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DEPARTMENT OF LABOR AND EMPLOYMENT  
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DEPARTMENT OF LABOR AND EMPLOYMENT	
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DATE:	<u>10 MAY 2012</u>
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TO: All Heads of DOLE Offices, Bureaus, and Attached Agencies, Labor Inspectors Hearing Officers, Focal Persons on Trafficking in Persons, Recruitment and Placement, and Child Labor.

SUBJECT: Manual of Procedures in Handling Complaints on Trafficking in Persons, Illegal Recruitment and Child Labor

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The Department of Labor and Employment (DOLE) strongly advocates to safeguard human dignity especially women and children. Through its programs and policies, it shall endeavor to protect them against discrimination, exploitation, threat, violence or intimidation; to eradicate trafficking in persons specifically forced labor; and to support the victims thereof. It shall carry out legal measures to assist and enable the prosecution of the offenders as well as provide the victims their protection, rehabilitation and reintegration into the mainstream of society.

The Manual of Procedures in Handling Complaints on Trafficking in Persons, Illegal Recruitment and Child Labor serves as the standard operating procedure to be used by the DOLE Regional/Field Offices in implementing the relevant provisions of the Labor Code, Republic Act 9231, Republic Act 9208, Republic Act 10022 and such other related laws to achieve an organized and effective management of cases on trafficking in persons, illegal recruitment and child labor. It also functions as a guide in organizing a coordinated strength among concerned agencies, which may positively lead to the efficacious identification and prosecution of the perpetrators.

Through this Manual, the DOLE field implementers will be assured of a well guided implementation and compliance with rules and guidelines relative to the employment of persons locally and abroad as well as monitoring, documenting and reporting of the above mentioned cases. In this way, the DOLE can immensely contribute in proscribing the proliferation, if not the complete elimination, of occasions that endanger Filipino jobseekers seeking for legitimate and quality employment.

In view thereof, the Manual of Procedures in Handling Complaints on Trafficking in Persons, Illegal Recruitment and Child Labor is hereby issued and adopted. It shall take effect immediately and remain in force until otherwise revoked or amended.



DANILO P. CRUZ  
Acting Secretary

07 May 2012

## MANUAL OF PROCEDURES IN HANDLING COMPLAINTS ON ILLEGAL RECRUITMENT AND TRAFFICKING IN PERSON

This Manual outlines the DOLE's standard procedures in addressing complaints, reports, or information on illegal recruitment, trafficking in persons and child labor, local and overseas, whether these are filed formally/informally or personally, through mail, email, telephone or official report.

This Manual also identifies specific procedures which require inter-agency coordination and partnership to achieve convergence of government efforts and harness multi-sectoral partnership.

1. **OBJECTIVE:** To provide immediate and appropriate action and/or assistance to complainants/victims of illegal recruitment, trafficking in persons and child labor by defining and implementing a standard procedure for handling legal assistance in the preparation and filing of complaints and the provision of reintegration and after care assistance for victims and their families.
2. **SCOPE:** For administrative complaints, the procedure starts upon receipt of complaint and ends upon resolution of the case at the level of the DOLE Regional Director/Field Office Director.

For criminal cases, the procedure commences from the initial interview of complainant or alleged victim and ends upon the endorsement of the complaint and the certification to the Prosecutor's Office.

Rescue, reintegration and after care assistance to victims may be provided as the need arises while the case is pending. Referral and partnership with other relevant agencies and NGOs, as the case requires, is also governed by this manual.

3. **FOR PURPOSES OF THIS MANUAL, THE FOLLOWING ACRONYMS AND TERMS SHALL REFER TO:**

TIP	Trafficking in Persons
IR	Illegal Recruitment
CL	Child Labor
DSWD	Department of Social Welfare and Development
LSWDO	Local Social Welfare and Development Office
RO	DOLE Regional Office
RD	DOLE Regional Director
POEA	Philippine Overseas Employment Administration
FO	Field Office or the district or provincial offices of DOLE



