



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
BUREAU OF IMMIGRATION
MAGALLANES DRIVE, INTRAMUROS
1002 MANILA

OPERATIONS ORDER NO. JHM-2019- 008

**IMPLEMENTING RULES ON SPECIAL WORK PERMIT
AND PROVISIONAL WORK PERMIT**

WHEREAS, CA No. 613, Sec. 42(a)(33) authorizes the Commissioner of Immigration to issue Special Work Permits (SWP) and Provisional Work Permits (PWP) to foreigners who seek to work in the country for a short period of time while holding a Temporary Visitor Visa (TVV) under CA 613, Sec. 9(a) or E.O. No. 408;

WHEREAS, under the 01 May 2019 Joint Guidelines (JG) of the Department of Labor and Employment (DOLE), Department of Justice (DOJ), and Bureau of Immigration (BI), the BI shall issue SWP and PWP to foreign national enabling them to work in the Philippines for a maximum period of six (6) months.

WHEREAS, Sec. 2. of the JG defined SWP as a permit to work issued by the Bureau of Immigration which allows foreign nationalsto engage in work outside of an employment arrangement, while PWP is defined as a permit to work issued by the Bureau of Immigration which allows foreign nationalsto engage in work pursuant to an employment arrangement pending issuance of their Alien Employment Permit (AEP) and CA 613, Sec. 9(g) work visa;

NOW THEREFORE, pursuant to the rule-making power of the Commissioner of Immigration under CA 613, Sec. 3, and Executive Order No. 292¹, Title III, Book IV, Chapter 6, Secs. 29 and 36, the following rules are hereby promulgated:

Section 1. Special Work Permit. – The BI shall issue a Special Work Permit (SWP) to foreign nationals who intend to work, engage in specific activities, or render services outside of an employment arrangement, such as:

1. Professional athletes, coaches, trainers and assistants;
2. International performers with exceptional abilities;
3. Artists, performers and their staff, who perform before an audience for a fee, subject to compliance with the requirements of the concerned agency, office or body;
4. Service suppliers coming primarily to perform temporary services and who do not receive salary or other remuneration from a Philippine source other than expenses incidental to their temporary stay;
5. Treasure hunters authorized to search for hidden treasure with permit from the concerned government agencies and instrumentalities;
6. Movie and television crews authorized to film in the country by the relevant regulatory office, body or agency;
7. Foreign journalists practicing their profession or covering a specific event in the country;
8. Trainee/s assigned in government instrumentalities, government owned and controlled corporations (GOCC) and private entities;
9. Lecturers, researchers, trainers and others pursuing academic work, who are assigned in schools, universities, educational and research institutions, government agencies and other entities (with or without compensation);
10. Religious missionaries and preachers;
11. Commercial models and talents;
12. Culinary specialists/Chefs;
13. Professionals; and
14. Consultants or specialists.

Section 2. Documentary Requirements for SWP– Artist and Athletes.
Application for SWP – Artist/Chefs/Athletes/Religious Preachers shall provide the following:

1. Letter request addressed to the Commissioner from the petitioning promoter/organizer/sports organization stating the following:
 - a. The name/s of the performing foreign artist/chef/preacher, including members of the production crew, training staff and other personnel involved in the event/competition;

- b. The itinerary (venues) and schedule of events where the foreign artist/chef/athlete/preacher will perform; and
- c. An undertaking to withhold and remit to the Bureau of Internal Revenue (BIR) the taxes due on all income of the applicant.
- d. The SWP shall be valid for three months (extendable) or for the duration of the event/tournament whichever comes first.
2. Duly accomplished CGAF for Work Permit;
3. Photocopy of applicant's passport showing bio-page and latest admission with valid authorized stay, if already in the country;
4. Endorsement from the following:
 - a. For concerts and performances:
 - i. Asosasyon ng Musikong Pilipino (AMP) for musicians or Organisasyon ng Pilipinong Mang-aawit (OPM) for singers; AND
 - ii. Filipino Society of Composers, Authors, and Publishers (FILSCAP) for public musical performances (concerts) of copyrighted works;
 - b. For athletes, trainers, coaches and participants:
 - i. Philippine Sports Commission;
 - ii. Philippine Olympic Committee; OR
 - iii. PBA, PFL and other recognized sports organization;
 - c. For religious preachers, any of the following: CBCP, PCEC, INC., JIL and other legitimate religious sects.
5. Photocopy of the applicant's Taxpayer Identification Number (TIN) card or any proof of TIN; and
6. BI Clearance Certificate.

