

PHILIPPINE LAWS AND REGULATIONS AFFECTING FILIPINOS OVERSEAS



MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995

Republic Act No. 8042 was enacted in June 1995 to concretize government's commitment to protect the rights and promote the welfare of migrant workers, their families, and other overseas Filipinos in distress. It also provides the framework for concerted government action in dealing with difficulties faced by Filipinos abroad.

The law seeks to protect the rights and interests of Filipino workers and other Filipinos abroad through specific policies and services.

Policy Guidelines

The programs and services provided for in R.A. 8042 are anchored on the following policies:

1. The dignity of citizens, whether in the country or overseas, and Filipino migrant workers, in particular, shall be upheld.
2. Filipino migrant workers shall be provided with adequate and timely social, economic, and legal services.

3. Overseas employment shall not be promoted as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizen shall not, at any time, be compromised or violated.
4. Women and men shall be equal before the law; women shall have significant role in nation building.
5. An effective mechanism shall be instituted to ensure that the rights and interests of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, are adequately protected and safeguarded.
6. Filipino migrant workers and all overseas Filipinos shall have the right to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment.
7. The ultimate protection of all migrant workers shall lie in the possession of skills.
8. Non-governmental organizations shall be recognized as partners in the protection of Filipino migrant workers and in the promotion of their welfare.

Programs and Services

The following programs and services for overseas Filipinos are provided for by R.A. 8042:

Name of Program/Service	Agency Concerned	Main Features/Highlights
Travel Advisory/Information Dissemination	Philippine embassies and consulates POEA	Issuance of travel advisories or dissemination of information on labor and employment conditions and migration realities and other facts to adequately prepare individuals into making informed and intelligent decisions about overseas employment
Migrant Workers Loan Guarantee Fund	OWWA in coordination with GFIs	Institutionalization of financing schemes to expand grant of pre-departure loan and family assistance loan to Filipino migrant workers and their families A revolving amount of P100 million from the OWWA was set aside as a guarantee fund in favor of participating government financial institutions (GFIs)
Migrant Workers and Other Overseas Filipino Resource Centers	Philippine embassies/consulates with other government agencies	Establishment of a 24-hour information and assistance center in countries where there are large concentrations of Filipino migrant workers. Among the services of the center are: <ul style="list-style-type: none"> • counseling and legal services • welfare assistance, including procurement of medical and hospitalization services • information programs to promote social integration, settlement, and community networking • training and skills upgrading

Name of Program/ Service	Agency Concerned	Main Features/Highlights
Shared Government Information System for Migration	DFA, CFO, DOLE, POEA, OWWA, DOT, DOJ, BI, NBI, and NSO	<ul style="list-style-type: none"> • gender sensitive activities to address specific needs of women migrant workers <p>A counterpart 24-hour information and assistance center is also established at the DFA</p> <p>Sharing of existing database among agencies concerned. The database initially include:</p> <ul style="list-style-type: none"> • masterlist of Filipino migrant workers with pertinent demographic information • inventory of pending legal cases of Filipino migrant workers • masterlists of departing/ arriving Filipinos • statistical profile on Filipino migrant workers/ overseas Filipinos/tourists • blacklisted foreigners/ undesirable aliens • basic data on legal systems, immigration policies, marriage laws, and civil and criminal codes in receiving countries particularly those with large numbers of Filipinos • list of labor and other human rights instruments where receiving countries are signatories • a tracking system of past and present gender disaggregated cases involving male and female migrant workers • listing of overseas posts which may render assistance to overseas Filipinos in general, and migrant workers in particular

Name of Program/Service	Agency Concerned	Main Features/Highlights
		The second phase involves linking of computer facilities to allow free-flow data exchanges among agencies
Emergency Repatriation Fund	OWWA	Administration, control, and supervision of a fund consisting of P100 million taken from existing OWWA funds and additional funds appropriated from the General Appropriations Act for the repatriation of workers in cases of war, epidemic, disaster, or natural or man-made calamities, similar events, and in cases of repatriation of workers where the principal or recruitment agency cannot be identified
	DFA	Repatriation of underaged migrant workers
Re-placement and Monitoring Center	DOLE	Establishment of a mechanism that will facilitate re-integration of returning Filipino migrant workers into Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development
	DOLE, OWWA, POEA	Formulation of a program that will motivate migrant workers to plan for productive options such as entry into highly technical jobs, livelihood, and entrepreneurial development, better wage employment, and investment of savings
	TESDA, TRC	Provision of training to returning overseas workers, giving priority to returnees who had been employed as domestic helpers and entertainers

