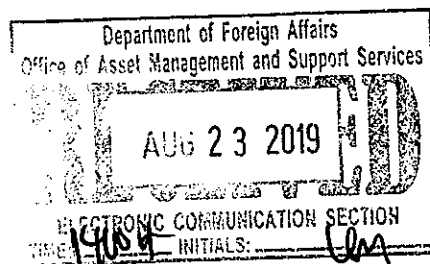


To : All Posts
Fr : OUMWA
Re : **Memorandum Circular No. 08-2019**
Guidelines in the Implementation of Apostille Convention
Dt : 20 August 2019
Cn : CIR-1891 -OUMWA-2019

For Posts' reference, OUMWA respectfully transmits a copy of POEA's Memorandum Circular No. 08-2019, Guidelines in the Implementation of Apostille Convention related to the Verification of Employment Documents for Overseas Filipino Workers.

For Post's information and guidance.

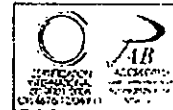
Sarah Lou Y. Arriola
SARAH LOU Y. ARRIOLA
Undersecretary





Philippine
Overseas
Employment
Administration

Republic of the Philippines
Department of Labor and Employment
BPO Building, Ortigas Avenue, or EDSA, Mandaluyong City, 1551
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Hotline: 722-1144 / 722-1155



MEMORANDUM CIRCULAR NO. 08
Series of 2019

TO : ALL CONCERNED

SUBJECT : Guidelines in the Implementation of Apostille Convention related to the Verification of Employment Documents for Overseas Filipino Workers (OFWs)

Pursuant to the accession of the Philippines to *The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation of Foreign Public Documents*, otherwise known as Apostille Convention, the Department of Foreign Affairs (DFA) has issued an Advisory dated 07 May 2019 informing the public that the DFA - Office of Consular Affairs will no longer issue Authentication Certificates effective 14 May 2019. Consistent with the commitments to the said Convention, the following guidelines are hereby issued by this Administration:

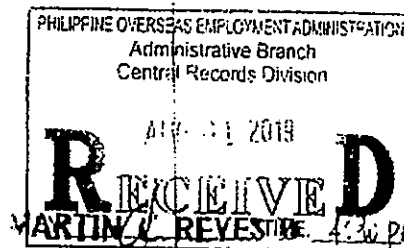
I. Definition of Verification, Authentication and Apostille

Verification refers to the procedure being conducted or applied by the Labor Attache in Philippine Overseas Labor Offices (POLOs) to ensure that all the employment rights, benefits and welfare of Filipino migrant workers at the worksite are duly protected. Through verification, the Labor Attache shall ensure that the employment contracts of the Filipino migrant workers and other employment documents are consistent with the prevailing employment laws, standards and practices in both the Philippines and the host country and that the documentary requirements for overseas employment as required by the POEA are complied with.

Authentication or legalization of documents, on the other hand, pertains to the process of certifying the authenticity of the signature or seal of the person or authority that signed or sealed the public document and the capacity in which this was done. The Philippine Consular Office or competent authority does not, *per se*, authenticate the validity/efficacy/enforceability of the basic document itself.

An Apostille is a certificate that authenticates the origin of a public document. It is issued by a country that is a party to the Apostille Convention to be used in another country which is also a party to the Convention. An Apostille does not certify the content of the public document to which it relates.

CONTROLLED AND DISSEMINATED
BY CRD ON 01 AUG 2019



II Coverage

These guidelines shall cover all licensed recruitment agencies, licensed manning agencies, principals/employers, including foreign placement agencies, foreign service contractors/staffing agencies, ship owners, and OFWs concerned that make use of employment documents such as Special Power of Attorney, Recruitment Agreement or Manning Agreement, Manpower Request and Employment Contract among others.

III Conduct of Verification, Acknowledgment or Attestation of Employment Documents

1. POLOs shall continue to conduct the verification of employment documents to be used in the recruitment of Filipino workers covering the country wherein it is established and including the countries/territories under its jurisdiction whether such are Apostille or non-Apostille contracting parties.
2. For countries with no POLOs or in countries and territories not under the jurisdiction of the POLOs, the Philippine Embassies or Consulates can either issue a Certificate of Acknowledgement or of authentication, whichever is applicable, and
3. For those not covered by nos 1 and 2 above, as well as those territories considered as hardship Posts where verification or authentication poses risks to the life and security of OFWs or their employers, the POEA may carry out the attestation of employment documents subject to the issuance of appropriate guidelines.

IV. Conduct of Verification and Acknowledgment of Employment Documents for Directly Hired Workers

All employers seeking exemption from the direct hire prohibition shall have the employment documents of their directly hired workers either verified by POLO or acknowledged by the Philippine Embassy or Consulate with jurisdiction over the jobsite.

This Circular shall take effect after fifteen (15) days from publication in any newspaper of general circulation.


BERNARD P. OLALIA
Administrator

____ July 2019

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BY CRD ON 01 AUG 2019

Course of Action on Labor Documents	Countries under POLO's jurisdiction		Countries not under POLO's jurisdiction	
	PH Apostille recognized	PH Apostille not recognized	PH Apostille recognized	PH Apostille not recognized
Verification by POLO	Yes. Only POLO verification is required if end-user/recipient is POEA	Yes. Only POLO verification is required if end-user/recipient is POEA	No.	No.
Notarization or apostillization by a local authority	No. There is no need to have the documents notarized or apostillized after verification by POLO.	No. There is no need to have the documents notarized or apostillized after verification by POLO.	Yes, applicants have the option to go to a local notary and have the documents notarized and subsequently apostillized. Apostillized documents are sent directly to POEA for attestation.	Yes, applicants have the option to go to a local authority for authentication and have the documents subsequently legalized by FSP.
Authentication or notarization by the Embassy/ Consulate	No. There is no need to authenticate the signature of the Labor Attaché.	No. There is no need to authenticate the signature of the Labor Attaché.	Yes, applicants may choose to have the documents (except public documents) notarized by FSP upon presentation of documents in person.	Yes, applicants have the option to appear before a Consul for notarization of their documents.