

**[ DOLE DEPARTMENT ORDER NO. 97-09, August 26, 2009 ]**

**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 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