Name of Program/Service	Agency Concerned	Main Features/Highlights
Legal Assistance for Migrant Workers	DFA Office of the Undersecretary for Migrant Workers Affairs	Creation of the Office of the Undersecretary for Migrant Workers Affairs which will be responsible for the provision and overall coordination of all legal assistance services to Filipino migrant workers, as well as overseas Filipinos in distress
Legal Assistance Fund	DFA Office of the Undersecretary for Migrant Workers Affairs	<p>Creation of a fund to be used to pay for legal services of migrant workers and overseas Filipinos in distress, especially for:</p> <ul style="list-style-type: none"> • fees for foreign lawyers • bail bonds • court fees and charges and other litigation expenses <p>The fund in the amount of P100 million was sourced from the President's Contingency and Social Funds and the Welfare Fund for Overseas Workers</p>
Assistance to Nationals	DFA Office of the Undersecretary for Migrant Workers Affairs	Created an Assistance-to-Nationals Task Force in order to establish an integrated government and public sector response system to the problems of international migration
Congressional Migrant Workers Scholarship Fund	DOLE, DOST	Establishment of scholarship fund to benefit deserving migrant workers and/or their immediate descendants below 21 years old who intend to pursue courses or training in the field of science and technology. Its implementation is subject to the availability of funds

In January 2000, Executive Order No. 203 was issued establishing the Inter-Agency Committee on the Shared Government Information System for Migration. This inter-agency body is envisioned to put in place a mechanism to harness data and information exchanges among the 17 member and support agencies of the Philippine government to better serve the interests and well being of Filipinos overseas.

Other Provisions of R.A. 8042

The other provisions of the law include the following:

1. Selective deployment of Filipino migrant workers to countries where their rights are protected.
2. Definition of illegal recruitment activities, and provision of appropriate penalties thereof.
3. Provision of incentives to professionals and highly-skilled Filipinos abroad especially in the field of science and technology to enable them to participate in and contribute to national development.
4. Exemption of overseas Filipino workers from the payment of travel tax and airport fees.
5. Designation of June 7 as Migrant Workers' Day

FOREIGN INVESTMENTS ACT OF 1991

Republic Act 7042, also known as the Foreign Investments Act of 1991, was enacted to spell out the procedures and conditions under which non-Philippine nationals, including former Filipino citizens, who have not re-acquired nor retained their Philippine citizenship, may invest and do business in the Philippines with a required paid-in capital of at least US\$200,000. The law was amended by Republic Act 8179 to further liberalize the entry of foreign investments into the country.

Foreign investments refer to equity investments made by a non-Philippine national in the form of foreign exchange and/or other assets actually transferred to the Philippines and duly registered with the Central Bank which shall assess and appraise the value of such assets other than foreign exchange. These non-cash assets may be in the form of capital goods and patents, formulae, or other technological rights or processes.

Specific Areas of Equal Investment Rights for Former Filipino Nationals

While most areas of business have limits for foreign investors, Section 9 of the amended Foreign Investments Act of 1991 lists the following types of businesses where former natural-born Filipinos, who have not elected dual citizenship, can enjoy the same investment rights as Philippine citizens:

1. Cooperatives
2. Rural banks
3. Thrift banks and private development banks
4. Financing companies

Former natural-born Filipinos can also engage in activities under List B of the Foreign Investments Negative List. This means that their investments shall be treated as Filipino or will be considered as forming part of Filipino investments in activities closed or limited to foreign participation.

The equal investment rights of former Filipino nationals do not extend to activities reserved by the Constitution for Filipino citizens, including the following:

1. Exercise of profession
2. Defense-related activities
3. Security agency
4. Small-scale mining
5. Rice and corn industry
6. Cockpit operation and management

Former natural-born Filipinos have been given the right to be transferees of private land up to a maximum of 5,000 square meters in the case of urban land or three (3) hectares in the case of rural land to be used by him for business or other purposes. Please refer to the section on land ownership for details.

Former natural-born Filipinos who have elected dual citizenship shall not be covered by the prohibitions set forth above, by virtue of Republic Act 9225. Dual citizens are not prohibited from enjoying the same investments rights as Philippine citizens.

