



Republic of the Philippines
Professional Regulation Commission
Manila



RESOLUTION NO. 2012 - 668
Series of 2012

GUIDELINES IN IMPLEMENTING SECTION 7, PARAGRAPHS (J), (L) and SECTION 16 OF REPUBLIC ACT NO. 8981, CALLED THE "PRC MODERNIZATION ACT OF 2000", AND THE PERTINENT PROVISIONS OF THE PROFESSIONAL REGULATORY LAWS, THE GENERAL AGREEMENT ON TRADE IN SERVICES, AND OTHER INTERNATIONAL AGREEMENTS ON THE PRACTICE OF FOREIGN PROFESSIONALS IN THE PHILIPPINES

WHEREAS, Paragraph (j) of Section 7, (the Powers, Functions and Responsibilities of the Commission) of Republic Act No. 8981 provides, to wit:

(j) Upon recommendation of the Professional Regulatory Board concerned, to approve the registration of and authorize the issuance of a certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state or country and whose certificate of registration issued therein has not been suspended or revoked: Provided, That, the requirements for the registration or licensing in said foreign state or country are substantially the same as those required and contemplated by the laws of the Philippines and that the laws of such foreign state or country allow the citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by the subjects or citizens of such foreign state or country: Provided, further, That, the Commission may, upon recommendation of the Board concerned, authorize the issuance of a 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: Provided, finally, That agencies, organizations or individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned, shall be responsible for securing a special permit from the Professional Regulation Commission (PRC) and the Department of Labor and Employment (DOLE), pursuant to PRC and DOLE rules;

WHEREAS, the certificates of registration with professional identification cards or the Special Temporary Permits aforementioned are issued by the Professional Regulatory Boards (PRBs) after they have determined that the activity/undertaking of the foreign professional constitutes a practice of the profession under the scope of practice of their respective professional regulatory laws and after the concerned PRB has issued a PRB resolution subject to approval by the Commission pursuant to Sec. 7 (c) of R.A. No. 8981 and/or the professional regulatory laws granting thereto the privilege to practice his/her profession in the Philippines;

WHEREAS, Paragraph (f) under Section 7 of supra law states as follows:

(f) To supervise foreign nationals who are authorized by existing laws to practice their professions either as holders of a certificate of registration and a professional identification card or a Special Temporary Permit in the Philippines; to ensure that the terms and conditions for their practice or of their employment are strictly complied with; to require the hiring or employing government agency or private entity/institution to secure a Special Temporary Permit from the concerned Board subject to approval by the Commission and to file a criminal complaint against the head of the government agency or officers of the said private entity/institution, who shall be liable under the penalty provided for in the concerned professional regulatory law or the penalty imposed pursuant to this Act, when the professional was hired and allowed to practice his/her profession without permit; to file upon due process request for deportation with the Bureau of Immigration and Deportation (BID); and to supervise professionals who were former citizens of the Philippines and who had been registered and issued a certificate of registration and a professional identification card prior to their naturalization as foreign citizens, who may, while in the country on a visit, sojourn or permanent residence, practice their profession: Provided, That, prior to the practice of their profession they shall have first been issued a special permit and updated professional identification card by the Board concerned subject to approval by the Commission and upon payment of the permit and annual registration fees;

WHEREAS, pursuant to Presidential Decree No. 541, former Filipino professionals who are now naturalized foreigners, subject to certain requirements, are allowed to practice their professions in the Philippines;

WHEREAS, foreign nationals under the General Agreement on Trade in Services (GATS) and/or other international, regional, multilateral, bilateral agreements may opt to practice their professions in the Philippines subject to the terms and conditions with the agreement where the Philippines is a signatory thereto;

WHEREAS, all the Professional Regulatory Laws (PRLs) provide for penal provisions for all those who are engaged in illegal practice of the profession;

WHEREAS, Section 16 of R.A. No. 8981 read as follows: Penalties for Violation of Section 7 Subparagraph (f) by Heads of Government Agencies or Officers of Private Entities/Institutions.

Any head of a government agency or officer(s) of a private firm/institution who violates Section 7 subpar. (f) of this Act shall be punished by imprisonment of not less than six (6) months and one (1) day to not more than six (6) years, or a fine of not less than Fifty thousand pesos (P50,000.00) to not more than Five hundred thousand pesos (P500,000.00) or both at the discretion of the court; and

WHEREAS, the Commission under Sec. 7(y) is empowered to implement and enforce the provisions of R.A. No. 8981, the Professional Regulatory Laws (PRLs), decrees, executive orders and other administrative issuances.

