding and concern for the client:

- ✓ Allow the client to talk about his/her problems so he/she can feel better because someone is listening.
- ✓ Listen attentively and carefully while the client is sharing his/her problems.

- ✓ Ask questions in a calm manner.
- ✓ Respond to the client in a calm manner.
- ✓ Recognize and reassure the client's feelings of anger, sadness, fear or being ashamed so the client can see the counselor's concern.

2. **Assessing**

The counselor gathers data and other related information to understand and determine the nature of the problem and the needed resources. Here are some ways to assess the problem of the client:

- ✓ Listen carefully when the client talks about the problem.
- ✓ Observe the client's verbal and non-verbal behaviors and signs of problems.
- ✓ If needed, clarify certain ideas that are important where the client was not clear.
- ✓ At times, reflect certain feelings or ideas that are important to the client's problems.
- ✓ Be silent to show patience and allow the client to get to their feelings.
- ✓ At times, use an incomplete sentence to encourage the client to continue talking after a pause.
- ✓ Summarize some ideas that the client has talked about.

3. **Counseling**

This is the time when the counselor starts to help the client identify

solutions to the problem. Here are some ways to help the client solve problems:

- ✓ Help the client see clearly what the problems are and identify possible causes of his/her problems.
- ✓ Help the client identify resources and limitations.
- ✓ Guide the client in formulating different alternatives to solve the problems by providing some useful information.
- ✓ Help the client see and understand the possible consequences of each action he/she may take.
- ✓ Guide the client in making a decision and support the client in his/her decision by helping the client get the needed resources.

4. **Monitoring.**

The counselor ensures that plans are implemented and that services needed by client are accessible and received.

5. **Evaluating**

The counselor and the client review the effectiveness and usefulness of the plans. It is likewise important to identify the difference between the pre- and post-intervention counseling sessions to evaluate the improvement of the functioning of the client. At this point, the counselor may decide whether to close the case or continue monitoring until the client becomes self-sufficient.



Steps in conducting counseling sessions



STEP 1 →

Greet the counselee and introduce yourself as a counselor of OWWA. This

would make the counselee feel comfortable.

STEP 2 →

Ask permission from the counselee to call him/her by name.

STEP 3 →

Ask him/her how he/she feels at the moment.

STEP 4 →

Assure the confidentiality of the information to be gathered during the session.

STEP 5

Establish eye contact. Observe body language.

STEP 6

Make sure that the counselee and you, as the counselor, are strategically located in the counseling room.

STEP 7

Observe both the non-verbal and verbal communication signs.

STEP 8

Ask questions that are not answerable by yes or no. Probe.

STEP 9

Paraphrase what the counselee is saying to be sure that you, the counselor, understand what he/she means.

Learn to react using appropriate gestures and facial expressions.

STEP 10

Allow enough time for the counselee to express his/her feelings and ideas.

STEP 11

Introduce the programs and services that he/she can avail from OWWA to

help him/her see through his/her problems and plan solutions to his/her problems.

STEP 12

Counseling is not just advice-giving but helping the client who is experiencing difficulties to recognize his/her real problem and make an inventory of the resources available to help overcome his/her situation.

STEP 13

Ask the counselee how he/she feels after the session.

STEP 14

Summarize issues and concerns and discuss the agreements reached during the session.

STEP 15

At the end of the session, acknowledge and appreciate the openness and cooperation of the client during the activity.

STEP 16

Provide ways for continuous counseling, when necessary.

STEP 17

Document the issues and concerns and agreements reached to be included in the Case Summary Report.



MODULE 6

HANDLING CRISIS INTERVENTION

An individual in a crisis situation experiences mixed emotions such as anxiety, shock, fear, anger, depression, and oftentimes, helplessness. Giving time to express one's feelings and talk about what happened is a relief to the client. This involves client's factual recounting of the crisis.

The steps involved in counseling can be used by the CO in the initial contact/interview with the individual in crisis.



Refer to Module 5.

The following are concepts, guidelines, and data helpful in handling a client experiencing crisis.

Crisis

A crisis refers to a sudden disruptive event or an upset in a steady state. It creates feelings of being vulnerable, unprepared, threatened, and overwhelmed. It is a painful state affecting our sense of control thereby causing high anxiety and helpless feelings. When there is a crisis, our normal coping mechanisms may fail temporarily.

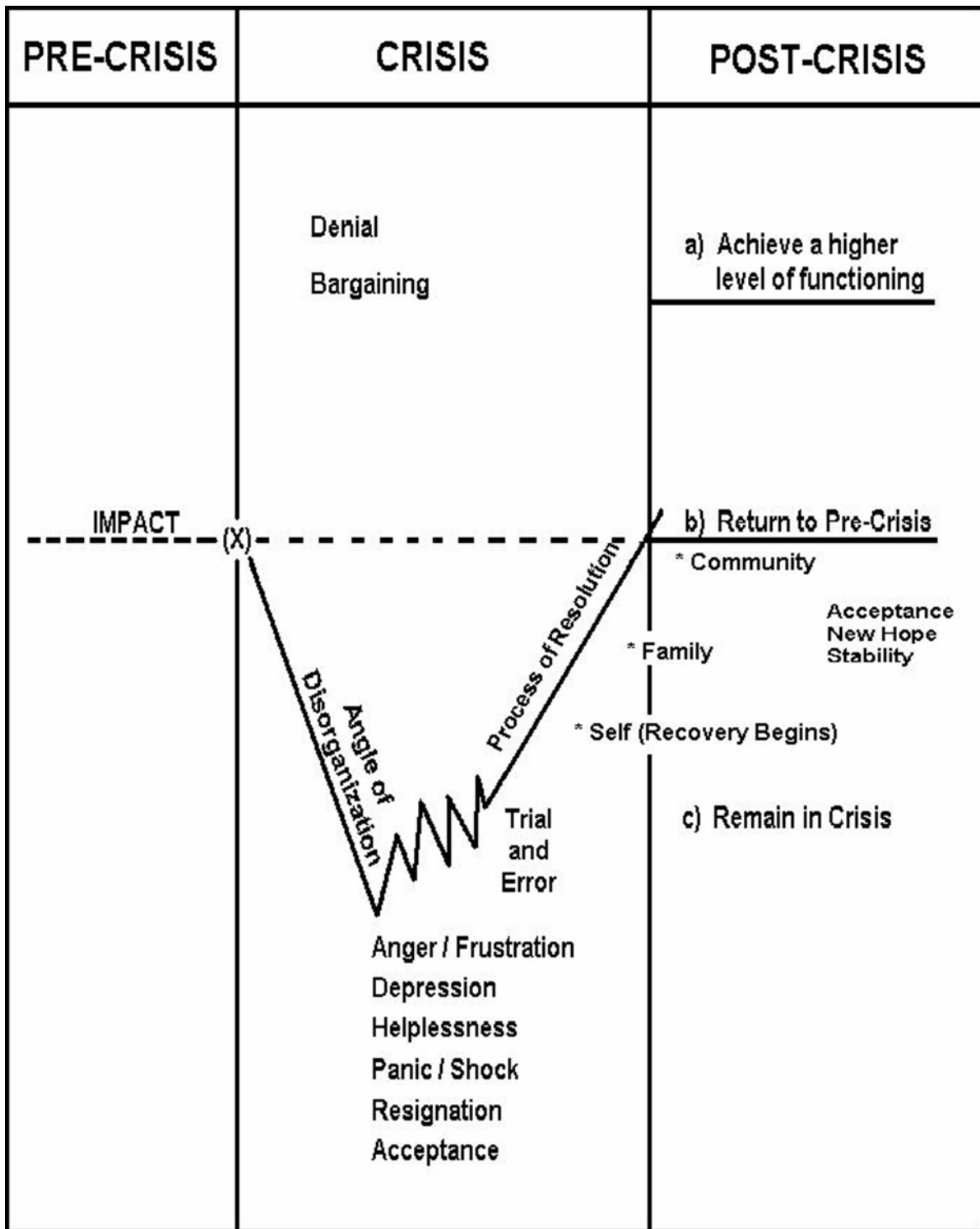
Crisis intervention

A crisis intervention is described as an active, but temporary, entry into the life situation of an individual, a family, a group, or an organization. It is a process of influencing and enhancing the

psychological functioning of individuals during a period of disequilibrium.

A crisis intervention aims to alleviate the immediate impact of a disruptive and critical event; provide protection from additional stress; mobilize the psychological capabilities and social resources of the individual directly affected by the critical event; and help the affected individual return to pre-crisis level of functioning as soon as possible.





Deconstruction: Stages of a crisis

Stages of a crisis

1. Pre-crisis

Here, the individual still functions normally but there is already an anticipation of a critical event. When the crisis impacts, feelings of shock, fear, panic, helplessness, anger, resignation, numbness, and frustration are created.

2. Crisis

By this time, the individual already felt the impact of crisis. Then, he/she begins to deny and bargain whatever he/she thought could alleviate him/her from the crisis situation. This may result to disorganization (confusion, breakdown of communication, and lack of information and preparation). Initial solutions are achieved through trial-and-error approaches.

3. Post crisis

Here, the aftermath of the crisis is determined by the severity of damage and extent of loss and effectiveness of crisis response. This results to enhanced or diminished functioning towards the following:

- **Resolution.** Sense of control is regained and support and available resources are used. If the process of resolution fails, the individual remains in the

crisis stage until such time that he/she is able to cope with the situation. However, he/she may also return to pre-crisis stage where he/she is able to achieve a normal level of functioning.

- **Recovery.** A certain level of acceptance is achieved by the individual. He/she also begins to function normally. Others may achieve a higher level of functioning.

Individuals experiencing crisis typically pass through a series of grief-like reactions, as if an actual death have occurred.

The high anxiety at the beginning of the crisis maybe followed by a period of denial or disbelief that it happened or is happening.

People often experience a sense of helplessness which can be replaced by anger.

When they have achieved some resolution with these losses or on what happened, they are able to refocus on present and future concerns and “move on” returning to the pre-crisis level.

This is facilitated and enhanced by welfare organizations and human service providers.

Crisis intervention process



(From CFSI *Workbook on Seminar-Workshop on Stress and Critical Incident Management*. Bangkok, Thailand: 1995.)



1. Communicating and establishing rapport:

- ✓ People speak one at a time.
- ✓ People speak for themselves and not for others.
- ✓ Clear differentiation is made between thoughts and feelings and between facts and opinions.
- ✓ Vague or all encompassing generalities are not left standing, but specifics are spelled out.
- ✓ Differences in opinion and viewpoint can be sharpened and clarified rather than just argued.
- ✓ People can speak without being interrupted, but there are dialogues rather than monologues.
- ✓ Everyone present is included in the sharing and discussion in some way and everyone gets an opportunity to speak.

2. Assessing using the five “W” questions:



- ✓ Who were involved?
- ✓ What happened?
- ✓ When did it happen?
- ✓ Where did it happen?
- ✓ Why did it happen?


3. Planning :

It should be:

- ✓ Short-termed, or immediate. Preferably doable between 24 hours and three days.
- ✓ Practical.
- ✓ Action-oriented. Keep things achievable and focused.
- ✓ Organized.
- ✓ Within the capabilities and limitations of workers and available resources. It should be kept simple and manageable.
- ✓ Prepared with client’s involvement/participation. Use three basic approaches:
 - Start by being non-directive.
 - Be collaborative by working together on a joint plan.

- Be directive, if the person does not or will not make a plan.
- ✓ Include provisions for follow-up sessions.

Here are the steps involved in developing an action plan:



- a. Choose and use appropriate approaches to action planning.
- b. Assist in modifying previous inadequate coping skills.
- c. Negotiate a contract or action plan.
- d. Select appropriate referral resources.
- e. Plan for immediate action and implementation.

4. Implementing:

- ✓ Accessibility of resources;
- ✓ Timely delivery of services;

5. Reassessing

- ✓ Is it working?
- ✓ Is it effective?

6. Evaluating

- ✓ What has happened?
- ✓ What is being done about it?
- ✓ What will probably happen next?
- ✓ Who needs to know?

MODULE 7

ATTENDING TO OFWs WITH BEHAVIORAL AND PSYCHOLOGICAL PROBLEMS

An OFW who had an adverse experience in being trafficked or severely exploited may react in various ways. It is also possible that he/she may undergo behavioral changes. So, if he/she presents behavioral changes, the OFW needs to be attended skillfully and sensitively by the CO on duty.

Participants and process

Let's look at the two main participants in the assessment and management

process involved in attending to OFWs with behavioral and psychological problems, namely: the client and the CO.

The **client** is a person who has ventured outside his home country in search of better opportunities. He/she has left behind all things dear to him/her in the hope of sending home to his/her loved ones the fruits of his labor. While he/she may or may not have found what he/she had hoped for, he/she is now going to be seen by the CO because of an adverse experience. He/she comes to the CO with the expectation that the CO will be knowledgeable, understanding, and helpful. Each client will present himself/herself in a unique way as influenced by various factors such as cultural background, physical and emotional state, personality style, earlier life experiences, previous experience with other COs, if any, and the nature of his/her adverse experience.

Assessing the client

In order to determine the most appropriate way of caring for the client, it is paramount for the CO to obtain as much information about the client as possible.

In addition to taking a complete history and doing a physical examination, it will be helpful to observe and document the client's appearance, speech, and actions at the time of the assessment.

Although the client's history remains stable, the his/her ways of behaving may change from day to day or even from hour to hour and careful documentation will help in assessing the client's status and in tracking his/her progress.

On the other hand, the **CO** is another person with experiences of his/her own. Like the client, his/her behavior will also be influenced by various factors mentioned above. In contrast with the client, however, the CO is expected to be aware of these factors that may be unrelated to the client and he/she should be able to distance himself/herself from these factors so that he/she may effectively attend to the client's current needs. He/she is expected to be a sensitive and caring professional who makes careful observations, gathers and organizes data, and synthesizes data in a meaningful way in order to determine how to best help the client.

It is important for the CO to develop good rapport with the client and to convey the message that the client is now safe and secure and his needs will be attended to.

Information-gathering begins even before the first word is uttered by the client or the CO during the assessment. The CO can already note details that may be visually observed from the client.

Here is a checklist:

General Appearance & Behavior:

- ✓ Is the client appropriately dressed and groomed or not? Describe appearance.
- ✓ Is his/her behavior extra-ordinary? In what way?
- ✓ Is the client alert, attentive or distracted or drowsy and unresponsive?
- ✓ Is he/she able to steadily walk alone or only with assistance?

Mood & Affect

- ✓ Does the client look happy, worried, sad, or anxious?
- ✓ Is his/her facial expression appropriate for the circumstances?

Speech

- ✓ What dialect does he/she speak?
- ✓ Does he/she talk too fast or too slow or not at all?

Content of thought

- ✓ What does he/she talk about?
- ✓ Is what he/she is saying understandable and relevant?
- ✓ Does the Client have thoughts of harming himself/herself or others?

Perception

- ✓ Does the client have any disturbances in perception?
- ✓ Does he/she hear voices that no one else can hear or when no one else was around?

Orientation

- ✓ Is the client aware of the date and the time?
- ✓ Is the client aware of where he/she is?
- ✓ Does the client know the people around him/her?



Appearance. Note the client's appearance as reflected by posture, poise, clothing and grooming, hair, and nails. Observe signs of anxiety: moist hands, perspiring forehead, tense posture, wide eyes. Is he/she dressed

neatly and appropriately for the situation or is he/she dressed unusually or inappropriately? Does he/she seem healthy and well-nourished or does he/she seem sick and poorly nourished? Does his/her appearance match his/her stated chronological age or does he/she appear much older or much younger? His/her appearance alone can say much about how he/she thinks and feels at the time of assessment.

Observable behavior and psychomotor activity. Describe the client's movements, mannerisms, gestures, and activity level. Note signs of restlessness such as fidgeting, wringing of hands or pacing back and forth. Note if there is generalized slowing of body movements. Describe any aimless, purposeless activity. The client's movements can signal how he may be feeling even before he/she speaks.

Attitude toward CO. The client's attitude toward the CO can be described as cooperative, friendly, attentive, interested, frank, seductive, defensive, insulting, perplexed, apathetic, hostile, playful, ingratiating, evasive, or guarded. Noting the client's attitude should alert and guide the CO in determining what approach to use to make the interaction more productive. An uncooperative client will need encouragement and support and not intimidation.

Mood. Mood is defined as a pervasive and sustained emotion that influences the client's perception of the world and can be described in terms of depth, intensity, duration, and fluctuations. Common adjectives used to describe mood are depressed, irritable, anxious, angry, euphoric, empty, guilty, hopeless, frightened, and perplexed. Mood may be

labile, fluctuating or alternating rapidly between extremes (e.g., laughing loudly one moment, tearful and sad the next.)

Affect. Affect may be defined as the client's emotional responsive-ness, inferred from his/her facial expression including the amount and the range of expressive behavior. Affect can be described as within normal range, constricted, blunted or flat. In the normal range of affect, there is variation in facial expression, tone of voice, use of hands and body movements. When affect is constricted, the range and intensity of expression are reduced. In blunted affect, emotional expression is further reduced. In flat affect, there are virtually no signs of affective expression: the voice is monotonous and the face is immobile.

Appropriateness of affect. Appropriateness of a client's emotional response can be assessed in the context of the subject the client is discussing. Affect or facial expression is expected to match mood. A sad story should be accompanied by an expression of sadness while a scary story should be accompanied by a frightened or anxious expression. Inappropriate affect can give the CO a clue that the client may have difficulty processing his thoughts and feelings.

Speech characteristics. Speech can be described in terms of its quantity, rate of production, and quality. The client may be described as talkative, spontaneous, non-spontaneous, or normally responsive to cues. Speech may be rapid or slow, pressured, hesitant, emotional, dramatic, monotonous, loud, whispered, slurred, or mumbled. The way a person speaks

offers clues to how he/she may really feel.

Thinking. Thought content refers to what a person is actually thinking about. What is client talking about? Does he/she have a fixed false belief? Are his/her thoughts unrealistic or unreasonable? Does he/she have thoughts of harming himself/herself or others? On the other hand, thought process refers to the way in which a person puts together ideas and may be described as logical and coherent or completely illogical and even incomprehensible. Does the client seem logical and goal-directed in the way he/she links together his/her ideas?

Perceptions. Perceptual disturbances or hallucinations are disturbances involving any of the five senses: auditory, visual, taste, olfactory, or tactile. Has the client ever heard voices or other sounds that no one else could hear or when no one else was around?

Orientation. Can the client correctly indicate the time of day and his/her current location? Can he/she correctly identify himself/herself, his/her companions and the CO? Or does he/she seem disoriented and confused? This will alert the CO that the client may have needs which must be quickly attended to. Is the client just sleepy, or has he/she not eaten in days or is he/she very ill?



Going through the above questions and observations will help the CO gain an idea about the physical, mental and emotional state of the client. He can then review the history and synthesize data in a meaningful way in order to determine the client's current condition and decide on how to further interact with and help the client.

Attending to practical matters and other considerations



In interacting with a client, a CO would do well to pay attention to the verbal and nonverbal cues which he/she presents to the client. His/her appearance, behavior, and surroundings should convey a reassuring message to the client that he/she is in the presence of someone who is willing and able to help.

Appearance and behavior of the CO. Does the facial expression of the CO convey positive emotion and not exasperation? Is his/her tone kind and friendly? Is his/her voice audible and not loud and possibly scary? Is his/her body language welcoming and not intimidating?

The CO should take care of his/her own appearance in terms of posture, poise, clothing, and the grooming of his/her hair and nails. He/she should look alert, neat, and well-groomed. His/her facial expression should convey approachability. He/she should speak clearly and audibly and if possible, in a language that the client is comfortable with. He/she should move calmly and purposefully. His/her manner should not be threatening or menacing. His/her questions should be sensitive and thoughtfully phrased as to show consideration for the patient.

Physical arrangement. Arrangement of the office and seat plan. The assessment should ideally be conducted in a comfortable, well-ventilated room with pleasant lighting, and very few distractions. A calming and soothing ambience is desirable. There should be no clutter and the room should be clean and tidy with welcoming accents like a plant, perhaps, in order to help create a soft, relaxing atmosphere.

There should be some privacy to make it easier for the client to discuss sensitive information. If the CO is not of the same gender as the client, it may help to have another person of the same gender as the client present during the assessment. For example, a female client should preferably be seen by a female client but if the only CO available is

male, then there should be another female present in the room to help the female client feel safe and comfortable.

Safety and security considerations are important too. The chances of a disturbed client harming himself/herself or others should be minimized. The CO and the client should not be seated too close together or too far. There should be a comfortable and safe distance between them, possibly at least an arm's length. If there is no table between them, they should sit at an angle and not directly face-to-face so as not to appear threaten-ing and confrontational. If the CO should need assistance in dealing with the patient, there should be a convenient and quick way of doing so.

Attending to specific client situations

In general, clients who present with behavioral changes should not be left alone and should be referred to a mental health professional as soon as possible. During the assessment process however, the CO should be able to meaningfully interact with the client.

Here are four specific client situations which the CO may encounter:

1. Clients with disturbances in thinking and perception

A client with thought and/or perceptual disturbances, as evidenced by unrealistic thoughts/beliefs and/or by hallucinations, may have difficulty in communicating meaningfully. To help the process along, the CO should ask only very short, clear, and focused questions. If the client says

something which seems to be unrealistic or unbelievable, the CO should maintain a respectful facial expression and ask clarificatory questions calmly. The CO should try to avoid signaling belief or disbelief. If the client presents with perceptual disturbances, he should ask calmly about the hallucinations: which modality, when do they happen and how often. Again, he/she should try to avoid signaling belief or disbelief.

2. Clients who are depressed and potentially suicidal

A depressed client usually presents with apparent sadness, poor concentration, and slowed movement. The CO may need to be a little more directive than usual while still being kind and patient. Questions may need to be repeated. He/she should avoid giving false reassurances. Suicidal thoughts and plans should be questioned.

All clients must be asked about suicidal thoughts and depressed clients may need to be questioned more fully. "Do you ever think of hurting yourself?" or "Does it ever seem that life is not worth living?" Contrary to what some may think, asking about suicide does not increase the risk or give the client ideas. Most depressed persons are relieved to be able to discuss openly such painful thoughts that they may have been bothered with in private.

When a client acknowledges suicidal thought, ask about details: What is his/her intention? What does he/she expect to result from it? How does he/she plan to carry it out? Has he/she made any preparations? Does

he/she have a time and date in mind? Has he/she attempted suicide before and if yes, how? The valuable information will help the CO determine what precautions need to be taken.

As a rule, a suicidal client must never be left alone. There should be a responsible 24-hour watcher. Any potentially dangerous objects must be removed from the vicinity.

3. Clients who are agitated and potentially violent

A client who has had a past episode of violence, is intoxicated with drugs or alcohol, or has thought and perceptual disturbances may have violent tendencies.

Note that a person usually will not become violent without warning. Most unplanned violence is preceded by certain signs of agitation which may last for a few minutes before a person erupts into physical violence. Usually, there is a prodrome of about 30 minutes of increasing physical restlessness: pacing back and forth, clenching his/her teeth, clenching his/her fist, pounding his/her fist, uttering loud and abusive language. Being aware and conscious of the signs will enable the CO to take steps to avert any possible physical harm to the client and others.