General List of Businesses Exclusive to Filipino Nationals

Section 8 of the Amended Foreign Investments Act (FIA) enumerates the investment areas reserved for Filipino nationals. The Foreign Investments Negative Lists (FINL) are classified as follows:

1. List A - consists of areas of activities reserved for Philippine nationals where foreign equity participation in any domestic or export enterprise engaged in any activity listed therein shall be limited to a maximum of forty percent (40%) as prescribed by the Constitution and other specific laws.
2. List B - consists of areas of activities where foreign ownership is limited pursuant to law such as defense or law enforcement-related activities, or which have negative implications on public health and morals, and small and medium-sized

domestic market enterprises with paid-in equity capital of less than US\$200,000.

The revised Foreign Investments Act also deleted List C of the Foreign Investments Negative List. List C contains investment areas already adequately served by existing enterprises and in which foreign investments need not be encouraged further. Deletion of this list is expected to open further the market to foreign investments and keep existing firms efficient and responsive to the needs of consumers. Consumers will also benefit through wider choices of products in terms of quality and prices.

Application for Registration of Business of Non-Philippine Nationals

The following are the requirements for application for registration and the agencies responsible for processing such applications:

Agency	Type of Business	Requirements
Securities and Exchange Commission	1. Domestic corporations or partnerships which are non-Philippine nationals	In the case of a new domestic corporation or partnership: <ol style="list-style-type: none"> 1. Application form 2. Articles of incorporation or of partnership 3. Name verification slip 4. Bank certificate of deposit 5. ACR (Alien Certificate of Registration), ICR (Immigrant Certificate of Registration), SIRV (Special Investors Resident Visa), Visa 13 of the alien subscriber 6. Proof of inward remittance such as bank certificate of inward remittance or credit advices 7. Registration data sheet 8. Treasurer's affidavit

	<p>2. Foreign Corporations</p>	<p>For foreign corporation:</p> <ol style="list-style-type: none">1. Application form2. Name verification slip3. Certified Copy of Board Resolution authorizing the establishment of an office in the Philippines, designating the resident agent to whom summons and other legal processes may be served on behalf of the foreign corporation; and stipulating that in the absence of such agent or upon cessation of its business in the Philippines, the SEC shall receive any summons or legal process as if the same is made upon the corporation at its home office.4. Financial statements for the immediately preceding year at the time of filing of the application, certified by an independent Certified Public Accountant of the home country5. Certified copies of the Articles of Incorporation/Partnership with an English translation if in a foreign language6. Proof of inward remittance such as bank certificate of inward remittance or credit advices7. Registration data sheet8. Resident agent's acceptance of appointment <p>For representative offices, the amount initially remitted should be at least US\$30,000.</p>
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Agency	Type of Business	Requirements
Bureau of Trade Regulation and Consumer Protection (BTRCP), DTI-NCR	<ul style="list-style-type: none"> • Single Proprietorships • Applications for Metro Manila 	<ol style="list-style-type: none"> 1. Certified true copy of the certificate of authority to engage in business in the Philippines per R.A. 7042 issued by the DTI-NCR 2. Certified true copy of latest business permit from the concerned Local Government Unit (LGU) 3. Alien certificate of registration (ACR) updated for the current year and present original copy for comparison 4. Accomplished DTI Form No. 17 under R.A. 7042 5. Current written appointment of Filipino Resident Agent 6. Clearance from other involved agencies such as Department of Science and Technology (DOST), PNP, etc. 7. In case of alien retailer, current year's permit to engage in retail business per R.A. 1180
Provincial Extension Offices of the SEC	<ul style="list-style-type: none"> • Corporations partnerships 	*same requirements
Provincial Offices of the DTI	<ul style="list-style-type: none"> • Sole proprietorships 	* *same requirements

All documents executed abroad must be authenticated by the Philippine Embassy/Consulate.

Pre-Processing of Documents

All applications are considered officially accepted only upon submission of complete documents to appropriate government agency.

Additional Requirements

Former natural-born Filipinos who wish to do business in the Philippines must also submit a copy of birth certificate, certified by the local civil registrar or the National Statistics Office. For those born abroad, a certificate of birth from the appropriate government agency of the country where the birth is recorded will be required. It must show the father or mother to be a Filipino at the time of birth or if the citizenship of the parents is not indicated, additional proof that the parent is a Filipino citizen or has not lost his/her Filipino citizenship at the time of the applicant investor's birth.