Section 3. Documentary Requirements for SWP-Commercial Models, Foreign Journalists, Trainee's. Application for SWP - Commercial Models, Foreign Journalists, Trainees shall provide the following:

1. Letter request addressed to the Commissioner from the petitioning company/establishment stating the following:
 - a. The name/s of the models/journalists/trainees, including their staff and personnel;
 - b. The address/venue where the foreign models/journalists/trainees will perform their services; and
 - c. An undertaking to withhold and remit to the Bureau of Internal Revenue (BIR) the taxes due on all income of the applicant.
2. Duly accomplished CGAF for Work Permit;
3. Photocopy of applicant's passport showing bio-page and latest admission with valid authorized stay, if already in the country;
4. Endorsement from the following:
 - a. For Commercial Models: FAP.
 - b. For Foreign Journalists: Malacanang Press Corps.
 - c. For Trainees: GOCC or Sponsoring Private Entity.
5. Photocopy of the applicant's Taxpayer Identification Number (TIN) card or any proof of TIN; and
6. BI Clearance Certificate.

Section 4. Documentary Requirements for SWP- Commercial. All application for SWP - Commercial shall provide the following:

1. Letter request addressed to the Commissioner from the petitioning company;
2. Duly accomplished CGAF for Work Permit;
3. Photocopy of applicant's passport bio-page and latest admission with valid authorized stay;
4. For Corporations or Partnerships, photocopies of the following:
 - a. Securities and Exchange Commission (SEC) Certificate of Registration;
 - b. Articles of Incorporation;
 - c. General Information Sheet (GIS) for the current year stamped received by the SEC; and
 - d. Valid Mayor's Permit
5. For Single Proprietorships, photocopies of the following:
 - a. Photocopy of Department of Trade and Industry (DTI) Certificate of Registration of Business Name; and
 - b. Mayor's Permit;
6. Contract of Service, Secretary's Certificate of Election, Appointment, Assignment, Secondment or Deployment of applicant, or equivalent document indicating duration of employment, compensation and other

- benefits, and scope of duties;
7. Board Resolution, if the signatories of the letter of application and contract of service are other than those appearing in the Articles of Incorporation and in the latest GIS;
8. Photocopy of petitioner's latest Income Tax Return (ITR) with corresponding proof of payment (official receipt, bank teller's validation slip, BIR's eFPS payment details' print-out or other similar evidence). For newly created company, submit photocopy of certificate of registration with BIR and Quarterly payment of taxes with corresponding proof of payment. For companies with no income or overpayment of taxes, in lieu of proof of payment, submit copy of ITR with proof of filing.
9. A sworn declaration of the petitioning company operating in the Philippines;
10. Photocopy of the applicant's Taxpayer Identification Number (TIN) card or any proof of TIN;
11. Certificate by the Petitioner-company, thru its authorized representative, stating whether it is applicant's- initial or final SWP and all documents submitted are genuine;
12. Special Temporary Permit issued by the Professional Regulation Commission, when warranted (positions/professions classified as regulated profession by the PRC), and
13. BI Clearance Certificate.

Section 5. Provisional Work Permit. – The BI shall issue PWP to foreign nationals who intends to engage in work pursuant to an employment arrangement pending issuance of their AEP or CA 613, Sec. 9(g) work visa;

Section 6. Documentary Requirements for PWP – All application for PWP must provide the following:

1. Letter request addressed to the Commissioner from the petitioning company;
2. Duly accomplished CGAF for Work Permit;
3. Photocopy of applicant's passport bio-page and latest admission with valid authorized stay;
4. Photocopy of Alien Employment Permit (AEP) with photocopy of the application for CA 613, Sec. 9(g) work visa or the official receipt of the application for an AEP;
5. For Corporations or Partnerships, photocopies of the following:
 - a. Securities and Exchange Commission (SEC) Certificate of Registration;
 - b. Articles of Incorporation;
 - c. General Information Sheet (GIS) for the current year stamped received by the SEC; and
 - d. Valid Mayor's Permit
6. For Single Proprietorships, photocopies of the following:
 - a. Photocopy of Department of Trade and Industry (DTI) Certificate of Registration of Business Name; and
 - b. Mayor's Permit;
7. Employment Contract, Secretary's Certificate of Election, Appointment, Assignment, Secondment or Deployment of applicant, or equivalent document indicating duration of employment, compensation and other benefits, and scope of duties;
8. Photocopy of petitioner's latest Income Tax Return (ITR) with corresponding proof of payment (official receipt, bank teller's validation slip, BIR's eFPS payment details' print-out or other similar evidence). For newly created company, submit photocopy of certificate of registration with BIR and Quarterly payment of taxes with corresponding proof of payment. For companies with no income or overpayment of taxes, in lieu of proof of payment, submit copy of ITR with proof of filing.
9. Photocopy of the applicant's Taxpayer Identification Number (TIN) card or any proof of TIN;
10. Special Temporary Permit issued by the Professional Regulation Commission, when warranted (positions/professions classified as regulated profession by the PRC), and
11. In case of consultant or specialist, a justification that despite their best efforts, no Filipino is able and willing to provide such consultancy or specialized service;
12. BI Clearance Certificate.

Section 7. Period of SWP and PWP. – SWP and PWP shall be for a maximum period of six (6) months, non-renewable, with an initial duration of not more than three (3) months plus final three (3) month period when applied for.

Section 8. Refugees and Other Classes of Aliens. – The right to work granted by or recognized in treaties, laws, and other regulations in favor of (a) refugees; (b) foreigners engaged to work in government projects with foreign fundings; and (c) such other classes of aliens shall not be impaired.

Section 9. Authority to Receive and Process. – BI Officers authorized to receive and process and approve SWP and PWP applications under Immigration Administrative Circular No. JHM-2018-003² shall observe the following procedure:

1. Receive applications for SWP and PWP with a completely filled-up Consolidated General Application Form (CGAF) together with the complete documentary requirements.
2. Assess and determine base on the following submitted requisites, to wit:
 - a. Existence and capability of petitioning company;
 - b. Address of the company and applicant (residence);
 - c. Nature of Business of the petitioning company as reflected in its SEC Certificate; and
 - d. Determine whether the company has a valid appropriate government issued license to operate;
3. Upon assessment and verification, the Alien Control Officer (ACO), Acting Alien Control Officer (AACO), or duly authorized personnel shall resolve whether to approve or disapprove the SWP or PWP application.

Section 10. Approving Authority for SWP/PWP applications. –The Commissioner or his duly authorized personnel is authorized to approve/disapprove SWP/PWP applications filed within their area of jurisdiction.

Section 11. Duty of Approving Officer. – The approving officer shall ensure that all SWP/PWP applications he approved/disapproved are duly reflected in the system with the applicant's TIN.

Section 12. Invalidity of SWP/PWP. – Any violation of the terms and conditions of SWP/PWP and any misrepresentation will render the permit invalid and may subject the SWP/PWP holder to deportation proceedings.

Section 13. Monitoring of SWP/PWP. – To properly monitor the actual number of foreigners who have been issued SWP/PWP, the BI office that granted the SWP or PWP application shall provide one serial number per foreigner in the following manner – SWP-ABC³/101⁴-19-123456. In case of application for completion of the six (6) month period of SWP/PWP, the Order shall be numbered with "B", i.e. SWP-DEF⁵/101⁶-19-123456-B. In case of dismissal/denial of application, the letter "D" shall be added in the order and letter "C" in case the Motion for Reconsideration of a dismissed/denial application has been approved.

Illustration:

| | Docket no. | When to use |
|---|-------------------------|---|
| 1 | SWP-ABC/101-19-123456 | First application for SWP/PWP |
| 2 | SWP-ABC/101-19-123456-A | Order approving SWP/PWP is amended |
| 3 | SWP-ABC/101-19-123456-B | Completion of SWP/PWP six month period |
| 4 | SWP-ABC/101-19-123456-C | When the MR of a denied application is approved |
| 5 | SWP-ABC/101-19-123456-D | When the SWP/PWP is dismissed/denied |

SWP/PWP holders shall present the Order granting his/her SWP/PWP to the Tourist Visa Section (TVS) or subport offices on their next extension of Temporary Visitor's Visa (TVV).