The interview should be conducted in a quiet, non-stimulating environment. Both the client and the CO should have enough space to be comfortable and neither should have any physical barrier to leaving the room. In other words, both the client and the CO should have easy access

to the exit and neither one should feel trapped. The CO must try to behave in a manner that will not be construed as threatening/menacing by the client such as being too close, staring at him/her, touching him/her without permission or standing over him/her. The CO should maintain a distance of at least an arm's length from the client and the CO should never turn his/her back on the client. If there is sufficient evidence of danger such as if the client's agitation continues to worsen, then the CO should terminate the interview and allow the client some time to calm down in a safe but guarded place.

The CO should have assistance conveniently available nearby for emergencies. There should be enough staff members on hand to safely restrain the client if necessary. Any potentially dangerous weapons should be kept away from the client. Any security guards who come to assist should leave their guns at a safe location away from the client. Often, a mere show of force through the presence of several able-bodied staff members is sufficient to prevent a violent act.

4. Clients who may seem seductive

Some clients may behave as if they are attracted to the CO or as if they are trying to attract the CO. Note that seductive behavior has different meanings for different persons and may not necessarily mean that actual attraction is present.

For example, seductive behavior may be a defense against feelings of inferiority or may be the client's way

of seeking attention. It may also be a client's habitual way of dealing with others or may be an unconscious way of maintaining a sense of control when feeling anxious in an unfamiliar situation.

The CO must firmly but kindly make it clear that seductive offerings will not be accepted. He/she should do it in a way that preserves rapport and does not assault the client's self esteem.

Gaining material or social benefit from a client is always unethical.



Attending to practical matters and other considerations

1. A client who has suffered an adverse experience may not be very vigilant about his belongings.

Care should be taken toward documenting and safekeeping the client's belongings which may include cash and other valuables.

Attention to this matter may prevent the aggravation of an already worrisome situation.

2. It is possible for some clients to arrive without any extra clothes and basic toiletries. In the flurry of attending to more urgent needs, this basic necessity may be overlooked.

Provision of clothes and basic toiletries will convey sincere concern about the patient's welfare and will enable the client to appropriately attend to personal hygiene.

3. Due attention and care should be exercised in informing the relatives about the situation of the client.

It is important to inform them as soon as possible and to give them just the right amount of information in just the right way so that they may not become overly anxious and they may be able to provide needed support to the client.

4. There are times when a client's behavioral changes may take center stage and an underlying physical problem may be inadvertently overlooked or go unnoticed.

It is important to be alert to underlying physical problems which may need attention.

The list of concerns includes, but is not limited to extreme drowsiness, gross malnutrition, hypertension, hypotension, fever, known medical illnesses or any physical injuries.

Immediate medical attention should be sought for such concerns as the following:

- ✓ If the blood pressure of the client is too high (above 140/100 mmHg) or too low (below 90/60 mmHg);
- ✓ If the client has difficulty breathing;
- ✓ If the client has fever (temperature is greater than 37.8 degrees Centigrade);
- ✓ If the client is grossly malnourished;
- ✓ If the client is unconscious or extremely drowsy and difficult to rouse;
- ✓ If the client has abdominal or chest pains;
- ✓ If the client has rashes; or,
- ✓ If the client has any active medical, surgical or physical problem.

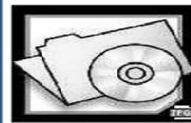
Caring for the person of the CO

Attending to the needs of clients with psychological and behavioral problems can be a truly rewarding experience ---- provided that the CO remains attuned and responsive to his own needs and vulnerabilities. Daily exposure to OFWs with heart-breaking and traumatizing experiences to share can be physically, mentally, and emotionally draining for a compassionate CO.

Work responsibilities can impose enormous demands on the personal resources of the CO. He/she may get emotionally affected, overloaded, tired, and stressed out and his vulnerability to illness may increase as well.

It is important to reiterate that aside from being a professional who carries out his/her responsibilities to the best of his abilities, a CO is also a human being with needs of his/her own. Like everyone else, he/she may need rest, companionship and the support of loved ones. His/her needs should never get in the way of his/her work but he/she should have healthy means of expressing and gratifying his/her needs.

Hence, it is prudent for the CO to attend to self-care and nurturance of physical, mental, spiritual, and emotional health. It will be helpful to schedule regular debriefing and stress management sessions with other staff members in order to allow expression and validation of thoughts and feelings. Maintaining a healthy lifestyle is a must. Adequate rest, balanced nutrition, regular physical exercise and healthy recreation are among the basic elements of a healthy lifestyle.



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Understanding Post-Traumatic Stress Disorder



Post-traumatic Stress Disorder (PTSD) is a complex health condition that can develop as a response to a traumatic experience - a life-threatening or extremely distressing situation that may cause a person to feel intense fear, horror, or sense of helplessness. Needless to say, anyone can develop PTSD and the disorder can cause severe problems at home or at work.

PTSD and Trauma

Trauma is an extraordinary event or stressor which entails threat to life and property. It can also be triggered by a serious injury or by death. Survivors of traumatic events experience a common stress response which may include feelings of terror, vulnerability, helplessness, fear of bodily injury, or overwhelming loss, and guilt over actions taken or avoided.

The impact of trauma maybe mild or severe. Sometimes, it affects nearly every aspect of the survivor's life and may even affect other significant people in the survivor's life. Some may develop chronic symptoms of post traumatic stress which could lead to PTSD, requiring psychosocial and/or psychiatric treatment to reduce the symptoms and the disturbance of their social life/relationships, identity, and day-to-day functioning. In essence,

PTSD is a prolonged post traumatic stress response. Here are some trauma classifications:

Experienced directly:

(a) Violent personal assault; (b) Rape and sexual abuse; (c) Torture; (d) Being diagnosed with a life-threatening illness; (e) Being kidnapped or being taken as hostage; (f) Terrorist attack; (g) Prisoner of war/concentration camp; (h) Natural or manmade disaster; (i) Severe automobile accidents; (j) Developmental inappropriate sexual experiences without threat or actual violence or injury; and (k) Military combat.

Witnessed:

(a) Serious injury or unnatural death of another person due to violent assault, accident, war or disaster; and (b) Unexpected witnessing a dead body or body parts

Experienced by others but learned about:

(a) Violent personal assault, serious accident, or serious injury experienced by a family member or a close friend; (b) Sudden, unexpected death of a family member or a close friend; and (c) One's child has a life-threatening illness.

Diagnostic criteria for PTSD

1. Exposure to a traumatic event:

- ✓ The person has experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others.
- ✓ The person's response involved intense fear, helplessness, or horror.

2. Traumatic event is persistently re-experienced in one or more of the following ways:

- ✓ Recurrent and intrusive distressing recollections of events including images, thoughts, or perceptions;
- ✓ Recurrent distressing dreams of the event;
- ✓ Acting or feeling as if the traumatic event were recurring (includes a sense of reliving the experience, illusions, hallucinations, and flashbacks);
- ✓ Intense psychological distress when exposed to stimuli that symbolize or resemble an aspect of the traumatic event; and,
- ✓ Physiological reactivity on exposure to stimuli that resemble an aspect of the traumatic event.

3. Persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness as indicated by three or more of the following:

- ✓ Efforts to avoid thoughts, feelings, or conversations associated with the trauma;
- ✓ Efforts to avoid activities, places, or people that arouse recollections of the trauma;
- ✓ Inability to recall an important aspect of the trauma;
- ✓ Markedly diminished interest or participation in significant activities;

- ✓ Feelings of detachment or estrangement from others;

- ✓ Restricted range of affect (e.g., unable to have loving feelings); and,

- ✓ Sense of a foreshortened future.

4. Persistent symptoms of increased arousal as indicated by two or more of the following:

- ✓ Difficulty falling or staying asleep;

- ✓ Irritability or outbursts of anger;

- ✓ Difficulty concentrating;

- ✓ Hypervigilance; and,

- ✓ Exaggerated startled response.

5. Duration of the disturbance (in Criteria 2, 3, and 4) is more than one month.

6. Disturbance causes distress and dysfunction. Specify if:

- ✓ **Acute:** if duration of symptoms is less than three months

- ✓ **Chronic:** if duration of symptoms is three months or more

- ✓ **With delayed onset :** onset of symptoms is at least six months after the stressor

Prognosis



Good prognosis is predicted by the following:

1. Rapid onset: developed within six months;
2. Shorter duration of symptoms;
3. Good functioning prior to traumatic event; and,
4. Strong social support.

Consequences of PTSD

1. Disturbed/disordered family relationships with marital conflict;
2. Inability to work;
3. Disruption in social and recreational activities;
4. Impaired interpersonal relationship;
5. Physical disability/personal injury;
6. Depression/suicidal tendency;
7. Aggressive-impulsive behavior and criminal conduct; and,
8. Alcohol and substance abuse.



Treatment of PTSD

1. Education and explanation

Clients need to know the what and why of PTSD, the relationship between the trauma and symptoms and the rationale for treatment.

2. Cognitive treatment

This involves cognitive restructuring, thought stopping, distraction technique, or substitution. Play the tape forward with emphasis on being a survivor.

3. Exposure treatment

This includes real-life exposure, flooding techniques, systematic and imaginal desensitization techniques.

4. Psychotherapy

Mental dis-order is treated through psychological methods.

5. **Medication**

To date, there is no single effective drug to treat PTSD.

6. **Relaxation training**

This focuses on increased self-control, lowered anxiety-level and reduced stress/ burnout.

Activities include physical activity, deep breathing, meditation, etc.

7. **Family conference/dialogue**

When done properly, further information about the case is obtained. It can also improve compliance and prevent social isolation and withdrawal.

8. **Group therapy**

This is more economical and less draining on the therapist. In fact, some people do better in group therapy since everybody can be supportive to each other and can serve as a role model.

9. **Others**

Consider using assertiveness training, problem-solving techniques, decision-making strategies, etc.



PTSD treatment modalities must be selected in view of specific treatment objectives.

The multi-dimensional characteristics of PTSD necessitate identifying the appropriate and optimal patient-treatment approach.

MODULE 8

PROVIDING IMMEDIATE HEALTH AID TO PHYSICALLY-ILL OFWs

Either directly or indirectly, everybody is affected by injury or illness almost everyday. As a CO, it is important to be able to recognize and provide immediate health assistance when servicing distressed OFWs until proper medical care is obtained.

However, to become a fully competent rescuer, you should complete a first aid course to acquire the necessary practical skills and obtain an appropriate certificate.



First aid priorities

Assess the situation quickly and calmly.

Protect yourself and the victim/s from danger.

Assess the conditions of victim/s.

Comfort and reassure the victim/s.

Deal with any life-threatening conditions first.



Provided here are symptoms, first aid measures, and precautions for the following medical conditions:

1. Choking
2. Shock/fainting
3. Bleeding
4. Heart attack
5. Seizures
6. Broken bones
7. Burns
8. Eye injury
9. Poisoning
10. Anaphylactic shock/allergy
11. Fever
12. Vomiting and diarrhea

Choking

Recognition:

Partial Obstruction:

- ✓ Difficulty of speaking and breathing
- ✓ Coughing and distress

Complete Obstruction:

- ✓ Inability to speak, breath, or cough
- ✓ Eventual loss of consciousness

Action:

- ✓ Determine whether the person is choking.

- ✓ Encourage the victim to cough to remove obstruction.
- ✓ Hold victim from behind.
 - Stand behind the victim.
 - Put both arms around her, and put one first between her navel and the bottom of her breastbone.
- ✓ Give up to five abdominal thrusts.
 - Grasp your first with other hand, and pull sharply inward and upward up to five times.
 - Remove any object from the mouth.
- ✓ Repeat the entire sequence three times and call emergency, if still the obstruction has not cleared.

For infant (under one year old): Lay the infant face down along your forearm, with his head low and supporting his body and head. Give five back slaps between the shoulder blades, turn patient face up and remove obstruction. If choking persists, give up to five chest thrusts by placing two finger tips between nipples. Repeat entire sequence three times and if obstruction still does not clear call emergency.

Shock/Fainting

Recognition:

Initially:

- ✓ Rapid pulse
- ✓ Pale, cold, clammy skin
- ✓ Sweating

Later:

- ✓ Gray blue skin and lips
- ✓ Rapid shallow breathing
- ✓ Nausea
- ✓ Thirst
- ✓ Weak pulse

Eventually:

- ✓ Restlessness
- ✓ Gasping for air
- ✓ Unconsciousness

Action:

- ✓ Help victim to lie down. Then, raise and support her legs by putting on a chair.
- ✓ Loosen tight clothing.
- ✓ Dial emergency and monitor and record vital signs.

Bleeding

Precautions:

- ✓ Wear gloves/plastic bag to protect against infection.
- ✓ Apply pressure to the wound.
- ✓ Raise and support injured part.
- ✓ Bandage wound.
- ✓ Dial emergency if bleeding can't be controlled.
- ✓ Treat shock and monitor victim.

Heart attack

Recognition:

- ✓ Vice-like chest pain, spreading to one or both arms
- ✓ Breathlessness, discomfort like indigestions, in upper abdomen
- ✓ Sudden collapse/faintness

- ✓ Ashen skin and blueness at the lips
- ✓ Profuse sweating
- ✓ Rapid then weakening pulse

Action:

- ✓ Make him comfortable into a half sitting position.
- ✓ Dial emergency or the patient's doctor.
- ✓ If conscious, give one aspirin pill to be chewed slowly.
- ✓ Monitor and record vital signs.

Seizures

Recognition:

- ✓ Sudden loss of consciousness
- ✓ Rigidity and arching of the back
- ✓ Convulsive movement
- ✓ Gray-blue tinge to skin

Action:

- ✓ Protect the victim.
- ✓ Protect head and loosen tight clothing.
- ✓ Place the victim in recovery position.
- ✓ Monitor the victim.

Precaution:

- ✓ If victim is unconscious for more than ten minutes, call emergency.

Broken bones

Recognition:

- ✓ Pain deformity and difficulty moving the injured part.
- ✓ Bending, twisting or shortening of a limb.
- ✓ Wound or bone protruding.

Action:

- ✓ Steady and support the injured part.
- ✓ Protect injury with padding and splint.
- ✓ Dial emergency.
- ✓ Take or send to hospital.
- ✓ Monitor and record vital signs.

Burns

Recognition:

- ✓ Reddened skin
- ✓ Pain on the burned area
- ✓ Swelling and blistering of the skin

Precautions:

- ✓ Do not apply lotion, ointment butter.
- ✓ Do not touch or burst any blister or remove anything sticking to the burn.
- ✓ If the burn is caused by chemicals, cool for 20 minutes.

Action:

- ✓ Cool burn by pouring cold liquid for ten minutes.
- ✓ Remove any constrictions (clothing or jewelry).
- ✓ Cover burn.
- ✓ Take the victim to hospital.

Eye injury

Recognition:

- ✓ Intense pain in the affected eye
- ✓ Spasm of the eyelids
- ✓ Visible wound or blood shot eye
- ✓ Partial or total loss of vision
- ✓ Leakage of blood or clear fluid from the injured eye

Action:

- ✓ Support the victim's head and tell the victim to keep her "good eye" still.
- ✓ Give sterile or clean dressing or pad.
- ✓ Send to the hospital.

Precautions:

- ✓ Do not touch/rub eye.
- ✓ Do not try to remove any object embedded in the eye.
- ✓ Bandage an eye pad over the injured eye.

Poisoning

Recognition:

- ✓ Bloodstained vomits
- ✓ Impaired consciousness
- ✓ Empty bottles
- ✓ Pain or burning sensations

Action:

- ✓ Check what the victim has swallowed.
- ✓ Call the Poison Control Center.
- ✓ If victim is unconscious, call hospital and monitor and record vital signs.
- ✓ If victim's lips are burned give frequent small sips.

Anaphylactic shock/allergy

Recognition:

- ✓ Anxiety
- ✓ Red blotchy skin
- ✓ Swelling of tongue and throat
- ✓ Puffiness around eyes
- ✓ Impaired breathing with wheezing and gasping for air
- ✓ Signs of shock

Action:

- ✓ Dial emergency/hospital.
- ✓ Find cause of allergy.
- ✓ Help relieve symptoms.
- ✓ Check if the victim is carrying auto-injector of epinephrine.
- ✓ Monitor and record vital signs.

Fever

A sustained body temperature above the normal level of 98.6 F (37 C) is known as fever.

Moderate fever is not harmful, but a fever above 104 F (40 C) can be dangerous and may trigger seizures in very young children.

If you are in any doubt about a person's condition, call a doctor.

Recognition:

- ✓ Raised temperature
- ✓ Initial pallor
- ✓ A "child feeling – goose bumps, shivering, and chattering teeth.
- ✓ Later, hot, flushed skin, and sweating
- ✓ Headache
- ✓ Generalized "aches and pains"

Vomiting and diarrhea

The main aim of treatment is to help restore the lost fluids and salts.

Water is sufficient in most cases, but non fizzy, "isotonic" glucose drinks are ideal if they are available.

Alternatively, add salt (one teaspoonful per quart) and sugar (four to five teaspoonfuls per quart) to water or to diluted orange juice.

Action:

- ✓ Reassure the person if he/she is vomiting. Afterwards, give him/her a warm, damp cloth to wipe his/her face.
- ✓ Give the person plenty of clear fluids to sip in small amounts slowly and often.
- ✓ If the person's appetite returns, give only easily digested non-spicy foods for the first 24 hours.

A N N E X E S

1: DEFINITION OF TERMS

Anti-Trafficking Law in Persons Act of 2003 (RA 9208) – an act to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations and for other purposes.

Case Officer – refers to a Case Manager assigned at the Home Office and Regional Welfare Offices and serve as the focal person/individual responsible for the management and monitoring of cases involving OFWs.

Client Recovery¹ – refers to a process by which a trafficked and severely exploited migrant worker is stabilized and his/her well-being restored psychologically, socially and physically. In OWWA, it refers to provision of quick access to available services to address their immediate needs aimed at eliminating the consequences of physical and psychological traumas and stabilizing their condition.

Counseling – refers to beneficial activities that apply the therapeutic processes to personal and family situational problems in order to bring about a positive resolution of the problem or improved individual or family functioning or circumstances. It includes intake and supportive casework, counseling of clients individually or in groups and contact with the families and relatives.

Emotional Abuse - refers to acts or omissions, other than physical or sexual abuse, that caused, or could have caused, behaviour, cognitive, affective, or other mental disorders. It includes emotional neglect, psychological abuse, mental injury, etc. Frequently occurs as verbal abuse or excessive demands on victim's performance and may cause her to have a negative self-image, low self-esteem and disturbed behavior.

Family Support - refers to community-based activities designed to alleviate stress and promote competencies and behaviors that will increase the ability of families to successfully nurture the victim-OFW, enable families to use other resources and opportunities available in the community, and create supportive networks to enhance the abilities of the family.

Legal counseling – refers to legal counseling activities provided by a lawyer, or other person(s) under the supervision of a lawyer, to assist client in seeking or obtaining legal help in resolving their cases.

Maltreatment - refers to physical acts that caused or could have caused physical injury to the victim. This includes physical abuse, neglect or deprivation of necessities, psychological or emotional maltreatment.

Medical Escort Service – refers to provision of a medical escort to ensure safety of the victim while in transit to her place of residence.

Medical/Hospitalization Assistance - referral to OWWA-partner medical institutions to diagnose victim's health condition and disability.

Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042) – an Act to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of Migrant Workers, their families and overseas Filipinos in distress, and for other purposes.

Molestation – refers to indecent sexual advances.

¹ Definition of Recovery in the Guidelines on A Referral System for the Recovery and Reintegration of Trafficked Persons

Monitoring² - refers to keeping track of the services and activities and continuously evaluating the accuracy, effectiveness and success/failure of the implementation of plans. Monitoring will provide information about the status of case.

Overseas Filipino Worker (OFW)³ - refers to a Filipino who is engaged or has been engaged in a remunerated activity in a country of which he or she is not a legal resident. It is used interchangeably with Filipino Migrant Worker.

OWWA Member⁴ - refers to OFW enrolled to OWWA Membership upon processing of contract at the POEA and by voluntary registration at job-sites overseas.

OWWA Omnibus Policies – refers to guidelines on matters concerning Overseas Workers Welfare Administration' membership and its coverage, collection of contributions, and availment of benefits. It embodies the policies on fund management, programs and services administration and corporate governance.

Physical Abuse –refers to acts involving contact intended to cause pain, injury, or other physical suffering or where one person inflicts physical violence or pain on another.

Psychological abuse – refers to a form of abuse characterized by a person subjecting or exposing another to a situation that is psychologically harmful. It is a willful infliction of mental or emotional anguish by threat, humiliation, or other verbal or nonverbal conduct.

Rape - refers to a form of assault where one individual forces another to have sexual intercourse against the person's will. It is defined as forcing a person to submit to any sex act.

Referral Assistance – refers to a process by which other needs a trafficked and severely exploited migrant women are assessed and helped to gain access to supportive services of agencies/organizations working together within a cooperative framework and coordinating their efforts in strategic partnership in the protection and provision of comprehensive services to the victim and their families.⁵

Reintegration Service – refers to a process focused on reuniting the trafficked person with his/her family and integration in the community. It is identification of individual goals and planning how to achieve them through helpful resources existing in their communities.

Repatriation Assistance - refers to services/assistance in bringing home OFW or facilitation of return of OFW to his/her home destination.

Sexual Abuse – refers to improper use of a person for sexual purposes, generally without their consent or under physical or psychological pressure or threat. It is also referred to molestation and defined as the forcing of undesired sexual acts by one person to another.

Sexual Harassment – refers to pressures brought by one in authority on someone in inferior position with the aim of obtaining sexual favors.

Social Service Provider – is a Social Worker, Community Development Officer or Family Welfare Officer directly responsible for the delivery of services for the recovery and reintegration of a trafficked and severely exploited migrant worker.

² Fundamentals of Case Management Practice, Nancy Summers

³ Migrant Workers Act of 1995

⁴ OWWA Omnibus Policies

⁵ Definition of Referral Network in the Guidelines on A Referral System for the Recovery and Reintegration of Trafficked Persons

Temporary Shelter – refers to a temporary board and lodging facility where distressed OFWs while working abroad are assisted following his/her repatriation. OWWA Halfway Home was established to assist the client in their immediate needs and their plans towards their recovery and reintegration.

Trafficked and Severely Exploited Migrant Worker⁶ - refers to a documented migrant worker, with employment contract and papers processed by POEA and a member of OWWA, who experienced illegal transfer or sold from one employer to another, severe exploitation that exhibits maltreatment, sexual abuse, rape, violation of contract to include forced labor, non-payment of wages, forced to work under inhumane working condition, and/or minor in age.

Trafficked Migrant Women⁷ - refers to migrant Filipino women who were victims of exploitation either by their recruiters, employers or individuals which resulted to their being subjected to constant, if not regular, verbal and/or physical abuse, sexual exploitation, practice of forced prostitution, forced labor or services, slavery, servitude, and all forms of maltreatment which, in one way or another, by act of trafficking has made the victim mentally disturbed, suffers from mutilation, generated illnesses, acquired sexually transmitted diseases, including the dreaded HIV-AIDS.

Trafficking⁸ – defined as a transnational act committed whether prior to departure, in-transit, upon arrival and during employment that involves the concept of threat, deception and fraud to the vulnerability of a person.

Transportation Service – refers to provision of appropriate vehicle in transporting the client to home destination coordinated by an OWWA Case Officer.

Verbal Abuse – refers to use of profanity, demeaning talks, or threatening statements against a person, both verbally and written form. It is a pattern of behavior that can seriously interfere with one's positive emotional development and over time, can lead to significant detriment to one's self-esteem, emotional well-being and physical state.

