

**[ PRC RESOLUTION NO. 98-547, S. 1998, January 20, 1998 ]**

**GUIDELINES FOR THE REGISTRATION OF FOREIGN PROFESSIONALS ALLOWED BY LAWS TO PRACTICE THE REGULATED PROFESSIONS IN THE PHILIPPINES**

WHEREAS, Section 14, Article XII of the Philippine Constitution provides that "[T]he practice of all professions in the Philippines shall be limited to Filipino citizens, save in the cases prescribed by law.

WHEREAS, exceptions to the above-cited constitutional injunction are —

1. Laws that created the various Professional Regulatory Boards and the Professional Regulation Commission which — (a) allow foreign professionals to practice their professions in the Philippines through reciprocity; (b) allow foreign professionals to be called for consultation, or for specific designs, installations, constructions, demonstrations, specific investigation, specific assignment or projects or to render some specific service whose services are limited only for the particular/specific work they have been called; (c) allow foreign professionals to be employed as technical officers, professors, consultants, exchange professors or instructors in specialized branches of the profession; (d) allow foreign professionals attached to international bodies or organizations assigned to perform certain definite work in the Philippines provided they shall limit their practice to the specific work assigned to them; (e) allow foreign professionals to be employed or under contract with the Government as experts, advisors or consultants and (f) allow foreign professionals who are internationally known to be outstanding experts in their chosen profession or well-known specialists in its branches and that their services are urgently necessary either for lack of local experts or if their services will promote the advancement of the profession in the Philippines to practice their profession.

2. Laws which allow foreign parties (a) to enter into contracts with the Philippine Government or its instrumentalities to finance or fund infrastructure or other projects through which contracts the foreign contracting parties are allowed to bring in consultants in said projects who may be professionals to perform or render service which involve the practice of regulated profession or (b) to enter into contracts with the Philippine Government or its instrumentalities to undertake the construction/ reconstruction of government infrastructure or other projects, through which contracts, the foreign contracting parties are allowed to bring in consultants who may be professionals to work in projects which require the services of professionals for the duration of the said projects or undertaking or activity.

3. Laws which allow foreign parties to invest in the Philippines and through which investments in enterprises, foreign investors are allowed to employ foreign nationals who may be professionals whose work in such enterprises constitute the practice of

regulated profession in the Philippines.

4. International conventions and/or agreements which the Philippines is a party or signatory or to which the Philippines has acceded which allow foreign professionals to be employed or to practice their professions in the Philippines.

WHEREAS, the Professional Regulation Commission is the agency of the Government empowered "to administer, implement, and enforce the regulatory policies of the National Government with respect to the regulation and licensing of the various professions and occupations under its jurisdiction including the maintenance of professional and occupational standards and ethics and the empowerment of the rules and regulations in relation thereto (Sec. 5 [a], P.D. No. 223, as amended).

WHEREAS, " The Commission shall have the general supervision on foreign nationals who are authorized by existing laws or granted special permits to practice their professions temporarily in the Philippines to see that the terms and conditions of their employment are strictly observed and adhered to." (Sec. 5[a], *ibid*).

WHEREFORE, the Commission resolved as it hereby resolves:

1. To prescribe, promulgate and issue guidelines for the observance of the various Professional Regulatory Boards in issuing rules and regulations implementing the provisions in the regulatory laws which created said Boards which allow foreign nationals to take professional licensure examinations or allow foreign professionals to practice their professions in the Philippines through reciprocity; allow foreign professionals to be called in for consultation, or for specific designs, installations, constructions, demonstrations, specific investigations, assignments or projects or to render specific service or work for which they have been called; allow foreign professionals to be employed as technical officers, professors, consultants, exchange professors or instructors in specialized branches of the profession; allow foreign professionals attached to international bodies or organizations assigned to perform certain definite work in the Philippines; allow foreign professionals to be employed or under contract with the Philippine Government as experts, advisers or consultants or allow foreign professionals who are internationally known to be outstanding experts or well-known specialists in its branches.

2. To prescribe, promulgate and issue rules and regulations for the registration of and/or issuance to foreign professionals of temporary special permits to practice their professions in the Philippines, who are allowed by the various existing laws to practice their professions in the Philippines.

3. To prescribe, promulgate and issue rules and regulations for the issuance of temporary special permits to foreign professionals who are allowed by international conventions or agreements which the Philippines is a party or signatory or to which the Philippines has acceded.

*SECTION 1. Definition of Terms.* — As used herein, the term —

a. "Regulated Profession" shall refer to a person's occupation or calling which is defined, and admission to which and practice thereof are regulated by the law which regulates the practice of the profession.

- b. *"Practice of Profession"* shall refer to a person's acts or activities or services done or rendered which constitute the practice of a profession as defined by the law which regulate the practice of the profession to which that person belongs.
- c. *"Professional Consultancy"/"Consulting Services"* shall refer to services which require adequate technical training and expertise in undertaking the following activities: advisory and review services; pre-investment or feasibility studies; design; construction supervision; management and related services and other technical or special studies whose elements or components or any of its constituent parts are inherent in or constitute the practice of the professions as defined in the law regulating the profession.
- d. *"Foreign Professional Consultant"* shall refer to a person other than a Filipino citizen who is qualified by appropriate education, training and experience and registered as professional in his own country and issued license to practice his profession who is or may be legally engaged to render or do any of the types, categories or fields of consulting services as provided and defined in Item No. 4 of the Guidelines on the Procurement of Consulting Services for Government Projects (Implementing Rules and Regulations) approved and published by the National Economic and Development Authority (NEDA) whose elements or components or any of its constituent parts are inherent in or constitute the practice of the profession as defined by the law regulating the profession in the Philippines.
- e. *"Foreign Professional"* shall refer to a person other than a Filipino citizen qualified by appropriate education and training and registered as professional and issued a license to practice his profession in his own country and who is or may be legally engaged to render or do the acts or services which constitute the practice of the regulated profession in the Philippines.