NOW, THEREFORE, the Commission RESOLVES, as it is hereby RESOLVED, to require foreign professionals who intend to practice a profession in the Philippines to file an application for registration with or without Board Licensure Examination or to secure a Special Temporary Permit from the Professional Regulatory Boards and the Commission in accordance with the pertinent provisions of R.A. No. 8981 and the Professional Regulatory Laws, their respective implementing rules and regulations, and the following guidelines:



SECTION 1. DEFINITION OF TERMS

- a. **FOREIGN PROFESSIONAL** – refers to a natural person who practices or intends to practice a profession under the regulation of a Professional Regulatory Board (PRB) and the Professional Regulation Commission (PRC).
- b. **PRACTICE OF A PROFESSION** – refers to an activity/undertaking rendered by a registered and licensed professional or a holder of a Special Temporary Permit as defined in the scope of practice of a professional regulatory law.
- c. **FOREIGN PROFESSIONAL CONSULTING SERVICES** – refers to a service rendered by a registered and licensed person or a holder of a Special Temporary Permit whose activity/undertaking is included in the scope of a practice of a profession as provided in the professional regulatory law.
- d. **FOREIGN MEDICAL MISSIONS (FMM)** – refers to a humanitarian mission or activity rendered by a foreign professional.
- e. **CERTIFICATE OF REGISTRATION AND PROFESSIONAL IDENTIFICATION CARD** – refer to documents issued to a foreign professional who is registered and licensed to practice a profession with or without Board Licensure Examination under the reciprocity provisions of a Professional Regulatory Law.
- f. **SPECIAL TEMPORARY PERMIT (STP) TO PRACTICE A PROFESSION** – refers to a privilege given to a foreign professional who is allowed to practice his/her profession in the Philippines for a limited period of time.
- g. **TEMPORARY PROFESSIONAL IDENTIFICATION CARD** – refers to an identification card issued to a foreign professional with a Special Temporary Permit approved by a Professional Regulatory Board and the Commission.
- h. **RECIPROCITY** - refers to the provisions of Section 7 (j) of Republic Act No. 8981 (the PRC Modernization Act of 2000) and related provisions on reciprocity as defined in the respective Professional Regulatory Laws.

SECTION 2. COVERAGE AND REQUIREMENTS FOR FILING, EVALUATION AND APPROVAL/DENIAL OF APPLICATION

- A. **Foreign nationals applying for registration with or without examination under reciprocity or other international agreement**

The applicant shall submit to the International Affairs Division or the Regional Office the following:

- a. a duly accomplished and notarized Application Form.
- b. a copy of the international agreement or law of the state/country of the applicant showing that the requirements for registration or licensing from the country of origin are substantially the same as those required and contemplated by the laws of the Philippines.

The document must be duly authenticated by the Philippine Embassy/Consulate/Legation to the country/state of the applicant and have a copy of the official English translation thereof.

- c. an official document issued by the appropriate government office/agency certifying that the applicant is either a graduate or a registered professional therein.

The document must be duly authenticated by the Philippine Embassy/Consulate/Legation to the country/state of the applicant and have a copy of the official English translation thereof.

- d. a photocopy of the valid passport as proof of citizenship, identification of the visa issued, and proof of entry in the Philippines.

B. Foreign professionals to practice a profession in the Philippines under reciprocity or other international agreements

The applicant shall submit to the International Affairs Division or the Regional Office the following:

- a. a duly accomplished and notarized Application Form.
- b. a copy of the international agreement or law of the state/country of the applicant showing that the requirements for registration or licensing from the country of origin are substantially the same as those required and contemplated by the laws of the Philippines.

The document must be duly authenticated by the Philippine Embassy/Consulate/Legation to the country/state of the applicant and have a copy of the official English translation thereof.

- c. an official document issued by the appropriate government office/agency certifying that the applicant is a registered professional therein.

The document must be duly authenticated by the Philippine Embassy/Consulate/Legation to the country/state of the applicant and have a copy of the official English translation thereof.

- d. a photocopy of the valid passport as proof of citizenship, identification of the visa issued, and proof of entry in the Philippines.

C. Foreign professionals who are to be engaged by the Government as Consultants in foreign-funded, joint venture, or foreign assisted projects

The applicant shall submit to the International Affairs Division or the Regional Office the following:

- a. a duly accomplished and notarized Application Form.
- b. a copy of the Contract of Consultancy Services or a Memorandum of Agreement between the government agency and the foreign professional indicating the Terms of Reference, nature of consultancy, period, scope and project details.

