



JOINT MEMORANDUM CIRCULAR NO. 001

TO : ALL COVERED EMPLOYEES, KASAMBAHAYS AND OFWs

SUBJECT : GUIDELINES ON THE ENHANCED ONLINE FILING OF SSS UNEMPLOYMENT BENEFIT CLAIM THROUGH THE SSS WEBSITE AND APPLICATION FOR ELECTRONIC CERTIFICATION OF INVOLUNTARY SEPARATION BY THE DOLE

Pursuant to SSC Resolution No. 598-s.2021 dated 24 November 2021, and to provide an enhanced online government facility for a safer, faster, more convenient and secured means of applying for SSS Unemployment Insurance or Involuntary Separation Benefit (Unemployment Benefit) claim and electronic Certification of Involuntary Separation by the DOLE, pursuant to Section 14-B of Republic Act No. 11199 or the “Social Security Act of 2018” and in compliance with the requirements of Republic Act No. 11032 or the “Ease of Doing Business and Efficient Government Service Delivery Act of 2018”, the following guidelines are hereby issued:

I. COVERAGE

All covered employees, including *Kasambahays* and Overseas Filipino Workers (OFWs), who are involuntarily separated from employment and have satisfied the eligibility requirements shall be covered under this Joint Memorandum Circular.

II. ELIGIBILITY

- A. To qualify for the grant of unemployment benefit claim, the covered employee, including *Kasambahay*, and OFW must satisfy the following:
- Not be over sixty (60) years of age at the time of involuntary separation, except:
 - In the case of an underground or surface mineworker, not over fifty (50) years old; or
 - In the case of a racehorse jockey, not over fifty-five (55) years old;
 - Has paid at least thirty-six (36) monthly contributions, twelve months (12) of which should be in the eighteen-month (18) period immediately preceding the month of involuntary separation;
 - Has no settled unemployment benefit claim within the last three (3) years prior to the date of involuntary separation;
 - Has been involuntarily separated from employment due to any of, but not limited to, the following:
 - Termination of employment based on authorized causes under Articles 298 (283) and 299 (284) of Presidential Decree (P.D.) No. 442 or the Labor Code of the Philippines, as amended:
 - Installation of labor-saving devices;
 - Redundancy;
 - Retrenchment or downsizing;
 - Closure or cessation of operation; or
 - Disease/illness of the employee whose continued employment is prohibited by law or is prejudicial to his or his co-employees' health.
 - Termination of employment by the employee stated under Article 300 (285) of P.D. No. 442 or the Labor Code of the Philippines, as amended, for which an employee may put an end to the employment relationship without notice to employer:
 - Serious insult by the employer or his representative on the honor and person of the employee;
 - Inhuman and unbearable treatment accorded the employee by the employer or his representative;
 - Commission of a crime or offense by the employer or his representative against the person of the employee or any of the immediate members of his/her family; and
 - Other causes analogous to any of the foregoing.

Note: The employee shall support the ground/s for immediate resignation with substantial evidence as may be required by the DOLE and SSS.

 - Economic downturn;
 - Natural or human-induced calamities/disasters; and
 - Other analogous cases as may be determined by the DOLE and SSS.

- B. Subject to employer's compliance to substantive and procedural due process requirements provided under DOLE D.O. No. 147, series of 2015, an employee shall not be qualified to receive unemployment benefit if he/she has been involuntarily separated from employment due to just causes under Article 297 (282) of P.D. No. 442 or the Labor Code of the Philippines, as amended, covering any of the following act/s by the employee:
- Serious misconduct;
 - Willful disobedience or insubordination;
 - Gross and habitual neglect of duties;
 - Fraud or willful breach of trust;
 - Loss of confidence;
 - Commission of a crime or offense; or
 - Analogous cases like abandonment, gross inefficiency, disloyalty/conflict of interest/dishonesty.

On analogous causes, to be valid ground for termination, the following must be present:

- There must be an act or omission similar to those specified as just causes; and
- The act or omission must be voluntary and/or willful on the part of the employee.

No act or omission shall be considered as analogous cause unless expressly specified in the company rules and regulations or policies.