TSSD	Technical Support and Services Division of the DOLE Regional Offices
PESO	Public Employment Service Office
OE/LO	Overseas Employment/Local Employment
IACAT	Inter-Agency Council Against Trafficking
Focal Person	Designated POEA Legal Officer or DOLE Regional Office/Field Office Officer to handle TIP, IR, CL cases who manages records and reportorial requirements for submission to higher authorities.
DOLE CO Focal Person	Monitors program implementation, consolidates and manages records and reportorial requirements at the Central Office
Hearing Officer	Designated personnel or officer of DOLE RO or FO to hear administrative cases involving CL, IR, TIP
PTFAIR	Presidential Task Force on Anti-Illegal Recruitment
SBM	Sagip Batang Manggagawa
Manual on Child Labor	Manual on the Conduct of Inspection, Rescue and Enforcement Proceedings in Child Labor Cases
Flowchart 1	Procedure for Responding to Information or Complaint on Child Labor involving Grounds for Immediate Closure (Page 19, Manual on Child Labor )
Flowchart 2	Enforcement Procedure for the Immediate Closure of the Establishment (page 35, Manual on Child Labor)
Legal Assistance	Provision of or rendering legal advice and counseling, including assistance to complainants in the execution of sworn statements
Administrative case	1. concerning violation of Republic Act 9231, and 2. concerning recruitment violation committed by a licensed recruitment agency.
Criminal case	Violation of penal laws ie: illegal recruitment and other related cases, trafficking in persons, and child labor.
Victims Incentive Program	POEA Board Resolution 05, Series of 2008
MWOFRC	Migrant Workers and Overseas Filipinos Resource Center
Compulsory Insurance Benefits under RA 10022	Availment of insurance benefits by TIP and IR victims
High Profile Cases	Cases pertaining to IR and TIP RA 9208 and RA10022 that requires urgent attention of Senior Officials.
ATNU	Assistance to Nationals Unit at the Philippine Embassy (PE)

#### 4. RELATED PHILIPPINE LAWS, RULES, REGULATIONS and PROCEDURES

- a. Labor Code of the Philippines, as amended
- b. Republic Act 8042 as amended by RA 10022, Migrant Workers and Overseas Filipinos Act
- c. Republic Act No. 9208, Anti-Trafficking in Persons Act of 2003
- d. Republic Act 9231 concerning elimination of the worst forms of child labor
- e. Omnibus Rules Implementing RA 10022
- f. Rules and Regulations Implementing the Anti-Trafficking in Persons Act of 2003
- g. Rules and Regulations Governing Private Recruitment and Placement Agencies for Local Employment
- h. DOLE Department Order No. 65-04, Rules and Regulations Implementing Republic Act No. 9231
- i. DOLE Department Circular No. 2, Series of 2010, Adapting the Manual on the Conduct of Inspection, Rescue and Enforcement Proceedings in Child Labor Cases
- j. DOLE Labor Standards Enforcement Program (LSEP)
- k. DOLE Manual in the Disposition and Settlement of Labor Standards Cases
- l. DOLE Department Order No. 107, Series of 2010, Institutionalizing the Single Entry Approach (SENA)

#### 5. PROCEDURES:

##### **Cases Received by the Philippine Overseas Labor Office (POLO)**

Upon receipt of the complaint, the case officer shall record the case in the logbook or database. Case officer shall also interview the complainant to validate and ensure completeness of information in the complaint form.

The Case Officer or Labor Attache determines the nature of case and assistance requested based on information submitted. If it is trafficking in persons case, an official endorsement shall be made to the Assistance to Nationals Unit (ATNU) of the Embassy. However, if the trafficking in persons case also involves employers, foreign recruitment agency or Philippine recruitment agency or an illegal recruitment case, it shall be officially endorsed to the POEA. In all cases after the indorsement, the Case Officer or Labor Attache shall file a case information.

For high profile cases, the Labor Attache shall provide the Secretary of Labor a report within twenty four (24) hours from receipt thereof.

If the worker requests for shelter at the MWOFRFC, the Case Officer/Welfare Officer/Labor Attache endorses the requests for admission at the Center to provide the following assistance:

1. free shelter while case at post is pending



2. psycho-social counseling, as maybe necessary
3. reintegration preparedness
4. socio-cultural activities
5. monitoring case progress or update in ATNU
6. facilitating availment of other benefits under RA 10022 and its omnibus rules

When the case is resolved while the worker is at the post, the Case Officer/ Welfare Officer/Labor Attache prepares the documents to assist/facilitate the repatriation of the worker, briefs the repat-ready worker of Reintegration Program and endorses to the NRCO before worker leaves.

Case Officer/ Welfare Officer/Labor Attache assists worker at the airport during the repatriation.

Case Officer/ Welfare Officer/Labor Attache shall prepare and submit monthly report of assistance to trafficking and recruitment victims to the DOLE Secretary.

