



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

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02 December 2019

CUSTOMS MEMORANDUM CIRCULAR
NO. 272-2019

To: The Assistant Commissioner
All Deputy Commissioners
All Directors and Division Chiefs
All District/Port Collectors
And Others Concerned

SUBJECT: Joint Memorandum Circular No. 001 Series of 2019

Attached is the letter the letter dated 04 November 2019 of Mr. Renato L. Ebarle, Undersecretary, Department of Labor and Employment endorsing a copy of Joint Memorandum Circular Number 001 Series of 2019 entitled: ***"Rules and Procedures Governing Foreign Nationals Intending to Work in the Philippines"***.

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.


REY LEONARDO B. GUERRERO

Commissioner
DEC 06 2019



BOC-09-09115

Cmc 272-2019 P:2

Internal Admin. Group

Received by: VICKY REYES

Date: 11/26/19

Time: 8:48

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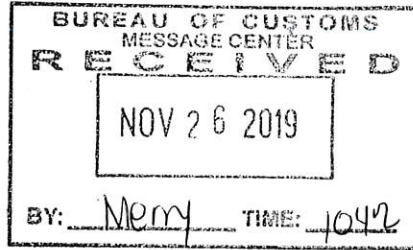
Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



Certificate Number: AJA 15-0048



BOC-09-09115



4 November 2019

DEPARTMENT OF FINANCE
Republic of the Philippines



SECRETARY CARLOS G. DOMINGUEZ III

Department of Finance (DOF)
DOF Building, Roxas Boulevard cnr. Pablo Ocampo,
Manila City

TO OUR USCES/CO.S/ASER/
HOAA

Dear Secretary Dominguez:

This is in reference to the Joint Memorandum Circular Number 001 Series of 2019, entitled Rules and Procedures Governing Foreign Nationals Intending to Work in the Philippines signed by the heads of member agencies of the Inter-Agency Task Force on 11 July 2019. The said JMC aims to harmonize the regulations and policy guidelines governing the necessary working permits issued to foreign nationals.

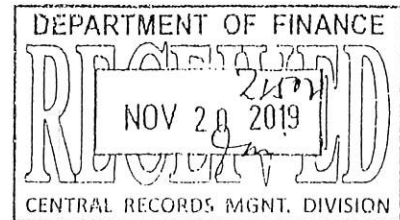
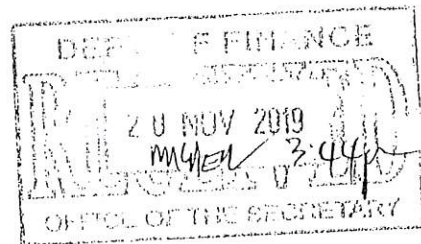
We wish to inform you that the JMC was published in the 17 October 2019 issue of The Manila Times. The JMC has also taken effect on 1 November 2019, pursuant to the fifteen (15) day rule following publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Attached for your reference is a copy of the JMC.

Thank you.

Very truly yours,

RENATO L. EBARLE
Undersecretary



Department of Justice
Department of Foreign Affairs
Department of Finance
Department of Labor and Employment
Department of Environment and Natural Resources
Bureau of Internal Revenue
Bureau of Immigration
Professional Regulation Commission
National Intelligence Coordinating Agency

**JOINT MEMORANDUM CIRCULAR NO. 001
Series of 2019**

**RULES AND PROCEDURES GOVERNING FOREIGN NATIONALS INTENDING
TO WORK IN THE PHILIPPINES**

WHEREAS, Section 12, Article XII of the 1987 Philippine Constitution provides that: 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, Section 14, Article XII of the 1987 Philippine Constitution provides that: The practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law;

WHEREAS, pursuant to Art. 40 of the Philippine Labor Code, as amended, the Department of Labor 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, by virtue of Section 7(j) of Republic Act No. 8981 otherwise known as the PRC Modernization Act of 2000, the Professional Regulation Commission (PRC), upon recommendation of the Board concerned, is authorized to issue certificate of registration/license or a special temporary permit to foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; consultants in foreign-funded, joint venture or foreign-assisted projects of the government, employees of Philippine or foreign private firms or institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time;

WHEREAS, by virtue of the Philippine Immigration Act of 1940, as amended, the Bureau of Immigration is mandated to process pre-arranged employment visa under Section 9(g) pursuant to Section 20 of said Act;