Welfare Officer – refers to a Case Officer who is assigned at POLO/OWWA OP responsible in providing assistance to cases involving OFWs.

2: ACRONYMS

AAC	- Airport Assistance Counter
AAO	- Airport Assistance Officer
ATN	- Assistance to National Units (DFA)
BLE	- Bureau of Local Employment
CO	- Case Officer
DFA	- Department of Foreign Affairs
DOH	- Department of Health
DOJ	- Department of Justice
DOLE	- Department of Labor and Employment
DSWD	- Department of Social Welfare and Development
DTI	- Department of Trade and Industry

⁶ OWWA Definition of Trafficked and Severely Exploited Migrant Women Worker

⁷ Anti-trafficking in Persons Act

⁸ OWWA Definition of Trafficking

FRA	- Foreign Recruitment Agency
FWO	- Family Welfare Officer
FWRC	- Filipino Workers Resource Center
HO	- Home Office
ILO	- International Labor Organization
IRR	- Implementing Rules and Regulations
LGU	- Local Government Unit
LRA	- Local Recruitment Agency
NAIA	- Ninoy Aquino International Airport
NBI	- National Bureau of Investigation
NCMH	- National Center for Mental Health
NGO	- Non-Government Organization
NLRC	- National Labor Relations Commission
NOK	- Next-of-Kin
NRCO	- National Reintegration Center for OFWs
OFW	- Overseas Filipino Worker
OP	- Overseas Post
OWWA	- Overseas Workers Welfare Administration
PCSO	- Philippine Charity Sweepstakes Office
PDOS	- Pre-Departure Orientation Seminar
PESO	- Public Employment Service Office
PGH	- Philippine General Hospital
PNP	- Philippine National Police
POEA	- Philippine Overseas Employment Administration
POLO	- Philippine Overseas Labor Office
PTSD	- Post-Traumatic Stress Disorder
RA	- Republic Act
RAD	- Repatriation Assistance Division
RWO	- Regional Welfare Office
SESP	- Skills for Employment Scholarship
TESDA	- Technical Education and Skills Development Authority
TLRC	- Technology and Livelihood Resource Center
WELOF	- Welfare Officer

3:

THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995 (Republic Act No. 8042)

An act to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SEC. 1. SHORT TITLE. - This act shall be known and cited as the "Migrant Workers and Overseas Filipinos Act of 1995."

SEC. 2. DECLARATION OF POLICIES--

(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular.

(b) The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers.

(c) While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development.

(d) The State affirms the fundamental equality before the law of women and men and the significant role of women in nation-building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers.

(e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any persons by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, documented or undocumented, are adequately protected and safeguarded.

(f) The right of Filipino migrant workers and all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed.

(g) The State recognizes that the ultimate protection to all migrant workers is the possession of skills. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only to skilled Filipino workers.

(h) Non-governmental organizations, duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare, the State shall cooperate with them in a spirit of trust and mutual respect.

(I) Government fees and other administrative costs of recruitment, introduction, placement and assistance to migrant workers shall be rendered free without prejudice to the provision of Section 36 hereof.

Nonetheless, the deployment of Filipino overseas workers, whether land-based or sea-based by local service contractors and manning agencies employing them shall be encouraged. Appropriate incentives may be extended to them.

SEC. 3. DEFINITIONS. - For purposes of this Act:

(a) "Migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a legal resident to be used interchangeably with overseas Filipino worker.

(b) "Gender-sensitivity" shall mean cognizance of the inequalities and inequities prevalent in society between women and men and a commitment to address issues with concern for the respective interests of the sexes.

(c) "Overseas Filipinos" refers to dependents of migrant workers and other Filipino nationals abroad who are in distress as mentioned in Sections 24 and 26 of this Act.

I. DEPLOYMENT

SEC. 4. Deployment of Migrant Workers - The State shall deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as guarantee on the part of the receiving country for the protection and the rights of overseas Filipino workers:

- (a) It has existing labor and social laws protecting the rights of migrant workers;
- (b) It is a signatory to multilateral conventions, declaration or resolutions relating to the protection of migrant workers;
- (c) It has concluded a bilateral agreement or arrangement with the government protecting the rights of overseas Filipino workers; and
- (d) It is taking positive, concrete measures to protect the rights of migrant workers.

SEC. 5. TERMINATION OR BAN ON DEPLOYMENT - Notwithstanding the provisions of Section 4 hereof, the government, in pursuit of the national interest or when public welfare so requires, may, at any time, terminate or impose a ban on the deployment of migrant workers.

II. ILLEGAL RECRUITMENT

Sec. 6. DEFINITIONS. - For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, procuring workers and includes referring, contact services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-license or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines. Provided, that such non-license or non-holder, who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any persons, whether a non-licensee, non-holder, licensee or holder of authority.

- (a) To charge or accept directly or indirectly any amount greater than the specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance;
- (b) To furnish or publish any false notice or information or document in relation to recruitment or employment;
- (c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;
- (d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;

(e) To influence or attempt to influence any persons or entity not to employ any worker who has not applied for employment through his agency;

(f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to dignity of the Republic of the Philippines;

(g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;

(h) To fail to submit reports on the status of employment, placement vacancies, remittances of foreign exchange earnings, separations from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment;

(i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;

(j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;

(k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under the Labor Code and its implementing rules and regulations;

(l) Failure to actually deploy without valid reasons as determined by the Department of Labor and Employment; and

(m) Failure to reimburse expenses incurred by the workers in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault. Illegal recruitment when committed by a syndicate or in large scale shall be considered as offense involving economic sabotage.

Illegal recruitment is deemed committed by a syndicate carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.

SEC. 7. PENALTIES -

(a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine not less than two hundred thousand pesos (P200,000.00) nor more than five hundred thousand pesos (P500,000.00).

(b) The penalty of life imprisonment and a fine of not less than five hundred thousand pesos (P500,000.00) nor more than one million pesos (P1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein.

Provided, however, that the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or committed by a non-licensee or non-holder of authority.

SEC. 8. PROHIBITION ON OFFICIALS AND EMPLOYEES. - It shall be unlawful for any official or employee of the Department of Labor and Employment, the Philippine Overseas Employment Administration, or the Overseas Workers Welfare Administration, or the Department of Foreign Affairs, or other government agencies involved in the implementation of this Act, or their relatives within the fourth civil degree of consanguinity or affinity, to engage, directly or indirectly, in the business of recruiting migrant workers as defined in this Act. The penalties shall be imposed upon them.

SEC. 9. VENUE. - A criminal action arising from illegal recruitment as defined herein shall be filed with the Regional Trial Court of the province or city where the offense was committed or where the offended party actually resides at the same time of the commission of the offense: Provided, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts. Provided, however, That the aforesaid provisions shall also apply to those criminal actions that have already been filed in court at the time of the effectivity of this Act.

SEC. 10. MONEY CLAIMS. - Notwithstanding any provision of law to the contrary, the Labor Arbiters of the National Labor Relations Commission (NLRC) shall have the original and exclusive jurisdiction to hear and decide, within ninety (90) calendar days after filing of the complaint, the claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual, moral, exemplary and other forms of damages.

The liability of the principal/employer and the recruitment/placement agency for any and all claims under this section shall be joint and several. This provisions shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval. The performance bond to be filed by the recruitment/placement agency, as provided by law, shall be answerable for all money claims or damages that may be awarded to the workers. If the recruitment/placement agency is a juridical being, the corporate officers and directors and partners as the case may be, shall themselves be jointly and solidarily liable with the corporation or partnership for the aforesaid claims and damages.

Such liabilities shall continue during the entire period or duration of the employment contract and shall not be affected by any substitution, amendment or modification made locally or in a foreign country of the said contract.

Any compromise/amicable settlement or voluntary agreement on money claims inclusive of damages under this section shall be paid within four (4) months from the approval of the settlement by the appropriate authority.

In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, the workers shall be entitled to the full reimbursement of his placement fee with interest of twelve percent (12%) per annum, plus his salaries for the unexpired portion of his employment contract or for three (3) months for every year of the unexpired term, whichever is less.

Non-compliance with the mandatory periods for resolutions of cases provided under this section shall subject the responsible officials to any or all of the following penalties:

- (a) The salary of any such official who fails to render his decision or resolutions within the prescribed period shall be, or caused to be, withheld until the said official complies therewith;
- (b) Suspension for not more than ninety (90) days; or
- (c) Dismissal from the service with disqualifications to hold any appointive public office for five (5) years.

Provided, however, that the penalties herein provided shall be without prejudice to any liability which any such official may have incurred under other existing laws or rules and regulations as a consequence of violating the provisions of this paragraph.

SEC. 11. MANDATORY PERIODS FOR RESOLUTION OF ILLEGAL RECRUITMENT CASES. - The preliminary investigations of cases under this Act shall be terminated within a period of thirty (30) calendar days from the date of their filing. Where the preliminary investigation is conducted by a prosecution officer and a prima facie case is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation. If the preliminary investigation is conducted by a judge and a prima facie case is found to exist, prosecution officer within forty-eight (48) hours from the date of receipt of the records of the case.

SEC. 12. PRESCRIPTIVE PERIODS. - Illegal recruitment cases under this Act shall prescribe in five (5) years: Provided, however, That illegal recruitment cases involving economic sabotage as defined herein shall prescribe in twenty (20) years.

SEC. 13. FREE LEGAL ASSISTANCE, PREFERENTIAL ENTITLEMENT UNDER THE WITNESS PROTECTION PROGRAM. - A mechanism for free legal assistance for victims of illegal recruitment shall be established within the Department of Labor and Employment including its regional offices. Such mechanism must include coordination and cooperation with the Department of Justice, the Integrated Bar of the Philippines, and other non-governmental organizations and volunteer groups.

The provisions of Republic Act No. 6981 to the contrary, notwithstanding, any person who is a victim of illegal recruitment shall be entitled to the Witness Protection Program provided thereunder.

III. SERVICES

SEC. 14. TRAVEL ADVISORY/INFORMATION DISSEMINATION. - To give utmost priority to the establishment of programs and services to prevent illegal recruitment, fraud, and exploitation or abuse of Filipino migrant workers, all embassies and consular offices, through the Philippine Overseas Employment Administration (POEA), shall issue travel advisories or disseminate information on labor and employment conditions, migration realities and other facts; and adherence of particular countries to international standards on human and workers' rights which will adequately prepare individuals into making informed and intelligent decisions about overseas employment. Such advisory or information shall be published in a newspaper of general circulation at least three (3) times in every quarter.

SEC. 15. REPATRIATION OF WORKERS; EMERGENCY REPATRIATION FUND. - The repatriation of the worker and the transport of his personal belongings shall be the primary responsibility of the agency which recruited or deployed the worker overseas. All costs attendant to repatriation shall be borne by or charged to the agency concerned and/or its principal. Likewise, the repatriation of remains and transport of the personal belongings of a deceased worker and all costs attendant thereto shall be borne by the principal and/or local agency. However, in cases where the termination of employment is due solely to the fault of the worker, the principal/employer or agency shall not in any manner be responsible for the repatriation of the former and/or his belongings.

The Overseas Workers Welfare Administration (OWWA), in coordination with appropriate international agencies, shall undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or agency. However, in cases where the principal or recruitment agency cannot be identified, all costs attendant to repatriation shall be borne by the OWWA.

For this purposes, there is hereby created and established an emergency repatriation fund under the administration control and supervision of the OWWA, initially to consist of one hundred million pesos (P100,000,000.00), inclusive of outstanding balances.

SEC. 16. MANDATORY REPATRIATION OF UNDERAGE MIGRANT WORKERS. - Upon discovery or being informed of the presence of migrant workers whose actual ages fall below the minimum age requirement for overseas deployment, the responsible officers in the foreign service shall without delay repatriate said workers and advise the Department of Foreign Affairs through the fastest means of communication available of such discovery and other relevant information.

SEC. 17. ESTABLISHMENT OF RE-PLACEMENT AND MONITORING CENTER. - A replacement and monitoring center is hereby created in the Department of Labor and Employment for returning Filipino migrant workers which shall provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.

The Department of Labor and Employment, the Overseas Workers Welfare Administration, and the Philippine Overseas Employment Administration shall, within ninety (90) days from the effectivity of this Act, formulate a program that would motivate migrant workers to plan for productive options such as entry into highly technical jobs or undertakings, livelihood and entrepreneurial development, better wage employment, and investment of savings.

For this purpose, the Technical Education and Skills Development Authority (TESDA), the Technology Livelihood Resource Center (TLRC), and other government agencies involved in training and livelihood development shall give priority to return who had been employed as domestic helpers and entertainers.

SEC. 18. FUNCTIONS OF THE RE-PLACEMENT AND MONITORING CENTER. - The center shall provide the following service:

- (a) Develop livelihood programs and projects for returning Filipino migrant workers in coordination with the private sector;
- (b) Coordinate with appropriate private and government agencies the promotion, development, re-placement and the full utilization of their potentials;
- (c) Institute in cooperation with other government agencies concerned, a computer-based information system on skilled Filipino migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private;
- (d) Provide a periodic study and assessment of job opportunities for returning Filipino migrant workers.

SEC. 19. ESTABLISHMENT OF A MIGRANT WORKERS AND OTHER OVERSEAS FILIPINOS RESOURCE CENTER. - Within the premises and under the administrative jurisdiction of the Philippine Embassy in countries where there are large concentrations of Filipino migrant workers, there shall be establish a Migrant Workers and Other Overseas Filipinos Resource Center with the following services:

- (a) Counseling and legal services;
- (b) Welfare assistance including the procurement of medical and hospitalization services;
- (c) Information, advisory and programs to promote social integration such as post-arrival orientation, settlement and community networking services for social integration;
- (d) Institute a scheme of registration of undocumented workers to bring them within the purview of this Act. For this purpose, the Center is enjoined to compel existing undocumented workers to register with it within six (6) months from the effectivity of this Act, under pain of having his/her passport cancelled;
- (e) Human resource development, such as training and skills upgrading;
- (f) Gender sensitive programs and activities to assist particular needs of women migrant workers;
- (g) Orientation program for returning workers and other migrants; and

(h) Monitoring of daily situations, circumstances and activities affecting migrant workers and other overseas Filipinos.

The establishment and operations of the Center shall be a joint undertaking of the various government agencies. The Center shall be open for twenty-four (24) hours daily, including Saturdays, Sundays and holidays, and shall be staffed by Foreign Service personnel, service attaches or officers who represent other organizations from the host countries. In countries categorized as highly problematic by the Department of Foreign Affairs and the Department of Labor and Employment and where there is a concentration of Filipino migrant workers, the government must provide a lawyer and a social worker for the Center. The Labor Attache shall coordinate the operation of the Center and shall keep the Chief of Mission informed and updated on all matters affecting it.

The Center shall have a counterpart 24-hour information and assistance center at the Department of Foreign Affairs to ensure a continuous network and coordinative mechanism at the home office.

SEC. 20. ESTABLISHMENT OF A SHARED GOVERNMENT INFORMATION SYSTEM FOR MIGRATION. - An inter-agency committee composed of the Department of Foreign Affairs and its attached agency, the Commission on Filipino Overseas, the Department of Labor and Employment, the Philippine Overseas Employment Administration, The Overseas Workers Welfare Administration, The Department of Tourism, the Department of Justice, the Bureau of Immigration, the National Bureau of Investigation, and the National Statistics Office shall be established to implement a shared government information system for migration. The inter-agency committee shall initially make available to itself the information contained in existing data bases/files. The second phase shall involve linking of computer facilities in order to allow free-flow data exchanges and sharing among concerned agencies.

The inter-agency committee shall convene to identify existing data bases which shall be declassified and shared among member agencies. These shared data bases shall initially include, but not limited to, the following information:

- (a) Masterlists of departing/arriving Filipinos;
- (b) Inventory of pending legal cases involving Filipino migrant workers and other Filipino nationals, including those serving prison terms;
- (c) Masterlists of departing/arriving Filipinos;
- (d) Statistical profile on Filipino migrant workers/overseas Filipinos/Tourists;
- (e) Blacklisted foreigners/undesirable aliens;
- (f) Basic data on legal systems, immigration policies, marriage laws and civil and criminal codes in receiving countries particularly those with the large numbers of Filipinos;
- (g) List of labor and other human rights instruments where receiving countries are signatories;
- (h) A tracking system of past and present gender disaggregated cases involving male and female migrant workers; and
- (i) Listing of overseas posts which may render assistance to overseas Filipinos, in general, and migrant workers, in particular.

SEC. 21. MIGRANT WORKERS LOAN GUARANTEE FUND. - In order to further prevent unscrupulous illegal recruiters from taking advantage of workers seeking employment abroad, the OWWA, in coordination with government financial institutions, shall institute financing schemes that will

expand the grant of pre-departure loan and family assistance loan. For this purpose, a Migrant Workers Loan Guarantee Fund is hereby created and the revolving amount of one hundred million pesos (P100,000,000.00) from the OWWA is set aside as a guarantee fund in favor of participating government financial institutions.

SEC. 22. RIGHTS AND ENFORCEMENT MECHANISM UNDER INTERNATIONAL AND REGIONAL HUMAN RIGHTS SYSTEMS. - The Department of Foreign Affairs is mandated to undertake the necessary initiative such as promotions, acceptance or adherence of countries receiving Filipino workers to multilateral convention, declaration or resolutions pertaining to the protection of migrant workers' rights. The Department of Foreign Affairs is also mandated to make an assessment of rights and avenues of redress under international and regional human rights systems that are available to Filipino migrant workers who are victims of abuse and violation and, as far as practicable and through the Legal Assistant for Migrant Workers

Affairs created under this Act, pursue the same on behalf of the victim if it is legally impossible to file individual complaints. If a complaints machinery is available under international or regional systems, the Department of Foreign Affairs shall fully apprise the Filipino migrant workers of the existence and effectiveness of such legal options.

IV. GOVERNMENT AGENCIES

SEC. 23. ROLE OF GOVERNMENT AGENCIES. - The following government agencies shall perform the following to promote the welfare and protect the rights of migrant workers and, as far as applicable, all overseas Filipinos:

(a) Department of Foreign Affairs. - The Department, through its home office or foreign posts, shall take priority action its home office or foreign posts, shall take priority action or make representation with the foreign authority concerned to protect the rights of migrant workers and other overseas Filipinos and extend immediate assistance including the repatriation of distressed or beleaguered migrant workers and other overseas Filipinos;

(b) Department of Labor and Employment - The Department of Labor and Employment shall see to it that labor and social welfare laws in the foreign countries are fairly applied to migrant workers and whenever applicable, to other overseas Filipinos including the grant of legal assistance and the referral to proper medical centers or hospitals:

(b.1) Philippine Overseas Employment Administration – Subject to deregulation and phase out as provided under Sections 29 and 30 herein, the Administration shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements.

(b.2) Overseas Workers Welfare Administration - The Welfare Officer or in his absence, the coordinating officer shall provide the Filipino migrant worker and his family all the assistance they may need in the enforcement of contractual obligations by agencies or entities and/or by their principals. In the performance of these functions, he shall make representation and may call on the agencies or entities concerned to conferences or conciliation meetings for the purpose of settling the complaints or problems brought to his attention.

V. THE LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS

SEC. 24. LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS. - There is hereby created the position of Legal Assistant for Migrant Workers Affairs under the Department of Foreign Affairs who shall be primarily responsible for the provision and overall coordination of all legal assistance services to

be provided to Filipino migrant workers as well as overseas Filipinos in distress. He shall have the rank, salary and privileges equal to that of an undersecretary of said Department.

The said Legal Assistant for Migrant Workers Affairs shall be appointed by the President and must be of proven competence in the field of law with at least ten (10) years of experience as a legal practitioner and must not have been a candidate to an elective office in the last local or national elections.

Among the functions and responsibilities of the aforesaid Legal Assistant are:

- (a) To issue the guidelines, procedures and criteria for the provisions of legal assistance services to Filipino migrant workers;
- (b) To establish close linkages with the Department of Labor and Employment, the POEA, the OWWA and other government agencies concerned, as well as with non-governmental organizations assisting migrant workers, to ensure effective coordination and cooperation in the provision of legal assistance to migrant workers;
- (c) To tap the assistance of reputable law firms and the Integrated Bar of the Philippines and other bar associations to complement the government's efforts to provide legal assistance to migrant workers;
- (d) To administer the legal assistance fund for migrant workers established under Section 25 hereof and to authorize disbursements there from in accordance with the purposes for which the fund was set up; and
- (e) To keep and maintain the information system as provided in Section 20.

The legal Assistant for Migrant Workers Affairs shall have authority to hire private lawyers, domestic or foreign, in order to assist him in the effective discharge of the above functions.

SEC. 25. LEGAL ASSISTANCE FUND - There is hereby established a legal assistance fund for migrant workers, herein after referred to as Legal Assistance fund, in the amount of One hundred million pesos (P100,000,000.00) to be constituted from the following sources: Fifty million pesos (P50,000,000.00) from the Contingency Fund of the President; Thirty million pesos (P30,000,000.00) from the Presidential Social Fund; and, Twenty million pesos (P20,000,000.00) from the Welfare Fund for Overseas Workers established under Letter of Instruction No. 537, as amended by Presidential Decree Nos. 1694 and 1809.

Any balances of existing fund which have been set aside by the government specifically as legal assistance or defense fund to help migrant workers shall, upon effectivity of this Act, to be turned over to, and form part of, the Fund created under this Act.

SEC. 26. USES OF THE LEGAL ASSISTANCE FUND. - The Legal Assistance Fund created under the preceding section shall be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress in accordance with the guidelines, criteria and procedures promulgated in accordance with Section 24 (a) hereof. The expenditures to be charged against the Fund shall include the fees for the foreign lawyers to be hired by the Legal Assistance for Migrant Workers Affairs to represent migrant workers facing charges abroad, bail bonds to secure the temporary release of workers under detention, court fees and charges and other litigation expenses.

VI. COUNTRY - TEAM APPROACH

SEC. 27. PRIORITY CONCERNS OF PHILIPPINE FOREIGN SERVICE POSTS. - The country team approach, as enunciated under Executive Order No. 74, series of 1993, shall be the mode under which Philippine embassies or their personnel will operate in the protection of the Filipino migrant workers as well as in the promotion of their welfare. The protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of the dignity and fundamental rights and

freedoms of the Filipino citizen abroad, in general, shall be the highest priority concerns of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts.

SEC. 28. COUNTRY-TEAM APPROACH. - Under the country-team approach, all officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall, on a per country basis, act as one country-team with a mission under the leadership of the ambassador. In this regard, the ambassador may recommend to the Secretary of the Department of Foreign Affairs the recall of officers, representatives and personnel of the Philippine government posted abroad for acts inimical to the national interest such as, but not limited to, failure to provide the necessary services to protect the rights of overseas Filipinos.

Upon receipt of the recommendation of the ambassador, the Secretary of the Department of Foreign Affairs shall, in the case of officers, representatives and personnel of other departments, endorse such recommendation to the department secretary concerned for appropriate action. Pending investigation by an appropriate body in the Philippines, the person recommended for recall may be placed under preventive suspension by the ambassador. In host countries where there are Philippine consulates, such consulates shall also constitute part of the country-team under the leadership of the ambassador. In the implementation of the country-team approach, visiting Philippine delegations shall be provided full support and information.

