



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



Certificate No.: AJA15-0048

FOR: ALL DOLE REGIONAL DIRECTORS

SUBJECT: ADVISORY NO. 2, Series of 2016: CLARIFICATIONS ON CERTAIN PROVISIONS IN DEPARTMENT ORDER NO. 146-15

DATE: 12 July 2016

To address some issues relative to the implementation of Department Order No. 146-15 below are the procedures to be undertaken by all DOLE Regional Offices (ROs) in the issuance of Alien Employment Permit (AEP) and Certificates of Exemption/Exclusion:

1. Pending the signing of the Joint Memorandum Circular (JMC) among PRC, DOLE, BI, DENR, DOJ and DFA, should the DOLE RO receives application for AEP of foreign national who will occupy position that constitute practice of profession, the DOLE shall advise the foreign national to secure Special Temporary Permit (STP) from the Professional Regulations Commission (PRC). On the other hand, if the employer is covered by Anti-Dummy Law, the DOLE shall advise the employer to secure Authority to Employ Foreign National (ATEFN) from the Department of Justice (DOJ) and from the Department of Environment and Natural Resources (DENR) in case of mining. The STP, ATEFN or Clearance from the concerned agency shall be submitted to DOLE RO as additional requirements prior to the issuance of AEP.
2. Presidents and Treasurers who receive salary or compensation shall not be excluded and shall be required to secure AEP; however, if the President and Treasurer receive allowance only they shall be excluded and shall not secure AEP. Further, foreign nationals who are sole proprietors and has no employer-employee relationship shall be excluded also, since they are the owners of the establishment.
3. Refugees recognized by the Department of Justice shall be exempt from the Labor Market Test (LMT) and payment of publication fee pursuant to Article 17 Paragraph 2 of the UN Convention and Protocol Relating to Status of Refugees.
4. Renewal of AEP can be filed even more than sixty (60) days prior to its expiration, if the foreign national needs to leave the country or in other similar circumstances that will hinder the filling of renewal within this prescribed period.
5. In the issuance of Certificate of Exclusion and Exemption, below are the documentary requirements to be submitted by the applicant:
FOR EXCLUSION
a. President and Treasurer
 1. Letter Request addressed to the Regional Director;
 2. Certified True Copy of Board Secretary's Certificate of Election for President and Treasurer;
 3. Certification that the requesting foreign national does not receive any form of compensation/remuneration;
 4. Certified True Copy of the Updated General Information Sheet;

5. Photocopy of Passport (*bio page*) with valid visa;
6. Updated Business/Mayor's Permit; and
7. Authorization letter to claim/collect the document in case of authorized representatives.

b. Intra-Corporate Transferees (ICT)

1. Letter Request addressed to the Regional Director;
2. Certification that the requesting foreign national has been connected with the origin company for at least one (1) year prior to its deployment to a branch, subsidiary, affiliate or representative Office in the Philippines;
3. Secondment Agreement / Contract of Employment from the Origin company (including proof that his salary will be from the Origin company);
4. Photocopy of Passport (*bio page*) with valid visa;
5. Updated Business/Mayor's Permit of the Philippine based company; and
6. Authorization letter to claim/collect the document in case of authorized representatives.

c. Contractual Service Supplier (CSS)

1. Letter Request addressed to the Regional Director;
2. Service Contract between the Philippine based company and the Foreign company;
3. Photocopy of Passport (*bio page*) with valid visa;
4. Updated Business/Mayor's Permit of the Philippine based company; and
5. Authorization letter to claim/collect the document in case of authorized representatives

d. Consultants

1. Letter Request addressed to the Regional Director;
2. Photocopy of Passport (*bio page*) with valid visa;
3. Updated Business/Mayor's Permit of the Philippine based company;
4. Contract between the Philippine based company and the consultant or foreign consulting company; and
5. Authorization letter to claim/collect the document in case of authorized representatives.

FOR EXEMPTION

1. Letter Request addressed to the Regional Director;
2. Photocopy of Passport (*bio page and visa stamped*);
3. Contract of Employment/Appointment; and
4. Authorization letter to claim/collect the document in case of authorized representatives.

All applications shall be processed within 24 hours.

For information and guidance.


SILVESTRE H. BELLO III
Secretary