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Cmc. 272-2019 P-4

WHEREAS, by virtue of Commonwealth Act No. 108, as amended by PD 715, the Department of Justice (DOJ) is mandated to issue Authority to Employ foreign nationals as technical personnel in wholly or partially nationalized industries in the Philippines;

WHEREAS, pursuant to Section 62 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, a mineral agreement or a financial or technical assistance agreement contractor shall not be hindered from hiring employees of his own selection, subject to the provisions of Commonwealth Act of No. 613, as amended, for technical and specialized work which, in his judgment and with the approval of the Mines and Geosciences Bureau (MGB) Director, requires highly-specialized training or long experience in exploration, development or utilization of mineral resources;

WHEREAS, pursuant to Sec. 20 of the Philippine Immigration Act of 1940, as amended, and implemented by Part 7, Sec.102 of the Codified Visa Rules and Regulations of the Philippines (2002), the Department of Foreign Affairs, through the Consular Officers, is authorized to issue various visas corresponding to the purpose and intent of qualified foreign nationals, including those applying for pre-arranged employment in the Philippines.

WHEREAS, pursuant to Section 1 of the Executive Order No. 98, series of 1999, directing 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 juridical.

WHEREAS, the government at constant risk of being infiltrated by a group or individual for a purpose which is inimical to national interest;

WHEREAS, owing to challenges posed by terrorism, Section 1 of Administrative Order No. 68, series of 2003, strengthened National Intelligence Coordinating Agency's (NICA) role and authority to principally direct, coordinate and integrate all government activities involving national intelligence.

THEREFORE, with the foregoing premises considered, this Joint Memorandum Circular is hereby issued.

Section 1. Objective. This Joint Memorandum Circular aims to harmonize the regulations and policy guidelines governing the issuance of the following documents to foreign nationals intending to work in the Philippines:

- Alien Employment Permit (AEP) by the Department of Labor and Employment (DOLE);
- Special Temporary Permit (STP) by the Professional Regulation Commission (PRC);

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- Special Work Permit (SWP), Provisional Work Permit (PWP) and 9(g) visa by the Bureau of Immigration (BI);
- 9(g) and 47(a)2 visa by the Department of Foreign Affairs (DFA);
- Authority to Employ Alien (AEA), and 47(a)2 visa by the Department of Justice (DOJ); and
- Authority to Hire Foreign National (AHFN) by the Department of Environment and Natural Resources- Mines and Geosciences Bureau (DENR-MGB).

Section 2. Two Options of securing 9(g) visa in the Philippines. The foreign nationals intending to work in the Philippines may apply for work visa under any of the following options, provided that concerned national government agencies i.e. DOLE and DOJ shall secure a no derogatory information from NICA:

Option 1. Securing 9(g) visa while in the Philippines. Foreign nationals, who have entered the Philippines with a temporary visitor's visa, must secure applicable permits and file an application for 9(g) visa at the BI by submitting the following documentary requirements:

- I. **Employment Contract.** The foreign national shall enter into an employment contract with a Philippine-based employer.
- II. **Permits and Authority.** The foreign national or the Philippine-based employer or the foreign national's duly authorized representative shall file application for the issuance of the following permits and authority by the appropriate government agency depending upon the foreign national's functions to be performed, employer's nature of business, employment duration, and practice of profession:

A) AUTHORITY TO EMPLOY ALIEN (AEA) – For nationalized and partially nationalized industries where foreign equity participation is limited to a maximum of 40%, the employer shall secure AEA from the DOJ based on CA 108, as amended and its implementing rules and regulations as well as the existing Foreign Investment Act.

B) AUTHORITY TO HIRE FOREIGN NATIONAL (AHFN)– For the employment of foreign nationals in the mining operation, the employer shall secure AHFN from the DENR-MGB based on Section 62 of Republic Act No. 7942 or the Philippine Mining Act of 1995 and its existing implementing rules and regulations. In special cases, foreign nationals may be permitted to work by the MGB Director for a limited period not exceeding one (1) year: Provided, that if reciprocal privileges are extended to Filipino nationals in the country of domicile, the MGB Director may grant waivers or exemptions.