Those born before January 17, 1973 of Filipino mothers must also submit all of the following:

1. Certified true copies of his/her sworn statement of election of Filipino citizenship
2. Oath of allegiance from civil registrar where documents were filed and/or forwarded
3. Identification certificate issued by the Bureau of Immigration

In case of loss and/or destruction of record of birth or non-registration of birth, the following must be submitted:

1. Certificate of non-availability of birth certificate on account of loss and/or destruction of birth record from the local civil registrar and/or appropriate government agency if birth was registered abroad
2. Copy of birth certificate of mother or father certified by the local civil registrar or the NSO
3. Affidavit of two (2) disinterested persons attesting to their personal knowledge that at the time of the applicant's birth, he/she was born of a Filipino mother or father

Documents executed or issued abroad must be authenticated by the Philippine Embassy or Consulate having jurisdiction over the place of execution or issuance of the document.

Approval

Decision or approval of the application should be made within fifteen (15) working days from official acceptance of said document/s. Otherwise, the application shall be considered as automatically approved if not acted upon within the said period for a cause not attributable to the applicant.

One-Stop Action Center (OSAC)

The Board of Investments' One-Stop Action Center for Investment or OSAC expedites the setting up of business in the Philippines by providing frontline services and assistance to walk-in investors. Competent personnel from several government agencies are available to answer investors' inquiries and the process of investor's business registration. OSAC assists local and foreign investors thru the Investment Promotion and Network (IPN) consisting of 24 government agencies. The IPN facilitates transactions and resolves issues and concerns through a strong linkage and effective networking with the 24 agencies concerned with investments.

The **OSAC** is located at the:

One-Stop Action Center

G/F Board of Investments

Industry and Investments Building

385 Sen. Gil Puyat Avenue, Makati City

Telefax No. (632) 895-8322

E-mail: OSAC@boi.gov.ph or DRMiralles@boi.gov.phWebsite: www.boi.gov.ph

The Board of Investments (BOI)

The Board of Investments, created under the 1987 Omnibus Investment Code of the Philippines (EO 226), is an attached agency of the Department of Trade and Industry and the lead investments promotion agency of the country. The BOI is mandated to promote investments into the country and to assist local and foreign investors in their start-up and continuing operations in the country.

Investment Priorities Plan (IPP)

The IPP is an annual plan of priority industries and service areas that are encouraged through the grant of fiscal and non-fiscal incentives. The list of priority areas are drawn up based on extensive consultations with government agencies, foreign chambers, NGOs, and the private sector. It also takes into consideration the country's economic thrusts and development plans, the current global realities, trends and markets, and the Philippine international engagements.

The IPP contains the following:

- The **Preferred Activities** covers investment areas/activities that were identified to support the current priority programs of the government.
- The **Mandatory Inclusions** covers all areas/activities where the inclusion in the IPP and/or the grant of incentives under EO 226 is mandated by law.
- The **Export Activities** covers investments in non-traditional export products and services in support of exporters; and
- The **ARMM List** covers priority areas that have been independently determined by the Regional Board of Investments (RBOI) of the Autonomous Region of Muslim Mindanao (ARMM) in accordance with E.O. 458.

Incentives to the BOI-Registered Enterprises

An enterprise registered with the BOI pursuant to the 1987 Omnibus Investments Code (EO 226) is entitled to the following incentives, among others, subject to BOI rules and regulations:

Fiscal incentives

1. Income Tax Holiday (ITH)

BOI registered enterprises shall be exempt from the payment of income taxes reckoned from the scheduled start of commercial operations as follows:

- New projects with a pioneer status for six (6) years
- New projects with a non-pioneer status for four (4) years
- Expansion projects for three (3) years
- New or expansion projects in less developed areas (LDAs) for six (6) years regardless of status
- Modernization projects for three (3) years. As general rule, exemption is limited to incremental sales revenue/volume

2. Duty free importation of Capital Equipment

For BOI-registered enterprises are imposed zero (0%) duty with corresponding 12% VAT until the effectivity of EO 528 on 2011.

3. Duty free importation of spare parts

For BOI-registered enterprises are imposed zero (0%) duty with corresponding 12% VAT until the effectivity of EO 528 on 2011.