### **Cases Received by POEA or DOLE Regional Offices/Field Offices**

#### **Step 1. RECEIPT AND PRELIMINARY EVALUATION**

- a. Within twenty four (24) hours upon receipt of the formal complaint or information, the focal person shall determine/evaluate the sufficiency of complaint/information based on the following:
  1. The name/s and address/es of the complainant/s;
  2. The name/s and address/es of the alleged respondents/offender/s.  
Where the offender is a corporation, partnership, or association, the officer/s responsible for the act/s as charged shall as far as practicable be individually and specifically named;
  3. The specific act/s and/or omissions complained of as constituting the offense;
  4. The date, place and approximate time when the alleged act/s and/or omission was/were committed;
  5. Amount exacted, if any, and place of payment; and
  6. Relief sought and such other allegations by way of particulars.

The hearing officer must require the submission of all pertinent documents such as photos, receipts, vouchers and other useful documents in support of the complaint, whenever possible.

- b. In case the complainant personally appeared at the DOLE RO/FO, the focal person shall conduct a preliminary interview of the complainant. Clarificatory questions

that provide relevant details must be propounded using the above indicated guidelines to establish sufficiency of the complaint. Where the complainant is accompanied by witnesses who possesses documents and he intends to submit, the focal person takes the statements of the witnesses as well as secure photocopies of the documents for the purpose of evidence gathering. If possible, execution of the complaint-affidavit or accomplishment of the standard form is obtained.

- c. In case the complaint is in the form of letters, emails, inspection reports and other official reports, the focal person shall immediately conduct a thorough preliminary evaluation of the documents based on the procedure indicated above.
- d. Coordination for the provision of appropriate assistance like legal, counseling, rescue and shelter of victims and such other available support from other concerned/relevant agencies shall be made by the focal person.
- e. If the focal person finds no legal and factual basis to institute the appropriate action or that the case is appropriately handled by other Department or Office, the case will be stored in the database or referred to the appropriate agency for appropriate action. (Checklist or guidelines in determining whether there is legal or factual basis could be drawn from DOJ-IACAT Manual for Law Enforcement or the IACAT Guidelines on Forced Labor)
- f. The procedure in Flowchart 1 of the Manual on Child Labor shall be followed for child labor cases.

## **Step 2. INSPECTION, SURVEILLANCE, ENTRAPMENT AND ARREST**

### **Inspection**

If warranted by circumstances, the concerned Regional Director or the POEA Administrator shall *motu proprio* order the conduct of inspection of the establishment by the labor inspector or focal person within twenty four (24) hours from the issuance of proper authority. The inspector shall submit within two (2) days from the termination of inspection, a report-affidavit to the Regional Director or to the POEA Director-Licensing and Regulation Office (LRO).

For illegal recruitment by non-licensee or trafficking in persons, child labor involving grave physical injury or prostitution, the POEA Administrator or Regional Director shall issue a closure order.



## Surveillance

If the focal person finds on the basis of initial review that trafficking in persons or illegal recruitment is actually committed or being committed, or where the complaint is sufficient to charge the offender/s for violation of illegal recruitment and trafficking in persons, the regional/provincial focal person shall coordinate with the members of the Inter-Agency Committee Against Trafficking in Persons/PTFAIR and other law enforcement agencies for the conduct of surveillance, if necessary, at the premises where the alleged illegal activities are conducted.

The focal person must ensure a case build up through the preparation of written statements of witnesses, gather documentary evidence that could support the filing of criminal charge i.e. job vacancy flyers, requirements for job applicants.

The POEA Administrator or the concerned DOLE Regional Director may conduct an *ex parte* preliminary examination to determine whether the activities of a non-licensee constitute a danger to national security and public order or will lead to further exploitation of job seekers. For this purpose, the POEA Administrator or the DOLE Regional Director concerned or their duly authorized representatives, may examine personally the complainants and/or their witnesses in the form of clarificatory questions and answers and shall take their testimony under oath. The testimony of the complainants and/or witnesses shall be reduced in writing and signed by them and attested by an authorized officer.

In cases where illegal recruitment is alleged to be committed or being committed by private individuals, the focal person shall immediately coordinate with and seek assistance and support of appropriate law enforcement agencies.

If based on a surveillance report, or preliminary examination of the complainants, the POEA Administrator or DOLE Regional Director, or their authorized representative is satisfied that such danger or exploitation exists; a written order shall be issued by the POEA Administrator for the closure of the establishment being used for illegal recruitment activity.

