

Schedule of the Republic of the Philippines

Notes

1. This schedule applies only to sectors covered in the Philippine Schedule of Commitments under the Trade in Services Chapter of the ASEAN-Japan Comprehensive Economic Partnership (AJCEP).
2. Philippines' commitments under the AJCEP on Movement of Natural Persons, and under National Treatment and Market Access, in relation to the supply of services through presence of natural persons of Japan and ASEAN Member States (AMS) in the Philippine territory, apply only in relation to the categories of persons set out below.
3. In accordance with Article 50 *bis*.4, Schedule of Commitments for the Temporary Entry and Temporary Stay of Natural Persons, Philippines specifies below any terms, conditions, limitations or qualifications in relation to the supply of services through the presence of natural persons of Japan and AMS in the Philippine territory.
 - a) Pursuant to the Philippine Immigration Act of 1940, as amended, the Philippines shall require a covered natural person of Japan and AMS seeking entry and temporary stay under the terms and conditions set out in each category below to obtain an appropriate visa prior to entry in the Philippine territory.
 - b) Pursuant to the provisions of Article 40 of the Labor Code, as amended and its implementing rules and regulations, non-resident aliens may be admitted to the Philippines 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.

- c) Pursuant to Section 14, Article XII of the Philippine Constitution, the practice of profession in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law. If the position of the natural person constitutes the practice of a regulated profession under the laws and regulations of the Philippines, the natural person must secure a special permit to practice the regulated profession from the Professional Regulation Commission (PRC) pursuant to Section 7(j) of Republic Act No. 8981, and obtain an AEP from DOLE pursuant to Article 40 of the Labor Code as amended. The natural person shall likewise comply with the requirements relative to practice of profession by a foreign national as provided for in the appropriate professional regulatory law.
- d) For professional services, upon recommendation of the concerned Professional Regulatory Board (PRB), the PRC may approve registration of and authorise issuance of certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked, provided:
1. Requirements for registration/licensing in said foreign state/country are substantially the same as those required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state;
 2. That the Commission may, upon recommendation of the Board concerned, authorise the issuance of a certification/ license or 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/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time.
3. Agencies/organisations/individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC.
- e) Pursuant to the Constitution and other relevant laws, in activities expressly reserved to citizens of the Philippines or corporation or association where foreign equity participation is limited to a maximum of 40 percent, all executive and managing officers must be citizens of the Philippines. A non-Filipino citizen as officer or assigned to do technical functions shall have two (2) Filipino understudies.
 - f) For Transport sector, in case of specialized vessels, aliens may be employed as supernumeraries only for a period of six (6) months.
 - g) All measure relating to permanent residents are unbound.

Business visitor

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services Chapter.

Definition: 1) Business Visitor means a natural person seeking to enter or stay in the territory of another Party temporarily, whose remuneration and financial support for the duration of the visit is derived from outside of that other Party;

- i) as a representative of a goods seller/service supplier, for the purpose of negotiating the sale of goods or supply of services or entering into agreements to sell goods or supply services for that goods seller/service supplier, where such negotiations do not involve direct sale of goods or supply of services to the general public;
- ii) as an employee of a juridical person as defined in subparagraphs e(i), e(ii) and e(iii) of Article 3 of the ASEAN Agreement on the Movement of Natural Persons only for the purpose of establishing an investment or setting up a commercial presence, for the juridical person in the territory of another Party;
- iii) for the purpose of participating in business negotiations or meetings; or
- iv) for the purpose of establishing an investment or setting up a commercial presence in the territory of another Party.

Conditions and Limitations:
(Including Period of Stay)

Entry and temporary stay shall be granted to a natural person of each Party, who stays in the Philippines for an initial period of fifty nine (59) days, which may be extended every two (2) months thereafter for a total period of stay of one (1) year pursuant to the Philippine Immigration Act of 1940, as amended.

Intra-Corporate Transferee (ICT)

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services.

Definitions:

Intra-Corporate Transferee (ICT) means a natural person who is an employee of a juridical person established in the territory of a Party, who is transferred temporarily for the supply of a service through commercial presence (either through a joint venture, representative office, branch, subsidiary or affiliate) in the territory of another Party, and who has been an employee of the juridical person, and who is:

- i) an Executive: a natural person within the organisation who primarily directs the management of the organisation and exercises wide latitude in decision making and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business; an executive would not directly perform tasks related to the actual provision of the service or services of the organisation;
- ii) a Manager: a natural person within the organisation who primarily directs the organisation/department/subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff; does not include first line supervisors unless employees supervised are professionals; does not include employees who primarily perform tasks necessary for the provision of the service; or
- iii) a Specialist: a natural person within the organisation who possesses knowledge at an advanced level of expertise essential to the establishment/provision of the service and/or possesses proprietary knowledge of the organisation's service, research equipment, techniques or management; may include, but is not limited to, members of a licensed profession.

Conditions and Limitations:
(Including Period of Stay) Temporary stay for one (1) year, which may be extended pursuant to the Philippine Immigration Act of 1940, as amended.

Investors

Sector: Applies to all services sectors covered in the Philippine AJCEP Schedule of Commitments under Trade in Services

Definition: Investors engaged in the following:

- (a) activities to invest in business in the Philippines and manage such business;
- (b) activities to manage business in the Philippines on behalf of a person other than that of the Philippines who has invested in such business; or
- (c) conduct of business in the Philippines in which a person other than that of the Philippines has invested.

Conditions and Limitations:
(Including Period of Stay) Temporary stay for a period of one (1) year, which may be extended, shall be granted to a natural person of each Party who engages in any of these activities.