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C) SPECIAL TEMPORARY PERMIT (STP) – For the practice of regulated professions, the employer shall secure STP from the PRC, subject to the provisions of Republic Act No. 8981, otherwise known as the PRC Modernization Act of 2000, and the relevant professional regulatory laws.

D) ALIEN EMPLOYMENT PERMIT (AEP) – The foreign nationals, or their employer or authorized representative/agent shall secure AEP from the DOLE Regional Office having jurisdiction over the place of work based on Article 40 of the Labor Code, as amended, and its existing implementing rules and regulations. The DOLE shall be responsible in the 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.

Upon issuance of the applicable permits and/or authority mentioned above, the employer and the foreign national must secure work visa from the BI based on Section 9(g) of the CA 613 and its existing implementing rules and regulations. Upon approval of the application for conversion to 9(g) visa, the BI shall inform the petitioner on the approval for the implementation of the 9(g) visa and issuance of the Alien Certificate of Registration (ACR) - iCard.

Provided that: for the prospective foreign worker outside of the country, a Letter of Intent submitted by the employer to the BI shall be forwarded to the respective Embassy and/or Consular Post for the issuance of 9(a) visa.

Option 2. Securing of work visa prior to entry to the Philippines.
The Philippine-based employer must obtain the necessary permit and appropriate authority before entry of the foreign nationals to the Philippines for work as stated in Section 2, Option 1, of this Circular, excluding the work visa.

The acquisition of work visa at the Philippine Embassy or Consular Post shall have the following process flow:

- a. Upon the issuance of the applicable permits and authority, the issuing agencies shall inform the BI and the Philippine-based employer of such fact. The Philippine-based employer or its duly authorized representative shall apply for 9(g) Work Visa 9(g) at the BI.
- b. Once the application for 9(g) work visa is approved, the BI shall transmit the endorsement to issue the 9(g) work visa to the DFA together with necessary documentations and inform the

[Handwritten signatures and initials: a large scribble, 'gh', a circle with a line through it, 'dy', and 'W']



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Philippine-based employer or its duly authorized representative of such approval.

- c. The DFA shall forward the authority to issue 9(g) visa to the appropriate Consular Post/Philippine Embassy for the issuance of 9(g) visa to the foreign national.
- d. Upon receipt of authority and endorsement from the DFA, the concerned Consular Post or Philippine Embassy shall issue the work visa to the foreign national. Appropriate charges may apply.
- e. The foreign national shall register with the BI within seven (7) days upon arrival in the Philippines.

Section 3. Duties of concerned government agencies after the issuance, denial or cancellation of necessary permit and authority. In case of denial or cancellation/revocation of the necessary permit and/or authority, the concerned government agencies shall notify the DOLE and BI of such fact. Any derogatory information on foreign nationals obtained by NICA shall be shared to DOLE and BI.

Section 4. Denial or Cancellation. In case of denial of application for or cancellation of the work visa based on its existing rules and regulations, BI shall immediately inform DOLE. The AEP issued by DOLE will be revoked or cancelled automatically upon receipt of notification thereof.

Section 5. Requirement for Taxpayer Identification Number. The implementing agencies mentioned above shall require the foreign national and/or the employer/withholding agent to secure Taxpayer Identification Number from the Bureau of Internal Revenue (BIR) as part of documentary requirements in securing permits and visas.

Section 6. Issuance of Special Work Permit (SWP). The BI's issuance of SWP shall be governed by the DOLE-DOJ-BI-BIR Joint Guidelines No. 01, Series of 2019 on the Issuance of Work and Employment Permits to Foreign Nationals.

Section 7. Issuance of Clearance from DOLE. All government agencies issuing work-related permits, visas and authorities shall secure Certificate of No Objection (CNO) from DOLE prior to issuance of the said work-related permits, visas and authorities except the DOJ in issuing AEA, and BI in issuing SWP. Should there be objection from a concerned party, a labor market test shall be conducted by DOLE to determine the non-availability of a person in the Philippines who is competent, able and willing at the time of application.

The issuance of the CNO by the DOLE shall not be construed as an automatic approval of the application for work-related permits, visas and/or authorities.