In case of a business establishment whose license or permit to operate a business was issued by the local government, the Secretary of Labor and Employment, the POEA Administrator or the Regional Director concerned shall likewise recommend to the granting authority the immediate cancellation/revocation of the license or permit to operate business. (ex. LGU Mayor's or Business Permit)

The DOLE/POEA Operation Surveillance Division personnel/Designated Sheriff shall serve the closure order upon the offender or the person in charge of the subject establishment. The closure shall be effected by sealing and padlocking the establishment and posting of



notice of such closure in bold letters at a conspicuous place in the premises of the establishment. Whenever necessary, the assistance and support of the appropriate law enforcement agencies may be requested for this purpose.

### **Entrapment and Arrest**

The focal person shall coordinate with law enforcement agencies for the conduct of entrapment operations and arrest of offenders.

For trafficking in persons/illegal recruitment cases, the following evidence must be secured or provided by the victims:

- Certifications on Authority/ License to recruit from the POEA for overseas employment or from the DOLE for local employment
  - Advertisements, flyers, websites regarding employment opportunities
  - Employment contract, work permits
  - Passports, tickets, travel itinerary and other travel documents, when relevant
  - Computer, accessories, disks and files
  - Computer forensic examination report and expert testimony of examiner
- a. If illegal recruitment activities for local employment are confirmed, the Regional Director shall immediately issue a cease and desist order (CDO).
- b. For overseas employment, POEA-LRO Director shall recommend to the POEA Administrator the issuance of a closure order, if the entity engaged in illegal recruitment is a non-licensee, or Order of preventive suspension for licensed agencies which committed recruitment violations, upon observance and compliance of the necessary procedure.

### **Step 3. CASE CONFERENCE AND RESCUE OPERATION IN CASE A CHILD/ CHILDREN ARE VICTIMS.**

A case conference with relevant partners from government, NGO, law enforcement agencies, as the case requires, shall be convened.

Immediately after the operational planning, a team composed of PNP and/or NBI law enforcers and their agents, DOLE labor inspector and focal persons as well as DSWD/LSWDO representatives shall conduct the rescue of victims by (1) identifying the child victims and separating them from adult victims and (2) moving the victims from the place of danger to a safe place and providing

immediate assistance. NGO representative who has a personal knowledge of the case may join the team. A representative of the DSWD or LSWDO shall receive the children immediately after the latter are identified, escort them as they are transferred by



the law enforcers to the designated processing area and ensure that their rights are protected, including the right to privacy.

In the treatment of the minors, the underlying principles under the Philippine Guidelines for the Protection of Trafficked Children shall be similarly observed by the rescue team in cases of worst forms of child labor and the specific measures may be adapted to address particular circumstances of the case. In dealing with media, the team shall ensure that the Guide for Media Practitioners on the Reporting and Coverage of Cases Involving Children is observed. (Step 6 (a)1 to 3, Manual on Child Labor)

## **Repatriation**

The Assistance to Nationals Unit (ATNU) of the concerned Philippine Mission shall coordinate with the Department of Foreign Affairs (DFA) for the repatriation of child victims who are still on site.

In case where the victims are OFWs, the OWWA/POEA shall coordinate with the Philippine Overseas Labor Office (POLO) and the Department of Foreign Affairs (DFA) or vice versa for the repatriation of victims and inform the IACAT unit at the airport of the following:

- Repatriation Procedure
- Administrative sanction for non-compliance

## **Step 4. REINTEGRATION AND AFTER CARE OF VICTIMS**

In both local and overseas employment, the focal persons must facilitate and ensure the provision of the following assistance:

- Psychosocial counseling
- Legal assistance
- Enrollment of OFW's to victims assistance program (for OFWs)
- Livelihood assistance
- Job Referral
- Skills Training or Upgrading
- Referral for Counseling (DSWD)
- Referral for temporary shelter

### **a. Validation and Needs Assessment**

The focal person shall identify the types of assistance needed by the victims and their families. Assistance to victims comes in the form of: psychosocial counseling, legal assistance and counseling, enrolment of Overseas Filipino Workers (OFWs) to victims assistance program, job

referral, livelihood assistance, skills training or upgrading, or referral for temporary shelter.

The focal person may refer the victim/s to DSWD, TESDA, NGOs, LGUs and other government and private sector partners.

**b. Legal Counseling**

The lawyer assigned at NRCO shall provide legal counseling to the OFW. Legal counseling is terminated with the OFW being satisfied with the legal advice.

The DOLE Lawyers shall provide legal counseling to victims of illegal recruitment, local trafficking, and child labor.

**c. Livelihood Assistance**

The focal person shall endorse victim/s for livelihood assistance, when needed. When availing of the Entrepreneurial Development Training, the OFW will be asked to undergo seminar for creating and submitting a business plan. The business plan of the OFW will be given to the appropriate regional office of OWWA for evaluation as to its viability.