VII. DEREGULATION AND PHASE-OUT

SEC. 29. COMPREHENSIVE DEREGULATION PLAN ON RECRUITMENT ACTIVITIES. - Pursuant to a progressive policy of deregulation whereby the migration of workers becomes strictly a matter between the worker and his foreign employer, the DOLE within one (1) year from the effectivity of this Act, is hereby mandated to formulate a five-year comprehensive deregulation plan on recruitment activities taking into account labor market trends, economic conditions of the country and emergency circumstances which may affect the welfare of migrant workers.

SEC. 30. GRADUAL PHASE-OUT OF REGULATORY FUNCTIONS. - Within a period of five (5) years from the effectivity of this Act, the DOLE shall phase out the regulatory functions of the POEA pursuant to the objectives of deregulation.

VII. PROFESSIONAL AND OTHER HIGHLY-SKILLED FILIPINOS ABROAD

SEC. 31. INCENTIVES TO PROFESSIONALS AND OTHER HIGHLY-SKILLED FILIPINOS ABROAD. - Pursuant to the objective of encouraging professionals and other highly-skilled Filipinos abroad especially in the field of science and technology to participate in, and contribute to national development, the government shall provide proper and adequate incentives and programs so as to secure their services in priority development areas of the public and private sectors.

IX. MISCELLANEOUS PROVISIONS

SEC. 32. POEA AND OWWA BOARD; ADDITIONAL MEMBERSHIPS. - Notwithstanding any provision of law to the contrary, the respective Boards of the POEA and the OWWA shall, in addition to their present composition, have three (3) members each who shall come from the women, sea-based and land-based sectors, respectively, to be appointed by the President in the same manner as the other members.

SEC. 33. REPORT TO CONGRESS. - In order to inform the Philippine Congress on the implementation of the policy enunciated in Section 4 hereof, the Department of Foreign Affairs and the Department of Labor and Employment shall submit to the said body a semi-annual report of Philippine foreign posts located in countries hosting Filipino migrant workers. The report shall not be limited to the following information:

- (a) Masterlist of Filipino migrant workers, and inventory of pending cases involving them and other Filipino nationals including those serving prison terms;

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- (b) Working conditions of Filipino migrant workers;
 - (c) Problems encountered by the migrant workers, specifically violations of their rights;
 - (d) Initiative/actions taken by the Philippine foreign posts to address the problems of Filipino migrant workers;
 - (e) Changes in the laws and policies of host countries; and
 - (f) Status of negotiations on bilateral labor agreements between the Philippines and the host country. Any officer of the government who fails to report as stated in the preceding section shall be subjected to administrative penalty.

SEC. 34. REPRESENTATION IN CONGRESS. - Pursuant to Section 3(2), Article VI of the Constitution and in line with the objective of empowering overseas Filipinos to participate in the policy-making process to address Filipino migrant concerns, two (2) sectoral representatives for migrant workers in the House of Representatives shall be appointed by the President from the ranks of migrant workers: Provided, that at least one (1) of the two (2) sectoral representatives shall come from the women migrant workers sector: Provided, further, that all nominees must have at least two (2) years experience as a migrant worker.

SEC. 35. EXEMPTION FROM TRAVEL TAX AND AIRPORT FEE. - All laws to the contrary notwithstanding, the migrant worker shall be exempt from the payment of travel tax and airport fee upon proper showing of proof of entitlement by the POEA.

SEC. 36. NON-INCREASE OF FEES; ABOLITION OF REPATRIATION BOND. - Upon approval of this Act, all fees being charged by any government office on migrant workers shall remain at their present levels and the repatriation bond shall be established.

SEC. 37. THE CONGRESSIONAL MIGRANT WORKERS SCHOLARSHIP FUND. - There is hereby created a Congressional Migrant Workers Scholarship Fund which shall benefit deserving migrant workers and/or their immediate descendants below twenty-one (21) years of age who intent to pursue courses or training primarily in the field of science and technology. The initial seed fund of two hundred million pesos (P200,000,000.00) shall be constituted from the following sources: Fifty million pesos (P50,000,000.00) from the unexpected Countrywide Development Fund for 1995 in equal sharing by all members of Congress; and the remaining one hundred fifty million pesos (P150,000,000.00) shall be funded from the proceeds of Lotto. The Congressional Migrant Workers Scholarship Fund as herein created shall be administered by the DOLE in coordination with the Department of Science and Technology (DOST). To carry out the objectives of this section, the DOLE and the DOST shall formulate the necessary rules and regulations.

SEC. 38. APPROPRIATION AND OTHER SOURCES OF FUNDING. - The amount necessary to carry out the provisions of this Act shall be provided for in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 39. MIGRANT WORKERS DAY. - The day of signing by the President of this Act shall be designated as the Migrant Workers Day and shall henceforth be commemorated as such annually.

SEC. 40. IMPLEMENTING RULES AND REGULATIONS. - The departments and agencies charged with carrying out the provisions of this Act shall, within ninety (90) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SEC. 41. REPEATING CLAUSE. - All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 42. SEPARABILITY CLAUSE. - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC. 43. EFFECTIVITY CLAUSE. - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

4: ANTI-TRAFICKING IN PERSONS ACT OF 1995 (Republic Act No. 9208)

AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES

SECTION 1. Title. - This Act shall be known as the "Anti-Trafficking in Persons Act of 2003".

SEC. 2. Declaration of Policy. - It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society.

It shall be a State policy to recognize the equal rights and inherent r L man dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.

SEC. 3. Definition of Terms - As used in this Act

(a) Trafficking in Persons - refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use o force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

(b) Child - refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

(c) Prostitution - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

(d) Forced Labor and Slavery - refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

(e) Sex Tourism - refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.

(f) Sexual Exploitation - refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

(g) Debt Bondage - refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

(h) Pornography - refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

(i) Council - shall mean the Inter-Agency Council Against Trafficking created under Section 20 of this Act.

SEC. 4. Acts of Trafficking in Persons. - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 69585, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage.

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

(e) To maintain or hire a person to engage in prostitution or pornography;

(f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced-labor, slavery, involuntary servitude or debt bondage;

(g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;

(h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

SEC. 5. Acts that Promote Trafficking in Persons. - The following acts which promote or facilitate trafficking in persons, shall be unlawful:

(a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;

(b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirement for the purpose of promoting trafficking in persons;

(c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;

(d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;

(e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;

(f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies; and

(g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.

SEC. 6. Qualified Trafficking in Persons. - The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

(b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;

- (d) When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- (e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- (f) When the offender is a member of the military or law enforcement agencies; and
- (g) When by reason or on occasion of the act of trafficking in persons the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

SEC. 7. Confidentiality. - At any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public.

In cases when prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or information technology to cause publicity of any case of trafficking in persons.

SEC. 8. Prosecution of Cases. - Any person who has personal knowledge of the commission of any offense under this Act, the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking.

SEC. 9. Venue. - A criminal action arising from violation of this Act shall be filed where the offense was committed, or where any of its elements occurred, or where the trafficked person actually resides at the time of the commission of the offense: Provided, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

SEC. 10. Penalties and Sanctions. - The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

- (a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);
- (b) Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million (P2,000,000.00) but not more than five million pesos (P5,000,000.00); (d) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);
- (e) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any

responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

(f) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishment in a different name;

(g) If the offender is a foreigner, he shall be immediately deported after serving his sentence and be barred permanently from entering the country;

(h) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His/her retirement and other benefits shall likewise be forfeited and

(i) Conviction by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.

SEC. 11. Use of Trafficked Persons. - Any person who bays or engages the services of trafficked persons for prostitution shall be penalized as follows:

(a) First offense - six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and (b) Second and subsequent offenses - imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).

SEC. 12. Prescriptive Period. - Trafficking cases under this Act shall prescribe in ten (10) years: Provided, however, That trafficking cases committed by a syndicate or in a large scale as defined under Section 6 shall prescribe in twenty (20) years. *Provided, however;* That trafficking cases committed by a syndicate or in a large scale as defined under Section 6 shall prescribe in twenty (20) years.

The prescriptive period shall commence to run from the day on which the trafficked person is delivered or released from the conditions of bondage and shall be interrupted by the filing of the complaint or information and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.

SEC. 13. Exemption from Filing Fees. - When the trafficked person institutes a separate civil action for the recovery of civil damages, he/she shall be exempt from the payment of filing fees.

SEC. 14. Confiscation and Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons. - In addition to the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act: Provided, however, That all awards for damages shall be taken from the personal and separate properties of the offender; *Provided, further;* That if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties and instruments of the offense have been destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offense.

SEC. 15. Trust Fund. - All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 hereof shall accrue to a Trust Fund to be administered and managed by the Council to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to, the following:

- (a) Provision for mandatory services set forth in Section 23 of this Act;
- (b) Sponsorship of a national research program on trafficking and establishment of a data collection system for monitoring and evaluation purposes;
- (c) Provision of necessary technical and material support services to appropriate government agencies and non-government organizations (NGOs);
- (d) Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe, government, NGO and international organizations; and
- (e) Promotion of information and education campaign on trafficking.

SEC. 16. Programs that Address Trafficking in Persons. – The government shall establish and implement preventive, protective and implement preventive, protective and rehabilitative programs for trafficked persons. For this purpose, the following agencies are hereby mandated to implement the following programs:

- (a) Department of Foreign Affairs (DFA) - shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs. The DFA shall take necessary measures for the efficient implementation of the Machine Readable Passports to protect the integrity of Philippine passports, visas and other travel documents to reduce the incidence of trafficking through the use of fraudulent identification documents. It shall establish and implement a pre-marriage, on-site and pre-departure counseling program on intermarriages.
- (b) Department of Social Welfare and Development (DSWD) shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community.
- (c) Department of Labor and Employment (DOLE) - shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.
- (d) Department of Justice (DOJ) - shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups.
- (e) National Commission on the Role of Filipino Women (NCRFW) shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women's issues.

(f) Bureau of Immigration (BI) - shall strictly administer and enforce immigration and alien administration laws. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act.

(g) Philippine National Police (PNP) – shall be the primary law enforcement agency to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. It shall closely coordinate with various law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. It shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.

(h) Philippine Overseas Employment Administration (POEA) - shall implement an effective pre-employment orientation seminars and pre-departure counseling programs to applicants for overseas employment. It shall likewise formulate a system of providing free legal assistance to trafficked persons.

(i) Department of the Interior and Local Government (DILG) - shall institute a systematic information and prevention campaign and likewise maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons.

(j) Local government units (LGUs) - shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of Incenses of establishments which violate the provisions of this Act and ensure effective prosecution of such cases. They shall also undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with DILG, Philippine Information Agency (PIA), Commission On Filipinos Overseas (CFO), NGOs and other concerned agencies. They shall encourage and support community based initiatives which address the trafficking in persons.

In implementing this Act, the agencies concerned may seek and enlist the assistance of NGOs, people's organizations (POs), civic organizations and other volunteer groups.

SEC. 17. Legal Protection to Trafficked Persons. - Trafficked persons shall be recognized as victims of the act or acts of trafficking and as such shall not be penalized for crimes directly related to the acts of trafficking enumerated in this Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of a trafficked person to the intended exploitation set forth in this Act shall be irrelevant.

SEC. 18. Preferential Entitlement Under the Witness Protection Program. – Any provision of Republic Act No. 6981 to the contrary notwithstanding, any trafficked person shall be entitled to the witness protection program provided therein.

SEC. 19. Trafficked Persons Who Are Foreign Nationals. - Subject to the guidelines issued by the Council, trafficked persons in the Philippines who are nationals of a foreign country shall also be entitled to appropriate protection, assistance and services available to trafficked persons under this Act; *Provided,* That they shall be permitted continued in the Philippines for a length of time prescribed by the Council as necessary to effect the prosecution of offenders.

SEC. 20. Inter-Agency Council Against Trafficking. - There is hereby established an Inter-Agency Council Against Trafficking, to be composed of the Secretary of the Department of Justice as Chairperson and the Secretary of the Department of Social Welfare and Development as Co-Chairperson and shall have the following as members: (a) Secretary, Department of Foreign Affairs; (b) Secretary, Department of Labor and Employment; (c) Administrator, Philippine Overseas Employment Administration; (d) Commissioner, Bureau of Immigration; (e) Director-General, Philippine National Police; (f) Chairperson, National Commission on the Role of Filipino Women; (g) Three (3) representatives from NGOs, who shall be composed of one (1) representative each from among the sectors representing women, overseas

Filipino workers (OFWs) and children, with a proven record of involvement in the prevention and suppression of trafficking in persons. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years. The members of the Council may designate their permanent representatives who shall have a rank not lower than an assistant secretary on its equivalent to meetings, and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

SEC. 21. Functions of the Council. - The Council shall have the following powers and functions: (a) Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons; (b) Promulgate rules and regulations as may be necessary for the effective implementation of this Act; (c) Monitor and oversee the strict implementation of this Act; (d) Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to trafficking in persons; (e) Coordinate the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems attendant to trafficking through the local government units (LGUs), concerned agencies, and NGOs; (f) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken; (g) Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act; (h) Formulate a program for the reintegration of trafficked persons in cooperation with DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), LGUs and NGOs; (i) Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement this Act; (j) Complement the shared government information system for migration established under Republic Act No. 8042, otherwise known as the "Migrant Workers And Overseas Filipinos Act of 1995" with data on cases of trafficking in persons, and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of trafficking in persons which shall form the basis for policy formulation and program direction; (k) Develop the mechanism to ensure the timely, coordinated and effective response to cases of trafficking in persons; (l) Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international trafficking in persons; (m) Coordinate with the Department of Transportation and Communications (DOTC), Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion of advertisement of trafficking in the internet; (n) Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines; (o) Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons; and (p) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this Act.

SEC. 22. Secretariat to the Council. - The Department of Justice shall establish the necessary Secretariat for the Council.

SEC. 23. Mandatory Services to Trafficked Persons. - To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies shall make available the following services to trafficked persons: (a) Emergency shelter or appropriate housing; (b) Counseling; (c) Free legal services which shall include information about the Victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person; (d) Medical or psychological services; (e) Livelihood and skills training; and (f) Educational assistance to a trafficked child. Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the trafficked persons shall be adopted and carried out.

SEC. 24. Other Services for Trafficked Persons. –

(a) Legal Assistance. - Trafficked persons shall be considered under the category "Overseas Filipino in Distress" and may avail of the legal assistance created by Republic Act No. 8042, subject to the guidelines as provided by law.

(b) Overseas Filipino Resource Centers. - The services available to overseas Filipinos as provided for by Republic Act No. 8042 shall also be extended to trafficked persons regardless of their immigration status in the host country.

(c) The Country- Team Approach. - The country team approach under Executive Order No. 74 of 1993, shall be the operational scheme under which Philippine embassies abroad shall provide protection to trafficked persons insofar as the promotion of their welfare, dignity and fundamental rights are concerned.

SEC. 25. Repatriation of Trafficked Persons. - The DFA, in coordination with DOLE and other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons, regardless of whether they are documented or undocumented. If, however, the repatriation of the trafficked persons shall expose the victims to greater risks, the DFA shall make representation with the host government for the extension of appropriate residency permits and protection, as may be legally permissible in the host country.

SEC. 26. Extradition. - The DOJ, in consultation with DFA, shall endeavor to include offenses of trafficking in persons among extraditable offenses.

SEC. 27. Reporting Requirements. - The Council shall submit to the President of the Philippines and to Congress an annual report of the policies, programs and activities relative to the implementation of this Act.

SEC. 28. Funding. - The heads of the departments and agencies concerned shall immediately include in their programs and issue such rules and regulations to implement the provisions of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 29. Implementing Rules and Regulations. - The Council shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SEC. 30. Non-restriction of Freedom of Speech and of Association, Religion and the Right to Travel. - Nothing in this Act shall be interpreted as a restriction of the freedom of speech and of association, religion and t, 11) right to travel for purposes not contrary to law as guaranteed by the Constitution.

SEC. 31. Separability Clause. - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC. 32. Repealing Clause. - All laws, presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly: Provided, That this Act shall not in any way amend or repeal the provision of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act".

SEC. 33. Effectivity. - This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers or general circulation.

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THE OWWA OMNIBUS POLICIES

(Board Resolution No. 138)

19 September 2003

Article I. GENERAL PROVISIONS:

Section 1. Purpose and Scope of Omnibus Policies. These omnibus policies are promulgated to provide guidelines on matters concerning Overseas Workers Welfare Administration (OWWA) membership and its coverage, collection of contributions, and availment of benefits. This document also embodies the policies on fund management, programs and services administration, and corporate governance.

Article II. OWWA MANDATE:

Section 1. Declaration of Policy. The creation of OWWA emanates from the Constitutional mandate for the State to affirm labor, local and overseas, as a primary social economic force, and to guarantee the protection of the rights of overseas workers and the promotion of their interests and general well-being.

Section 2. Enabling Laws. The Welfare and Training Fund for Overseas Workers was created as an attached agency of the Department of Labor and Employment (DOLE) through Letter of Instructions No. 537 dated 01 May 1977. Presidential Decree No. 1694 dated 01 May 1980, as amended by Presidential Decree No. 1809 dated 16 January 1981 created and operationalized the organization of the Welfare Fund for Overseas Workers (WFOW). WFOW was renamed OWWA with the issuance of Executive Order 126 dated 30 January 1987. Republic Act 8042 dated 07 June 1995, further clarified and enhanced the functions, and board membership of OWWA. Executive Order 195 dated 13 August 1994 provides for compulsory Medicare coverage to all OFWs and their dependents except those with existing coverage with the GSIS/SSS voluntary membership program.

Section 3. Purposes and Objectives. Pursuant to the preceding Section, the main purposes and objectives of OWWA are:

- a. To protect the interest and promote the welfare of OFWs in recognition of their valuable contribution to the overall development effort;
- b. To facilitate the implementation of the provisions of the Labor Code concerning the responsibility of the government to promote the well-being of OFWs;
- c. To provide social and welfare services to OFWs, including insurance, social work assistance, legal assistance, cultural services, and remittance services;
- d. To ensure the efficiency of collection and the viability and sustainability of the fund through sound and judicious investment and fund management policies.
- e. To undertake studies and researches for the enhancement of their social, economic and cultural well-being; and,
- f. To develop, support and finance specific projects for the welfare of OFWs.

Section 4. Vision and Core Values. OWWA is the lead membership welfare institution that serves the interest and welfare of member-Overseas Filipino Workers (OFWs). OWWA commits to a fund stewardship that is transparent, judicious, and responsive to the requirements of the member-OFWs.

Section 5. Mission OWWA develops and implements responsive programs and services, while ensuring fund viability, towards the protection of the interest and promotion of the welfare of its member-OFWs.

Section 6. Quality Policy. OWWA measures its worth by total member-OFW satisfaction with timely interventions and quality standards set forth.

Section 7. Clientele. The clients of OWWA are its member-OFWs.

Section 8. Program Thrusts. The strategic program thrusts of OWWA are aligned with the broad national policies and priorities. In addressing the needs of member-OFWs, the program thrusts shall be determined by its twin mandate:

- a. Welfare services and benefits
- b. Capital build-up and fund viability

Article III. ORGANIZATION AND MANAGEMENT:

Section 1. The Organization. OWWA is composed of the Board of Trustees as the policy making body, and the Secretariat as its implementing arm.

Section 2. Board of Trustees. The Board of Trustees is a tripartite body with twelve (12) members representing government, management, and labor-OFW. The women sector is likewise represented in the Board.

Secretary of Labor and Employment - Chairman
 OWWA Administrator - Vice-Chairman
 Secretary of Foreign Affairs - Member
 Secretary of Finance - Member
 Secretary of Budget and Management - Member
 Undersecretary of Labor and Employment - Member
 POEA Administrator - Member
 Representative, Management Sector - Member
 Representative, Labor Sector - Member
 Representative, Sea-based OFWs - Member
 Representative, Land-based OFWs - Member
 Representative, Women Sector - Member

Section 3. Responsibilities and Powers of the Board of Trustees. Pursuant to Letter of Instructions No. 537 the Board is vested with the following responsibilities and powers:

- a. To adopt policies, rules, and regulations to implement the objectives and purposes of OWWA;
- b. To approve programs, projects, and the organizational structure of the OWWA Secretariat;
- c. To formulate rules and regulations governing financial transactions, as well as fix the yearly appropriations of the Secretariat;
- d. To ensure the efficiency of collection and the viability and sustainability of the fund through sound and judicious investment and fund management policies; and,
- e. To perform any other act to attain the objectives and purposes of OWWA.

Section 4. Schedule of Board Meetings. The regular meetings of the OWWA Board of Trustees shall be held every last Friday of the month. If a change of date becomes necessary, the same shall be held at the most convenient time set by the Board of Trustees. Special Board meetings may be scheduled as the need arises.

Section 5. Board Proceedings. The Board proceedings shall be guided by the following rules:

- a. Notice of Meetings. The Board Secretary shall distribute to all Members of the Board, the Notice of Meeting together with the discussion materials at least three (3) working days prior to the scheduled meeting.
- b. Quorum. In determining the existence of a quorum, the Board shall adopt the simple majority rule of one half plus one of the total filled Board seats.
- c. Attendance of Proxies. The Board members may designate their permanent alternate in writing subject to the acceptance of the Board. The designated alternate shall have voting rights. His decision shall be deemed the decision of his principal. The Alternate cannot further delegate such representation. However, in the event that the member and his permanent alternate are absent, any representative sent shall be on observer status.

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- d. Presiding Officer. The Chairman shall preside over meetings of the Board. In the absence of the Chair, a duly designated representative, with a rank of an Undersecretary, shall preside. The Administrator acts as the Vice Chairman.
 - e. Board Resolution. All decisions of the Board shall be expressed in the form of Resolutions signed by all members present. The Resolution shall be sequentially numbered and dated. Resolutions may be modified or superseded by another resolution. Resolutions shall take effect upon adoption and signing by the present Members, subject to requisite publication.
 - f. Executive Sessions. The Board may decide to declare a meeting as an Executive session.
 - g. Records Management and Archiving of Board Documents. The Board Secretary shall ensure a thorough recording of all proceedings during a Board meeting. The minutes of the previous meeting shall be made available for approval during the scheduled Board Meeting. The Minutes of the Meeting shall basically contain the attendance, business arising from the minutes, major agreements reached, corresponding resolutions, and other items noted or discussed, and instructions issued by the Board. All minutes, tapes, and other documents pertaining to the business of the Board shall be kept and archived pursuant to standard records management systems and procedures. The minutes, transcripts and tapes are classified confidential and are not for public circulation unless otherwise authorized by the Board/Administrator.

Section 6. Board Entitlements. Board Members shall be provided with honoraria, per diem, and other emoluments as may be allowed by accounting and auditing rules and procedures.

Section 7. The OWWA Secretariat. The Secretariat is the implementing arm of OWWA.

Section 8. Functions and Responsibilities of the Secretariat. The Secretariat shall perform and assume the following functions and responsibilities:

- a. To manage programs and the delivery of welfare services locally and overseas to its members, supported by advocacy and information programs;
- b. To implement Board policies on investment and fund management;
- c. To formulate medium term development plans responsive to the welfare, needs and demands of member-OFWs;
- d. To submit work and financial plans for Board consideration;
- e. To provide policy analyses and recommendations for Board consideration;
- f. To conduct continuing researches and studies, including impact evaluation, in aid of policy and program development;
- g. To regularly monitor and conduct assessment and evaluation of organizational performance;
- h. To establish and maintain an on line management information system, to include database on membership;
- i. To establish and maintain linkages and networks with local and international social and institutional partners;
- j. To render annual report to the Board and the President; and,
- k. To perform other functions as may be instructed by the Board.