4. Exemption from taxes and duties on imported spare parts

For export producers with customs bonded warehouse exporting at least 70% of production.

5. Exemption from wharfage dues and export tax, duty, impost and fees

Exports of non-traditional export products are exempt from wharfage dues and any export tax, impost and fees.

6. Tax and duty free importation on breeding stocks and genetic materials

7. Tax Credits:

- a. Tax credit on duty portion of domestic breeding stocks and genetic materials
- b. Tax credit for taxes on raw materials

8. Additional deductions from taxable income

- a. Additional deduction for labor expense (ADLE)
Available for the first five (5) years from registration, additional deduction from the taxable income equivalent to 50% of the wages of additional skilled and unskilled workers in the direct labor force. This additional deduction shall be doubled if the activity is located in an LDA.
- b. Additional deduction for necessary and major infrastructure works

Non-Fiscal Incentives

1. Employment of foreign nationals.

Foreign nationals may be employed in supervisory, technical or advisory positions within five (5) years from a project's registration.

2. Simplification of customs procedures for the importation of equipment, spare parts, raw materials, and supplies and exports of processed products of registered enterprises in the operations of their bonded warehouses.

3. Unrestricted use of consigned equipment.

No restrictions on the use of consigned equipment provided a re-export bond is posted.

4. Access to Bonded Manufacturing/Trading Warehouse System.

Registered export-oriented enterprise shall have access to the utilization of the bonded warehousing system in all areas.

Registration with the BOI

To qualify for registration with the BOI, the enterprise's proposed activity should be listed in the current IPP and should satisfy the following qualifications:

- a. Must be a Filipino citizen or Filipino-owned corporation
- At least 60% of the capital stock (voting) is owned by Filipino
 - At least 60% of the members of the Board of Directors are Filipino

If foreign-owned corporation

- Must be engaged in a Pioneer Project (as defined in Art.17 of EO 226). The pioneer area it will engage in is one that is not within the activities reserved by the Constitution or other laws of the Philippines to Philippine citizens or corporations owned and controlled by the Philippine citizens.
 - Export at least 70% of its total production.
 - Must divest within 30 years from the date of registration to attain Filipino ownership, except if exporting 100% of total production.
- b. The applicant is proposing to engage in preferred areas of investment found in the current IPP, or if not listed, at least fifty percent (50%) of its production is for export.

For more information, you may contact:

(a) Investments Promotion Group

Tel Nos. 896-9212/897-6682 local 327/328

Fax No. 897-2181

**(b) National Economic Research and Business
Advisory Center (NERBAC)
Investments Servicing Group**



Tel. Nos. 897-2116/897-6682 locals 293/275
Fax No. 895-8332

Board of Investments (BOI)
Department of Trade and Industry (DTI)
Industry and Investments Bldg.
385 Sen. Gil Puyat Ave., Makati City
P.O. Box 1872 Makati City
Website: www.boi.gov.ph



RETAIL TRADE LIBERALIZATION ACT

Republic Act 8762, otherwise known as the Retail Trade Liberalization Act, is a law that intends to promote both Filipino and foreign investors to forge efficient and competitive retail trade in the interest of empowering the Filipino consumer through lower prices, higher quality goods, better services and wider choices.

Retail Trade is the act, occupation or calling of habitually selling direct to the general public merchandise, commodities or goods for consumption.

Under Section 4 of the said law, a natural born citizen of the Philippines who has lost his Philippine citizenship but who resides in the Philippines shall be granted the same rights as Filipino citizens.

In addition, the following are sales that are not considered as retail:

1. Sales by a manufacturer, processor, laborer or worker, to the general public of products manufactured, processed or produced by him if his capital does not exceed One Hundred Thousand Pesos (P100,000);
2. Sales by a farmer or agriculturist selling the products of his farm, regardless of capital;
3. Sales arising from restaurant operations by a hotel owner or inn-keeper irrespective of the amount of capital, provided, that the restaurant is incidental to the hotel business;

4. Sales through a single outlet owned by a manufacturer of products manufactured, processed or assembled in the Philippines, irrespective of capitalization;
5. Sales to industrial and commercial users or consumers who use the products bought by them to render service to the general public and/or produce or manufacture of goods which are in turn sold by them; or
6. Sales to the government and/or its agencies and government-owned and controlled corporations.