Victims may also be provided with available livelihood assistance under the DOLE Integrated Livelihood Program.

**d. Job Search Assistance**

If the OFW/victim avails of job search assistance, his name will be registered and endorsed either to BLE/PESO/ Philjobnet or POEA for appropriate referrals, depending on their skills.

The focal person shall register the victim in the Philjobnet, or refer the victim with the nearest PESO or to private employment agencies with job orders suitable to the victim.

**e. Monitoring**

1. Monitor the following output indicators:

- a. number of victims referred for psychosocial counseling
- b. number of victims provided with legal assistance
- c. number of victims provided with job referral and placement
- d. number of victims placed for local or overseas employment



- e. number of victims and family members provided with livelihood assistance and income generated out of livelihood assistance provided
  - f. number of victims and family members provided with skills training and upgrading
  - g. number of victims provided with legal assistance
2. Maintains records of assisted victims
  3. Submits reports to the DOLE Secretary using prescribed forms

### **Step 5. DOCKETING**

Upon determination of the sufficiency of the complaint and existence of probable cause to file the appropriate charge/s against the offender, the focal person/record officer shall record the same indicating the complete case number.

### **Step 6. LEGAL ASSISTANCE AND COUNSELLING TOWARDS THE FILING OF CASE**

The focal person, after evaluation and finding that a crime is committed, shall prepare the complaint.

The focal person shall inform the complainant of possible venues where the case may be filed which shall be in the place where the crime or any of its elements was committed, or where the complainant resides at the time of the commission of the offense.

The focal person shall also discuss to the complainant that he/she shall bear the cost of filing, such as: filing fee for illegal recruitment (Php100), estafa (minimum of Php150, depending on the amount); plus oath fee (Php50).

It is incumbent upon the office of the focal person to bear the cost of photocopying (at least 7 copies per complaint depending on the number of respondents).

The focal person shall advise the complainant that upon payment of the filing fee with the records/administrative department of the local prosecution office, he/she will proceed to the prosecutor in charge for oath taking. The complaint will then be docketed.

The focal person shall advise the complainant that upon filing, he/she will receive a subpoena to attend the preliminary investigation. He/she might first see

his/her respondent during the preliminary investigation; that after the preliminary investigation, the investigating prosecutor will then resolve the case; that if the latter found probable cause that respondent/s committed the crime charge, the information will be filed in court; and a warrant of arrest may be issued by the court (if the judge finds probable cause that accused committed the crime charged).

It is the discretion of the focal person, whether to accompany the complainant during the filing of the case. If the focal person determines that there is no need to accompany the complainant, he shall request the complainant to furnish him/her the docket number of the case after the same has been filed for monitoring of said case.

**Step 7. EXISTENCE OF PROBABLE CAUSE FOR THE FILING OF CRIMINAL AND ADMINISTRATIVE CASE ON ILLEGAL RECRUITMENT, TRAFFICKING IN PERSONS, AND CHILD LABOR**

**A. Criminal Case**

**1. Illegal Recruitment or Trafficking**

Where there is legal and factual basis for legal action, the focal person must make the necessary written recommendation to the concerned Regional Director or POEA Administrator for the preparation and filing of the proper offense.

The regional/provincial focal person must prepare a letter for the endorsement of the case by the Regional Director to the appropriate City/Provincial/Regional Prosecutor's Office.

**2. Child Labor**

For child labor cases, the focal person shall recommend to the Regional Director the endorsement of the case to the Sagip Batang Manggagawa Team for case build up and filing at the Prosecutors Office. ( Manual on Child Labor Cases)

**3. Estafa and other related crimes**

For other cases, such as crime of estafa and other related crimes, the focal person shall also recommend to the Regional Director the formal endorsement of the case to the relevant chapter or office of the Integrated Bar of the Philippines or Public Assistance Office or other institutions providing free legal assistance to offended parties.



## **B. Administrative Case.**

### **1. Recruitment and Placement**

#### **a. Summons/Show Cause Order**

In case the complaint is adequate to charge the private employment agency with violation of the rules on recruitment and placement agencies, the focal person shall immediately recommend to the Regional Director/Field Office Head/Conciliator the issuance of summons or show cause order to the agency.

Within one (1) day from approval thereof, the hearing officer/conciliator shall issue a summons/show cause order directing the owner/authorized representative of private employment agency to personally appear before the DOLE Regional Office/POEA and to file his answer to the complaint within a period of fifteen (15) days from receipt thereof.