Section 9. The Administrator. The Administrator is the Chief Executive Officer of the Secretariat. He administers the overall operations of the Secretariat. He exercises general supervision and control of all its personnel and resources, and assumes full responsibility and accountability thereof.

Section 10. The Deputy Administrator. The Deputy Administrator shall assist the Administrator in the administration and supervision of operations. The Board may assign specific functional responsibilities to the Deputy Administrator.

Section 11. Corporate Planning. OWWA shall conduct annual planning, budgeting and organizational performance assessment and render the report to the Board.

Section 12. Reportorial Requirements. The Secretariat shall submit written quarterly reports on the assessment, and evaluation of programs, projects and services and such other reports as may be required by the Board.

Article IV. MEMBERSHIP:

Section 1. Membership. Membership in OWWA may be obtained in two ways:

- a. By enrollment upon processing of contract at the POEA; and,
- b. By voluntary registration of OFWs at job-sites overseas.

Section 2. Proof of Membership. All members shall be issued Official Receipt upon payment of contribution. They shall likewise be issued an OWWA E-Card. POEA and OWWA are required to maintain database of member-OFWs and to update this regularly.

Section 3. Effectivity of Membership. OWWA membership, either through the compulsory or voluntary coverages, shall be effective upon payment of membership contribution until expiration of the employment contract. In case of voluntary members who register on-site, membership coverage shall not exceed two (2) years.

Section 4. Renewal of Membership. Membership shall be renewed upon payment of contribution on contract renewal/issuance of new contract. In the case of voluntary membership, coverage shall be renewed upon payment of contribution.

Article V. COLLECTION POLICY:

Section 1. Legal Basis for Collection of Membership Contribution. Letter of Instructions (LOI) No. 537 mandates the compulsory payment of OWWA membership contribution in the amount of US\$25.00 or its equivalent.

Section 2. Separation of Sea-based and Land-based Workers Contributions. To effect a more efficient fund management between the two (2) sub-sectoral groups, the collection of membership contribution shall be accounted for in two (2) separate books of account.

Section 3. Frequency of Membership Collection. The membership contribution shall be collected on a per contract basis.

Section 4. Authorized Collecting Officers. Membership contributions shall be collected by duly authorized OWWA Collecting Officers, deputized collecting officers or accredited agents.

Section 5. Collection Centers. The collection of membership contributions shall be made at the Philippine Overseas Employment Administration (POEA) contract processing hub, OWWA regional and overseas offices, and other accredited collection centers.

Section 6. Issuance of Official Receipt. Upon payment of OWWA membership contribution, the designated Collecting Officer shall issue an Official Receipt.

Section 7. Deposit and Remittance of Collection.

- a. OWWA Central Office/Regional Offices - The Collecting Officer shall, on a daily basis, deposit all membership contributions to the OWWA Capital Fund Account with the Land Bank of the Philippines and for US dollar currency collections, to Land Bank OWWA Dollar Account. Bank validated deposit slips shall be prepared in triplicate to be distributed to the servicing bank, to OWWA together with the Report of Collections and to the Collecting Officer for reconciliation/record purposes.
- b. OWWA Overseas Offices – The Collecting Officer shall, on a daily basis, deposit all membership contributions in the same currency received to a separate bank account for collections in the name of the "Office of the Labor Attache-OWWA Collections", in the depository bank of the Department of Foreign Affairs, or in the accredited correspondent bank of the Land Bank of the Philippines. Accumulated monthly collections shall be remitted to the OWWA Land Bank-Manila

Dollar Account not later than the 5th day of the following month. No withdrawals, except remittance of collections, can be made from the bank accounts for collections without prior written approval of the Administrator or his duly authorized representative, subject to the policies approved by the Board. Overseas Offices shall be authorized to retain the required amount for the beginning/maintaining balance of the abovementioned bank account for collections.

- c. Accredited collection centers shall remit collections to OWWA Land Bank-Manila Dollar Account not later than the 5th day of the following month.

Section 8. Reportorial Requirements. The Collecting Officer/deputized collecting officer, or the accredited collecting agent shall prepare and submit the required monthly reports.

Section 9. Sanctions. Handling of collections and deposits by Collection Officers shall be governed by the usual accounting and auditing rules. Corresponding administrative sanctions and other disciplinary measures shall be imposed, including recall from post/suspension/or separation from service.

Article VI. FUND MANAGEMENT AND INVESTMENT POLICY:

Section 1. The Trust Fund. OWWA fund is a single trust fund composed of membership contributions of land-based and sea-based workers; investment and interest income; and income from other sources. Out of the membership contribution, P165.00 shall be allocated as Insurance Benefit Program Fund to service all insurance claims.

Section 2. Safeguarding the Trust Fund. The OWWA Fund, being a Trust Fund, shall be managed and expended in accordance with the purpose of the Fund and safeguarded against any possible loss and misuse.

Section 3. General Investment Policy. As a trust fund, all OWWA investments shall be placed in government securities which provide optimum earnings, liquidity and protection of the Fund. The Board of Trustees shall provide the policies and approve all investment decisions. Portfolio management of investible fund shall be outsourced to government financial institutions (GFIs). The Administrator shall roll-over time deposits and/or re-invest matured securities/placements, provided that the original types of securities/placements are not altered. The Administrator shall advise the Board in writing prior to and after such actions.

Section 4. Determination of Investible Fund. This Fund shall refer to the net amount available for investment after deducting the projected monthly operating, program, and contingency fund allocations.

Section 5. Investment Plan and Strategy. OWWA shall formulate medium-term investment and asset management plan that shall include projected yield sufficient to sustain program and service delivery, and programmed growth for capital formation. An annual plan shall be developed to support the investment plan and strategy. Any change in the plan shall require clearance of the Board.

Section 6. Fund Build-up. OWWA shall ensure an appropriate growth rate in the fund sufficient to sustain the growing needs of OFW members.

Section 7. Inventory and Safekeeping of Investment Instruments. OWWA shall ensure that all investment instruments are periodically inventoried and properly kept at a government bank under a custodianship agreement.

Section 8. Regular Report. Monthly report on all investment schedules showing the interest rates, yields, discount rates, and other relevant data, shall be submitted to the Board.

Section 9. Acquired Assets. OWWA shall administer all properties, acquired or foreclosed. To ensure that the properties are safeguarded and preserved, the same must be properly accounted for and documented; re-inspected, re-appraised, and insured with taxes paid. An asset development/disposal

plan shall be submitted by the Administrator for the consideration of the Board. Foreclosed properties shall be registered as OWWA assets within one (1) month after foreclosure.

Section 10. Unredeemed Investments and Other Receivables. Unredeemed investments and other receivables shall be inventoried semi-annually and corresponding redemption plan shall be submitted to the Board. All receivables shall be supported by documents appropriately acknowledged by the accountable party.

Article VII. FISCAL AND BUDGET POLICY:

Section 1. Fiscal and Budget Policy. The Board shall set the annual budget at a level sufficient to meet the needs of membership obligations while supporting the targeted growth rate of the capital fund.

Section 2. Budget Cap. A budget cap for an incoming year shall be determined by the Board to ensure fund viability. The budget cap will be reviewed annually with the end in view of achieving comparative efficiency levels of other similar agencies.

Section 3. Allocation Pattern. The proposed budget for any given year shall observe annual allocation pattern where the cost of service provision shall not exceed the cost of programs, claims and benefits.

Section 4. Budget Source. The approved operating budget shall be drawn from the Trust Fund.

Section 5. Budget Preparation and Approval. OWWA shall prepare its annual budget for operational requirements and estimated claims on insurance. The budget preparation shall follow the national government budget system, format and cycle. The operating budget shall support planned work programs and priorities for the year. It shall include the requirements for personal services, maintenance and other operating expenses, commitments, and capital outlay.

Section 6. Automatic Appropriation. In case the proposed annual budget has not been approved by the Board at the start of the year, OWWA shall operate within the budget level of the previous year allocated on a month to month basis. All savings realized within a previous year shall be deducted from a current year's budget.

Section 7. Work and Financial Plans. All cost centers/offices/units of OWWA shall submit their annual work and financial plans (WFP), which should correspond to the approved budget. The Directors shall endorse the WFP of their respective units for approval of the Administrator. The consolidated OWWA-WFP shall be reported to the Board.

Section 8. Budget Realignment. Realignment of funds including adjustments in targets shall be submitted to the Board for approval. Similarly, in the event that extra ordinary circumstances may occur which require additional funds beyond the coverage of the approved budget, the same shall be submitted to the Board.

Section 9. Delegation of Authority. The Administrator may delegate some of his authorities to subordinate officers as may be deemed necessary.

Section 10. Chart of Accounts. The OWWA shall adopt the appropriate and standard chart of accounts as prescribed by the Commission on Audit (COA).

Section 11. Branch Accounting System for Regional Operations. OWWA Regional Units shall maintain their respective books of account which shall be consolidated by the central office.

Section 12. Financial Reports. OWWA shall submit quarterly prescribed Financial Statements to COA such as income statement, balance sheet, and cash flow. Monthly fund utilization report shall be submitted to the Board.

Section 13. Internal Audit. Sound internal control systems shall be installed, implemented, and monitored.

Section 14. External Audit. All OWWA transactions shall be subject to post audit of the COA.

Section 15. Annual Reports. The OWWA shall render an Annual Report on its overall performance for the previous year within the first sixty (60) days of the following year. Copies of the said report shall be submitted to the Board and the President.

Article VIII. BENEFITS AND SERVICES:

Section 1. Guiding Principle. In pursuance of its mandate, it shall deliver social insurance benefits, loan assistance, education and training, social services and family welfare assistance subject to the qualification requirements and availability of OWWA funds. All benefits and services shall be over and above the provisions of the employment contract, offer of employers, or the laws of the receiving country.

Section 2. Benefits and Services for OWWA Members. For a US\$25.00 membership contribution, an OWWA member shall be entitled to the following benefits and services:

1. Insurance and Health-Care Benefits
 - a. Life Insurance
 - b. Disability and Dismemberment Benefits
 - c. Total Disability Benefits
 - d. Burial Benefits
2. Loan Guarantee Fund
 - a. Pre-Departure Loan
 - b. Family Assistance Loan
3. Education and Training Benefits
 - a. Skills-for-Employment Scholarship Program
 - b. Education for Development Scholarship Program
 - c. Seafarers' Upgrading Program
4. Social Services and Family Welfare Assistance
 - a. Repatriation Program
 - b. Reintegration Program
5. Workers Assistance and On-Site Services

Section 3. Insurance and Health Care Benefits. A member shall be covered with the following insurances for the duration of his contract:

- a. Life Insurance. A member shall be covered with life insurance for the duration of his employment contract. The coverage shall include P100,000.00 for natural death and P200,000.00 for accidental death.
- b. Disability and Dismemberment Benefits. A member shall be entitled to disability/dismemberment benefits as a rider provision of his life insurance as provided for in the impediment schedule contained in the Manual of Systems and Procedures. The coverage is within the range of P2,000.00 to P50,000.00.
- c. Total Disability Benefit. In case of total permanent disability, a member shall be entitled to P100,000.00.
- d. Burial Benefit. A burial benefit of P20,000.00 shall be provided in case of the member's death.

Section 4. Loan Guarantee Fund. In compliance with Article III, Section 21 of RA 8042, OWWA shall provide Pre-Departure Loan (PDL) and Family Assistance Loan (FAL), in coordination with government financing institutions (GFIs) in the amount of P100,000,000.00 as a revolving loan guarantee fund. The loan shall not exceed P40,000.00. PDL shall service ready-to-leave newly hired OFWs whose employers or agents have already paid the compulsory membership contribution to OWWA. The loan is designed to

assist members in their pre-departure needs such as payment of placement fees, clothing requirements, pocket money, and other pre-departure expenses. FAL is available for emergency and other family needs as endorsed by the member.

Section 5. Education and Training Benefits. A member may avail for himself or his duly designated beneficiary any of the following scholarship program, subject to a selection process and accreditation of participating institutions. Annual scholarship lists shall be submitted to the Board.

- a. Skills-for-Employment Scholarship Program. – OWWA shall allocate P6M annually for technical or vocational training scholarship.
- b. Education for Development Scholarship Program. OWWA shall allocate one hundred (100) baccalaureate slots annually. A maximum of P10,000.00 for school fees and P20,000.00 for allowances per semester shall be provided.
- c. Seafarers' Upgrading Program. An annual amount of P10M shall be allocated for this program. To ensure the competitive advantage of Filipino seafarers in meeting International Maritime Organization (IMO) competency standards, sea-based members shall be entitled to one upgrading program for every three (3) membership contributions. Qualified grantees shall be provided with training assistance from P 1,200.00 to a maximum of P 7,500.00.

Section 6. Social Services and Family Welfare Assistance

- a. Repatriation Program. Consistent with the provisions of RA No. 8042, members shall be repatriated and provided with services necessary to facilitate repatriation.
- b. Reintegration Program. A Reintegration Program shall be implemented by DOLE through OWWA in coordination with the LGUs and NGOs. Community organizing, capability-building and other social preparations shall be incorporated in this program. Livelihood loans will be available to members subject to the policies formulated by the Board. An annual budget for the Reintegration Program shall be approved by the Board.

Section 7. Workers Assistance and On-site Services. OWWA shall sustain and maintain assistance to members in all its regional and overseas offices. Services shall include locating the OFW, providing information and guidance, developing materials of the Pre-Departure Orientation Seminars, conducting psycho-social counseling, conciliation services, medical and legal assistance, and outreach missions, among others. On behalf of the OFW, OWWA may provide appropriate representation with employers, agents, and host government authorities.

Article IX: HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT:

Section 1. Value for Workforce. OWWA values its workforce as the most vital resource. It thus compels itself to provide a dynamic and challenging organizational environment conducive to the continuing growth and productivity of its human capital towards the attainment of its vision, mission, and core values. It shall therefore sustain a continuous service improvement program for its human resource management and development system consistent with sound practices and Civil Service Rules.

Section 2. Code of Conduct and Ethical Standards. All officials and employees shall discharge their duties and responsibilities in adherence with the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713).

Section 3. Personnel Actions. All personnel actions shall be governed by the pertinent provisions of the Revised Administrative Code of 1997, Administrative Rules and Regulation of DOLE, and such other rules and issuances of the Civil Service Commission.

Section 4. Capacity Building. To sustain organizational ability to respond to the continuing and changing demands of its clients, adequate investment shall be allocated annually for information management, technology, resource build-up, and staff development.

Section 5. Job Enrichment Program. OWWA shall adopt a system for rotation, reassignment, cross-posting, and overseas/regional deployment of key officers and staff of the Secretariat to ensure growth and development of a highly specialized and multi-skilled manpower complement.

Section 6. Performance Appraisal System. A performance appraisal system shall be adopted to measure individual employee performance benchmarked on organizational goals, objectives, and standards.

Section 7. Incentives and Rewards System. OWWA shall develop and implement an incentive and reward system to recognize exemplary and meritorious performance subject to Board and CSC approval.

Section 8. Employee Relations Program. Employee associations duly organized pursuant to laws shall be recognized as partners in organizational development. Grievances and conflicts shall be resolved at the lowest levels of the organization through consultative and conciliatory mechanisms.

Article X. GENERAL ADMINISTRATIVE POLICIES:

Section 1. Data-sharing and Information Management. Real time information shall be regarded as a critical resource. OWWA, being part of DOLE, shall hyperlink and share database with the various systems of the Department. OWWA shall appropriate funds for the development and training of competent information technology (IT) staff.

Section 2. Advocacy and Social Marketing. OWWA shall pursue an aggressive advocacy and social marketing program to draw-in socio-political support and influence for the welfare of its members.

Section 3. Procurement System. The OWWA Procurement System shall be governed by Republic Act No. 9184 also known as "Government Procurement Reform Act" which provides for an e-procurement system.

Article XI. MISCELLANEOUS PROVISIONS:

Section 1. Repealing Clause. All Board Resolutions, Administrative Orders, Memoranda of Instructions, Special Orders, and other issuances, or part/s thereof, which are inconsistent with this Omnibus Policies, are hereby repealed or modified accordingly.

Section 2. Effectivity. The Omnibus Policies shall become effective upon its approval through a Board Resolution subject to the requisite publication.

6.A: IMPLEMENTATION GUIDELINES

OWWA MEMORANDUM OF INSTRUCTIONS NO. 003
Series of 1997

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

Pursuant to Section 15 and 16 of the Migrant Workers and Overseas Filipino 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 Workers (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 recruitment agency cannot be identified.

II. TARGET BENEFICIARIES:

All Filipino Migrant Workers who are in need of immediate/emergency repatriation shall be beneficiaries of the program. All Validated request 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 Philippines 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 the 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 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.
 - b. For Deceased OFWs: Airways Bill, Mortuarial Charges, Customs Duties, Quarantine Obligations, Packaging Cost, Clearance Cost and other reasonable expenses supported by receipts.
5. **Chargeability of Cost:** All costs attendant to repatriation of workers borne/advanced by the OWWA shall be chargeable to the Emergency Repatriation Fund (ERF) subject to reimbursement from appropriate parties.

All repatriation expenses incurred by OWWA after the effectivity of the Act on August 16, 1995 shall also be charged to the ERF.
6. **No Refund Policy from the Emergency Repatriation Fund by the OFWs:** All OFWs needing emergency repatriation assistance shall immediately be repatriated by OWWA. All other cases of repatriation which did not pass the validation process by the POLOs shall not to be subject to refund from the ERF.
7. **Assistance to be Extended to OFW Claiming for Refund From the Recruitment Agency:** To facilitate the timely released of OFW claims from the Agency of the repatriation cost they advanced out of their own pockets, the WAD/ROU shall provide the client with the checklist of documentary requirements and assist them in the preparation of the same. A referral letter to the NLRC shall also be provided them.

VI. ACCOMPLISHMENT REPORTS:

1. The FSO shall maintain a database of OFWs assisted on the program which will include tickets issued and utilized and regularly prepares reports for all concerned.
2. The IMSO shall prepare monthly reports on collection for advances and other financial reports pertaining to the program implementation.
3. The PPO shall prepare the quarterly consolidated Program reports for the Administrator and the OWWA Board of Trustees.

VII. FUND MANAGEMENT:

1. The IMSO shall manage the Fund including the maintenance of the subsidiary book of accounts.
2. Quarterly financial reports shall be made available for monitoring purposes and budget allocation from the GAA.
3. The IMSO shall ensure proper representation with appropriate authorities for fund reimbursement from the GAA on an annual basis.
4. To ensure the most expeditious and cost efficient processing of PTA/Tickets, IMSO shall conduct semi-annual selection of Travel Agencies through standard bidding process.

VIII. MONITORING AND EVALUATION:

1. The PPO shall be responsible in the monitoring and timely evaluation of the program.
2. The PPO shall consolidate all reports from the implementing units into Quarterly Program Report for the Administrator and the OWWA Board and Trustees.
3. The program shall be evaluated one year upon implementation and as necessary thereafter.

IX. PROCESS FLOW:

A. Workers Repatriation

1. The request for the repatriation by the OFW, his/her relative or representative, NGO or other government offices may be filed with ROUs WAD or the Foreign Posts.
2. To expedite the process of repatriation, the WAD may take up the case coming from other ROUs for coordination with the foreign post. However, the foreign post and the WAD shall regularly update the concerned ROUs for proper advice to the family of the OFW being repatriated.
3. The Welfare Officer and/or any responsible officer of the Philippine Mission at the foreign post verifies the need for repatriation of OFW Foreign Employer for his/her repatriation and if the employer fails to provide for his/her repatriation, shall simultaneously notify OWWA and the POEA of such need.
4. The POEA shall notify the agency concerned of the need for repatriation within 24 hours. The agency within 48 hours, shall provide the Plane Ticket or the Prepaid Ticket Advice (PTA) thru the Filipino Workers Resource Center (FWRC) or the appropriate Philippine Embassy; and notify POEA of such compliance. POEA shall notify OWWA of the action of the agency.
5. If the agency fails to provide the ticket or PTA within the prescribed period from the receipt of such notice, the POEA shall suspend the license of the agency pursuant to implementing Rules and Regulation of RA 8042 or impose sanctions as it deems necessary and within 24 hours advises OWWA through the WAD to advance the cost of and effect repatriation of the worker.
6. In case of failure of the concerned agency to issue the PTA within 48 hours, WAD shall secure approval of immediate repatriation from the FSO Director.
7. Upon approval of immediate repatriation by the FSO Director, the corresponding Ticket Purchase Order (TPO) and request for other costs shall be forwarded to the Administrator for approval.

8. Upon approval of TPO and other costs, FSO shall facilitate processing of the dispatch of PTA and the release of other costs.
9. WAD informs Foreign Post of the dispatch of PTA, and shall closely monitor developments of the repatriation from the Foreign Post
10. The POLOs at the Foreign Post shall have accountability over tickets issued for repatriation and most closely monitor their utilization. Details of such shall be reported monthly to the FSO for reconciliation using the form to be prepared by PPO.
11. Upon notice from the Foreign Post of the details of the repatriation, WAD shall coordinate with the concerned ROU for airport assistance and ensure the retrieval of used ticket and forward such to IMSO for payment of PTA and collection of advances purposes.
12. WAD updates and closes Case Folder of OFW for filling and Future reference.

B. Payment of Prepaid Ticket Advice

1. On the basis of the following documents and the Statement of Account from the Travel Agency, WAD prepares disbursement voucher and forward to IMSO for the payment of the dispatched PTAs within fifteen days.
 - a) Any of the following: used Airline Ticket/Jacket/Standard Traffic Document for the return flight to the Philippines or Certification from the Legal Department of the Carrier, and
 - b) Certification from the responsible officer of the Philippine Mission preferably by the OWWA Welfare Officer that the OFW was indeed needing repatriation.
2. The FSO shall maintain a data base of PTAs indicating all pertinent information such as the corresponding name, flight details and changes from the original data.

C. Collection of Advance by OWWA from the Recruitment Agency

1. On the basis of the Statement of Account from the Travel Agency and the Certification

from the responsible officer of the Philippine Mission preferably by the OWWA Welfare Officer that the OFW was indeed needing repatriation, the IMSO shall effect the collection from the concerned recruitment agency thru a Reimbursement Demand Letter (RDL) signed by the Administrator or the IMSO Director.

2. The IMSO shall maintain a database on collection including the aging of accounts.
3. The IMSO shall endorse to the Legal Department all collection cases beyond the prescribed period of fifteen (15) working days from receipt of the RDL by the recruitment agency.

D. Referral of Claims for Refund by the OFWs From the Manning/ Recruitment Agency

1. OFWs who shouldered the cost of their repatriation may seek assistance from OWWA through the ROUs/WAD for refund of their expenses by accomplishing the application form and submit (2) copies of documentary requirements to be prescribed by the NLRC.
2. The WAD/ROUs shall prepare an official referral letter signed by the WAD Chief or by the ROU Supervisor as the case maybe, to the NLRC Head Office/Regional Office.
3. The WAD/ROUs shall monitor all OFW Claims it endorses to the NLRC.

X. EFFECTIVITY:

This MOI shall take effect immediately.