For foreign retailers, the qualifications to engage in retailing are the following:

A request for pre-qualification duly signed and acknowledged under oath by an authorized officer of the foreign retailer must be submitted to the Board of Investments accompanied by the following documents:

1. Latest audited annual financial statements incorporating an income statement and a balance sheet or their equivalents
 - For Category B** – minimum of US\$200M net worth
 - For Category D** – minimum of US\$50M net worth
2. Certification by a responsible officer of the applicant-foreign retailer duly authenticated by the Philippine Embassy/Consulate stating that:
 - i. it has been engaged in retailing for the past five years; and
 - ii. has at least five (5) retailing branches anywhere in the world, or at least one branch is capitalized at a minimum of Twenty-five million US dollars (US\$25,000,000.00)
 - iii. copies of franchise or licensing agreements between the applicant and its franchisee/licensee if the applicant fails to meet the preceding requirement of at least five (5) retailing branches;and

3. Certification by the proper official of the home state of the applicant-foreign retailer to the effect that the laws of such state allows or permits reciprocal rights to the Philippine citizens and enterprises together with the extent of participation allowed.

Foreign equity requirement:

Category B – Enterprises with a minimum paid-up capital of Two million five hundred thousand US dollars (US\$2,500,000.00)

The opening of branches by a foreign retailer is allowed, provided that the investments of each store/branch established under Category B must be no less than the peso equivalent of \$830,000.00

Category D – Enterprises specializing in high-end or luxury products with a paid-up capital of Two hundred fifty thousand US dollars (US\$250,000.00) per store may be wholly owned by foreigners.

For more information on Retail Trade Liberalization, please contact:

Legal Services Department
Board of Investments (BOI)
Industry and Investments Bldg.
385 Sen. Gil Puyat Ave., Makati City
Tel. Nos. (632) 890-2151/890-3172
897-6682 locals 314 or 302
Website: www.boi.gov.ph



TAX REFORM ACT OF 1997

The enactment of Republic Act 8424 or the Tax Reform Act of 1997, provides wide-ranging tax break to different groups of individuals including overseas Filipinos. According to Section 23 of the law, a non-resident citizen will be taxed only on income derived from sources within the Philippines.

Non-resident Citizen

A non-resident citizen is defined under the law as any of the following:

1. A citizen of the Philippines who establishes to the satisfaction of the Commissioner of the Bureau of Internal Revenue the fact of his physical presence abroad with a definite intention to reside therein.
2. A citizen of the Philippines who leaves the Philippines during the taxable year to reside abroad, either as an immigrant or for employment on a permanent basis.
3. A citizen of the Philippines who works and derives income from abroad and whose employment requires him to be physically present most of the time during the taxable year.
4. A citizen who has been previously considered as non-resident citizen and who arrives in the Philippines at any time during the taxable year to reside permanently in the Philippines shall likewise be treated as a non-resident citizen for the taxable year in which he arrives in the Philippines with respect to his income derived from sources abroad until the date of his arrival in the Philippines.

Tax Exemption

Filipinos overseas are exempted from paying taxes on their earnings from foreign sources.

Filing of Information Returns

Under Revenue Regulation No. 5-2001 (Bureau of Internal Revenue, 31 July 2001) non-resident citizens, overseas Filipino workers, and seamen

who are exempt from tax with respect to income derived from sources outside the Philippines, but who are nevertheless mandated to file information returns (BIR Form 1701C or the new computerized BIR Form 1703), shall no longer be required to file the same on their income derived from sources outside the Philippines beginning taxable year 2001.

Exemption from Tax on Interest Income from Foreign Currency Deposits

Revenue Regulation 10-98 (Bureau of Internal Revenue, 25 August 1998) contains provisions that exempt non-residents and overseas Filipino workers from payment of taxes on income derived from foreign currency deposits.

Under said regulation, interest income which is actually or constructively received by a resident citizen of the Philippines on interest income from a foreign currency deposit shall be subject to a final withholding tax of seven and one-half percent (7.5%). However, non-resident citizens who have foreign currency deposit accounts are exempt from payment of taxes on interest income derived from said deposits.

On the other hand, for a bank account that is jointly in the name of a non-resident citizen such as an overseas Filipino worker or a Filipino seaman, and his spouse or dependent who is a resident in the Philippines, fifty percent (50%) of the interest income from such bank deposit shall be treated as exempt while the other fifty percent (50%) shall be subject to a final withholding tax of seven and one-half percent (7.5%).