- C. The reasons for the involuntary separation of OFWs shall be determined by the DOLE through the POEA.

D. Clarification on Cases

- Employees with floating status, who are not yet technically terminated and are waiting for the resumption of business operations of their employers, are not considered as involuntarily separated. However, if an employee is covered by an employment contract and said contract expires without him/her being recalled to resume his/her work, the employee shall be considered as involuntarily separated with the date of floating status as the separation date.
- In cases when employer-employee relationship is suspended, and after the extension of such suspension for another six (6) months the employer can no longer recall the employees back to work due to serious economic downturn, the employees are considered involuntarily separated with the date of suspension as the separation date.
- Terminated employees with pending illegal termination case, who cannot secure a Notice of Termination of Employment from their employers, shall be required by the DOLE to submit a Certificate of Pending Case as additional documentary proof of involuntary separation.
- Employees shall be considered as involuntarily separated due to closure or cessation if all the branches of their employers have ceased operations. In the case of branch closure, the reason for involuntary separation shall either be retrenchment or redundancy.
- OFWs with perfected overseas employment contracts but who were not deployed or did not depart the Philippines to commence their contracts shall not be considered as involuntarily separated.

III. PRESCRIPTIVE PERIOD OF FILING

- A. Claims for the unemployment benefit shall be filed within one (1) year from the date of involuntary separation.
- B. Unemployment benefit claims shall not be denied if the one-year deadline for filing thereof falls on 05 March 2020 until the last day of the community quarantine. All employees, whose claim falls on the said period, may still file their unemployment benefit claim application within sixty (60) days from the end of the community quarantine.

IV. LIMITATIONS

- A. An employee who is involuntarily separated can only claim unemployment benefit once every three (3) years starting from the date of involuntary separation.
- B. In case of concurrence of two (2) or more compensable contingencies within the same compensable period, only the highest benefit shall be paid.

V. PRE-REQUISITES TO ONLINE FILING

- A. The member must be registered in the SSS Website to be able to apply for unemployment benefit claim through the My.SSS Portal of the SSS Website.
- B. The member must have a UMID card enrolled as ATM or an approved disbursement account enrolled through the Disbursement Account Enrollment Module (DAEM) of the My.SSS Portal of the SSS Website wherein the proceeds of his/her unemployment benefit shall be credited.

VI. GENERAL PROCEDURES ON UNEMPLOYMENT BENEFIT CLAIM APPLICATION UNDER THE DOLE-SSS PROCESS LINKAGE ARRANGEMENT

Step 1: Online Filing of SSS Unemployment Benefit Claim through the SSS Website

- A. The member shall perform the following:
- Log in to his/her My.SSS account;
 - Click “Apply for Unemployment Benefit” under the E-Services tab; and
 - Provide/Select and confirm the following information:
 - UMID-ATM card or preferred disbursement account;
 - Employment category: covered employee (including *Kasambahay*), mine worker, racehorse jockey, sea-based OFW or land-based OFW;
 - Date of involuntary separation;
 - SSS-registered name of employer/company where member was separated; and
 - Preferred Field/Provincial Office of the DOLE, Philippine Overseas Labor Office (POLO) or Philippine Overseas Employment Agency (POEA) to apply for electronic Certification of Involuntary Separation.
- B. Upon submission of the unemployment benefit claim application online, the system shall validate if the member:
- Is qualified for the grant of unemployment benefit based on the eligibility requirements as provided under Sections I and II of this Joint Memorandum Circular;
 - Has updated contact details; and
 - Has no record of confirmed/pending cases for review, including fraud and misrepresentation.
- C. Upon successful system-validation of the unemployment benefit claim application, the member shall certify and confirm the following:
- That the information provided are true and correct and he/she understands that he/she shall be held liable under all circumstances for any false information, misrepresentation, and fraud in his/her unemployment benefit claim;
 - That the claim information collected and validated online by the SSS shall be accessible to the DOLE for its electronic confirmation of the Certification of Involuntary Separation and shall be used and retained by the SSS relative to the unemployment benefit claim application; and
 - That he/she is granting authorization to the SSS to deduct from his/her future benefit/s as determined by the SSS, the amount of settled unemployment benefit in the event of any of the cases mentioned in Section VII or when the filing, processing or payment involves misrepresentation, fraud or false claim.
- D. Upon his/her confirmation, the member shall receive an e-mail notification from the SSS on the successful submission of the unemployment benefit claim application through the SSS Website, together with the Transaction Number and instruction to proceed with the application for Electronic Certification of Involuntary Separation by the DOLE.