(Signed.)
WILHELM D. SORIANO
 Administrator

13 February 1996

OWWA MEMORANDUM OF INSTRUCTIONS NO. 013
Series of 2002

**ADDENDUM ON THE PROVISIONS OF MOI NO. 003 SERIES OF 1997, PRESCRIBING THE
GENERAL POLICIES, GUIDELINES, AND PROCEDURE IN THE IMPLEMENTATION OF
THE REPATRIATION ASSISTANCE PROGRAM FOR MIGRANT WORKERS**

In line with our agency's effort to collect the outstanding obligation of various recruitment agencies on the repayment of the repatriation tickets we advance as per RA 8042, the following payment scheme shall be implemented:

Nature	Period of Payment	Requirements
Non-compliance of the recruitment agency within the 48-hours provision of the repatriation ticket in favor of the distressed OFW (current PTA provision)	Within 60 days	Agency to submit copy of POEA's Notice of Demand Memorandum of Undertaking Post-dated Checks
Current and Prior Years' Accountability	First P50,000 - within 60 days upon issuance of Memorandum of Undertaking Balance – P25,000 per month not to exceed one year or should not exceed the expiration date of the agency's license whichever comes first	Copy of the latest Agency's License Memorandum of Undertaking Post-dated Checks

The said schemes shall be the basis for the issuance of certification being required by the POEA to lift temporary suspension of the recruitment agency's license as well as for the renewal of the same.

(Signed.)
ATTY. DELMER R. CRUZ
Officer-in-charge

09 August 2002

6.B: IMPLEMENTATION GUIDELINES

OWWA MEMORANDUM OF INSTRUCTION NO. 002

Series of 2000

GUIDELINES AND PROCEDURES FOR THE IMPLEMENTATION OF THE LIVELIHOOD DEVELOPMENT PROGRAM FOR OFWS

In the interest of the services and in view of the need to rationalize the policies, guidelines and procedures of the agency's Livelihood Development Program for OFWs (LDPO), the Expanded Livelihood Development Program as modified, the following are hereby issued for the guidance of all concerned:

I. NATURE:

The LDPO shall be the agency's continuing program in livelihood development. It replaces the Expanded Livelihood Development Program (ELDP) and as such the established system of the same shall be employed in pursuit of the LDPOs objectives.

In adherence to the mandate set forth by R.A. 8042, the LDPO shall be the primary financing facilities for the economic component of the agency's Reintegration Program.

II. OBJECTIVES:

The objectives of the LDPO are as follows:

1. To aid in the development of alternative sources of livelihood for the unemployed and displaced OFWs and their beneficiaries;
2. To assist in the development of income-generating projects (IGPs) with the end-view of augmenting the incomes of gainfully employed OFWs and their beneficiaries;
3. To provide opportunities and establish means where the economic gains achieved by OFWs and their beneficiaries from working abroad may be invested productively for their own benefit; and
4. To provide the social preparation, technical assistance and other support services necessary to attain the preceding objective.

III. CLIENT COVERAGE:

The LDPO shall three (3) types of clients nationwide which are:

1. Permanently returned or gainfully employed OFWs without savings from overseas employment;
2. Permanently returned or gainfully employed OFWs with savings from overseas employment; and
3. OFWs who are abruptly displaced by both natural or man-made calamities such political turmoil, unfavorable economic conditions or emergency situation in their countries of employment.

This will be also include OFWs who are cause to prematurely return home due to contract violation by employers, discrimination of any form or other employment-related factors.

OFW Beneficiaries:

The legal beneficiaries of the clients enumerated above are also allowed to apply for financing under the LDPO in place of OFWs.

For married OFWs, beneficiaries shall be their spouses or unmarried but legal-aged children.

For unmarried OFWs, beneficiaries shall be their parents or unmarried siblings of legal age.

IV. PROGRAMS STRATEGIES:

The strategies to accomplish the program objectives are:

1. The provision of on-site and local social and technical preparation activities prior to funding assistance;

2. The lending of livelihood capital according to the applicable credit windows;
3. The provision of technical assistance and other necessary support services both prior to and while the livelihood project is on-going; and
4. Networking and coordination with both private and government agencies for various assistance that may be extended to OFWs regarding their entrepreneurial needs.

V. IMPLEMENTING UNITS:

The Field Services Office (FSO) Regional Operations Coordinating Center (ROCC), through the Regional OWWA Units (ROUs) and Livelihood Operation Division (LOD) for the National Capital Region (NCR), shall take the lead role in the implementation of the LDPO.

The Overseas Operations Coordinating Center (OOCC), through the overseas officers in the jobsite, shall be responsible for the implementation of the social preparation of the LDPO on-site.

The Plans and Program Office (PPO), through the Economic Benefits Department, be responsible for the development fore the LDPO as well as the program-level monitoring and evaluation of the same.

VI. SOCIAL AND TECHNICAL PREPARATION:

Social and technical preparation shall be individualized in approach. Whenever possible, it will commence at the Filipino Workers Resource and Development Center (FWRDC) to culminate at the workers return to their respective regions where they intend to pursue their entrepreneurial activities.

Social and technical preparation on-site will consist of regular business counseling and (2) types of business skills training which are 1) Ladderized Entrepreneurial Career Development Training and 2) Entrepreneurial Training Appreciation. These will be undertaken for interested parties upon request or depending on the identified need.

These group activities will be reinforced with printed materials on technology dissemination, investment briefs, saving utilization, etc.

On the other hand, social preparation in the local level will proceed from where on-site services ended.

Supplemental training courses that are needs-based like financial management, effective marketing, etc. will be offered prior to funding assistance. Trainings, video or reading materials will likewise be made available on subject of specific technology in coordination with tie-up agencies.

For workers that cannot be reached by the agency's overseas officers due to the problem of distance and other constraints, individualized social and technical preparation schedules shall be offered upon their return. They will be composed of integrated on-site and local courses and materials that are designed for the individual needs of applicants.

In addition, the regional units will undertake extensive cooperative organizing for OFWs who are inclined to pursue projects in cooperation with workers of similar trades and inclinations.

VII. LOAN PACKAGE:

The LDPO shall have four (4) credit windows that are classified as follows:

1. Direct Lending for Individual Entrepreneurs
2. Wholesale lending for Local Entrepreneurs
 - a. Partnership With Local Government Units
 - b. Capital augmentation Scheme for OFW Cooperatives
3. Industry-Based Group Assistance Loans
4. Re-Entry Loans Group Assistance Loans

This Memorandum of Instruction shall refer only to the procedures and operation of the Direct Lending for Individuals Entrepreneurs.

VIII. DIRECT LENDING FOR INDIVIDUAL ENTREPRENEURS:

Loan Ceiling:
P100,000 per qualified borrower

Interest Rate:
9% p.a.

Collateral Coverage:
100%

Loan Usage:

Working capital, building/building improvement and acquisition of fixed assets

This credit window will provide direct loan assistance to projects that will fall under the following cluster, based on the entrepreneurial initiative or idea origin:

A. Skills Utilization

This will be open to OFW or their legitimate beneficiaries who have completed the agency's priority training programs to promote or upgrade skills that may be useful in enterprise development.

It will also be open to project proponents who are practitioners or advocates of the promoted skills or technologies that are utilized or that the proponents may want to use for business purposes.

Start-up projects as well as projects for expansion will be allowed under this classification.

B. Regional Priority

This will be open to OFW or their legitimate beneficiaries whose projects fall under the priority or promoted projects of the regions where the projects of the regions where the projects are to be established.

Start-up projects or projects for expansion will be allowed under this classification. Debt-to-Equity: 75:25.

C. Promoted Industry

This will be open to OFW or their legitimate beneficiaries whose projects fall under the Department Of Trade and Industry's (DTI) priority or promoted projects are to be established.

Start-up projects or projects for expansion will be allowed under this classification.

D. Appropriate/Traditional Technology

This will be open to OFW or their legitimate beneficiaries whose projects are specific to the regions where they are to be established.

This will also be open to projects will utilize appropriate or innovative technologies with an

abundance of raw materials in the locality to support production.

Start-up projects or projects for expansion will be allowed under this classification. Debt-to-Equity: 85:15.

E. Area-Feasible Projects

This will be open to OFW or their legitimate beneficiaries whose IGP's: a) have fast sale turnover, b) have short gestation periods, and c) require small capital outlays. Debt-to-Equity: Start-up:76:25 Expansion: 60:40.

IX. TECHNICAL ASSISTANCE AND SUPPORT SERVICES:

Technical services will be extended to every loan applicant, avail or OFW entrepreneur or prospective entrepreneur with such requirement. This will be the form of consultancy services focusing on problems that are specific to livelihood projects, assistance in the preparation of projects feasibility studies, facilitation in the preparation of documents, referrals or endorsement to private or government institution, etc.

Various types of trainings after loan release or while the livelihood projects is on-going will also form part of these services.

Because of the individualized approach in preparing the clients for their IGP's activities that are undertaken in the social preparation phase may be required while the projects is on-going to ensure the client's good grasp of the business.

Sourcing Directory Project

The OFW Sourcing Directory Project- which aims to come up with a directory of producer, raw materials, finished goods and market opportunities that will assist OFW entrepreneur in sourcing their raw materials and old in marketing their products- will be initiated simultaneously with the launching of the LDPO.

The Plans and Programs Office (PPO) shall undertake the projects in coordination with the Public Information Division (PID) and the Regional OWWA Units (ROUs).

X. LOANS REQUIREMENTS:

- ✓ Proof of OWWA Contribution;

- ✓ Business Plan/Projects Feasibility Study;
- ✓ Current Community Tax Certificate
- ✓ Business Permit/License (for on-going projects only);
- ✓ OFW Consent: Marital Consent (for married borrowers); or Authorization (for parents or sibling who is applying on behalf of OFW);
- ✓ Marriage Contract or proof of marriage
- ✓ Documents to establish borrowers relationship with OFW (for legitimate beneficiaries borrowing in place of OFW)

XI. AVAILMENT PROCEDURES:

For Individuals Applicants Starting Social & Technical Preparation At The Jobsite:

- Prospective applicant undergoes assessment shop at the FWRDC.
- OWWA Officer orients the applicant on the details of the livelihood program.
- Social preparation schedule is prepared for concurrence of the applicant and subsequent working out of time schedules.
- Required trainings undertaken at the FWRDC.
- Applicant returns home and reports to ROU with certification and Initials Socials Preparation (ISP) report from FWRDC.
- Completion of social preparation activities with the supervision of ROU staff.
- ROU evaluator assesses submitted business plan and other documentary requirements.
- Ocular inspection of the project site and social/background Investigation of the project proponent.
- Approval of the proposed project.
- Release of funds intended for the project.

For Individual Applicants Starting Social and Technical Preparation At The ROUs:

- Prospective applicant undergoes assessment shop at the ROU.
- OWWA Officer orients the applicant on the details of the livelihood program.
- Social preparation schedule is prepared for concurrence of the applicant and subsequent working out of time schedules.
- Social preparation activities are completed based on prepared time schedules.
- ROU evaluator assessment submitted business plan and other documentary requirements.

- Ocular inspection of the project site and social/background Investigation.
- Approval of the proposed project.
- Release of funds intended for project.

XII. PROJECTIVE EVALUATION & MONITORING:

There will be two forms of projects evaluation of the ROU level.

The first one consists of table evaluation which includes the validation of supporting papers to be attached to the loan application. This stage will also see project evaluator in validating the assumptions used in the client-submitted business plan or PFS.

The second one involves the ocular inspection of the projects site as well as all pertinent background or credit investigation. It is also at this stage where a more conclusive decision on the project proposal is arrived at.

At any of the two stages, the project officer or evaluator in-charge may recommended by the evaluator to fully prepare OFW for actual project implementation.

Project Monitoring

Project will be strengthened the LDPO not only as an effective collection strategy but more importantly as an integral support service.

Periodic monitoring and spot checks shall be conducted to elicit feedback about the development at the project level. Monitoring will also be useful in checking for variances between the assumptions used in the PFS as against actual project performance figure.

Such will be important in keeping track and in managing the individual account of the borrower.

XIII. MODE OF RELEASING:

Individual loans may be released on a staggered basis depending on the actual financial needs which will be followed from the work schedules of the projects.

XIV. SECURITY REQUIREMENTS & OTHER SAFEGUARDS:

Loans may be secured with any following acceptable collaterals:

- Real Estate- unmortgaged Transfer Certificate of Title (TCT) with no delinquent real property tax payments.
- Vehicles- unmortgaged brand-new to three-year old vehicles. These will have an economic life of five (5) years.
- Machines/Equipment- unmortgaged brand-new to three-year old equipment. These will have an economic life of seven (7) years.
- Appliances- unmortgaged brand-new to three-year old appliances. These will have an economic life of seven (7) years.

Real estate shall have a loan factor of 90% computed on its market value.

Chattel mortgage, except appliances, shall have a loan factor of 70% computed on their net book value.

XV. RELOAN, REPAYMENT TERMS, PENALTIES & RESTRUCTURING OF ACCOUNTS:

Reloan opportunities shall be made available and open to individual applicants with satisfactory payment records until such time that their projects are assessed as capable to financially stand on their own.

Under no condition shall any one avalee or his/her legal beneficiary be allowed to borrow under any credit window while the avalee has an outstanding loan with the LDPO.

Repayment terms shall vary according to the utilization of the loan. Generally, loan utilization will be classified as follows:

WORKING CAPITAL EXTENSION. Depending on the loan amount, payment of loans used for this purpose will range from one to two years. Another factor that may affect recommendation for amortization will be reasonable projections in the project feasibility study (PFS).

IMPROVEMENT OUTLAY/EQUIPMENT ACQUISITION. Depending on the loan amount, payment of loans used for this purpose will range from three to five years. Again, reasonable projections in the PFS may affect the loan amortization schedule.

CREDIT LINE FOR SEASONAL CAPITAL REQUIREMENTS. Loans that are utilized for this purpose will be made available for working capital requirements only. Payment will be demanded following the production period or the sale of products for which the loan was contracted.

Delinquent loan amortization shall have a penalty rate of 2% per month of delayed payment based on the amortization for the period.

Under the following conditions, loan restructuring may be allowed at the level of the ROU:

- When the business is hit hard by natural or man- made calamity;
- When the avalee is injured, met an accident or is stricken with the disease that would cause the project to close shop or to operate below normal level; and,
- When the proponent wishes to shorten the loan term.

The director, FSO is authorized by the administrator to approve applications for loan restructuring that would extend beyond the original loan term.

XVI. FORECLOSURE & DISPOSAL OF ACQUIRED ASSETS:

All foreclosure of mortgage and disposal of acquired assets shall be made made expeditiously, profitably and in accordance with law. This will apply to the LDPO including pending cases under the ELDP.

The following specific guidelines must be followed:

FORECLOSURE. The Administrator, upon the recommendation of the Director, FSO, may authorize the foreclosure of the mortgage of borrowers who are in arrears in the payment of their accounts when arrearages have accumulated to the three (3) months, two (2) quarterly or one (1) semi annual amortization.

Foreclosure proceedings shall be instituted only after the ROU concerned has first made an investigation and the analysis of the circumstances of failure of the borrower to pay

and has exhausted the following means to effect collection:

- A collection letter to be mailed as soon as the borrower becomes in arrears for three (3) months.
- If no payment has been received within (15) days after the sending of the first letter, a second letter reiterating the need for the borrower to settle his/ her account must be mailed.
- If, after fifteen (15) days of the sending of the second letter, there is still no payment made, a third letter must be sent that should warn the borrower that his/ her case will be referred to the Legal Department for appropriate action.
- If, after fifteen (15) days of the sending of the third letter, there is still no payment made, a final demand letter to be signed by the Administrator or his authorized representative must be sent by registered mail. This is to inform the borrower that his/ her mortgage will be foreclosed if no payment is made within fifteen (15) days from receipt of the mail.
- After all four (4) demand letters have been sent and no payment is made, a statement of account which will indicate the total claim of the livelihood program shall be prepared and endorsed to the Legal Department together with the mortgage contract, promissory note, deed of assignment and other necessary papers with the request that the necessary foreclosure action should be taken.

A database system for all the accounts must be installed in every region of operation to monitor the carrying out of the above steps according to schedule so that the status of each account and the appropriate action may be determined at any time.

Generally, the Legal Department/ Regional Legal Retainers may take the following legal action depending on the circumstances:

- Extra- judicial foreclosure of the mortgage through an application or petition to this effect filed with the sheriff, or
- A simple suit for the recovery of money based on the promissory note with preliminary attachment.

FORECLOSURE SALE. The agency shall be represented by the Chief, General Services and Property Management Division (GSPMD)/ Supervisor, Regional OWWA (ROU) at the auction sale. The bid to be offered by the representative of the agency shall be made as follows:

- The maximum bid shall be the appraised value of the properties to be sold or the total claim of the agency whichever is lower;
- The minimum bid shall be 50% of the above.
- The bid shall be approved by the Administrator, upon recommendation of the Director, Field Services Office.
- The approved bid must reach the Legal Department/ ROU at least one day before the scheduled foreclosure sale.

The appraised value shall be initially determined by the GSPMD, in the coordination with the Livelihood Operations Division- NCR, or the concerned Regional OWWA Unit.

Before foreclosure sale, the following steps must be accomplished:

- Before the foreclosure sale, an inventory of the mortgaged properties shall be undertaken by the appraiser from the LOD or the ROU and assisted by the representatives from the AAID.
- After the inventory and the subsequent turning over of the properties to the sheriff, the appraiser shall prepare and submit his/ her report to the Director, FSO.
- In the case of missing properties, the Director, FSO shall initiate the investigation of such and will be the one to endorse whatever findings to the Legal Department concerned units for legal or other appropriate action.

In the foreclosure sale, the Chief, GSPMD/ Supervisor/ ROU shall be accompanied by a representative from the GSPMD, the Legal Department and Security Personnel.

In case of a postponement of the original date of a foreclosure sale, the NCR/ ROU must consider whether or not to modify the bid price and must inform all units in case such decisions has been made.

Immediately after the foreclosure sale, the representatives from the NCR/ ROU, AAID and the Legal Department shall jointly submit a

report to the Administrator, furnishing copies to the four(4) Directories indicating, among others, the following information:

- Name of mortgagor/ borrower
- Place, date and time of sale
- Winning bidder and amount of bid
- Mortgaged properties sold or unsold and the reasons for such
- Significant development in the proceedings
- Copy of the sheriff's certificate whenever possible

Foreclosure proceedings may be dropped if, during its pendency the mortgagor/ borrower pays all past due amortization, interests due, and the Administrator approves a new plan of payment. Before any such disposal of foreclosed property, the borrower shall be given a specified time period within which he/ she could redeem the said property.

ADMINISTRATION OF ACQUIRED ASSETS. The GSPMD shall administer all the foreclosed properties that may come into the possession of the agency. Its function in this regards include custodianship, accountability and disposal of these properties. As such the Division shall see to it that:

- The properties are safeguard and preserved.
- All taxes due are properly paid.
- The properties are re- inspected and re-appraised by the LOD/ ROUs.
- If necessary, the properties are to be insured by the GSIS or any other private insurance companies.
- The properties are disposed of immediately and profitably and in accordance with the laws and the modes and procedures provided for in this guidelines.

Acquired assets should be inspected and appraised to fix the minimum selling price that may be approved by the Administrator and to determine any repair if needed in order to keep the property in good condition.

Chattels like machinery, equipment, furniture and fixtures, appliances and the like acquired as a result of foreclosure of mortgage should be inventoried in the presence of representatives from the GSPMD or the ROUs.

Steps should be taken to keep these properties in a suitable and safe place where they can be properly guarded at the minimum expense. As

there is no right of redemption in the case of foreclosure of chattel mortgage, said chattels shall be sold as soon as possible in the manner and procedure provided in this guidelines.

DISPOSAL REQUIREMENTS. Only acquired fixed assets which will be transferred and placed under the custody , accountability and administration of the GSPMD shall be covered by these guidelines and procedures.

No real estate shall be disposed of within the one year redemption period except to the original owner or assignees or other parties entitled under the law to redeem.

The redemption price of the property shall be the total indebtedness, which will be include the principal of the loan, advances for the insurance and taxes, unpaid interest and such other expenses related to administration of the property and the penalty, if any.

As soon as the redemption of the real property acquired by the OWWA through foreclosure of mortgage has expired, OWWA may dispose the property in accordance with the manner stated herein, provide that the borrower or assignee of the property shall be given the opportunity to re-acquire the property anytime before the disposal or the sale takes place.

All acquired fixed assets available for disposal or sale shall be previously appraised. Such appraisal shall be as current as possible.

All interested or prospective buyers shall be given reasonable time within which to conduct their own investigation or inspection of the property to enable them to submit realistic and reasonable bid offer.

A minimum bid/ price shall be set and determined by the Awards and Bids Committee in which the following factors shall be considered:

- Appraised value of the assets to be disposed of; and
- OWWA's financial exposure to the livelihood project in question

MODES OF DISPOSAL. All assets that are acquired by OWWA out of the operations of the LDPO shall be disposed of in accordance with law and the following modes of disposal:

- Through public bidding. Generally, all acquired fixed assets shall be offered for sale through public bidding. The general conditions on the conduct of the public bidding are:
 - Public bidding for all properties to be disposed of shall be conducted in the OWWA Central Office/ Regional Offices and as often as the Awards and Bids Committee may deem as necessary.
 - Invitation to bid shall be published in a newspaper of general circulation and/ or posted in the bulletin board of the OWWA Central Office/ Regional Office and other conspicuous public places at least once a week before opening of bids.
 - Each particular property in the invitation to bid shall be properly identified, clearly stating the following information:
 - ✓ Description of Property
 - ✓ Certificate of Title Number
 - ✓ Area of the Property (in case of real estate)
 - ✓ Location of the Property
 - ✓ Tax Declaration Number
 - ✓ Starting bid for the Property
 - Copies of invitation to bid shall be also sent to the former owner or assignee.
 - Interested bidders may conduct their own inspection of the properties to determine actual conditions.
 - Each bid shall be accompanied by a Bidder's bond in the form of Cash, Manager's/ Cashier's or Certified Check payable to the Overseas Workers Welfare Administration and drawn in any Metro Manila bank in an amount equivalent to ten percent (10%) of the bid price or as may be determined by the Awards and Bids Committee.
 - Sealed envelopes containing the bids shall be opened by the Committee Chairman or his duly authorized representative in the presence of other members of the committee and a COA representative and the bidders who would like to witness the proceedings.
 - The award shall be given to the highest bidder. In case of tie, the award shall be made to the bidder who can pay the full amount. Preference shall be given to the previous owner or assignee of the property, otherwise the award shall be made by lottery.
 - The winning bidder shall deposit an additional 20% of the bid price to complete the 30% deposit requirement not later than 3:00 p.m. of the next working day. This deposit shall be considered as down payment for the sale of the property.
 - The 70% balance of the bid shall be payable in cash within (7) working days from the date of full payment of the deposit requirement .
 - Any successful bidder who fails to pay the additional 20% deposit requirement or to pay the balance of the bid/ price within the period specified shall forfeit his right as winning bidder and the 10% bidder's bond shall be forfeited in favor of OWWA and the same shall be treated as liquidated damages. Thereafter, OWWA shall be free to sell the property to the other qualified interested parties.
 - OWWA shall immediately return the 10% bidder's bond to the other unsuccessful bidders.
 - The winning bidder shall assume all storage charges that may accrue from the date the full payment is made.
 - The agency reserves the right to reject any and all bids and to accept any bid proposal which in its judgment is most advantageous and to its best interest.
- THROUGH NEGOTIATED SALE. The general conditions in the conduct of negotiated sales are as follows:
- When the effort to dispose the property fails, the Committee may proceed to dispose the property through negotiated sale and shall initiate efforts in this regards.
 - The property will then be offered at such a price as may be fixed by the Committee

taking into account the minimum bid and with prior approval of the Administrator.