In case of joint venture between two private entities, any of the parties thereto shall submit the application.

- c. An official document issued by the appropriate government office/agency of the foreign country/state certifying that the applicant is a registered professional therein.



The document must be duly authenticated by the Philippine Embassy/Consulate/Legation to the country/state of the applicant and have a copy of the official English translation thereof.

- d. A photocopy of the valid passport as proof of citizenship, identification of the type of visa issued, and proof of entry in the Philippines.

D. Foreign professionals who are to be employed by local and foreign private firms or institutions pursuant to law

The applicant shall submit to the International Affairs Division or the Regional Office the following:

- a. a duly accomplished and notarized Application Form.
- b. a copy of the contract of employment, consultancy agreement or service contract including project details, scope of works, nature and duration of engagement of the foreign professional and professional liability insurance whenever applicable and required.
- c. an official document issued by the appropriate government office/agency of the foreign country/state certifying the applicant is a registered professional therein.

The document must be duly authenticated by the Philippine Embassy/Consulate/Legation to the country/state of the applicant and have a copy of the official English translation thereof.

- d. a photocopy of the valid passport as proof of citizenship, identification of the visa issued, and proof of entry in the Philippines.

E. Foreign health professionals for humanitarian mission for a limited period of time

The applicant shall submit to the International Affairs Division or the Regional Office the following:

- a. a duly accomplished and notarized Application Form.
- b. a letter request for the issuance of a Special Temporary Permit to the foreign professional for the conduct of humanitarian mission with the undertaking that no fees will be charged. The letter must indicate the venue and the specific date of the humanitarian mission.
- c. a copy of the applicant's valid passport as proof of citizenship and proof of entry in the Philippines.
- d. an authenticated copy of the valid professional licenses issued by the country of origin with official English translation thereof where necessary.

F. Foreign Professionals under P.D. No. 541, "Allowing Former Filipino Professionals to Practice their Respective Professions in the Philippines"

The applicant shall submit to the International Affairs Division or the Regional Office the following:

- a. a duly accomplished and notarized Application Form.



- b. a photocopy of the applicant's passport showing his/her name, picture, citizenship, and date of entry in the Philippines which must be within six (6) months before the filing of the application for renewal;
- c. the original and photocopy of the previously issued Professional Identification Card;
- d. a duly authenticated original and photocopy of the License/Certificate of Registration/Permit in the adopted country;
- e. four (4) Passport size ID pictures.

SECTION 3. PROCEDURES IN THE PROCESSING OF APPLICATIONS OF CERTIFICATE OF REGISTRATION, PROFESSIONAL IDENTIFICATION CARD OR SPECIAL TEMPORARY PERMIT.

1. The International Affairs Division or the Regional Office where the application is submitted shall initially assess the completeness of the documentary requirements contained therein. Applications with complete documentary requirements shall be endorsed within three (3) working days to the appropriate Professional Regulatory Board for determination and promulgation of Board resolution.
2. Applications with incomplete documentary requirements if personally delivered shall be returned to the applicant/representative for completion.

If the application is received through mail, the same shall be returned by mail with information of deficiency within three (3) working days from receipt thereof.

3. The concerned Professional Regulatory Board shall act upon the application submitted within three (3) working days from receipt thereof.
4. Applications approved for registration with or without examination by the Professional Regulatory Board shall be issued a corresponding Board Resolution approved by the Commission in no more than three (3) working days from receipt thereof.

Applications approved for the issuance of a Special Temporary Permit by the Professional Regulatory Board shall be issued a corresponding Board resolution approved by the Commission in no more than three (3) working days from receipt thereof.

The Special Temporary Permit to be issued shall be denominated as following:

- a. For Foreign professionals under reciprocity or other international agreements – STP – (acronym of PRB) – A. Example: STP – MED – A.
- b. For Foreign professionals who are to be engaged by the Governments as Consultants in foreign-funded, joint venture, or foreign assisted project – STP – (acronym of PRB) – B.
- c. For Foreign professionals who are to be employed by local and foreign private firms or institutions pursuant to law – STP – (acronym of PRB) – C.
- d. For foreign health professionals for humanitarian mission for a limited period of time – STP – (acronym of PRB) – D.

Applications approved for the Issuance of a Professional Identification Card under P.D. 541 by the Professional Regulatory Board shall be referred to the Registration Division.

