

Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila

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DEPARTMENT OF LABOR AND EMPLOYMENT	
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**REVISED RULES FOR THE ISSUANCE OF
EMPLOYMENT PERMITS TO FOREIGN NATIONALS**

Pursuant to the provisions of Articles 5 and 40 of PD 442, as amended, the provisions of Rule XIV, Book I of its Implementing Rules and Regulations, Section 17(5), Chapter 4, Title VII of the Administrative Code of 1987, the following Rules are hereby promulgated:

Section 1. Coverage. - All foreign nationals who intend to engage in gainful employment in the Philippines shall apply for Alien Employment Permit (AEP).

Sec. 2. Exemption. - The following categories of foreign nationals are exempt from securing an employment permit:

- a. All members of the diplomatic service and foreign government officials accredited by and with reciprocity arrangement with the Philippine government;
- b. Officers and staff of international organizations of which the Philippine government is a member, and their legitimate spouses desiring to work in the Philippines;
- c. Foreign nationals elected as members of the Governing Board who do not occupy any other position, but have only voting rights in the corporation;
- d. All foreign nationals granted exemption by law;
- e. Owners and representatives of foreign principals whose companies are accredited by the Philippine Overseas Employment Administration (POEA), who come to the Philippines for a limited period and solely for the purpose of interviewing Filipino applicants for employment abroad;
- f. Foreign nationals who come to the Philippines to teach, present and/or conduct research studies in universities and colleges as visiting, exchange or adjunct professors under formal agreements between the universities or colleges in the Philippines and foreign universities or colleges; or between the Philippine government and foreign government; provided that the exemption is on a reciprocal basis; and
- g. Permanent resident foreign nationals, probationary or temporary resident visa holders.

Sec. 3. Procedure in the Processing of Applications for AEP. -

- a. All applications for AEP shall be filed and processed at the DOLE Regional Office or Field Office having jurisdiction over the intended place of work.

Only applications with the following complete documentary requirements shall be received and acted upon by the Regional Office:

1. Duly accomplished Application Form;
2. Photocopy of Passport, with visa or Certificate of Recognition for refugees;

3. Contract of Employment/ Appointment or Board Secretary's Certificate of Election;
 4. Photocopy of Mayor's Permit to operate business or in case of locators in economic zones, Certification from the PEZA or the Ecozone Authority that the company is located and operating within the ecozone; and
 5. Photocopy of current AEP (if for renewal)
- b. In the case of foreign nationals to be assigned in related companies, they may file their application with the Regional Office having jurisdiction over any of the applicant's intended places of work.
- c. Additional position or a change in position of the foreign national in the same company or subsequent assignment in related companies during the validity or renewal of the AEP will be subject for publication requirement and payment of publication fee. However, a change of employer shall require an application for new AEP.

Sec. 4. Fee – Upon filing of application, the applicant shall pay a fee of Eight Thousand Pesos (P8,000.00) for each application for AEP with a validity of one year. In case the period of employment is more than one year, an additional Three Thousand Pesos (P3,000.00) shall be charged for every additional year of validity or a fraction thereof. In case of renewal, the applicant shall pay a fee of Three Thousand Pesos (P3,000.00) for each year of validity or a fraction thereof.

Replacement of AEP card shall require a fee of Seven Hundred Fifty Pesos (P750.00). In case of loss of AEP card, request for replacement shall be supported by an Affidavit of Loss.

Sec. 5. Publication. - The Regional Office shall publish all applications for new AEP, change or additional position in the same company or subsequent assignment in related companies within two working days upon receipt of application. Any objection or information against the employment of the foreign national may be filed with the Regional Office anytime during the foreign national's period of employment.

Sec. 6. Processing period. – Upon receipt of application the authorized representative of the Regional Office may conduct ocular inspection within two working days thereof, to verify legitimacy of the employment of the foreign national. All applications shall be processed and an AEP shall be issued within twenty-four (24) hours after publication and payment of required fees and fines, if there is any.

Sec. 7. Verification Inspection. The authorized representatives of the Regional Director may conduct verification inspection of establishments employing foreign nationals within thirty (30) days after the issuance of the AEP to ensure that the foreign national is doing the job for which the AEP was issued.

Sec. 8. Effect of denial/ cancellation or revocation of AEP. - A foreign national whose AEP has been denied/ cancelled/ revoked shall not be allowed to reapply in any of the DOLE Regional Offices, unless said foreign national has provided proof that the ground for denial/ cancellation/ revocation has been corrected.

Sec. 9. Renewal of AEP– An application for renewal of AEP shall be filed before its expiration.

In case of corporate officers, whose election or appointment takes place before expiration of AEP, the application shall be filed not later than fifteen (15) working days after election or appointment or before expiration of the AEP.

In case the election or appointment will take place after the expiration of the AEP, the application for renewal shall be filed before the expiration of the AEP, and shall be renewed for one year. In case the foreign national is not re-elected or re-appointed, the AEP shall be automatically revoked.

Within fifteen (15) working days after the date of election or appointment, the foreign national shall submit to the issuing Regional Office the Board Secretary's Certificate of Election or Appointment.

Sec. 10. Denial of application. – An application for AEP may be denied by the Regional Director based on any of the following grounds:

- a. misrepresentation of facts in the application;
- b. submission of falsified documents;
- c. the foreign national has a derogatory record; or
- d. availability of a Filipino who is competent, able and willing to do the job intended for the foreign national

Denial of application for AEP shall cause the forfeiture of the fees paid by the applicant.

Sec. 11. Validity of AEP – The AEP shall be valid for the position and the company for which it was issued for a period of one year, unless the employment contract, consultancy services, or other modes of engagement provides otherwise, which in no case shall exceed five years.

Sec. 12. Suspension of AEP. - The AEP may be suspended by the issuing Regional Director, based on any of the following grounds, and after due process:

- a. The continued stay of the foreign national may result in damage to the interest of the industry or the country;
- b. The employment of the foreign national is suspended by the employer or by order of the Court.

Petitions for suspension of AEP issued shall be resolved within thirty (30) days from receipt thereof.

Sec. 13. Cancellation/revocation of AEP. - The Regional Director may, motu proprio or upon petition, cancel or revoke an AEP after due process, based on any of the following grounds:

- a. Non-compliance with any of the requirements or conditions for which the AEP was issued;
- b. Misrepresentation of facts in the application;
- c. Submission of falsified or tampered documents;
- d. Meritorious objection or information against the employment of the foreign national as determined by the Regional Director;
- e. Foreign national has a derogatory record; or
- f. Employer terminated the employment of the foreign national.

Sec. 14. Appeal. - Any aggrieved party may file an appeal with the Secretary within ten (10) days after receipt of the copy of denial/ suspension/ cancellation/ revocation order.

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

Sec. 15. Fines for working without AEP. - The Regional Director shall impose a fine of Ten Thousand Pesos (P10,000.00) for every year or a fraction thereof on foreign nationals found working without an AEP or with an expired AEP.

Newly hired, elected or appointed officers may file application for new AEP without penalty within fifteen (15) working days after signing of contract, election or appointment, or before the start of actual term of office.

Sec. 16. Miscellaneous Provisions

- a. **Separability Clause** – If any provision or part of this Department Order or the application thereof to any person or circumstance is held invalid by the Courts, the remaining valid provisions of this Department Order shall not be affected.
- b. **Repealing Clause** – All guidelines, rules and regulations, procedures and agreements inconsistent herewith are hereby repealed or modified accordingly.
- c. **Effectivity** – These Rules shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.


MARIANITO D. ROQUE
Secretary

26 August 2009