- The prospective buyer who submits the best offer/ bid shall be required the initially pay 10% down payment which shall not be refundable if the sale is not consummated due to his fault.
- The prospective buyer shall be required to make another 20% deposit within five (5) working days from receipt of notice of approval of sale to complete the 30% required down-payment.
- The 70% balance shall be paid in cash within seven (7) working days from the date of payment of the 30% deposit.
- All other terms and conditions that may be imposed by OWWA shall be complied with also within seven (7) working days.
- Negotiated sale may also be made on installment basis, subject to such terms and conditions that may be mutually agreed upon between OWWA and the prospective buyer.

OTHER MODES OF DISPOSAL. Other modes of disposal not mentioned above which in the opinion of the Committee and beneficial and will redound to the best interest of OWWA may be referred to the Administrator for consideration and approval.

Procedures on Disposal. The following procedures will be govern the disposal of acquired assets:

- The livelihood program records in its books acquired assets; prepares assets disposal forms; determines the appraised value of the property; turns over, in the presence of a representative from the Legal Department and COA all acquired assets covered by assets disposal form to the GSPMD.
- The GSPMD receives and checks the quantity, specification and conditions of the acquired assets; makes the necessary recording; sees to it that the corresponding from are duly accomplished and approved; and endorses the list of acquired assets to the COA representative for review of asset appraisal.
- The GSPMD, after deliberations and proceedings on the disposal of acquired assets, recommends through the Director,, FSO, the approval of the disposal/ sale.

- The Administrator approves the disposal/ sale and returns all the documents to the GSPMD.
- GSPMD/ ROU disposes the property in the presence of a representative from COA only after the disposal sale is duly approved and the buyer makes the necessary payment to approved and the buyer makes the necessary payment to the OWWA cashier and presents the receipts to the GSPMD.
- Each of the representatives counterchecks and records the property being disposed of or sold.
- GSPMD prepares and submits to the Administrators, a monthly summary report on the status of the acquired assets indicating which assets have been disposed of or sold.

MISCELLANEOUS.

- When OWWA acquires the mortgage property during the foreclosure sale for an amount that is less than the total claim of the agency, the Legal Department/ Legal Retainer shall immediately file an action for the recovery of the deficiency against all persons who are liable thereto.
- If the property is redeemed by the former owner or his assignee for cash in full payment of the total claim, the recovery for the deficiency shall be waived.
- In case where the mortgaged property has been sold for the total claim of OWWA or at a profit, the agency shall no longer file any action for deficiency against the former owner (mortgagor), and in case such action has been filed in court, it must be withdrawn and if judgment is obtained, the same shall not be executed.

XVII. PROGRAM MONITORING AND EVALUATION:

The LDPO shall have a built- in monitoring and evaluation system (M/E System) at the program level that will address the aspects of both performance and process.

The M/E System will be a function of the Plans and Programs Office (PPO) and will basically involve the compilation , generation, analysis, interpretation and presentation of data and information that would be vital to the LDPO's effective management and continous development.

As such, the M/E System will be important in:

- Overseeing the adherence of concerned units to the policies and guidelines of the LDPO;
- Determining the accomplishments of target outputs;
- Identifying problem areas in the delivery of services that require improvement and immediate attention;
- Providing management with timely, accurate and relevant information in order to improve policies and guidelines;
- Assessing the effectiveness and/ or efficiency of the service delivery system as a whole, and,
- In assessing the effectiveness and impact of the LDPO on its intended beneficiaries.

XVIII. COORDINATION WITH RPMC:

There shall be closed coordination between the LDPO and the Replacement and Monitoring Center (RPMC) that should optimize results from the services offered by both for the benefits of OFWs.

XIX. STAFF DEVELOPMENT:

Regular staff development trainings shall be instituted in the program to promote or upgrade the capabilities of the program staff both at the implementation and program level.

XX. AMNESTY ON PENALTIES:

In order to improve the collection performance and effect the recovery of funds that were released under the Expanded Livelihood Development Program, an amnesty on penalty charges shall be declared to usher in the implementation of the LDPO.

This Memorandum of Instruction supersedes all previous issuances and shall take effect immediately.

(Signed.)
ELEUTERIO N. GARDINER
 Administrator

02 February 2000

OWWA MEMORANDUM OF INSTRUCTION NO. 011
 Series of 2001

**Addendum to MOI No.02, Series of 2000,
 On Real Estate Properties As Collateral For Loans
 Under The Livelihood Development Program For OFWs (LDPO)**

In the interest of the service, ancestral lands with Declarations of Real Property are allowed to be accepted as collateral under the Livelihood Development Program for OFWs (LDPO) and that applicant-holders are hereby exempted from presenting Transfer Certificates of Title as proofs of ownership.

Lands that are covered by Original Certificates of the Title may also be accepted to cover indebtedness under the same program as long as the maturity of these loans are beyond, or will coincide with, the termination of specified periods of prohibition on the transfer of ownership of these real estate properties.

The following are the requirements according to type of real estate properties:

1. Titled Land

-
- 1.1 Transfer Certificate of Title or Original Certificate of Title (only for properties that qualify under the conditions stated in these guidelines)
 - 1.2 Tax Declaration
 - 1.3 Current Realty Tax Payment Receipt
 - 1.4 Tax Payment Clearance
 - 1.5 Location Plan with Vicinity Map
2. Ancestral Land
 - 2.1 Tax Declaration
 - 2.2 Current Realty Tax Payment Receipt
 - 2.3 Certificate of Non-Tax Delinquency
 - 2.4 Certificate of Non-Encumbrance issued by the Assessor's Office
 - 2.5 Certification from DENR-CENRO that the land is not yet issued a Land Title, has no pending Free Patent application and is alienable and disposable
 - 2.6 Certification from the National Commission of Indigenous People (NCIP) that the land is ancestral
 - 2.7 Location Plan with Vicinity Map

Upon the release of loans, proponents will be required to submit the Original Certificates Of Title, Transfer Certificates of Title or Declarations of Real Property, as appropriate, for safekeeping until the end of the amortization terms.

This Memorandum of Instruction takes effect immediately.

(Signed.)
WILHELM D. SORIANO
 Administrator

September 19, 2001

DOLE ADMINISTRATIVE ORDER NO. 49
 Series of 2004

In the interest of the service and pursuant to the government's thrust of providing assistance to returning Overseas Filipino Workers (OFW) and their families, the Project "Overseas Filipino Workers' Groceria and Botica: An Economic Support Venture for OFW Family Circles" is hereby launched and its implementing guidelines, attached hereto, adopted.

The OFW Overseas Filipino Workers' Groceria and Botica is designed to improve the socio-economic situation of families of Overseas Filipino Workers by:

1. Sustaining the interest of, and strengthening the capabilities of OFW Family Circles in participating in concerted/group activities;
2. Developing the entrepreneurial capacities of OFW Family Circles towards Increased productivity and income; and,
3. Promoting enterprise development to generate employment and additional income for OFW families through the establishment of 1,000 community-based group ventures.

A Project Management Team (PMT) to be chaired by the Undersecretary for Workers Protection And welfare and Returning Migrant Workers and the Informal Sector, and composed of members from the

DOLE and Overseas Workers Welfare Administration (OWWA) will be responsible for the overall supervision of the implementation of this Project. In Addition, the Office of the Undersecretary shall provide the PMT with a technical support assistance in the supervision and implementation of this Project. The PMT will regularly update the Secretary on the progress of the project implementation.

All DOLE Regional Directors are hereby directed to implement this Project through the OWWA Regional Office. They will report to the office of the Undersecretary for Workers Protection and Welfare, Returning Migrant Workers and the Informal Sector on the progress of their implementation on this project.

This order takes effect immediately.

(Signed.)
PATRICIA A. STO.TOMAS
 Secretary

18 February 2004

IMPLEMENTING GUIDELINES FOR THE OVERSEAS FILIPINO WORKERS GROCERIA AND BOTICA PROJECT

I. RATIONALE:

In response to the need for a more focused and deliberate intervention for Overseas Filipino Workers and their families towards mainstreaming them into the social and economic folds of society, the Department of Labor and Employment (DOLE), In coordination with the Overseas Workers Welfare Administration *OWWA(, is launching the "Overseas Filipino Workers Groceria and Botica Project", which will form part of the Philippines OFW Reintegration Program. This Project is an economic support project that is aimed at promoting livelihood and self-employment activities to ensure the economic security of OFW families.

It is hoped that the groceria project will not only sustain the organizational momentum of the more than 900 OFW Family Circles that have been organized nationwide, but enable the OFW family circles, the returning OFWs and displaced OFWs as well, to establish mutually advantageous relationships that would benefit the OFW families, and their communities.

II. PROJECT OBJECTIVES:

To improve the socio-economic situation of families of Overseas Filipino Workers by providing them opportunities and access to productive and economic resources by:

1. Sustaining the interest of, and strengthening the capabilities of OFW Family Circles in participating in concerted/group activities;
2. Developing the entrepreneurial capacities of OFW Family Circles towards increased productivity and income; and,
3. Promoting enterprise development to generate employment and additional income for OFW families through the establishment of 1,000 community-based group ventures.

III. PROJECT DESCRIPTION:

The Project is a livelihood assistance project, which will be treated as an interest free loan and extended in the form of merchandise goods worth fifty thousand pesos (P50,000.00) per qualified OFC beneficiary.

LOAN DETAIL**Loan Ceiling:**

P50,000.00 worth of goods per project per qualified OFC beneficiary

Interest Rate:

0% (interest free)

Loan Usage:

Merchandise goods for retail/wholesale to bona fide members of OFW/OFC and community

Equity:

OFC counterpart in the form of lot or building, store construction/renovation costs, pre-operation expenses, i.e. registration fees, transportation and other attendant costs in the processing of application

Loan Maturity:

Maximum of two (2) years

Mode of Payment:

Monthly (variable amount) to be computed on percentage basis from the net income, but not to exceed the loan maturity period

The loan ceiling of P50,000.00 will serve as the maximum amount of credit line. The full amount may be availed of immediately in case of OFCs with business plan requiring the maximum amount. For those OFCs that opt to start with a lower amount of inventory; availment of the credit line may be effected more than once, but not to exceed the loan ceiling, and payment of the total loans obtained will be within the loan maturity period of two (2) years.

Merchandise goods will be supplied by credible wholesale suppliers operating in the respective areas where the stores will be established, while the medicines will be supplied through the Department of Health (DOH).

Provision for Expansion

Subject to positive results of OFC Groceria operations, expansion may be supported through the following:

- Opening of a section for OFW Botica; and/or
- Availment of the OWWA-NSLF LDPO loan portfolio

IV. PROJECT COVERAGE AND BENEFICIARIES:

The project will be implemented nationwide, and will have the following as its beneficiaries:

- OFW Family Circles (OFCs) composed of OFW families organized by OWWA Community Development Officers and Family Welfare Officer, NGO Philippine Comprehensive OFW Reintegration (PhilCORE) members, church-based organizations, OFW returnees and displaced OFWs; and,
- OFW federations, organizations, associations, and cooperatives.

V. PROJECT ACTIVITIES:**A. Pre-Implementation Phase**

1. Creation of Project Management Team (PMT)

A Project Management Team will be created, composed of members from the DOLE and OWWA, to manage and supervise the implementation of the project, thereby ensuring its smooth implementation.

2. Conduct of briefing orientation for ROs

A series of orientation briefings will be conducted for all DOLE and OWWA Regional Offices to provide a common framework of understanding of the project guidelines and procedures

3. Selection and Identification of target OFW Family Circles-Beneficiaries

Pre-screening and selection of target OFW Family Circles-Beneficiaries will be conducted by all regional offices prior to the approval/granting of the project assistance. Criteria for selection are outlined in section VI.A of this guidelines.

4. Conduct of orientation and training courses for family circle beneficiaries

An orientation on the project, including loan details will be conducted for the selected family circles beneficiaries prior

to establishment of the grocery project to ensure clear understanding of project details.

In addition, a series of continuing skills training course will be provided to enhance the entrepreneurial and technical skills of family circles in running and managing their grocery projects.

B. Project Implementation Phase

The project will establish 1,000 grocery stores nationwide.

C. Post-Implementation Phase

A monitoring scheme will be devised by the PMT to facilitate the regular reporting of the progress of project implementation, both at the level of beneficiaries and the Regional Offices.

A post-release evaluation will also be conducted by the PMT to verify if project guidelines and procedures were adhered to.

VI. PROJECT MECHANICS/GUIDELINES:

A. Selection Criteria

1. Project Site

- Must have a relatively big number of families/dependents of OFW; and,
- Must have the presence of strong OFW organization and/or OFCs in the area.

2. OFW Organizations/Family Circles

- Must have legal personality (registered with SEC, CDA, DTI or DOLE);
- Must have a minimum of fifteen (15) bona fide members;
- Must have members who are permanent residents of the community;
- Must have a good reputation and relationship with the community; and
- Must be willing to undergo training in entrepreneurship, project management and leadership.

B. Documentary Requirements (Refer to Annexes A-D):

1. Business Plan (pro-forma, to be provided by OWWA)
2. Application form
3. Proof of OWWA contribution of OFW kin/relative
4. Registration with the DOLE and with any of the following:
 - SEC
 - CDA
 - DTI
 - LGUs/BMBEs
5. Any of the following organization/association documents:
 - Articles of Incorporation and By-Laws for corporations
 - Articles of Cooperation and By-Laws for cooperatives
 - Constitution and By-Laws for organizations/associations
6. Certification from organization members authorizing officers to contract loan
7. Oath of undertaking

C. Approved Projects

1. The OWWA Regional Supervisors will approved application, noted by the DOLE Regional Directors.
2. For approved projects, the following will be undertaken prior to the release of assistance:
 - Signing of Oath of Undertaking; and,
 - Conduct of crash course on Entrepreneurship Development Training.

D. Criteria for Expansion

1. Must have undergone all the requisite training programs;
2. Must have a repayment rate of at least seventy-five percent (75%); and
3. Must have no record of default payment.

VII. PROJECT MANAGEMENT AND IMPLEMENTATION:

A. National Level:

The Project will managed and supervised by a Project Management Team (PMT) composed of members from the Department of Labor and Employment (DOLE) and the Overseas Workers Welfare Administration (OWWA). The PMT will be responsible for the:

1. Provision of the necessary technical and administrative support services, including the provision/allocation of the project funds to the Regional Offices to ensure the efficient and effective implementation of the project;
2. Recommend policies and guidelines pertaining to improve implementation of the project;
3. Conduct of project monitoring and evaluation and analysis of the projects progress/status reports; and
4. Conduct of spot audits

B. Regional Level

The DOLE Regional Offices, through OWWA Regional Office, oversee the overall implementation of the project in their respective region, and will be responsible for:

1. Leading the implementation of the project in their respective region;
2. Facilitating the timely delivery of project assistance and the attendant technical and administrative requirements for project implementation, as follow:
 - Conduct of pre-evaluation of application;
 - Conduct of meeting with prospective OFW/OFC applicant to discuss details of project plan, loan policies, scheme on distribution of revenues, and the other project requirements;
 - Conduct of ocular inspection of the project site and social/background investigation of main proponents, particular the OFC officer;
 - Conduct of appropriate training programs; and
 - Issuance of claim
3. Providing the PMT with a list of approved projects with complete details on project and beneficiaries profile;
4. Monitoring project implementation to ensure consistency with the project's goal and objectives, as well as with implementing mechanics; and,
5. Submitting regular and timely project progress/status report to the PMT.

VIII. PROJECT FUND:

The Project will have a total allocation of Fifty Three Million Pesos (P53,000,000.00) with P50 million to be source from OWWA funds and P3 million from the President's Social Fund.

In accordance with OWWA Board Resolution No. 003, series of 2004, an initial funding of Fifteen Million (P15,000,000.00) is allocated for the provision of loan/seed capital and administrative/operational expenses, which will be sourced from the unreleased and unutilized portions, including collection, of revolving fund allocated for the livelihood programs for OFWs previously implemented by OWW. This is in addition to the P3 million DOLE-Presidential Social Fund. The OWWA will ensure the provision of funds for the conduct of Entrepreneurship Development Training (EDT) programs and other attendant cost in the mobilization and development of the project beneficiaries. Funding support from other cooperating sectors and institution may be tapped for the project.

IX. PROJECT MONITORING AND EVALUATION:

The PMT will develop a project monitoring scheme and develop the appropriate monitoring forms both for the beneficiaries and RO levels.

X. PROJECT FUND MANAGEMENT:

The OWWA's Internal Management Services Office (IMSO) will devise a system of purchase of inventories and the collection of loan payment.

APPROVED:

(Signed.)
PATRICIA A. STO.TOMAS
 Secretary

18 February 2004

MEMORANDUM OF INSTRUCTION NO. 001

Series of 2004

**IMPLEMENTING RULES AND REGULATIONS
FOR EDUCATION AND TRAINING BENEFITS OF OWWA MEMBERS**

Pursuant to Article VIII of the OWWA Omnibus Policies approved by the Board of Trustees through Board Resolution No. 038, Series of 2003, the following implementation guidelines on education and training benefits for the OWWA Members are hereby instructed:

A. General Provisions:

1. Coverage

This covers the Skills for Employment Scholarship Program- Phase 1 (SESP- 1), Education for the Development Scholarship Program (EDSP) and Seafarers Upgrading Program (SUP) which are open for technical/ vocational, baccalaureate and dependents of OFW- Member of the OFW as in the case of SUP.

2. Scholarship Committee

For the purposes of policy formulation, direction and interpretation on the management and administration of all education and training programs, the Scholarship Committee (SC) is hereby created. It shall be constituted by the following: Chair: Head, Field Service Office and Deputy Administrator; Vice-Chair: Director, Plans and Program Office; Members: Director, Internal management Service Office, and Director, Regional Operations Coordinating Center. The actions of the Committee shall be recommendatory in nature and subject to the approval of the Administrator's delegating his authority to the Committee if he so desires.

3. Responsibility Area

For clarity of functions, the following areas of responsibility are identified:

- The Regional Offices (ROs) shall be responsible in the administration and management of the program; and the evaluation and monitoring of day to day operation of all education and training programs. It shall maintain a database on the avalees of the programs and copy furnish the Regional Operations Coordinating Center (ROCC) and the Plans and Programs Office (PPO).

- The Regional Operations Coordinating Center (ROCC) shall be responsible in coordinating with the different units in the Secretariat for the funding, reportorial and other and other requirements of the programs and shall also consolidate required data and maintain a database.
- The Plans and Program Office (PPO) shall be responsible in the development and evaluation of the programs.
- The Internal Management Service Office (IMSO) shall be responsible in the provision and speedy release of funding requirements.

4. Funding Requirements

The following funding requirements for each program are set:

- SESP- P6 Million per year
- EDSP- P6 Million on 1st year of implementation with annual increase at P6M thereafter and finally reaching P24 Million on the 4th year of implementation.
- SUP- P10 Million per year

5. Eligibility Requirements

To be eligible to any of the programs, the applicant must:

- Be an OWWA member or his beneficiary / dependent. Beneficiary/ Dependent as used here on shall limited to spouse and children of married OFWs, and/ or brother/ sister not more than 21 years of age of unmarried OFWs;
- Be a high school graduate; and,
- Be a Filipino citizen.

6. Procedural Policies

- Availments are by voucher system and scholarship must be availed of on the specific period indicated in the voucher;
- Avalees are subject to regular evaluation and assessment;
- Scholarship grant is non-transferable; and,
- Outstanding graduates shall be recognized and awarded accordingly.

7. Partner Institutions

All schools, colleges, universities and training institutions authorized or accredited or whose programs are registered with appropriate government authority (i.e TESDA, CHED, DOST, MTC) shall be deemed OWWA partners for its programs. The partner institutions in coordination with the PESOs shall exert effort to refer/ place graduates of all programs.

B. Education and Training Programs

1. Skills for Employment Scholarship Program (SESP)

The SESP consists of 1 year or 6 month technical/ vocational programs following the regular school year calendar, offered to landbased or seabased OFWs or their beneficiaries/ dependents in coordination with the Technical Education and Skills Development Authority (TESDA). Upon receipt of the scholarship voucher the grantee may enroll in any TESDA- registered program. Program choices shall be supportive of the land and sea based skills requirement.

Distribution of Slots. Regional distribution shall be determined in approved annual Work Financial Plan (WFP) of the regions.

Financial Assistance. The financial assistance per scholar under the 1 year technician program shall be P7,250. The amount shall be paid directly to the school as tuition fee. If the tuition fee is more than the financial assistance, the scholar shall shoulder the difference while if less, the difference shall be released to the scholar after the end of the program upon submission of the competency assessment and certification of course completion.

Course Offerings. The scholars shall choose from the course offerings based on the critical skills priorities of the region as determined by TESDA, such as:

- Agriculture and fishery
- Processed Food and Beverages
- Tourism (including Hotel and restaurant)
- Decorative crafts
 - Gifts, toys and housewares
 - Jewelry
 - Decorative ceramics
- Metal and Engineering
- Furniture and fixtures
- Garments
- Construction
- Communication/Information Technology/Electronics
- Maritime
- Land Transport
- Health and Social Services and other community, social and personal Services

Availment Requirements. All OWWA members (landbased or seabased) or their beneficiaries/ dependents to avail of the program must:

- Pass the TESDA qualifying examination or multiple aptitude battery test (MABT) on the program of choice;
- Have at least one (1) membership contribution. Three (3) additional membership contributions is required for subsequent availments; and,
- After completing the course, submit for competency assessment and certification administered by TESDA or its accredited testing centers.

Documentary requirements. The applicants must submit the following to the OWWA regional Offices of residency:

- Accomplished application forms (2 sets);
- 1" x 1" ID pictures (2 copies);
- Form 137/ HS Report Card or Transcript of Records/ Official Copy of grades;
- Proof of OWWA Membership, proof of relationship to OWWA member (e.g. copy of marriage contract and/ or birth certificate of both OFW and applicant- dependent duly certified by the Local Civil Registrar)

Process Flow (Annex A)

Processing of scholarship application shall be governed by the following procedural steps:

- a. Applicants secure and accomplish application form and submits it with complete requirements at OWWA Regional Office;
- b. OWWA Regional Office screens applicants and evaluates applications forms and documentary requirements:
 - b.1 If applicant has not complied with all requirements of the program, OWWA- RO either disapproves or requires applicant to fully comply with requirements;
 - b.2 If applicant has complied with all requirements, OWWA- RO refers applicants to TESDA for qualifying examination;
 - o If applicant passes the TESDA examination, OWWA- RO orients scholar and issues Scholarship vouchers; and
 - o If applicants fails the TESDA examination, OWWA- RO disapproved application for scholarship.
- c. Scholar submits scholarships vouchers to training institution or school for enrollment;
- d. Training institution or school admits OWWA- referred applicant for enrollment and issues confirmation slip of enrollment to scholar for submission to OWWA- Regional Office (RO);
- e. OWWA- RO prepares payment of tuition fees and pays directly to the school;
- f. OWWA- RO releases remaining balance of financial assistance (if there is any) to scholar upon submission of the competency assessment and certification of course completion; and,
- g. The school, in coordination with PESOs shall provide employment referral/ placement services to graduates of the program; and

2. Education for Development Scholarship Program (EDSP)

The Education for Development Scholarship Program (EDSP) is a scholarship grant offered to qualified OFW beneficiary/ dependent who shall enroll in any 4- 5 year baccalaureate course.