5. Applications denied by the Professional Regulatory Board shall be issued a corresponding letter signed by the Chairman of the Board. The letter of denial shall be sent through mail to the applicant or his duly authorized representative within three (3) working days from receipt by the International Affairs Division of the Notice of Denial from the Board.

SECTION 4. OATH OF PROFESSIONAL

Foreign professionals who are allowed to practice their professions with or without examinations in the Philippines shall be required to take the oath of professionals.

SECTION 5. FEE

Upon filing of application, with the exception of application of renewal under PD 541, sub-section F of Section 2, the applicant shall pay non-refundable processing fee of three thousand pesos (Php 3,000.00) for each application for Special Temporary Permit. Upon approval of the Special Temporary Permit through a Board Resolution and Special Temporary Permit ID, payment of eight thousand pesos (Php 8,000.00) in case of sub-section F of Section 2, payment of the assessed due is a separate payment from Special Temporary Permit.

SECTION 6. WHO MAY FILE APPLICATION FOR ISSUANCE OF CERTIFICATE OF REGISTRATION, PROFESSIONAL IDENTIFICATION CARD OR SPECIAL TEMPORARY PERMIT

All applications, with the exception of the application of renewal under PD 541, shall be filed by the individual applicant/sponsoring/hiring/contracting institutions through their duly authorized representatives. All applications shall be considered duly filed upon submission of complete requirements and payment of prescribed fees.

SECTION 7. WHO MAY APPLY APPLICATION FOR RENEWAL UNDER PD 541

All applications for the renewal of Professional Identification Card for Former Filipinos under PD 541 shall be filed by the individual applicant or any duly authorized representative. All applications shall be considered duly filed upon submission of complete requirements and payment of prescribed fees.

SECTION 8. RECORD OF FOREIGN PROFESSIONALS

The International Affairs Division shall maintain a Roster of Foreign Professionals allowed to practice their professions and issued Certificate of Recognitions and Professional Identification Cards or Special Temporary Permits. The Roster shall include the following data: complete name, citizenship, profession, address in the country of origin, address in the Philippines, name of sponsoring group or employer, duration of the Special Temporary Permit, place of the activity and type of activity/nature of work.

Foreign professionals who are allowed to practice a profession with or without examination shall register with the Registration Division of the Professional Regulation Commission.

Data pertaining to foreign professionals shall remain confidential from any person/entity without the express written authority from the Commission.

SECTION 9. PUBLICATION OF THE LIST OF ISSUED CERTIFICATES OF REGISTRATION, PROFESSIONAL IDENTIFICATION CARDS AND SPECIAL TEMPORARY PERMITS

A list of issued Certificates of Registration, Professional Identification Cards and Special Temporary Permits, shall be posted in the official website of the Professional Regulation Commission within seven (7) days upon issuance thereof. In the case of issued Special Temporary Permits, the list shall also be posted for seven (7) days within the duration of the STP.

SECTION 10. MONITORING OF FOREIGN PROFESSIONALS

Foreign professionals who have been issued Certificates of Registration and Professional Identification Cards or Special Temporary Permits shall be regularly monitored by the concerned Professional Regulatory Board through the Standards and Inspection Division.

The foreign professional shall inform the Commission through the International Affairs Division of any change in his/her place of residence in the Philippines within ten (10) days from such change.

Foreign professionals or their representatives shall submit a report of their accomplishments to the appropriate Professional Regulatory Board, copy furnished the International Affairs Division, within five (5) working days upon expiration of the Special/Temporary Permit. Non-submission of the accomplishment report shall render the applicant/sponsoring/hiring/contracting institution **ineligible** for the renewal or issuance of prospective Special Temporary Permit.

The Professional Regulatory Board with the Standards and Inspection Division may conduct inspection of the activities and shall issue an Inspection Report to the Commission, indicating if the foreign professional, corporation or employer has or has not committed any violations of applicable laws.

SECTION 11. GROUNDS FOR CANCELLATION OF SPECIAL TEMPORARY PERMIT

The Special Temporary Permit may be cancelled *Motu proprio* by the Professional Regulatory Boards or upon valid complaint after due notice and hearing on the following grounds:

1. Misrepresentation of facts in the application
2. Submission of falsified or tampered documents.
3. Violations of conditions of the Permit.
4. Injury/death, or damage to property in the performance of the duty.
5. Foreign national who has been declared as an undesirable alien by competent authorities.
6. Any violation under the Professional Regulatory Laws and rules thereof.