Further, the Immigration Regulation Division shall ensure that the Tourist Visa Section and all subport offices (district, satellite, field, and extension offices) shall encode the extension of TVV of SWP/PWP holders under the category "TVV-SWP" or "TVV-PWP". In the event that an applicant has a previously issued valid ACR I-Card,

the same shall be updated in the system of "TVV-SWP" or "TVV-PWP". In no case shall TVV or subport offices extend the TVV or issue an ACR I-Card when the SWP/PWP is not reflected in the system.

Lastly, the MISD shall ensure that (1) a mandatory field for TIN shall be incorporated in the system, and (2) all SWP/PWP orders encoded in the system by the approving officer shall automatically be reflected in the next extension of the SWP/PWP holder vis-à-vis automatic reflection on the tourist visa sticker.

Section 14. Submission of Reports. – The BI Offices that issued SWP/PWP shall submit a monthly report to the Office of the Commissioner and copy furnished the Office of the Deputy Commissioner-in-Charge of SWP/PWP, not later than the 1st Friday of each month. The report shall be in two (2) parts containing:

- a. Statistical report stating:
 1. The number of applications it received;
 2. The number of approved applications per nationality; and
 3. The number of dismissed/denied applications per nationality.
- b. Detailed report stating:
 1. Name and nationality of applicants;
 2. Name of Petitioner-company;
 3. Position applied for by the applicant;
 4. Date of issuance and validity of the SWP/PWP; and
 5. Applicant's TIN.

Section 15. Supersession Clause. – This Operations Order repeals, amends or modifies all prior, inconsistent circulars, memoranda, orders and other issuances.

Section 16. Publication and Effectivity – This Operations Order takes effect fifteen (15) days from publication.

General Services Section shall cause the publication of this Operations Order in a newspaper of general circulation. BINOC and MISD shall cause its publication at the BI Website.

Send copies of this Order to the Office of the National Administrative Registrar (ONAR), UP Law Center, Diliman, Quezon City.

JUN 27 2019

(Sgd.) JAIME H. MORENTE
Commissioner

¹ The Revised Administrative Code of 1987.

² Rationalizing the Territorial Jurisdiction, Area of Responsibility, and Scope of Authority of Alien Control Officers and Heads of Immigration Offices.

³ Initial of the approving officer.

⁴ Three (3) digit location code of the issuing office to be provided by the MISD.

⁵ Initial of the approving officer.

⁶ Three (3) digit location code of the issuing office to be provided by the MISD.



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
BUREAU OF IMMIGRATION
MAGALLANES DRIVE, INTRAMUROS
1002 MANILA

OPERATIONS ORDER NO. JHM-2019- 009

**TAXPAYER IDENTIFICATION NUMBER IN
VISA AND PERMIT APPLICATIONS**

WHEREAS, Secs. 9(d), (g) and 20(b) CA No. 613, as amended, authorize the Board of Commissioners to issue work visas to foreign nationals who seek to work in the country;

WHEREAS, Sec. 42(a)(33), CA No. 613, as amended, authorizes the Commissioner of Immigration to issue Special Work Permits (SWP) and Provisional Work Permits (PWP) to foreign nationals who seek to work in the country for a short period of time while holding a Temporary Visitor Visa (TVV) under Sec. 9(a), CA 613, as amended, or E.O. No. 408 (1960);

WHEREAS, Sec. 2, Republic Act No. 8424 or otherwise known as The National Internal Revenue Code of 1997 grants the Commissioner of Internal Revenue the power to assess and collect all national internal revenue taxes, fees and charges; and Executive Order

No. 98 (1999) requires all government agencies and instrumentalities, including Government-Owned and/or Controlled Corporations, and all Local Government Units to incorporate the Taxpayer Identification Number (TIN) in all forms, permits, licenses, clearances, official papers and documents which they issue to persons transacting business with them, be they natural or judicial, as reiterated under the 01 May 2019 Joint Guidelines between DOLE-DOJ-BI and BIR on SWP and PWP; and

WHEREAS, Sec. 23(D) in relation to Sec. 24(a) and 25(a), RA 8484, as amended, grants the BIR to the authority to assess and collect taxes on *all alien individuals*, whether a resident or not of the Philippines, on income derived from sources within the Philippines.