Within three (3) days from receipt of the summon/show cause order, the Regional Sheriff must personally serve the summon/show cause order to the private employment agency by leaving a copy to the owner of the private employment agency or his authorized representative. The complaint must be attached to the summon/s or show cause order.

#### **b. Hearing and Conciliation Proceedings**

Within three (3) days from receipt of the answer, the hearing officer shall issue a Notice setting the case for hearing. The hearing shall be for the purpose of establishing the nature and gravity of the violation committed by the agency or if appropriate, an avenue for the conduct of conciliation proceedings.

#### **c. Recommendation/Resolution**

Within ten (10) days from the termination of the hearing, the hearing officer shall recommend the dismissal or imposition of appropriate penalty such as suspension, revocation or cancellation of license or authority and corresponding fines.

#### **d. Order of Regional Director/POEA Administrator**

Within one (1) day from receipt of the recommendation of the hearing officer, the Regional Director or the POEA Administrator shall issue an order dismissing or imposing the appropriate penalty to the case.

Within one (1) day from receipt of the Order, the focal person/records officer shall send by registered mail copies of the Order to the parties.

Within ten (10) days from receipt thereof, the aggrieved party may file a motion for reconsideration or a notice of appeal within fifteen (15) days from receipt of the order. If a motion for reconsideration is filed, the Regional Director/POEA Administrator shall resolve the same within ten (10) days from receipt. On the other hand, if notice of appeal is filed within the reglementary period, the Regional Director/POEA Administrator shall endorse within five (5) days from receipt of appeal the entire records of the case to the Office of the Secretary.

The decision of the Secretary is final and executory unless a motion for reconsideration is filed within ten (10) days after receipt thereof. No second motion for reconsideration shall be entertained.

Within ten (10) days from the finality of the decision, the records of the case shall be remanded to the office of origin for the issuance of writ of execution by the Regional Director/POEA Administrator.

## **2. Child Labor Case**

The focal person shall refer to the procedures indicated in the Manual on Child Labor Cases in the management of administrative cases concerning child labor.



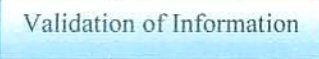
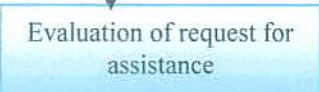
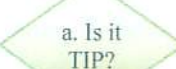
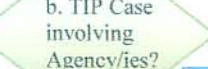
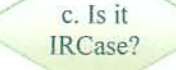

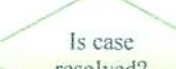
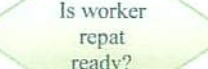
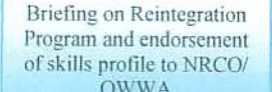

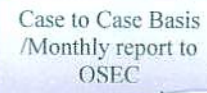
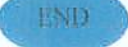
### ***Step 8. REPORT***

The TSSD Chief or Focal Person must establish a system of record keeping for all complaints and information filed and docketed. The TSSD Chief/focal person shall submit monthly and quarterly reports or as required. They shall likewise monitor compliance of orders by the parties.

The designated focal persons at the CO shall monitor program implementation, maintain records, consolidate reports and submit reportorial requirements to higher authorities on a monthly basis.



**FLOWCHART A  
PROCESS FLOW IN HANDLING TIP AND IR CASES BY THE POLOS ON-SITE**

Process Flow	Responsible Person	Details
	Case Officer	Records case in the logbook / database upon receipt of complaint
	Case Officer	Validates and ensure completeness of information on complaint form thru interview of complainant
	Case Officer/ Labor Attache	Determines the nature of case and assistance requested based on information submitted
	Case Officer/ Labor Attache	a) If it is Anti-Trafficking case, makes official endorsement to the Assistance to Nationals Unit (ATNU) of the Embassy.
	Case Officer/ Labor Attache	a.1 Report to the Secretary within 24 hours a.2 File case information
	Case Officer/ Labor Attache	a) If anti-trafficking case also involve employers, foreign recruitment agency or Philippine recruitment agency, makes official endorsement to the POEA with the victim's sworn statement.  b.1 Report to the Secretary within 24 hours b.2 Labor Attache assist complainant in executing sworn statement, if possible b. 3 File case information
	Case Officer/ Labor Attache	b) If illegal recruitment case, makes official endorsement to the POEA  c.1 Report to the Secretary within 24 hours c.2 File case information
	Case Officer/ Welfare Officer/ Labor Attache	c) If worker requests for shelter at the MWOFRFC, endorse for admission at the Center d.1 provide free shelter while case at post is pending d.2 provide psycho-social counseling as necessary d.3 provide reintegration preparedness skills training d.4 provide socio-cultural activities d.5 monitor case progress in ATNU d.6 Report to the Secretary within 24 hours d.7 file case information
	Case Officer/ Welfare Officer/ Labor Attache	When case is resolved while worker is at post, prepares documents to assist in the repatriation
	Case Officer/ Welfare Officer/ Labor Attache	Briefs the repatriation-ready worker of "Balik Pinay, Balik Hanapbuhay" program, prepares skills profile of worker and endorse to the NRCO before worker leaves
	Case Officer/ Welfare Officer/ Labor Attache	Reports to OWWA/POEA the arrival of victim at Philippine airport. Assists worker at the airport during repatriation.
	Case Officer/ Welfare Officer/ Labor Attache	Prepares and submits case to case and monthly reports of assistance to anti-trafficking and anti-illegal recruitment victims to Secretary.
	Case Officer/ Welfare Officer/ Labor Attache	
		