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Section 8. Creation and Function of the Technical Working Group (TWG). It is hereby created a TWG composed of DENR, DOF, DFA, DOJ, DOLE, BI, BIR, NICA and PRC. The TWG shall designate permanent and alternate representatives who shall be responsible for all matters related to employment of foreign nationals including the submission and consolidation of reports. The TWG shall also develop an inter-agency database system that is accessible to all the members. Further, the DOLE shall be the administrator of said database system.

Section 9. Joint Inspection Team. A special joint inspection team shall be created to be composed of the DOLE, BI, and BIR to conduct joint inspection of establishments employing FNs to ensure their compliance with the labor, immigration and tax laws.

Section 10. Data Repository. Pending the development of the database system, the DENR, DFA, DOJ, BI, and PRC shall submit to the DOLE, through the Bureau of Local Employment (BLE) and NICA, monthly report for consolidation not later than the tenth (10th) day of the month following the reporting period, on the issuance of the following:

- a) AHFN by the DENR-MGB;
- b) 9(g) and 47(a)2 visa by the DFA;
- c) AEA and 47(a)2 by the DOJ;
- d) SWP, PWP and 9(g) visa by the BI; and,
- e) STP by the PRC.

The BLE shall be the central repository of such information of foreign nationals employed in the Philippines.

Section 11. Annexes. Attached to this Joint Memorandum Circular are the following, which are subject to any updates and/or amendments:

- a) Process Flow (Annexes: Option 1 - A; and Option 2 - A.1);
- b) Lists of Nationalized and Partially Nationalized Industries (Annex B);
- c) List of PRC Regulated Professions (Annex C);
- d) List of Documentary Requirements for the Issuance of Authority, Permit, and Work Visa (Annex D); and,
- e) Revenue Memorandum Order No. 28-2019 – Prescribing Policies and Guidelines on the Registration Requirements of Foreign Nationals (Annex E).

Section 12. Periodic Review. This Joint Memorandum Circular shall be subject to review every two (2) years, or often as may be necessary.

Section 13. Miscellaneous Provision. The provisions of this Joint Memorandum Circular do not preclude any change or amendments of the rules and regulations as deemed necessary and appropriate by the concerned agencies, provided that the same is with the conformity of other agencies signatory of this Joint Memorandum Circular.

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Section 14. Transitory Provision. All existing orders, rules, regulations, and other issuances shall remain in force until the effectivity of this Joint Memorandum Circular.

Section 15. Separability Clause. In case any clause, sentence or provision of this Joint Memorandum Circular is declared unconstitutional, the remaining parts hereof shall not be affected.

Section 16. Repealing Clause. All orders, rules, regulations, and agreements inconsistent with or contrary to the provisions of this Joint Memorandum Circular are hereby repealed or modified accordingly.

Section 17. Effectivity. This Joint Memorandum Circular shall take effect after fifteen (15) days from the date of its publication in the official gazette or in the newspaper of general circulation.

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MENARDO I. GUEVARRA
Secretary, DOJ

Handwritten signature
TEODORO L. LOCSIN, JR.
Secretary, DFA

Handwritten signature
CARLOS G. DOMINGUEZ III
Secretary, DOF

Handwritten signature
SILVESTRE H. BELLO III
Secretary, DOLE

Handwritten signature
ROY A. CIMATU
Secretary, DENR

Handwritten signature
CAESAR R. DULAY
Commissioner, BIR

Handwritten signature
JAIMÉ H. MORENTE
Commissioner, BI

Handwritten signature
TEOFILO S. PILANDO, JR.
Chairman, PRC

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ALEX PAUL I. MONTEAGUDO
Director General, NICA

Date: 11 July 2019



Palay farmgate price further slips in late Sept

BY EIREENE JAIREE GOMEZ

THE average farmgate price of palay (unmilled rice) dropped further by nearly 1 percent to P15.82 per kilo, as of the fourth week of September, compared to its level a week earlier, the Philippine Statistics Authority (PSA) said.

In its regular update on palay, rice and corn prices, PSA said the latest figure was also 29.3 percent lower from last year's P22.36 per kilo.

The continuous drop in locally-produced palay was blamed on the implementation of Republic Act 11203 or "Rice Tariffication Law," which al-

lowed the unlimited entry of cheap imported rice from other countries.

Since passage of the law in February, Philippines' rice imports already reached 2.4 million metric tons (MT), data from the government showed.

