



**OPERATIONS ORDER NO. JHM-2019- 008**

**IMPLEMENTING RULES ON SPECIAL WORK PERMIT  
AND PROVISIONAL WORK PERMIT**

**WHEREAS**, CA No. 613, Sec. 42(a)(33) authorizes the Commissioner of Immigration to issue Special Work Permits (SWP) and Provisional Work Permits (PWP) to foreigners who seek to work in the country for a short period of time while holding a Temporary Visitor Visa (TVV) under CA 613, Sec. 9(a) or E.O. No. 408;

**WHEREAS**, under the 01 May 2019 Joint Guidelines (JG) of the Department of Labor and Employment (DOLE), Department of Justice (DOJ), and Bureau of Immigration (BI), the BI shall issue SWP and PWP to foreign national enabling them to work in the Philippines for a maximum period of six (6) months.

**WHEREAS**, Sec. 2. of the JG defined SWP as a permit to work issued by the Bureau of Immigration which allows foreign nationalsto engage in work outside of an employment arrangement, while PWP is defined as a permit to work issued by the Bureau of Immigration which allows foreign nationalsto engage in work pursuant to an employment arrangement pending issuance of their Alien Employment Permit (AEP) and CA 613, Sec. 9(g) work visa;

**NOW THEREFORE**, pursuant to the rule-making power of the Commissioner of Immigration under CA 613, Sec. 3, and Executive Order No. 292<sup>1</sup>, Title III, Book IV, Chapter 6, Secs. 29 and 36, the following rules are hereby promulgated:

**Section 1. Special Work Permit.** – The BI shall issue a Special Work Permit (SWP) to foreign nationals who intend to work, engage in specific activities, or render services outside of an employment arrangement, such as:

1. Professional athletes, coaches, trainers and assistants;
2. International performers with exceptional abilities;
3. Artists, performers and their staff, who perform before an audience for a fee, subject to compliance with the requirements of the concerned agency, office or body;
4. Service suppliers coming primarily to perform temporary services and who do not receive salary or other remuneration from a Philippine source other than expenses incidental to their temporary stay;
5. Treasure hunters authorized to search for hidden treasure with permit from the concerned government agencies and instrumentalities;
6. Movie and television crews authorized to film in the country by the relevant regulatory office, body or agency;
7. Foreign journalists practicing their profession or covering a specific event in the country;
8. Trainee/s assigned in government instrumentalities, government owned and controlled corporations (GOCC) and private entities;

<sup>1</sup> The Revised Administrative Code of 1987.

9. Lecturers, researchers, trainers and others pursuing academic work, who are assigned in schools, universities, educational and research institutions, government agencies and other entities (with or without compensation);
10. Religious missionaries and preachers;
11. Commercial models and talents;
12. Culinary specialists/Chefs;
13. Professionals; and
14. Consultants or specialists.

**Section 2. Documentary Requirements for SWP– Artist and Athletes.**

Application for SWP – **Artist/Chefs/Athletes/Religious Preachers** shall provide the following:

1. Letter request addressed to the Commissioner from the petitioning promoter/organizer/sports organization stating the following:
  - a. The name/s of the performing foreign artist/chef/preacher, including members of the production crew, training staff and other personnel involved in the event/competition;
  - b. The itinerary (venues) and schedule of events where the foreign artist/chef/athlete/preacher will perform; and
  - c. An undertaking to withhold and remit to the Bureau of Internal Revenue (BIR) the taxes due on all income of the applicant.
  - d. The SWP shall be valid for three months (extendable) or for the duration of the event/tournament whichever comes first.
2. Duly accomplished CGAF for Work Permit;
3. Photocopy of applicant's passport showing bio-page and latest admission with valid authorized stay, if already in the country;
4. Endorsement from the following:
  - a. For concerts and performances:
    - i. Asosasyon ng Musikong Pillipino (AMP) for musicians or Organisasyon ng Pilipinong Mang-aawit (OPM) for singers; AND
    - ii. Filipino Society of Composers, Authors, and Publishers (FILSCAP) for public musical performances (concerts) of copyrighted works;
  - b. For athletes, trainers, coaches and participants:
    - i. Philippine Sports Commission;
    - ii. Philippine Olympic Committee; OR
    - iii. PBA, PFL and other recognized sports organization;
  - c. For religious preachers, any of the following: CBCP, PCEC, INC., JIL and other legitimate religious sects.
5. Photocopy of the applicant's Taxpayer Identification Number (TIN) card or any proof of TIN; and
6. BI Clearance Certificate.

**Section 3. Documentary Requirements for SWP–Commercial Models, Foreign Journalists, Trainee's.** Application for SWP – Commercial Models, Foreign Journalists, Trainees shall provide the following:

1. Letter request addressed to the Commissioner from the petitioning company/establishment stating the following:
  - a. The name/s of the models/journalists/trainees, including their staff and personnel;
  - b. The address/venue where the foreign models/journalists/trainees will perform their services; and

- c. An undertaking to withhold and remit to the Bureau of Internal Revenue (BIR) the taxes due on all income of the applicant.
2. Duly accomplished CGAF for Work Permit;
3. Photocopy of applicant's passport showing bio-page and latest admission with valid authorized stay, if already in the country;
4. Endorsement from the following:
  - a. For Commercial Models: FAP.
  - b. For Foreign Journalists: Malacanang Press Corps.
  - c. For Trainees: GOCC or Sponsoring Private Entity.
5. Photocopy of the applicant's Taxpayer Identification Number (TIN) card or any proof of TIN; and
6. BI Clearance Certificate.