## FLOWCHART IN HANDLING IR, TIP, AND CHILD LABOR CASES

PROCESS FLOW	RESPONSIBLE OFFICER	DETAILS
<pre> graph TD     START([START]) --&gt; A((A))     A --&gt; Eval[Receipt and preliminary evaluation of complaint, letter, report (from GOs, NGOs and POLO), inspection report, Action Line 1343 report, etc.]     Eval --&gt; Merit{With merit?}     Merit -- no --&gt; DB[(database)]     Merit -- yes --&gt; TIP_IR[TIP/IR]     Merit -- CL --&gt; I((I))     TIP_IR --&gt; Insp[Inspection]     Insp --&gt; Sur[Surveillance]     Sur --&gt; OE{OE}     OE --&gt; Insp     OE --&gt; Close[Closure of non-licensed agency]     Insp --&gt; Entrap[Entrapment, Arrest]     Entrap --&gt; Res[Rescue/Repatriation]     Res --&gt; Reint[Reintegration and After Care]     Reint --&gt; B((B))     B --&gt; Insp     Reint --&gt; Docket[DOCKETING]     Docket --&gt; X((X))     </pre>	<p>Records Officer/Focal Person (within one day)</p> <p>DOLE/POEA Director/Head of Office</p> <p>DOLE Focal Person</p> <p>DOLE Focal Person</p> <p>DOLE/POEA Focal Person</p> <p>POEA Focal Person</p> <p>DOLE/OWWA/ POEA Focal Person</p> <p>Focal Person/Rescue Team</p> <p>Docket Officer</p>	<p>Refer to Flowchart A for overseas on-site cases</p> <p>Record receipt in the logbook and conduct preliminary evaluation</p> <p>Conduct interview, review documents, verify if licensed, and provide legal assistance</p> <p>Immediately coordinate with Central IACAT on high profile case</p> <p>If complaint is meritorious determine whether it is TIP/IR or CL case not meritorious, enter complaint into database for future reference.</p> <p>Accomplish standard form based on result of preliminary evaluation</p> <p>Verify record and secure certification of the agency/recruiter at DOLE RO; in case of OE with POEA.</p> <p>If Child labor, proceed to Flow Chart 1 of the Manual on Child labor Cases</p> <p>Conduct inspection (Art. 37 and 128 of the Labor Code) and case conference, if needed.</p> <p>Coordinate with relevant/ law enforcement agencies for surveillance, entrapment, and arrest operations, if needed.</p> <p>Close non-licensed agency in case of overseas illegal recruitment or trafficking</p> <p>Coordinate with relevant/ law enforcement agencies for rescue and/or repatriation operations, if needed</p> <p>Refer to Flow Chart B on Reintegration and After Care Procedures</p> <p>Docket formal complaint</p>