The Philippines is seen to become the second largest rice im-

porter in the world this year, according to the US Department of Agriculture (USDA). Philippine rice imports are expected to reach an all-time high of 3 million MT, just 500,000 MT short of China's rice importation requirement.

Meanwhile, PSA said prices of rice both at the wholesale and retail trades were generally lower in the fourth week of September as against their levels a week and a year ago.

The average price of well-milled rice at the wholesale trade was at P38.15 per kilo, down 17.2 percent from last year's P46.07 per kilo. Week-on-week, it dropped 0.2 per-

cent from P38.21 per kilo. At retail trade, its average price fell by 14.9 percent to P42.03 per kilo. It likewise decreased by 0.2 percent from P42.11 per kilo recorded in the previous week.

For regular milled rice, the average wholesale price dipped to P34.04 per kilo or by 21.2 percent from P43.22 per kilo in September 2018. Similarly, it fell by 0.2 percent from previous week's level of P34.09 per kilo.

Its equivalent price at the retail trade was pegged at P37.63 per kilo, down 18.4 percent from last year's P46.14 per kilo. Week-on-week, it dropped 0.1 percent from P37.66 per kilo.

6 firms bid for Clark Phase 2's packages

FIVE foreign firms and one local firm have shown interest in clinching Packages 4 and 5 of the Philippine National Railway (PNR) Clark Phase 2 project, amounting to P50.8 billion, the Department of Transportation (DoTr) said on Wednesday.

The 53-kilometer PNR Clark Phase 2, which would run from Malolos, Bulacan to Clark in Pampanga, is part of the government's massive P777.5-billion North-South Commuter Railway (NSCR) Extension Project.

According to the DoTr, the companies that submitted their proposals for the two packages earlier this week were Acciona from Spain; South Korea's GS Engineering and Construction, and Posco Engineering and Construction; Indonesia-based PT Waskita and PT Wika; and Philippines' EEI Corp.

With an investment of P32.7 billion, the contract for Package 4 includes eight kilometers (kms) of railway, including the Clark International Airport Station.

Package 5, on the other hand, has a budget of P18.1 billion. The NSCR's Cl

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"The vibrant turn of events yet again for Packages 4 and 5 reflect support and trust of national infrastructure in the Duterte administration," PNR General Manager Magna was quoted as saying.

The first three contracts for Packages 1 to 3 are in December, while for 4 and 5, it may happen in the first quarter of 2020.

The PNR Clark Phase 2 will cater to 340,000 passengers daily, with 100 trains operational in 2022, it said.

Travel time from Buendia to the Clark International Airport will be 55 minutes versus 120 minutes via private North Expressway. LISBET

Disruption in government

IN a meeting at the Senate a few weeks ago, Sen. Sonny Angara told us that the Anti-Red Tape Authority (ARTA) was the disruptive force needed for governmental reforms. That sparked sentiments of inspiration and perplexity that ultimately led to this column.

It is almost universally accepted that people have an innate resistance to change, perhaps due to the uncertainty as to what the future may hold, and the fear of the unknown. As Andrew Smith famously said, "People fear what they don't understand and hate what they can't conquer."

To disrupt is to shake the boat, to mess up the status quo, so to speak. Historically, to be a disruptor is to be a promoter of chaos. However, disruption is so pervasive in today's technological world that we simply have adapted. The resistance was practically short-lived. It was not so long ago we all had different things to play music, send messages, listen to music, watch videos, list our schedules, etc. Today, many of us cannot live without these functions in our phones.

In China, the disruption is even more fast-paced. From a predominantly cash-based, no-credit card economy, they skipped and went straight to electronic wallets and e-payments. The difficulty is no longer when you forget your wallet, but when your phone has no battery.

The point is, today's disruption brings about change at a much faster pace than before. It is much more inescapable and in-your-face



MANANA
IRA
tizing the transaction dealings with government. We work with government servants tied to their performance-based bonuses.

Unfortunately, our mandate has not been by others, and we utilize the punitive of ARRA. Cases have against errant official Civil Service Commission Office of the Ombudsman and the Office of the Penalties for violation of EODB law are significant offense — six months.

Second offense call the kitchen sink (including the kitchen oyster). Administrative, Criminal penalties or from service, per qualification from forfeiture of retirement fine of P1P 500,000, 2,000,000, and fine of one year to six years.