**Section 4. Documentary Requirements for SWP- Commercial.** All application for SWP – Commercial shall provide the following:

1. Letter request addressed to the Commissioner from the petitioning company;
2. Duly accomplished CGAF for Work Permit;
3. Photocopy of applicant's passport bio-page and latest admission with valid authorized stay;
4. For Corporations or Partnerships, photocopies of the following:
  - a. Securities and Exchange Commission (SEC) Certificate of Registration;
  - b. Articles of Incorporation;
  - c. General Information Sheet (GIS) for the current year stamped received by the SEC; and
  - d. Valid Mayor's Permit
5. For Single Proprietorships, photocopies of the following:
  - a. Photocopy of Department of Trade and Industry (DTI) Certificate of Registration of Business Name; and
  - b. Mayor's Permit;
6. Contract of Service, Secretary's Certificate of Election, Appointment, Assignment, Secondment or Deployment of applicant, or equivalent document indicating duration of employment, compensation and other benefits, and scope of duties;
7. Board Resolution, if the signatories of the letter of application and contract of service are other than those appearing in the Articles of Incorporation and in the latest GIS;
8. Photocopy of petitioner's latest Income Tax Return (ITR) with corresponding proof of payment (official receipt, bank teller's validation slip, BIR's eFPS payment details' print-out or other similar evidence). For newly created company, submit photocopy of certificate of registration with BIR and Quarterly payment of taxes with corresponding proof of payment. For companies with no income or overpayment of taxes, in lieu of proof of payment, submit copy of ITR with proof of filing.
9. A sworn declaration of the petitioning company operating in the Philippines:
10. Photocopy of the applicant's Taxpayer Identification Number (TIN) card or any proof of TIN;

11. Certificate by the Petitioner-company, thru its authorized representative, stating whether it is applicant's- initial or final SWP and all documents submitted are genuine;
12. Special Temporary Permit issued by the Professional Regulation Commission, when warranted (positions/professions classified as regulated profession by the PRC), and
13. BI Clearance Certificate.

**Section 5. Provisional Work Permit.** – *The BI shall issue PWP to foreign nationals who intends to engage in work pursuant to an employment arrangement pending issuance of their AEP or CA 613, Sec. 9(g) work visa;*

**Section 6. Documentary Requirements for PWP** – All application for PWP must provide the following:

1. Letter request addressed to the Commissioner from the petitioning company;
2. Duly accomplished CGAF for Work Permit;
3. Photocopy of applicant's passport bio-page and latest admission with valid authorized stay;
4. Photocopy of Alien Employment Permit (AEP) with photocopy of the application for CA 613, Sec. 9(g) work visa or the official receipt of the application for an AEP;
5. For Corporations or Partnerships, photocopies of the following:
  - a. Securities and Exchange Commission (SEC) Certificate of Registration;
  - b. Articles of Incorporation;
  - c. General Information Sheet (GIS) for the current year stamped received by the SEC; and
  - d. Valid Mayor's Permit
6. For Single Proprietorships, photocopies of the following:
  - a. Photocopy of Department of Trade and Industry (DTI) Certificate of Registration of Business Name; and
  - b. Mayor's Permit;
7. Employment Contract, Secretary's Certificate of Election, Appointment, Assignment, Secondment or Deployment of applicant, or equivalent document indicating duration of employment, compensation and other benefits, and scope of duties;
8. Photocopy of petitioner's latest Income Tax Return (ITR) with corresponding proof of payment (official receipt, bank teller's validation slip, BIR's eFPS payment details' print-out or other similar evidence). For newly created company, submit photocopy of certificate of registration with BIR and Quarterly payment of taxes with corresponding proof of payment. For companies with no income or overpayment of taxes, in lieu of proof of payment, submit copy of ITR with proof of filing.
9. Photocopy of the applicant's Taxpayer Identification Number (TIN) card or any proof of TIN;
10. Special Temporary Permit issued by the Professional Regulation Commission, when warranted (positions/professions classified as regulated profession by the PRC), and



11. In case of consultant or specialist, a justification that despite their best efforts, no Filipino is able and willing to provide such consultancy or specialized service;
12. BI Clearance Certificate.

**Section 7. Period of SWP and PWP.** – SWP and PWP shall be for a maximum period of six (6) months, non-renewable, with an initial duration of not more than three (3) months plus final three (3) month period when applied for.

**Section 8. Refugees and Other Classes of Aliens.** – The right to work granted by or recognized in treaties, laws, and other regulations in favor of (a) refugees; (b) foreigners engaged to work in government projects with foreign fundings; and (c) such other classes of aliens shall not be impaired.

