

**[DEPARTMENT ORDER NO. 12, S. 2001,
NOVEMBER 16, 2001, November 16, 2001]**

**OMNIBUS GUIDELINES 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 1 of its Implementing Rules and Regulations, Section 17 (5), Chapter 4, Title VII of the Administrative Code of 1987, the following Omnibus Guidelines for the issuance of Employment Permits are hereby promulgated:

RULE I

Coverage and Exemption

1. The following shall apply for Alien Employment Permit (AEP):

1.1 All foreign nationals seeking admission to the Philippines for the purpose of employment:

1.2 Missionaries or religious workers who intend to engage in gainful employment.

1.3 Holders of Special Investors Resident Visa (SIRV), Special Retirees Resident Visa (SRRV), Treaty Traders Visa (9d) or Special Non-immigrant Visa (47(a)2), who occupy any executive, advisory, supervisory, or technical position in any establishment;

1.4 Agencies, organizations or individuals whether public or private, who secure the services of foreign professionals to practice their professions in the Philippines under reciprocity and other international agreements.

1.5 Non-Indo Chinese Refugees who are asylum seekers and given refugee status by the United Nations High Commissioner on Refugees (UNHCR) or the Department of Justice under DOJ Department Order No. 94, series of 1998;

1.6 Resident foreign nationals seeking employment in the Philippines.

2. Exemption. The following categories of foreign nationals are exempt from securing an employment permit in order to work in the Philippines.

2.1 All members of the diplomatic services and foreign government officials accredited by the Philippine government.

2.2 Officers and staff of international organizations of which the Philippine government is a cooperating member, and their legitimate spouses desiring to work

in the Philippines;

2.3 Foreign nationals elected as members of the Governing Board who do not occupy any other position, but have only one voting rights in the corporation; and

2.4 All foreign nationals granted exemption by special laws and all other laws that may be promulgated by the Congress.

RULE II

Procedures in the Processing of Application for AEP

1. All foreign nationals seeking employment in the Philippines under Rule I or their prospective employers, shall file their applications with the DOLE Regional Office having jurisdiction over the intended place of work.

2. Fees — The applicant shall pay filing, publication and permit fees in the amount of Eight Thousand Pesos (P8,000.00) for each application for AEP with a validity of one (1) year. Three Thousand Pesos (P3,000.00) shall be charged for every additional year of validity or a fraction thereof.

3. An AEP shall be issued based on the following:

3.1 Compliance by the applicant employer or the foreign national with the substance and documentary requirements;

3.2 Determination of the DOLE Secretary that there is no Filipino national who is competent, able and willing to do the job for which the services of the applicant is desired;

3.3 Assessment of the DOLE Secretary that the employment of the foreign national will redound to national benefit;

4. Denial of Application for AEP — An application for AEP may be denied based on the ground of non-compliance with any of the requirements for issuance of AEP or for misrepresentation of facts in the application or submission of falsified or tampered documents.

5. Renewal of Permit — An application for renewal of AEP shall be filed at least fifteen (15) days before its expiration. For elective officers, applications for renewal shall be filed upon election or at least thirty (30) days before the effectivity of the applicant's term of office if the succeeding term of office is ascertained.

Failure to file the application for renewal of permit within the prescribed period shall be subjected to fines of Five Thousand Pesos (P5,000.00), if filed within six (6) months after the prescribed period and Ten Thousand Pesos (10,000.00), if filed after six (6) months. Failure to renew the AEP within one (1) year after its expiration shall be a cause for its revocation or cancellation.

6. The employer shall notify the DOLE-RO which issued the permit of the date of the assumption to duty of the foreign national within thirty (30) days from issuance of the permit.