*SECTION 2. Categories/Types/Fields of Consulting Services in Which a Foreign Consultant is Engaged or May Engage In.* — As provided and defined in Item 4 of the Guidelines on the Procurement of Consulting Services for Government Projects issued by the NEDA, foreign consultants may render, provide or engage in any or some of the following categories/types/fields of services:

- a) Advisory or Review Services
- b) Pre-Investment or Feasibility Studies
- c) Design
- d) Construction Supervision
- e) Management and Related Services
- f) Other Technical Services or Special Studies

In order that a foreigner may be required to secure temporary special permit to practice his profession in the Philippines in accordance with this Guidelines, it must be shown that the services that he is rendering, providing or engaging in or to render or provide or engage in by virtue of his contract of employment or of consultancy, constitute an element or component or some elements or components, or a constituent part of the practice of the profession as defined by law and for which he was employed or engaged as such consultant.

*SECTION 3. Registration of and/or Issuance of Temporary Special Permit to Foreign Professionals Allowed by Existing Laws to Practice the Regulated Professions in the*

A. As provided by existing laws, the following are the foreign nationals and/or foreign professionals who are allowed by law to take professional licensure examinations and/or to practice their professions in the Philippines:

1. Foreigners who are allowed to take professional licensure examinations and/or to practice the regulated professions through reciprocity;
2. Foreign professionals called by the Government for consultation or for specific designs, installations, constructions, demonstrations, specific investigations, assignments or projects or to be employed as exchange professors or instructors in specialized branches of the professions or who are attached to international bodies or organizations assigned to perform certain definite work in the Philippines.
3. Foreign professionals who are internationally known to be outstanding experts in their chosen professions or well-known specialists in its branches.
4. Foreign professionals who are brought in the Philippines as experts, consultants, or advisers by foreign parties who extend loans to the Philippine Government or its instrumentalities which are allowed by law to contract/secure such loans to finance or fund infrastructure projects of the Government; or brought in by foreign parties who, by authority of law, are allowed to enter into contracts with the Philippine Government or its instrumentalities to undertake the construction or reconstruction of government infrastructure or other projects or brought in by foreign parties who invest in the Philippines to work in investment enterprise where said foreign parties have invested.
5. Foreign professionals who come in the Philippines and practice their professions by virtue of the provisions of International Conventions and/or Agreements which the Philippines is a party or signatory or to which the Philippines has acceded.
6. Other foreign professionals not included in or covered under any of the above-listed foreign professionals but also desire to practice their professions in the Philippines.

B. The following are the Guidelines that shall be observed by the various Professional Regulatory Boards in issuing rules and regulations allowing foreigners to take professional licensure examinations and/or to practice the regulated professions in the Philippines:

1. Foreigners and/or foreign professionals under Sub-paragraph A-1 who will take licensure examinations and/or who will practice their professions in the Philippines through reciprocity, as the case may be, should be required to:
  - (a) Submit copy of the law of the country of the applicant duly authenticated by the Philippine Embassy/Consulate/Legation in that

country or the Department of Foreign Affairs allowing or permitting citizens of the Philippines to practice their professions in that country on the same basis and grant the same privileges as the subjects or citizens of such country or state. If the foreign law is printed in any language other than English, the application should be accompanied by an authentic translation of the said law in English.

(b) Submit authentic or authenticated copy of a valid alien employment permit (for non-resident alien professional) or alien employment registration certificate (for resident alien professional) issued by the Department of Labor and Employment (DOLE).

(c) Submit an official communication/letter signed by the appropriate/proper official of the Government of the country of the applicant containing a firm commitment that a Filipino citizen who desires to take the licensure examination and/or practice his profession in that country shall be allowed to do so on the same basis and shall be granted the same privileges as the citizens/subjects of such country or state.

(d) Submit authentic/authenticated copy of documents issued by proper government office/agency certifying that applicant is a registered professional in his own country or state and that he is licensed to practice his profession in his country or state.

(e) Submit authentic or authenticated document issued by the Bureau of Immigration and Deportation showing that applicant who desires to take the licensure examination and/or practice his profession has resided in the Philippines for at least three (3) years prior to the examination or prior to the filing of the application to be allowed to practice the regulated profession in the Philippines.

(f) Submit Personal Data Sheet under oath containing such information as: Name of applicant; citizenship/nationality; place and date of birth; civil status; residence address in his country/state; status of stay in the Philippines; residence and mailing address in the Philippines; profession/s; dates admitted/registered as professional; if offered employment, nature of work, name of employer, place of employment, educational qualifications, experience and other relevant data/information.

The concerned Professional Regulatory Board shall evaluate the documents submitted. If found qualified under applicable professional regulatory law, the applicant shall, upon payment of the prescribed fees, be allowed to take the licensure examination. If he passes the examination, his name shall, upon payment of the prescribed fees, be entered in the roster of professionals of his profession. If he is a registered professional in his country, his name shall likewise be enrolled/entered in the roster of professionals of his profession.

2. Foreign professionals under Sub-paragraph A-2 should be required to:

(a) Submit authentic/authenticated copy of document issued by an official of the Philippine Government showing that said foreign