Note: The member shall be given thirty (30) calendar days to file an application for Certification of Involuntary Separation from the DOLE upon successful submission of unemployment benefit claim online through the SSS Website. If the member failed to file within the said period, his/her unemployment benefit claim application shall be automatically cancelled, and he/she shall be required to file a new application through the SSS Website. The SSS shall send an e-mail notification to the concerned member one (1) week prior to the cancellation activity.

Step 2: Application for Electronic Certification of Involuntary Separation by the DOLE

- A. The member may file his/her application for the Electronic Certification of Involuntary Separation either at the following DOLE/POLO/POEA office or its online facility:
- For local employee/Kasambahay: DOLE Field/Provincial Office where the employer/company is located; or
 - For land-based/sea-based OFWs: POEA Central Office, or any One-Stop Service Center for OFWs (OSSCO), POEA Regional Center, POEA Satellite Office (RSO), Regional Extension Unit (REU), or POLO where the foreign employer operates.
- The application for certification shall be subject to the existing appointment system, if applicable, in the respective venues for the filing of such application.
- B. Upon application at the DOLE/POLO/POEA office, the member shall be required to provide/submit the following:
- Transaction Number provided in the SSS e-mail notification;
 - One (1) valid identification document with signature and photo;
 - Copy of Notice of Termination of Employment issued by the employer or Duly Notarized Affidavit of Termination of Employment, in the absence of Notice of Termination of Employment; For OFWs, the Affidavit of Termination of Employment should be supported by an Employment Contract verified by POLO and/or proof of OFW's arrival to the Philippines such as stamp of arrival by the Bureau of Immigration in the OFW's Passport or other similar documents; and
 - Certificate of Pending Case and/or Police Report, if applicable.
- C. The DOLE/POLO/POEA office shall evaluate the application following existing procedures/guidelines. This shall include the verification and confirmation of details indicated in the supporting documents submitted against the Establishment Report submitted by employers/companies to respective DOLE offices or OFW Information Record of the POEA.
- D. Upon evaluation and verification of application, the DOLE/POLO/POEA office shall check if the applicant has passed through the SSS online filing process using its access to the new SSS web application system for unemployment benefit. Upon system-validation of the online filing, the DOLE/POLO/POEA office shall encode details and certify the involuntary separation of the applicant within three (3) working days upon receipt of application for certification with complete documentary requirements.

Note: Print-out of the DOLE Certification of Involuntary Separation shall no longer be required by the SSS for the approval of unemployment benefit claim.

Step 3: Approval of Unemployment Benefit Claim Application

- A. Upon confirmation of the Certification of Involuntary Separation by the DOLE through the SSS web application system, the unemployment benefit claim shall be approved for payment.
- B. The SSS shall send an e-mail notification on the approval and crediting of the unemployment benefit to the member's e-mail address registered in the My.SSS Portal of the SSS Website.

VII. CASES FOR DEDUCTION OF UNEMPLOYMENT BENEFIT

- A. The amount of settled unemployment benefit shall be deducted, either in partial or full, from the future benefit/s of the member as determined by the SSS, in the event of the following:
- Overlapping benefit/s;
 - When the involuntarily separated employee files a case/complaint against his/her employer and the final and executory resolution thereof showed:
 - that substantive and procedural due process was complied with in the termination of employment based on any of the just causes under Article 297 (282) of P.D. No. 442 or the Labor Code of the Philippines, as amended; or
 - that the case/complaint resulted in re-instatement of the involuntarily separated employee with payment of backwages; and
 - When the employee is rehired or re-employed within the compensable period, or within two (2) months from the date of involuntary separation.