To be entitled to this exemption, the foreign currency bank account should be in the name of the non-resident individual. He/She should also present any of the following documentary evidence:

1. Immigration visa issued by the foreign government in the country where he/she is a resident
2. Certificate of residency which is issued by the Philippine embassy or consulate in the foreign country of his/her residence

3. Certificate of the contract of employment of an overseas Filipino worker which is duly registered with the Philippine Overseas Employment Administration (POEA); or a Seaman's Certificate, in the case of a Filipino seaman

In addition, the non-resident citizen or OFW should also execute a written permission allowing the depository bank to inform the Commissioner of Internal Revenue that as a non-resident, he/she is exempt from the tax on income from foreign currency deposit. A depositor who fails to comply with this requirement shall not be entitled to the exemption privilege.

For more information on the Tax Reform Act, please contact:

International Tax Affairs Division

Bureau of Internal Revenue

National Internal Revenue Building
Agham Road, Diliman, Quezon City
Tel. Nos. (632) 927-0022/926-5729
Website: www.bir.gov.ph



Tax Information and Education Division

Bureau of Internal Revenue

National Internal Revenue Building
Agham Road, Diliman, Quezon City
Tel. No. (632) 924-3245
Fax No. (632) 926-3866
Website: www.bir.gov.ph



TRAVEL TAX

Under Presidential Decree (PD) No. 1183, as amended by PD 1205, Batas Pambansa 38, and Executive Order 283, Filipinos and other nationals traveling to other countries are required to pay travel tax before departure from the Philippines, irrespective of the place where the air ticket is issued and the form or place of payment.

Coverage

The following individuals are required to pay travel tax:

1. Filipino nationals
2. Permanent resident aliens
3. Non-resident aliens who have stayed in the Philippines for more than one (1) year

Exemption

The following Filipino citizens are exempted from the payment of travel tax pursuant to Sec. 2 of PD 1183, as amended:

1. Overseas Filipino workers
2. Filipino permanent residents abroad whose stay in the Philippines is less than one year
3. Infants (2 years and below)

Requirements for Exemption

The following are the list of documents that must be submitted for travel tax exemption purposes (original documents need to be presented):

1. **Overseas Filipino Workers**
 - a. Valid passport
 - b. Employment Certificate
 - Valid Overseas Employment Certificate (OEC) from POEA if hired through this agency. The OEC serves as

the travel tax exemption certificate; workers do not need to go to PTA for exemption.

- Certificate of Work or Employment issued by the Philippine Embassy/ Consulate in the place of hire or employment contract authenticated by the Philippine Embassy/Consulate, for those directly hired abroad
2. Filipino Permanent Residents Abroad
 - a. Copies of ID pages of passport and stamp of last arrival in Philippines
 - b. Proof of permanent residence in foreign country which may, among others, be the official document issued by the foreign government concerned showing the grant of permanent resident status to the Filipino citizen
 3. Infants
 - a. Photocopy of passport
 - b. Certified true copy of birth certificate

Reduced Travel Rates

The following citizens are eligible for reduced rates of travel taxes upon submission of documentary requirements (original documents to be presented):

Eligible Citizens	Requirements	Reduced Rates	
		First Class	Economy Class
Minors from 2-12 years old	copy of birth certificate or ID pages of passport	P1,350.00	P 810.00
Legitimate spouse of overseas Filipino worker	<ul style="list-style-type: none"> • passport • authenticated copy and valid Overseas Employment Certificate of OFW from POEA or information sheet of OFW from POEA • original marriage contract 	P 400.00	P 300.00
Legitimate unmarried children of OFWs below 21 years old	<ul style="list-style-type: none"> • passport • authenticated copy and valid Overseas Employment Certificate of OFW from POEA • original birth certificate 	P 400.00	P 300.00

Other Individuals Exempted from Travel Tax

1. Foreign diplomatic representatives
2. Employees of the United Nations or its agencies
3. US military personnel
4. International carrier crew
5. Philippine Foreign Service personnel assigned abroad and their dependents
6. Philippine government officials and employees on official travel (excluding government-owned and controlled corporations)
7. Grantees of foreign government funded trips
8. Students with approved scholarships by appropriate government agency
9. Personnel of Philippine offices of multinational companies not engaged in business in the Philippines and their dependents
10. Those authorized by the President for reasons of national interest