**Section 9. Authority to Receive and Process.** – BI Officers authorized to receive and process and approve SWP and PWP applications under Immigration Administrative Circular No. JHM-2018-003<sup>2</sup> shall observe the following procedure:

1. Receive applications for SWP and PWP with a completely filled-up Consolidated General Application Form (CGAF) together with the complete documentary requirements.
2. Assess and determine base on the following submitted requisites, to wit:
  - a. Existence and capability of petitioning company;
  - b. Address of the company and applicant (residence);
  - c. Nature of Business of the petitioning company as reflected in its SEC Certificate; and
  - d. Determine whether the company has a valid appropriate government issued license to operate;
3. Upon assessment and verification, the Alien Control Officer (ACO), Acting Alien Control Officer (AACO), or duly authorized personnel shall resolve whether to approve or disapprove the SWP or PWP application.

**Section 10. Approving Authority for SWP/PWP applications.** –The Commissioner or his duly authorized personnel is authorized to approve/disapprove SWP/PWP applications filed within their area of jurisdiction.

**Section 11. Duty of Approving Officer.** – The approving officer shall ensure that all SWP/PWP applications he approved/disapproved are duly reflected in the system with the applicant's TIN.

**Section 12. Invalidity of SWP/PWP.** – Any violation of the terms and conditions of SWP/PWP and any misrepresentation will render the permit invalid and may subject the SWP/PWP holder to deportation proceedings.

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<sup>2</sup>Rationalizing the Territorial Jurisdiction, Area of Responsibility, and Scope of Authority of Alien Control Officers and Heads of Immigration Offices.

**Section 13. Monitoring of SWP/PWP.** — To properly monitor the actual number of foreigners who have been issued SWP/PWP, the BI office that granted the SWP or PWP application shall provide one serial number per foreigner in the following manner – SWP-ABC<sup>3</sup>/101<sup>4</sup>-19-123456. In case of application for completion of the six (6) month period of SWP/PWP, the Order shall be numbered with "B", i.e. SWP-DEF<sup>5</sup>/101<sup>6</sup>-19-123456-B. In case of dismissal/denial of application, the letter "D" shall be added in the order and letter "C" in case the Motion for Reconsideration of a dismissed/denial application has been approved.

Illustration:

	Docket no.	When to use
1	SWP-ABC/101-19-123456	First application for SWP/PWP
2	SWP-ABC/101-19-123456-A	Order approving SWP/PWP is amended
3	SWP-ABC/101-19-123456-B	Completion of SWP/PWP six month period
4	SWP-ABC/101-19-123456-C	When the MR of a denied application is approved
5	SWP-ABC/101-19-123456-D	When the SWP/PWP is dismissed/denied

SWP/PWP holders shall present the Order granting his/her SWP/PWP to the Tourist Visa Section (TVS) or subport offices on their next extension of Temporary Visitor's Visa (TVV).

Further, the Immigration Regulation Division shall ensure that the Tourist Visa Section and all subport offices (district, satellite, field, and extension offices) shall encode the extension of TVV of SWP/PWP holders under the category "TVV-SWP" or "TVV-PWP". In the event that an applicant has a previously issued valid ACR I-Card, the same shall be updated in the system of "TVV-SWP" or "TVV-PWP". In no case shall TVS or subport offices extend the TVV or issue an ACR I-Card when the SWP/PWP is not reflected in the system.

Lastly, the MISD shall ensure that (1) a mandatory field for TIN shall be incorporated in the system, and (2) all SWP/PWP orders encoded in the system by the approving officer shall automatically be reflected in the next extension of the SWP/PWP holder vis-à-vis automatic reflection on the tourist visa sticker.

**Section 14. Submission of Reports.** – The BI Offices that issued SWP/PWP shall submit a monthly report to the Office of the Commissioner and copy furnished the Office of the Deputy Commissioner-in-Charge of SWP/PWP, not later than the 1<sup>st</sup> Friday of each month. The report shall be in two (2) parts containing:

- a. Statistical report stating:
  1. The number of applications it received;

<sup>3</sup> Initial of the approving officer.

<sup>4</sup> Three (3) digit location code of the issuing office to be provided by the MISD.

<sup>5</sup> Initial of the approving officer.

<sup>6</sup> Three (3) digit location code of the issuing office to be provided by the MISD.

2. The number of approved applications per nationality; and
3. The number of dismissed/denied applications per nationality.

b. Detailed report stating:

1. Name and nationality of applicants;
2. Name of Petitioner-company;
3. Position applied for by the applicant;
4. Date of issuance and validity of the SWP/PWP; and
5. Applicant's TIN.

**Section 15. Supercession Clause.** – This Operations Order repeals, amends or modifies all prior, inconsistent circulars, memoranda, orders and other issuances.

**Section 16. Publication and Effectivity** – This Operations Order takes effect fifteen (15) days from publication.

General Services Section shall cause the publication of this Operations Order in a newspaper of general circulation. BINOC and MISD shall cause its publication at the BI Website.

Send copies of this Order to the Office of the National Administrative Registrar (ONAR), UP Law Center, Diliman, Quezon City.

JUN 27 2019

  
**JAIME H. MORENTE**  
*Commissioner*