PROCESS FLOW	RESPONSIBLE OFFICER	DETAILS
<pre> graph TD     X((X)) --&gt; A[Provide legal assistance]     A --&gt; B{Cause of action?}     B -- admin --&gt; C[Child Labor Case]     B -- criminal --&gt; D[IR/TIP/CHILD LABOR]     D --&gt; E((C))     C --&gt; F((2))     C --&gt; G[Recruitment Violation]     G --&gt; H[Summons/Notice to Agency]     H --&gt; I[Hearing]     I --&gt; J[Recommendation/Resolution]     J --&gt; K[Order by RD/POEA Administrator]     K --&gt; L[Service of Order]     L --&gt; M[Final report] </pre>	<p>DOLE RO Lawyers/ Legal Officer/Focal Person</p> <p>DOLE RO Lawyers/Legal Officer/ Focal Person</p> <p>DOLE RO Lawyers/Legal Officer/Focal Person</p> <p>DOLE RO Lawyers/Legal Officer/ Focal Person/Hearing Officer</p> <p>DOLE RO Lawyers/ Focal Person/Hearing Officer</p> <p>DOLE RO Lawyers/ Focal Person/Hearing Officer</p> <p>DOLE RO Lawyers/ Focal Person/Hearing Officer</p> <p>Regional Director/ POEA Administrator</p> <p>Focal Person /Sheriff/ Law Enforcement Agencies</p> <p>TSSD/ Focal Person</p>	<p>Provide legal assistance in filling the case; in case of OE, assist in the preparation of sworn statement</p> <p>Determine the nature of the complaint, whether administrative and/or criminal case</p> <p>Proceed to the procedure on IR, TIP and Child Labor Cases</p> <p><i>For estafa and other related crimes, formally endorse to the local IBP/PAO and other free legal assistance service providers (use standard endorsement form)</i></p> <p>Submit progress report</p> <p>If there is Child Labor Administrative case, proceed to Flow Chart 2 of the Manual on Child Labor Cases</p> <p>Prepare summon/letter/notice to agency for approval of RD/FO Head to appear and or file an answer to the complaint</p> <p>Conduct hearing to determine nature and gravity of the violation. Ask clarificatory questions to the parties or their witnesses to further elicit relevant facts or information</p> <p>Recommend dismissal/ fines/ warning/ suspension or cancellation of license and/or authority</p> <p>Issue Order of dismissal/ suspension/ cancellation/fines or warning</p> <p>Serve Order of dismissal/suspension/ cancellation or warning</p> <p>Maintain records, submit reports to the Secretary, and monitors compliance with orders</p>

**FLOWCHART C  
CRIMINAL CASE ON ILLEGAL RECRUITMENT, LABOR TRAFFICKING,  
AND CHILD LABOR**

PROCESS FLOW	RESPONSIBLE OFFICER	DETAILS
<pre> graph TD     C((C)) --&gt; CB[CASE BUILD UP]     CB -.-&gt; CB     CB --&gt; F[Assist complainants in filing the criminal case with the appropriate prosecution office]     F --&gt; M[Monitoring of Preliminary Investigation and Trial until Judgment]     LA[Legal Assistance during Preliminary Investigation and trial] --&gt; F     M --&gt; FR[Final report]     FR --&gt; END((END))     </pre>	<p>RO/PO Focal Person/ Hearing Officer/ Legal Officer (POEA)</p> <p>RO/PO Focal Person Legal Officer (POEA) / Hearing Officer</p> <p>POEA Lawyers</p> <p>RO/PO Focal Person Legal Officer (POEA) / TSSD</p> <p>RD/POEA Administrator</p>	<p>Evaluate sufficiency and completeness of sworn statements</p> <p>Coordinate with National and Local IACATs and LGUs (including further surveillance operations) when needed</p> <p>Secure and/or prepare written statements from the witnesses</p> <p>Secure other pieces of documentary evidence (e.g. certifications, registrations, receipts, job vacancy advertisements, application forms, etc.)</p> <p>Prepare endorsement letter to the appropriate City/Provincial/Regional Prosecutors Office</p> <p>Enroll the OFW to the Victim's Incentive Program</p> <p>Act as special counsel for the complainants during Preliminary Investigation</p> <p>Act as special collaborating prosecutor during trial</p> <p>Monitor and submit progress reports to the Secretary until final disposition of the case</p> <p>Submits report to the Secretary</p>









FLOWCHART	RESPONSIBLE AGENCY	DETAILS
<div data-bbox="197 229 501 365" style="border: 1px solid black; padding: 5px; text-align: center;"> Monitoring and Reporting </div>	NRCO/RO/FO	<p>A. Monitor the following output indicators:</p> <ol style="list-style-type: none"> <li>1. number of victims referred for psychosocial counseling</li> <li>2. income generated out of livelihood assistance provided</li> <li>3. number of victims provided with legal assistance</li> <li>4. number of victims provided with job referral and placement</li> <li>5. number of victims placed for local or overseas employment</li> <li>6. number of victims and family members provided with livelihood assistance</li> <li>7. number of victims and family members provided with skills training and upgrading</li> <li>8. number of victims provided with legal assistance</li> <li>9. number of victims who filed the case</li> </ol> <p>B. Maintains records of victims assisted</p> <p>C. Submits reports to the Secretary using prescribed forms</p>