Annual Scholarship Slots. A total of one hundred (100) scholars shall be selected annually thru a national competitive examination jointly conducted by OWWA and its partner institution.

Scholarship Privileges:

- a. The scholarship grant hereto provided shall be in the form of a financial assistance amounting to P30,000 per semester.
- b. The grantee/ scholar is free to choose his/ her desired field of study as long as the program is offered by a CHED accredited college/ university.
- c. Scholar shall continue until completion of the course (4- 5 years), regardless of the status of OFW membership provided the scholarship agreement, which is an integral part of this MOI, is complied with.

Program Eligibility and Limitation:

- a. The grant is only provided once.
- b. The scholar must not be a recipient of other scholarship grants.

Availment Requirements:

The applicants must satisfy the following:

- Must not be more than 21 years of age;
- Must be in good health;
- Must pass the qualifying examination (DOST National Examination) and the college admission test of the school where he/ she intends to enroll.

Documentary Requirements:

The applicant must submit the following to the Regional Office in his/ her place of residence:

- Accomplished application forms (2 sets);
- 1" x 1" ID pictures (2 copies);
- Proof of relationship to Member/ Copy of Birth Certificate of applicant (and of the Member if related as brother or sister) duly certified by the Local Civil Registrar;
- Form 137 of Transcript of Records; and,
- Proof of OWWA Membership (i.e. E-Card/ Official Receipt of OWWA contribution/ Overseas Employment Certificate (OEC)/ Seamen's Identification and Record Book (SIRB)/ Employment Contract duly processed by the POEKA/ Certification from OWWA Membership Registry Division).

Financial Assistance

The financial assistance of P30,000 per semester shall be paid directly to the school. If the tuition fee is more than the financial assistance, the scholar shoulders the difference, while if less, the difference shall be released to the scholar upon submission of the grades for the semester.

Process Flow (Annex B)

Processing of scholarship applications and grants shall be governed by the following procedural steps:

- a. Applicants secures and accomplishes application form and submits it with the complete requirements at OWWA Regional Office;
- b. OWWA- Regional Office (RO) screens applicants and evaluates application forms and documentary requirements;
- c. Once the applicant has complied with all requirements of the program, OWWA- RO schedules applicants for DOAT National Examination, endorses and recommends applications to the Central Office-Scholarship Committee (SC) and advises scholar to wait for the result of DOST examination and SC evaluation;
- d. Scholarship Committee receives and consolidates lists of examinees and submits it to DOST;
- e. DOST conducts examination at predetermined examination venues to OWWA- prospective applicants and provides results to the scholarship committee;
- f. Scholarship Committee evaluates and recommends 100 qualifiers from the results of the examination for approval of the Administrator;
- g. Scholarship Committee informs OWWA- RO of qualifiers;
- h. OWWA- RO notifies qualifiers on approval/disapproval of their application;
- i. OWWA- RO orients scholar on program policies, guidelines and procedures, asks scholar and parents to sign the Scholarship Agreement, and issues Scholarship Vouchers and Enrollment Confirmation to school through scholar;
- j. OWWA- RO supervisors signs the Scholarship Agreements, have it notarized and copy furnished Regional Operations Coordinating Center (ROCC) and Administrator;

- k. Scholar brings scholarship vouchers, enrolls to the school of choice and submits to requirements for enrollment;
- l. School admits OWWA- referred scholars and issues confirmation slip of enrollment to scholar for submission to OWWA- RO;
- m. OWWA- RO processes tuition fees and pays directly to school;
- n. OWWA- RO releases remaining balance of financial assistance (if there is any) to scholar upon submission of grades; and
- o. OWWA- RO monitors performance of scholars and regularly (three weeks after each semester/ term or as the Central Office requires) provides reports to the Regional Operations Coordinating Center and regularly request for the funding requirement.

3. Seafarers' Upgrading Program (SUP)

The program intends to provide job- related skills training in priority maritime courses identified by the Maritime Training Council (MTC), designed to upgrade knowledge and skills, develop expertise and update skills in accordance with technological advancements and international maritime standards.

Nature of Grant

The Seafarers Upgrading Program shall be in a form of training assistance with OWWA assuming training cost ranging from P1,200 to a maximum of P7,500 (inclusive of the meal and transportation allowances, in the case of trainees referred at NMP).

Course Offerings

The program shall include scholarships in courses relevant to identified skills needed in the international maritime market, such as:

- Advanced Safety Courses:
 - Advanced Training in Firefighting
 - Proficiency in Survival Craft and Rescue Boat
 - Medical Emergency- First Aid (MEFA)
- Tankerman's Courses:
 - Shore- Based Firefigthing
- Specialized Tankerman's Courses:

Advance Training in Oil Tanker
 Advance Training in Chemical Tanker
 Advance Training in Liquefied Gas Tanker
 Marine Pollution 73/ 78 Annex 1 (MARPOL I)
 Marine Pollution 73/ 78 Annex II (MARPOL II)
 Carriage of Dangerous Goods/ Hazardous Materials
 Crude Oil Washing/ Inert Gas System

- Watchkeeping Courses:

Ratings Forming Part of Navigational Watch (Deck Watchkeeping for Ratings)
 Ratings Forming Part of Engineering Watch (Engine Watchkeeping for Ratings)

- Telecommunication Courses

General Operator's Course for Global Maritime Distress Safety System (GOC for GMDSS)**

**Integration into one of the Ship's Restricted Radiotelephone Operator Course, International Satellite Communication (INMARSAT) and Global Maritime Distress and Safety System (GMDSS) per Maritime Training Council (MTC) and National Telecommunication Commissions (NTC) course program required.

Radio Electronic Officers' Course (REOC)

- Other Upgrading Courses:

- Deck Section

Electronic Navigation System
 Ship handling and maneuvering
 Radar observation and Plotting Course (ROP)
 Radar Simulator Course (RSC)
 Operational Use of Automatic Radar Plotting Aids (ARPA)
 Practice of Navigation / Aids to navigation
 Basic Stability/ Trim and Stability
 Marine meteorology
 Safe Cargo Handling and Stowage

- Engine Section

Electrotechnology
 Auxiliary System
 Steam Plant/ 4- stroke Diesel Engine

Control Engineering
 Marine Electricity
 Marine Electronics
 Marine Refrigeration and Air Conditioning
 Modern marine Propulsion System
 Hydro mechanics (Hydraulics/ Pneumatics)

- Other Courses

Shipboard Culinary Course
 Shipboard Welding Course

Availments Requirements

All Filipino seafarers who are OWWA members shall be entitled to the avail of the program once every three (3) contributions. Availment may be assured upon first (1) payment.

Documentary Requirements

Applicants must submit the following requirements:

- Accomplished application form;
- Seaman's Identification And Record Book (SRIB);
- Pre- qualification and admission report issued by the training center;
- 1" x 1" photo (2 copies); and,
- Latest residence certificate.

Criteria in Choosing Training Centers

The program shall be conducted in coordination with training centers recognized by MTC.

As guarantee to achieve quality training, the following criteria in choosing training centers for the implementation of the program shall be observed:

- Must have a valid training permit or recognition to offer said course issued by the MTC, TESDA, and other authorized government body;
- Must have no pending administrative charge with MTC and any private or government institution;
- Must have no past records of violation of MTC or any government standards;
- Can accommodate OWWA scholars based on its training capacity (classroom, teaching

staff, equipment); and, Must not be an affiliate or a subsidiary of any shipping or manning agency as a measure of ensuring the wide reach of the program availment among Filipino seafarers.

- In ROs where there are no MTC- accredited training centers/ institutions or where there are no IMO listed upgraded courses, applicants shall be referred to and monitored at the nearest region.

Process Flow (Annex C)

- a. Applicant secures and accomplishes application form and submits it with complete requirement at OWWA Regional Office;
- b. OWWA Regional Office screens applicants and evaluates applications forms and documentary requirements;
 - b.1. If applicant has complied with all requirements of the program, OWWA- RO encodes, issues scholarship voucher and orients applicant on program policies, guidelines and procedures;
 - b.2. If applicant has not complied with all the requirements of the program, OWWA- RO either disapproves or require applicant to complete the requirements;
- c. Applicant reports to training institution for enrollment;
- d. Training institution admits OWWA- referred applicant for enrollment;
- e. Upon end of training, the training institution (TI) forwards certificate of completion to OWWA- RO for co- signing of Regional Supervisor and sends statement of account;
- f. Applicant returns to OWWA- RO to get certificate of completion;
- g. OWWA- RO releases certificate of completion to applicant and prepares and processes vouchers for payment of tuition/ training fee.

C. REPEALING CLAUSE:

All Secretariat issuance or part thereof inconsistent with the provisions of this MOI are hereby repealed, amended or modified accordingly.

D. EFFECTIVITY:

This MOI shall take effect immediately.

(Signed.)
VIRGILIO R. ANGELO
 Administrator

18 March 2004

OWWA MEMORANDUM OF INSTRUCTIONS NO. 011
Series of 2005

**SUPPLEMENTAL GUIDELINES IN THE IMPLEMENTATION OF
EDUCATION FOR DEVELOPMENT SCHOLARSHIP PROGRAM (EDSP)**

In view of the need to ensure a more efficient implementation of the Education for Development Scholarship Program, the following supplemental guidelines are hereby promulgated:

A. Availment Requirement:

The applicant must have an average grade of at least 80% and belong to the upper 20% of the high school graduating class.

B. Documentary Requirements:

The Form 137 or Transcript of Record should be accompanied by the Principal's Certification on Scholastic Standing of Applicant.

C. Financial Assistance:

1. The release of the balance of the financial assistance per semester, in case of lower amount of school/tuition fee paid, shall be effected immediately upon submission of official receipt.
2. The financial assistance shall be extended for enrollment during the summer term if the subject(s) taken is/are required in the curriculum of the chosen course, provided that said subject/s cannot be taken during regular semestral schedules.

D. Conditions of Scholarship:

1. The grant of scholarship shall be final only upon receipt of the signed scholarship contract and other required documents from the scholar.
2. The scholar must comply with the terms and conditions of the scholarship agreement between himself/herself, parents or legal guardian and the OWWA.

3. The scholar must maintain the grade point average (GPA) of at least 80% per semester for the continuance of the scholarship until completion of the course.
4. The scholar should regularly submit required documents like official registration form or its equivalent every start of the semester and class card or authenticated copy of his/her grades every end of the semester.
5. Shifting of Program Study/Transfer of School may still be allowed before the third year of the chosen course, provided that no additional cost shall be incurred by the Program for the particular scholar.
6. The Revised Table of Offenses/Actions of the Congressional Migrant Workers Scholarship program (CMWSP) shall likewise be applied for EDSP.

These supplemental guidelines shall take effect immediately.

(Signed.)
MARIANITO D. ROQUE
Administrator

24 October 2005

MEMORANDUM OF INSTRUCTIONS NO. 010
Series of 2006

**AMENDING THE POLICY ON IMPLEMENTING RULES AND REGULATIONS OF
THE SKILLS FOR EMPLOYMENT SCHOLARSHIP PROGRAM (SESP)**

In the interest of the services and in pursuance of the paradigm shift in technical vocational training of the government which has been geared towards the development of highly skilled and more employable workers thru career enhancing courses and, in furtherance of the Secretariat's policy to provide OWWA members and their dependents technical-vocational training for overall economic gain, the following amendments to the Skills-for-Employment Scholarship Program (SESP) shall be implemented:

GENERAL GUIDELINES:

1. SESP shall cover training in Technical-Vocational (Tech-Voc) programs/ courses not exceeding one (1) year duration;
2. Applicants, however, may be allowed to enroll in two (2) year Tech-Voc programs/courses of their choice provided that OWWA's financial exposure shall only be limited to the maximum allowable amount set forth in this MOI;
3. Only identified Tech-Voc programs/ courses indicated under the Courses Offering of this MOI, which are in-demand and deemed in short supply by the government, shall be offered to applicants;
4. The applicants personal preferences and manifestation of strong desire to learn and be trained in a specific skills shall be taken into consideration in assessing their choice Tech-Voc programs/courses;
5. Only Tech-Voc institutions/schools known for quality education, with complete (training) facilities and programs/courses registered with TESDA, DOST, MTC and/or other government institution, shall be considered for the programs;
6. Applicants shall be given free-hand to choose their preferred institution/ school from the OWWA list;
7. Drop-outs can no longer re-avail of the program, most especially if OWWA has already disbursed find for the purpose; and,
8. One (1) OWWA membership contribution is applicable to one (1) SESP benefit; succeeding availment needs three (3) additional membership contributions.

FINANCIAL ASSISTANCE:

SESP scholars are entitled to the actual cost of tuition/training fees but in no case shall it

exceed the maximum allowable amount of Php14,500/courses, regardless of the duration of training programs taken. In addition, scholars are limited, under this program, to enroll in one (1) course or packaged courses.

If the tuition/training fee, however, is more than the allowable financial assistance, the scholar shall personally shoulder the difference.

PAYMENT OF TUITION/TRAINING FEES:

All tuition/training fees shall be paid directly to the concerned institution/school. Release and payment of which shall only be done upon receipt of Confirmation Slips of Enrollment from said institutions/schools.

COURSE OFFERINGS:

Initially, only the following Tech-Voc disciplines which are in-demand and deemed in short-supply by the government shall be offered:

- Health, Social, & Community Services
 - ✓ Caregiver
 - ✓ Medical Transcriptionist Courses
 - ✓ Other related courses
- Machine/Lather Operator
- All Technicians /Mechanic /Electrical/ Electronics Courses
- Information Technology (IT)
 - ✓ Software/Computer Programmer
 - ✓ PC Operation
 - ✓ PC Technician

- Tourism and Hotel Management
 - ✓ Housekeeping
 - ✓ Food and Beverage Service
 - ✓ Commercial Cooking
 - ✓ Baking/Pastry Production
 - ✓ Front Office Service
 - ✓ Bartending
- Agriculture and Fisheries
 - ✓ Agricultural Crops Production
 - ✓ Horticulture
 - ✓ Fish Capture
 - ✓ Animal Production
 - ✓ Aqua culture
- Animation, Graphics Design, and related courses
- Furniture and Carpentry
- Construction
- Welding
- Any applicable Aviation Courses
- Any applicable Maritime Courses

TRAINING INSTITUTION/ SCHOOL SELECTION

In the order to assure quality output, Regional Welfare Offices (RWOs) shall identify and prepare list of selected/recommended Tech-Voc institutions/schools in their respective geographical jurisdiction which have established, among others, the reputation as a fine training center with: a) good education/training standards; b) complete facilities; c) government registered/ accredited programs/courses; and/or d) a specialized field of Tech-Voc disciplines.

For ease of monitoring the scholar's progress and for the efficient administration of the program, the SESP venues should be located:

1. In the Capital City/Municipality of each province only except for NCR which could be in all Cities and Municipalities; and/or
2. In selected institution/schools outside of the Capital which are known for their

specialized, quality Tech-Voc programs/courses.

ELIGIBILITY REQUIRMENTS:

To be eligible to the SESP, the applicants must:

1. Be an active OWWA member or a dependent/beneficiary of an active OWWA member;
2. Beneficiary/Dependent as used herein shall be limited to:
 - Spouse and children of married OFWs
 - Brother or sister of unmarried OFWs
3. Be at least an elementary graduate; and,
4. Be a Filipino citizen.

In additional, applicants should pass or meet the entry/qualification requirements of the concerned institutions/schools before they could avail of the program.

DOCUMENTARY REQUIREMENTS:

Applicants to the programs must submit the following:

1. Accomplish Application Form (2 sets);
2. 2 x 2 ID pictures (2 pcs.);
3. School Diploma/Report Card/ Transcript of Records/Official Copy of Grades;
4. Proof of OWWA contribution/ membership: O R/E-Card, etc.;
5. If the applicant is a member's beneficiary/dependent, he/she should submit proof of relationship, such as:
 - Marriage Certificate (if spouse) duly certified by NSO/Local Civil Registrar (LCR);
 - Birth Certificate duly certified by the local NSO/LCR of both the applicants and the OWWA member (if son, daughter, brother or sister); and,
 - Certificate of No Marriage issued by the NSO (if single OFW).

PROCESS FLOW:

Processing of SESP application shall be governed by the following steps:

1. Concerned RWOs screen applicants, accept and evaluate application form and supporting document submitted;
2. If documents are found in order, RWOs refer applicants to concerned Tech-Voc

- institution/school for assessment/registration/enrollment;
3. Institution/school assess/admit OWWA referred scholars and issue Confirmation Slip of Enrollment for submission to RWO;
 4. RWOs prepare payment of tuition/training fees and pay directly to the school;
 5. In case of succeeding payment of fees, a Certificate of Current Enrollment shall accompany the school's bill before payments could be administered; and
 6. The institution/schools in coordination with PESOs shall provide employment referral/placement services to the SESP graduates.

CENTRALIZED MONITORING OF THE PROGRAM:

In the absence of an operational centralized database networking system and to avoid double availment of the program, the Membership Processing Center (MPC), shall serve as the clearing house in the availment of the scholarship under SESP. Verification by RWOs shall be done thru electronic mail. The MPC shall issue an electronic copy of Certification of Availment/No-Availment to all concerned RWOs.

The Management Information System (MIS), after the necessary system, shall automatically take over said functions.

The Planning and Program Development Division (PPDD) of the Policy and Program Development Office (PPDO), in coordination with ROCS, shall monitor the program.

REPEALING CLAUSE:

All secretariat's issuances or parts thereof inconsistent with the foregoing provisions are deemed repealed, amended or modified accordingly.

EFFECTIVITY:

This MOI takes effect immediately.

(Signed.)
MARIANITO D. ROQUE
 Administrator

16 November 2006

7:

SOCIAL CASE STUDY REPORT SAMPLES

SAMPLE CASE 1
Trafficked Migrant Woman-Case of a Minor

I. IDENTIFYING DATA:

Name: (Name Withheld)	Sex: Female	Age: 16
Place of Birth: NS	Date of Birth: August 26,1992	
Status: Widow		
Father's Name: Name Withheld		

Mother's Name: Name Withheld
 Educational Attainment: Elementary level
 Address: Name Withheld

II. FAMILY COMPOSITION :

Name	Relation To Client	Status	Educational Attainment	Occupation	Monthly Salary

III. PRESENTING PROBLEM:

The client has been recruited in her hometown when she was still fifteen years old.

IV. BACKGROUND OF THE CASE:

Client:

The client stood out during group counseling because of her inability to write. She admitted through an interpreter that she was not able to finish Grade two.

According to her, she left the Philippines when she was only fifteen years old. Her recruiter was the one who produced her documents so she was able to go abroad.

She had difficulty in speaking Tagalog. She speaks Arabic and their local vernacular. On a follow up counseling, she explained that although she was not able to finish grade two, she reads the Koran a lot and it is in Arabic.

She is young in terms of her chronological age but she exhibits mature decision making skills. She refuses to go back to the province until such time that she receives her seven months unpaid salary. She was also able to ask help from one of the welfare officers in Kuwait to have her mobile phone which was left there. According to her, that phone is the only expensive thing she was able to buy from her salary abroad.

She also narrated about her recruiter who told her that she will not pay any placement fee which completely enticed her, thus, she joined the recruiter to Manila despite her parents' admonitions. To her mind, she wants to earn to help her big family. They are eight children in the family and she is the fourth child.

After all the experience while working abroad, she wants to go back to school instead while also thinking how she can earn money to help her family.

V. ACTION TAKEN:

1. Airport assistance
2. Temporary shelter at the Half Way Home
3. Series of counseling
4. Coordination with OWWA Kuwait for her belongings
5. Coordination with her agency for her unpaid salary
6. Referral to RWO Region 16 (ARMM)

VI. EVALUATION:

This is a case of a minor who was trafficked into forced labor without salary for seven months. She was vulnerable because of her inability to write, the economic situation of her family and the promise of good salary and living condition. As any child, the idea of travel and new faraway place excited her.

Her experience of unpaid hard work made her resolve that she will go back to school and study more. However, this is hampered by the family's economic situation.

VII. RECOMMENDATION:

It is recommended that the client be extended available programs and services that would facilitate her integration not only to her family but to the community as a whole. She needs continuous counseling to strengthen her decision making capacity, educational assistance to ensure her access to education and livelihood assistance to her family so she will not be tempted to get out of the country again at her young age.

SAMPLE CASE 2 Trafficked and Severely Exploited Migrant Woman

I. IDENTIFYING DATA:

Name: (KWI-RO6-0805-19) Sex: Female Age: 34
 Place of Birth: Date of Birth: March 3, 1974
 Status: Single
 Father's Name:
 Mother's Name:
 Educational Attainment: High School
 Address: (KWI-RO6-0805-19)

II. FAMILY COMPOSITION : (KWI-RO6-0805-19)

Name	Relation To Client	Status	Educational Attainment	Occupation	Monthly Salary

III. PRESENTING PROBLEM:

Victim was transferred from one employer to the next in a span of one year and was overworked, physically abused and without salary.

IV. BACKGROUND OF THE CASE:

Client:

Client shared during the group counseling that she was legally recruited in the Philippines. She signed a two year contract as domestic helper and she was informed that the placement fee will be deducted from her salary for the first three months.

She further shared that part of the stipulations on her contract is that she will be provided with good living condition/accommodation and salary. Shortly after her deployment however, her ordeal started. She was transferred from one employer to another. She can't resist anymore but forced herself to work with the hope that maybe she'll be paid off with all her sacrifices. Unfortunately, her hopes were all in vain.

It is still fresh in her memory how her first employer physically abused/slapped her about three times from October 18 to 31, 2007. Her second employer did the same and her third employer even threw her personal belongings and took her money so that she could not run away.

According to her, when she runaway she was caught by the police and brought her to jail for one month. She was also transferred from one jail to another until she was able to get in touch with the Philippine Embassy which assisted her to go home.

Moreover, according to her, neither her foreign principal nor her recruiter, this to her belief, refused to do anything to help her because they already got her three months salary as her placement fee.

She was observed to be sad during the activity and she verbalized that she wants to leave for the province immediately because her father died two weeks ago before she was repatriated. Her family is waiting for her.

She further shared that she used to have a sari-sari store before she went to work abroad. She plans to re-open her store so she could have a source of income. According to her, she will not go back abroad because of the inhuman treatment she experienced from her employers.

V. ACTION TAKEN:

1. Airport assistance
2. Temporary shelter at the Half Way Home
3. Counseling with Client (In-depth counseling)
4. Transportation Assistance/Domestic Fare
5. Referral to RWO Region VI

VI. EVALUATION:

This is a case of thirty four years old female overseas worker who experienced physical abuse and trafficking because she was transferred from one employer to another against her will and forced to work without salary. Her physical, emotional and psychological well being was jeopardized because her principal refused to help her despite her plea which left her hopeless. The person's

coping mechanisms however, helped her to recover after all the negative experiences in life as shown in her decision to re-open her sari-sari store.

VII. RECOMMENDATION:

In view of the above mentioned findings, it is recommended that client, 34 years old, to be provided with capital assistance to help her recover and expedite her economic re-integration with her family.

8: FORMS

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