NOW THEREFORE, pursuant to the rule-making power of the Commissioner of Immigration under CA 613, Sec. 3, and Executive Order No. 292¹, Title III, Book IV, Chapter 6, Secs. 29 and 36, the Bureau shall:

1. Require all applicants of non-immigrant visas allowing foreign nationals to work [CA 613, Sec. 9(d) and 9(g)] and special non-immigrant visas under E.O. 226 (Foreign Investment Act), E.O. 758 (Special Visa for Employment Generation) and PD 1034 (Offshore banking Unit), and permits to submit a copy of their Taxpayer Identification Number (TIN) card or any proof of TIN; and
2. Include the TIN requirement in all consolidated general application form and checklist of documentary requirements for work related visas and permits.

All previous issuances or any part thereof that are inconsistent herewith are hereby revoked and/or modified accordingly.

This Order takes effect fifteen (15) days after publication.

Furnish a copy of this Order to the Office of the National Administrative Register (ONAR), UP Law Center, Diliman, Quezon City.

JUN 27 2019

(Sgd.) JAIME H. MORENTE
Commissioner

¹The Revised Administrative Code of 1987.

Department of Labor and Employment
Department of Justice
Bureau of Immigration
Bureau of Internal Revenue

DOLE, DOJ, BI, and BIR JOINT GUIDELINES NO. 01
Series of 2019

**SUBJECT: GUIDELINES ON THE ISSUANCE OF WORK AND
EMPLOYMENT PERMITS TO FOREIGN NATIONALS**

WHEREAS, pursuant to Section 12, Article XII of the 1987 Philippine Constitution, the State shall promote the preferential use of Filipino Labor, domestic materials and locally produced goods, and adopt measures that help make them competitive;

WHEREAS, pursuant to Section 14, Article XII of the 1987 Philippine Constitution, the practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law;

WHEREAS, pursuant to Section 3(5), Chapter 1, Title VII, Book IV of Executive Order No. 292 or Administrative Code of 1987, the Department of Labor and Employment shall regulate the employment of aliens, including the enforcement of a registration or work permit system for such aliens, as provided for by law;

WHEREAS, pursuant to Article 40 of Presidential Decree No. 442 or the Labor Code of the Philippines, as amended, the Department of Labor and Employment (DOLE) is mandated to regulate the employment of aliens through the issuance of Alien Employment Permit (AEP) to non-resident foreign nationals or to the applicant employer after a determination of the non-availability of a person in the Philippines who is competent, able and willing at the time of application to perform the services for which the alien is desired;

WHEREAS, pursuant to Section 3(6), Chapter 1, Title III, Book IV of the Executive Order No. 292 or Administrative Code of 1987, the Department of Justice (DOJ) shall have the powers and functions to provide immigration and naturalization regulatory services and implement the laws governing citizenship and the admission and stay of aliens;

WHEREAS, pursuant to Section 31, Chapter 10, Book IV of the Executive Order No. 292 or Administrative Code of 1987, the Bureau of Immigration (BI) is principally responsible for the administration and enforcement of immigration, citizenship and alien admission and registration laws in accordance with the provisions of the Philippine Immigration Act of 1940, as amended (C.A. No. 613, as amended).

WHEREAS, pursuant to Section 42(a)33, of the CA 613, as amended, the Commissioner of Immigration is authorized to issue work permits to foreign nationals.

WHEREAS, pursuant to BI Memorandum Order AFFJr. No. 05-009, the Bureau of Immigration shall issue Special Work Permit (SWP) to non-resident aliens who will be employed in the Philippines for a period not exceeding six (6) months.

WHEREAS, pursuant to DOLE Memorandum Order of former Secretary Patricia A. Sto. Tomas dated 03 March 2005, the Department of Labor and Employment shall issue Alien Employment Permit (AEP) to foreign nationals who will work in the Philippines for more than six (6) months.

WHEREAS, pursuant to Section 1 of the Executive Order No. 98, series of 1999, all government agencies and instrumentalities, including Government-Owned and/or Controlled Corporations, and all Local Government Units, are hereby directed to incorporate the Taxpayer Identification Number (TIN) in all forms, permits, licenses, clearances, official papers and documents which they issue to persons transacting business with them be they natural or judicial.