These penalties are by law, enacted by Steep as they may be required to ensure that red tape is eliminated to impose that is why we call upon public servants to

Department of Justice
Department of Foreign Affairs
Department of Finance
Department of Labor and Employment
Department of Environment and Natural Resources
Bureau of Internal Revenue
Bureau of Immigration
Professional Regulation Commission
National Intelligence Coordinating Agency

JOINT MEMORANDUM CIRCULAR NO. 001
Series of 2019

RULES AND PROCEDURES GOVERNING FOREIGN NATIONALS INTENDING TO WORK IN THE PHILIPPINES

WHEREAS, Section 12, Article XII of the 1987 Philippine Constitution provides that: 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, Section 14, Article XII of the 1987 Philippine Constitution provides that: The practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law;

WHEREAS, pursuant to Art. 40 of the Philippine Labor Code, as amended, the Department of Labor Employment (DOLE) is mandated to regulate the employment of alien workers 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, by virtue of Section 7(1) of Republic Act No. 8981 otherwise known as the PRC Modernization Act of 2009, the Professional Regulation Commission (PRC), upon recommendation of the Board concerned, is authorized to issue certificate of registration, license or a special temporary permit to foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; consultants in foreign-funded, joint venture or foreign-assisted projects of the government, employees of Philippine or foreign private firms or institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time;

WHEREAS, by virtue of the Philippine Immigration Act of 1940, as amended, the Bureau of Immigration is mandated to process pre-arranged employment visa under Section 9(g) pursuant to Section 20 of said Act;

WHEREAS, by virtue of Commonwealth Act No. 108, as amended by PD 716, the Department of Justice (DOJ) is mandated to issue Authority to Employ foreign nationals as technical personnel in wholly or partially nationalized industries in the Philippines;

WHEREAS, pursuant to Section 82 of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, a mineral agreement or a technical or technical assistance agreement contract shall not be hindered from hiring employees of his own selection, subject to the provisions of Commonwealth Act No. 813, as amended, for technical and specialized work which, in his judgment and with the approval of the Mines and Geosciences Bureau (MGB) Director, requires highly specialized training or long experience in exploration, development or utilization of mineral resources;

WHEREAS, pursuant to Sec. 20 of the Philippine Immigration Act of 1940, as amended; and implemented by Part 7, Sec. 102 of the Codified Visa Rules and Regulations of the Philippines (2002), the Department of Foreign Affairs, through the Consular Officers, is authorized to issue various visas corresponding to the purpose and intent of qualified foreign nationals, including those applying for pre-arranged employment in the Philippines;

WHEREAS, pursuant to Section 1 of the Executive Order No. 98, series of 1999, directing 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 juridical;

WHEREAS, the government at constant risk of being infiltrated by a group or individual for a purpose which is inimical to national interest;

WHEREAS, owing to challenges posed by terrorism, Section 1 of Administrative Order No. 68, series of 2003, strengthened National Intelligence Coordinating Agency's (NICA) role and authority to principally direct, coordinate and integrate all government activities involving national intelligence;

THEREFORE, with the foregoing premises considered, this Joint Memorandum Circular is hereby issued.

Section 1. Objective. This Joint Memorandum Circular aims to harmonize the regulations and policy guidelines governing the issuance of the following documents to foreign nationals intending to work in the Philippines:

- Alien Employment Permit (AEP) by the Department of Labor and Employment (DOLE);
- Special Temporary Permit (STP) by the Professional Regulation Commission (PRC);
- Special Work Permit (SWP), Provisional Work Permit (PWP) and 9(g) visa by the Bureau of Immigration (BI);
- 9(g) and 47(a)(2) visa by the Department of Foreign Affairs (DFA);
- Authority to Employ Alien (AEA), and 47(a)(2) visa by the Department of Justice (DOJ); and
- Authority to Hire Foreign National (AHFN) by the Department of Environment and Natural Resources-Mines and Geosciences Bureau (DENR-MGB).

