



Republic of the Philippines
BANGSAMORO PARLIAMENT
Bangsamoro Autonomous Region in Muslim Mindanao
BARMM Compound, Cotabato City

**BANGSAMORO TRANSITION AUTHORITY
(FIRST REGULAR SESSION)**

BANGSAMORO AUTONOMY ACT NO. 2

Begun and held in Cotabato City, on Friday, the 29th day of March, 2019.

**AN ACT
REGULATING THE OPERATIONS OF LOCAL AND FOREIGN RECRUITMENT
AGENCIES WITHIN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM
MINDANAO (BARMM)**

Be it enacted by the Bangsamoro Transition Authority Parliament in session assembled:

SECTION 1. Short Title. – This Act shall be known as “Recruitment Agency Regulation Act of 2020”.

Sec. 2. Declaration of Policy. – It is the policy of Bangsamoro Government to promote, protect and ensure the general welfare of the Bangsamoro people particularly the Bangsamoro migrant workers from illegal recruitment, trafficking in persons and violation of rights of any forms. Towards this end, it shall strengthen the implementation and enforcement of labor laws to protect and ensure that the rights of Bangsamoro migrant workers shall not be compromised or violated.

Sec. 3. Definition of Terms. –

- A. Recruitment and Placement. – refers to any act of canvassing, enlisting contracting, transporting, utilizing, hiring or procuring workers, and includes referrals, contracts, services, promising or advertising for employment, locally or abroad, whether for profit or not: Provided, that any person or entity which, in any manner, offers or promises for a fee, employment to two or more persons shall be deemed engaged in recruitment.
- B. Private Recruitment Entity. - means any person or association engaged in the recruitment and placement of workers, locally or overseas, without charging directly or indirectly any fee from the workers or employees.
- C. Overseas Employment. - means employment of a worker outside the Philippines.

Sec. 4. General Provisions. –

- A. All local and foreign recruitment and employment agencies operating and/or recruiting within the Bangsamoro Autonomous Region whether as main offices, branch offices, or sub-offices shall register and secure accreditation from the Ministry of Labor and Employment every three (3) years.
All local and foreign recruitment and employment agencies operating and/or recruiting within the Bangsamoro Autonomous Region shall establish their offices in the BARMM and shall register and secure accreditation from the MOLE every three (3) years.
- B. All local and foreign recruitment and employment agencies recruiting or employing workers who are residents of BARMM shall likewise be required to register and secure accreditation from the Ministry of Labor and Employment every three (3) years.
- C. A Certificate of Accreditation duly signed and bearing the seal of the Ministry of Labor and Employment valid for three (3) years upon approval shall be issued to compliant recruitment agencies.
- D. The Ministry of Labor and Employment shall issue guidelines relative to the implementation of this Act including the schedule of reasonable fees and charges for application and renewal of registration.
- E. The MOLE shall conduct inspections to ensure compliance hereof and shall from time to time publish an updated list of accredited recruitment agencies in a newspaper of general circulation or in its website.
- F. Within thirty (30) days after the effectivity of this Act, only those duly registered and recognized recruitment agencies with Certificate of Accreditation shall be allowed to operate in the Bangsamoro Autonomous Region.
- G. No certificate of accreditation shall be issued to the following disqualified persons and/or individuals:
1. Travel agencies and sales agencies of airline companies;
 2. Officers or members of the Board of any corporation or partners in a partnership engaged in the business of a travel agency;
 3. Corporations and partnerships, where any of its officers, members of the board or partners is also an officer, member of the board or partner of a corporation or partnership engaged in the business of a travel agency;
 4. Individuals, partners, officers or directors of an insurance company who make, propose or provide an insurance contract under the compulsory insurance coverage for agency-hired Overseas Filipino Workers;
 5. Sole proprietors, partners or officers and members of the board with derogatory records; and
 6. Any official or employee of the DOLE, POEA, OWWA, DFA, DOJ, DOH, BI, IC, NLRC, TESDA, CFO, NBI, PNP, Civil Aviation Authority of the Philippines (CAAP), international airport authorities, and other government agencies directly involved in the implementation of RA 8042, as amended, and/or any of his/her relatives within the fourth civil degree of consanguinity or affinity.
 7. Those who are found guilty of violating the provisions of this act shall not be granted accreditation or registration by the MOLE.
- H. Those persons who will be issued said certificate of accreditation are required to have the following capital requirements and ownership, to wit:

1. Filipino citizen acting as a sole proprietor or partnership or corporations at least seventy-five percent (75%) of the authorized and voting capital stock of which is owned and controlled by Filipino citizens;
 2. A minimum paid-up capital of Five Million Pesos (P 5,000,000.00); and
 3. Those not otherwise disqualified by law or other government regulations to engage in the recruitment and placement of workers for overseas employment.
- I. Local and foreign employment agencies recruiting and operating in the BARMM shall give preference to Bangsamoro resident in recruitment, placement and hiring.
 - J. Sections 95 until 103 of the Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land-Based Overseas Filipino Workers of 2016 shall apply for the implementation of this Act.

Sec. 5. Prohibited Acts and Penalties. – It shall be unlawful or illegal for any local or foreign recruitment or employment agencies operating within the Bangsamoro Autonomous Region and recruiting applicants or workers who are residents of BARMM to operate without the Certificate of Accreditation from MOLE.

- A. Any recruitment agency found violating any provision of this Act shall be imposed with a fine of not less than One Hundred Fifty Thousand Pesos (Php150,000.00) but not more than Two Hundred Thousand Pesos (Php 200,000.00).
- B. Tampering, alteration and forgery of Certificate of Accreditation shall be imposed with the fine of not less than One Hundred Fifty Thousand Pesos (Php 150,000.00) but not more than Two Hundred Thousand Pesos (Php 200,000.00) without prejudice to the criminal action that may be filed.
- C. For penalties not covered under this Act, Section 144 of Rule IV – Disciplinary Actions Against Principals/Employers of Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land-Based Overseas Filipino Workers of 2016 shall apply.

Sec. 6. Authority of the MOLE to Suspend or Cancel Certificate of Accreditation or License to Operate. – The MOLE shall have the power and authority to suspend or cancel any certificate of accreditation duly issued to employment agencies whether local or foreign for violation of the provisions of this Act and/or Rules and Regulation issued by the MOLE, or, for the violations of any applicable laws.

The said employment recruitment agencies whether local or foreign shall be given at least fifteen days (15) upon service of notice of cancellation to explain in writing why no cancellation of certificate of accreditation shall be imposed.

Sec. 7. Separability Clause. – If any provision or part of this Act is held invalid or unconstitutional, the remainder of this Act not affected thereof shall remain valid and in effect.


Sec. 8. Repealing Clause. – All regional laws, decrees, orders, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 9. Effectivity Clause. – This Act shall take effect after fifteen (15) days from its publication in a newspaper of general circulation in the Bangsamoro Autonomous Region in Muslim Mindanao and/or official website of the Ministry of Labor and Employment and/or the official website of the Bangsamoro Autonomous Region in Muslim Mindanao.


APPROVED.


ATTY. AL PANGALIAN M. BALINDONG
Speaker

This Act was passed by the Bangsamoro Parliament on February 19, 2020.


PROF. RABY B. ANGKAL
Secretary-General

APPROVED:


AHOD BALAWAG EBRAHIM
Chief Minister
Date: 04-14-2020