WHEREFORE, with the foregoing premises considered, this Joint Guidelines is hereby issued to clarify and harmonize existing rules and regulations in the issuance by the Bureau of Immigration of Special Work Permits (SWP) and Provisional Work Permits (PWP), and by the Department of Labor and Employment of Alien Employment Permits; establish systems for the joint monitoring thereof without compromising the fulfillment by each of their respective legal mandates; and promote ease of doing business in the country.

Section 1. Objective. This Joint Guidelines aims to clarify and harmonize existing regulations on the issuance of appropriate permits to all foreign nationals who intend to work, perform specific activities, and/or render services in the Philippines, whether in the context of an employment arrangement or otherwise.

Section 2. Definition of Terms. As used in these Joint Guidelines, the following shall mean:

- a. **Alien Employment Permit or AEP** – refers to a permit issued by the Department of Labor and Employment to foreign nationals pursuant to employment arrangement with Philippine-based company, after determination of the non-availability of a person in the Philippines who is competent, able, and willing at the time of application, to perform the services for which the foreign national is desired;
- b. **Employment Arrangement** – exists when one is permitted or suffered to work pursuant to an employer-employee relationship;
- c. **Permit to Work** – refers to a permit issued by the Bureau of Immigration pursuant to Section 42(a)33 of Commonwealth Act No. 613;
- d. **Provisional Work Permit or PWP** - refers to a permit to work issued by the Bureau of Immigration which allows foreign nationals to engage in work pursuant to an employment arrangement pending issuance of their Alien Employment Permit (AEP) or with valid AEP but pending approval of CA 613, Sec. 9(g) work visa;
- e. **Special Temporary Permit** – refers to a permit issued by the Professional Regulation Commission to a foreign professional to practice in the Philippines for a limited period of time, subject to the limitations and conditions provided for by law; and
- f. **Special Work Permit** – refers to a permit to work issued by the Bureau of Immigration which allows foreign national to engage in work outside of an employment arrangement.

Section 3. Duties and Responsibilities of Concerned Agencies. In order to achieve the objective of this Joint Guidelines, the concerned agency shall assume the following duties and responsibilities:

- a. The Department of Justice shall oversee the issuance of Permits to Work by the Bureau of Immigration.
- b. The Bureau of Immigration shall:
 - i. Issue Special Work Permits (SWPs) to foreign nationals engaged in specific activities as provided in this Joint Guidelines;
 - ii. Issue Provisional Work Permits (PWP) to foreign nationals who intends to work immediately pending approval of AEP or with valid AEP but pending approval of CA 613, Sec. 9(g) work visa; and
 - iii. Share with DOLE and BIR data on SWP and PWP issued.
- c. The Department of Labor and Employment shall:
 - i. Determine the non-availability of a person in the Philippines who is competent, able, and willing to perform the services for which the alien is desired;
 - ii. Issue Alien Employment Permits (AEP) to all foreign nationals intending to engage in gainful employment in the Philippines; and
 - iii. Share with the BI and BIR data on the AEP issued.
- d. The Bureau of Internal Revenue shall:
 - i. Issue Tax Identification Number (TIN) to foreign nationals applying for SWP, AEP, or PWP; and
 - ii. Share with DOLE and BI data on the TIN issued to foreign nationals subject to the provisions of RA No. 10173.

Section 4. Issuance of Special Work Permit (SWP). A Special Work Permit (SWP) shall be issued by the BI to foreign nationals who intend to work, engage in specific activities, or render services outside of an employment arrangement as enumerated below:

- a. Professional athletes, coaches, trainers and assistants;
- b. International performers with exceptional abilities;
- c. Artists, performers and their staff, who perform before an audience for a fee, subject to compliance with the requirements of the concerned agency, office or body;
- d. Service suppliers coming primarily to perform temporary services and who do not receive salary or other remuneration from a Philippine source other than expenses incidental to their temporary stay;
- e. Treasure hunters authorized to search for hidden treasure with permit from the concerned government agencies and instrumentalities;
- f. Movie and television crews authorized to film in the country by the relevant regulatory office, body or agency;
- g. Foreign journalists practicing their profession or covering a specific event in the country;
- h. Trainee/s assigned in government institutions, government owned and controlled corporations (GOCC), and private entities;
- i. Lecturers, researchers, trainers and others pursuing academic work, who are assigned in schools, universities, educational and research institutions, government agencies and other entities (with or without compensation);
- j. Religious missionaries and preachers;
- k. Commercial models and talents;
- l. Culinary specialists/Chefs;
- m. Professionals; and
- n. Consultants or specialists.