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of the foreign nationals to the Philippines for work as stated in Section 2, Option 1, of this Circular, excluding the work visa:

The acquisition of work visa at the Philippine Embassy or Consular Post shall have the following process flow:

- Upon issuance of the applicable permits and authority, the issuing agencies shall inform the BI and the Philippine-based employer, if such fact. The Philippine-based employer or its duly authorized representative shall apply for 9(g) Work Visa 9(g) at the BI.
- Once the application for 9(g) work visa is approved, the BI shall transmit the endorsement to issue the 9(g) work visa to the DFA (together with necessary documentations and inform the Philippine-based employer or its duly authorized representative of such approval.
- The DFA shall forward the authority to issue 9(g) visa to the appropriate Consular Post/ Philippine Embassy for the issuance of 9(g) visa to the foreign national.
- Upon receipt of authority and endorsement from the DFA, the concerned Consular Post or Philippine Embassy shall issue the work visa to the foreign national. Appropriate charges may apply.
- The foreign national shall register with the BI within seven (7) days upon arrival in the Philippines.

Section 3. Duties of concerned government agencies after the issuance, denial or cancellation of necessary permit and authority. In case of denial or cancellation/ revocation of the necessary permit and authority, the concerned government agencies shall notify the DOLE and BI of such fact. Any derogatory information on foreign nationals obtained by NICA shall be shared to DOLE and BI.

Section 4. Denial of Cancellation. In case of denial of application for or cancellation of the work visa based on its existing rules and regulations, BI shall immediately inform DOLE. The AEP issued by DOLE will be revoked or cancelled automatically upon receipt of notification thereof.

Section 5. Requirement for Taxpayer Identification Number. The implementing agencies mentioned above shall require the foreign national and/or the employer/withholding agent to secure Taxpayer Identification Number from the Bureau of Internal Revenue (BIR) as part of documentary requirements in securing permit and visa.

Section 6. Issuance of Special Work Permit (SWP). The BIR's issuance of SWP shall be governed by the DOLE-DOJ-BIR Joint Guidelines No. 01, Series of 2018 on the Issuance of Work and Employment Permits to Foreign Nationals.

Section 7. Issuance of Clearance from DOLE. All government agencies issuing work-related permits, visas and qualifications shall secure Certificate of No Objection (CNO) from DOLE prior to issuance of the said work-related permits, visas and authorities except the DOJ in issuing AEA, and BI in issuing PWP. CNO may be objection from a concerned party, a labor market test shall be conducted by DOLE to determine the non-availability of a person in the Philippines who is competent, able and willing at the time of application.

The issuance of the CNO by the DOLE shall not be construed as an automatic approval of the application for work-related permits, visas and/or authorities.

Section 8. Creation and Function of the Technical Working Group (TWG). It is hereby created a TWG composed of DEHR, DFA, DOJ, DOLE, BI, BIR, NICA and PRC. The TWG shall designate permanent and alternate representatives who shall be responsible for all matters related to employment of foreign nationals including the submission and consolidation of reports. The TWG shall also develop an inter-agency database system that is accessible to all the members. Further, the DOLE shall be the administrator of said database system.

Section 9. Joint Inspection Team. A special joint inspection team shall be created to be composed of the DOLE, BI, and BIR to conduct joint inspection of establishments employing FITs to ensure their compliance with the labor, immigration and tax laws.

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- AHFN by the DENR-MGB;
- 9(g) and 47(a)(2) visa by the DFA;
- AEA and 47(a)(2) by the DOJ;
- SWP, PWP and 9(g) visa by the BI; and
- STP by the PRC.

The BLE shall be the central repository of such information of foreign nationals employed in the Philippines.

Section 11. Annexes. Attached to this Joint Memorandum Circular are the following, which are subject to any updates and/or amendments:

- Process Flow (Annexes, Option 1 - A; and Option 2 - A.1);
- List of Nationalized and Partially Nationalized Industries (Annex B);
- List of PRC Registered Professionals (Annex C);
- List of Documentary Requirements for the Issuance of Authority, Permit, and Work Visa (Annex D); and
- Revenue Memorandum Order No. 28-2019 - Prescribing Policies and Guidelines on the Registration Requirements of Foreign Nationals (Annex E).

Section 12. Periodic Review. This Joint Memorandum Circular shall be subject to review every two (2) years, or often as may be necessary.

Section 13. Miscellaneous Provision. The provisions of this Joint Memorandum Circular do not preclude any change or amendments of the rules and regulations as deemed necessary and appropriate by the concerned agencies, provided that the same is with the