SECTION 12. VALIDITY OF THE PERMIT

The Special Temporary Permit shall be valid for the period specified in the Board resolution approved by the Commission. In no case, shall it exceed one (1) year unless renewed/extended.



SECTION 13. RENEWAL/EXTENSION OF SPECIAL TEMPORARY PERMIT

Application for extension of the Special Temporary Permit must be filed at least fifteen (15) days prior to the expiration of the permit issued.

SECTION 14. ADMINISTRATIVE, CIVIL AND PENAL SANCTIONS

Any complaint for malpractice or information against the undertaking of the foreign professional within the duration of the validity of Special Temporary Permit or Professional Identification Card shall be filed at anytime with the Legal and Investigation Division in accordance with the rules of the Commission on administrative investigation.

A foreign professional who was issued a Certificate of Registration, Professional Identification Card or Special Temporary Permit shall be proceeded against administratively for any of the grounds provided in the law regulating the practice of his/her profession. If found guilty, he/she shall be meted out with the penalty provided for such violation.

A foreign professional who practices his/her profession without being registered and licensed or issued a Special Temporary Permit pursuant to the professional regulatory law or the provisions of R.A. No. 8981, or Special Temporary Permit under PD No. 541 shall be criminally prosecuted. If found guilty, he shall be meted out with the penalty imposed by penal laws.

SECTION 15. ONLY NATURAL PERSONS CAN BE ISSUED SPECIAL TEMPORARY PERMIT

Only foreign nationals, including former Filipinos, as natural persons, who want to engage in the general practice of state-regulated professions as defined under the pertinent Professional Regulatory Laws can be issued a Special Temporary Permit. Juridical persons such as partnerships, corporations, or associations of foreign nationals cannot be issued Special Temporary Permits.

SECTION 16. COLLABORATIVE PRACTICE

If allowed under the pertinent Professional Regulatory Law, a foreign national who has been issued a Special Temporary Permit may engage in collaborative practice with a Filipino registered and licensed professional, who shall primarily assume the professional responsibility and civil liability for the collaborative professional output.

SECTION 17. LIABILITY INSURANCE OF A NATURAL PERSON UNDER A SPECIAL TEMPORARY PERMIT

Notwithstanding the assumption of civil liability by a registered and licensed professional in cases of a collaborative practice, foreign nationals, including former Filipinos, who want to engage in the general practice of state-regulated professions as defined under the pertinent Professional Regulatory Law must secure locally their professional liability insurance, malpractice insurance, or their acceptance equivalent in bond form commensurate with the nature and magnitude of their project involvement and their compensation as applicable.

SECTION 18. TRANSITORY PROVISION

All foreign professionals who practice a profession in the Philippines without a Certificate of Registration and/or Professional Identification Card, or Special Temporary Permit pursuant to



PRC Resolution but who are not yet subjected to any sanctions, shall have ninety (90) days from the effectivity of this Resolution to secure the said Certificate of Registration and Professional Identification Card or Special Temporary Permit without penalty upon compliance with the requirements set forth in this resolution.

SECTION 19. SEPARABILITY CLAUSE

If any provision or part of the Guidelines, or application thereof to any person or circumstance, is held not constitutional or not valid by the Courts, the remaining valid provisions thereof shall not be affected thereby.

SECTION 20. REPEALING CLAUSE

PRC Resolution Nos. 98-547 and 98-549 series of 1998 are hereby expressly repealed and, other existing resolutions, orders, circulars, or other issuances that may be inconsistent herewith are deemed repealed, amended, and/or modified accordingly.

SECTION 21. EFFECTIVITY

This Resolution shall take effect after fifteen (15) days following its full and complete publication in the Official Gazette or in any daily major newspaper of general circulation in the Philippines.

Let a copy hereof be furnished to the UP Law Center, the Department of Labor and Employment (DOLE), the Department of Justice (DOJ), Department of Foreign Affairs (DFA), Bureau of Immigration (BOI), Commission on Higher Education (CHED), and to all concerned derivative agencies for their information and guidance as well as for their dissemination or circularization.

DONE in the City of Manila this 21st day of June, 2012.


TERESITA R. MANZALA
Chairperson
RB 57 6/18/12


ALFREDO Y. PO
Commissioner


JENNIFER JARDIN-MANALILI
Commissioner

04-00150-COMMEX-CORREDO IN LEGAL AD
18-MAY-2012 10:04 AM

DATE OF PUBLICATION IN THE
OFFICIAL GAZETTE: 06-26-12
DATE OF EFFECTIVITY: 07-12-12