Provided: that when the performance of work or service constitutes practice of a regulated profession, the foreign national shall comply with the requirements imposed by the Professional Regulation Commission (PRC), including securing a Special Temporary Permit (STP).

An SWP shall be granted in favor of an applicant who shall thereby be entitled to work in the Philippines for a maximum period of six (6) months, non-renewable.

Section 5. Issuance of Alien Employment Permit (AEP). The DOLE shall issue Alien Employment Permit to foreign nationals who intend to work in the Philippines pursuant to an employment arrangement with a Philippine-based company, after determination of the non-availability of a person in the Philippines who is competent, able, and willing at the time of application, to perform the services for which the foreign national is desired.

Section 6. Issuance of Provisional Work Permits (PWPs). The BI shall issue Provisional Work Permits (PWPs) to foreign nationals whose work shall commence immediately in the Philippines pursuant to an employment arrangement.

A PWP shall be issued to a foreign national upon submission of proof of pending application for an AEP. In the same manner, a PWP shall also be issued to a foreign national with valid AEP but pending approval of CA 813, Sec. 9(g) work visa. The PWP shall be effective for a maximum period of six (6) months, non-renewable.

Section 7. Requirements for, and Procedure in, Securing SWPs, AEPs and PWPs. Except for the Special Temporary Permit (STP) issued by the PRC, all applications for permits covered by this Joint Guidelines shall require Tax Identification Number (TIN) of the foreign national from the Bureau of Internal Revenue (BIR).

The DOLE, BI, DOJ, and BIR shall promulgate relevant rules, guidelines, circulars on the requirements for, and procedure in, securing the permits covered by, and in accordance with this Joint Guidelines.

Section 8. Denial, Cancellation or Revocation. A permit covered by this Joint Guidelines which depends for its continued validity on the issuance of a related permit or similar document by another office or agency shall be deemed cancelled or revoked upon denial of a foreign national's application for such related permit or document, or the revocation or cancellation thereof.

A PWP issued by the BI shall likewise be deemed cancelled or revoked upon denial of its holder's application for an AEP or 9(g) visa.

Section 9. Refugees and Other Classes of Foreign National. Nothing in this Joint Guidelines shall be construed to defeat or otherwise impair the right to work granted by or recognized in treaties, laws, and other regulations in favor of foreign national such as: (a) asylum seekers, refugees and stateless persons; (b) foreigners engaged to work in government projects with foreign funding; and (c) other such classes of foreign national.

Section 10. Reporting and Data Sharing. The BI and DOLE shall provide monthly reports on the permits they issued which are covered by this Joint Guidelines.

The BI shall provide monthly reports of SWPs and PWPs issued in favor of foreign nationals to the DOLE - Bureau of Local Employment, indicating therein the petitioning company; the name of the foreign national and his or her nationality, occupation and position; and the validity of the SWP or PWP, as the case may be.

The DOLE shall likewise submit monthly reports of all AEP applications received by, or pending before it, to the BI - Legal Department, indicating therein the name of the foreign national and his or her employer; the date of application; the action taken thereon; and, where applicable, validity of the AEP.

Section 11. Periodic Review. This Joint Guidelines shall be subject to review every two (2) years, or often as may be necessary.

Section 12. Repealing Clause. All guidelines, rules and regulations, procedures and agreements inconsistent herewith are hereby repealed or modified accordingly.

Section 13. Transitory Provision. All permits covered by this Joint Guidelines which have been issued by the agency concerned prior to the effectivity hereof shall remain valid until their expiration.

Section 14. Separability Clause. If any part or provision of this Joint Guidelines declared to be invalid or unconstitutional, the other parts or provisions not affected shall remain in full force and effect.

Section 15. Effectivity. This Joint Guidelines shall take effect after fifteen (15) days from the date of its publication in a newspaper of general circulation.

(Sgd.) SILVESTRE H. BELLO III
DOLE Secretary

(Sgd.) MENARDO I. GUEVARRA
DOJ Secretary

(Sgd.) CAESAR R. DULAY
BIR Commissioner

(Sgd.) JAIME H. MORENTE
BI Commissioner

Date: MAY 01 2019