Travel tax primer may also be accessed at PTA's website:
www.philtourism.gov.ph

For more information on travel tax, please contact:

Revenue Department**Philippine Tourism Authority**

Rm. 117, DOT Bldg. T.M. Kalaw, Rizal Park, Manila

Tel. Nos. (632) 525-3029 / 524-7734; 524-7141

loc. 100/ 103/ 109

Fax No. (632) 525-2545

E-mail: revenue@philtourism.gov.ph

trvltax@philtourism.gov.ph

Website: www.philtourism.com



BALIKBAYAN LAW

Republic Act No. 6768, also known as the Balikbayan Act of 1989, was enacted to attract and encourage overseas Filipinos to visit the Philippines as a “balikbayan”. The law was amended by Republic Act 9174 providing additional benefits to enable our *balikbayans* to become economically self-reliant members of society upon their return to the country.

Who is a Balikbayan

A “balikbayan” refers to:

1. Former Filipino citizens holding foreign passports, including spouses and children traveling with them.
2. Filipinos who have been continuously out of the Philippines for at least one (1) year.
3. Overseas Filipino workers.

Benefits

A “balikbayan” is entitled to the following benefits:

1. Travel tax exemption as provided under Presidential Decree 1183, Executive Order No. 283, and other allied laws.
2. Visa-free entry to the Philippines for a period of one (1) year for foreign passport holders.
3. Duty-free shopping privilege of up to US\$1,500.00, with the following limitations:
 - a. Shopping must be done within fifteen (15) days upon arrival; or 30 days if the *balikbayan* arrives during Christmas season (November 15 to January 15); or 1 year in the case of senior citizen or handicapped *balikbayan*
 - b. Duty-free shopping privilege can be availed of only once a year
 - c. Purchases must be made personally by the *balikbayan*
4. A special promotional/incentive program for the *balikbayan* established by all domestic carriers pursuant to the provisions of R.A. 9174.

5. Availment of especially designated reception areas at the authorized ports of entry for the expeditious processing of documents.
6. Use of accredited transportation facilities that will ensure their safe and convenient trips upon arrival.
7. *Kabuhayan* shopping privilege, through an additional duty and tax-exempt purchase in the amount of US\$2,000.00 exclusively for the purchase of livelihood tools at government-owned and controlled/operated Duty-Free shops.

Training Programs for Balikbayan

The Department of Labor and Employment, through the OWWA, in coordination with the Technology and Livelihood Resource Center, Technical Education and Skills Development Authority, and other concerned government agencies, shall provide the necessary entrepreneurial training and livelihood skills programs and marketing assistance to a *balikbayan*, including his or her immediate family members, who shall avail of the *kabuhayan* shopping privilege in line with the existing rules on the government's reintegration program.

In case of non-OFW *balikbayan*, the Department of Tourism (DOT) shall make the necessary arrangements with the TRC and other training institutions for possible livelihood training.

For more information, please contact the following:

Legal Service Office
Department of Tourism
Legaspi Towers 300, Roxas Blvd., Manila
Tel. No. (632) 524-1742
Fax No. (632) 525-6269
E-mail: ercajigal@tourism.gov.ph
Website: www.tourism.gov.ph



LAND OWNERSHIP BY FILIPINOS OVERSEAS

Article XII Section 8 of the Philippine Constitution provides that a natural-born citizen of the Philippines who has lost his/her Philippine citizenship may be a transferee of private lands subject to limitations provided by law.

The laws on land ownership by Filipinos overseas are contained in Batas Pambansa Blg. 185 which was enacted in March 1982 and Republic Act 8179, which amended the Foreign Investment Act of 1991. **Batas Pambansa No. 185** stipulates guidelines on land ownership by former Filipinos **for purposes of establishing residence**, while **Section 10 of R.A. 8179** specifies entitlements and conditions for land acquisition **for investment purposes**.

Transferee

The acquisition or transfer of private land refers to either voluntary or involuntary sale, devise or donation. Involuntary sale includes sales on tax delinquency, foreclosures, and executions of judgment.

Qualifications of Former Filipinos

Both laws define former Filipinos as citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship, who lost said Philippine citizenship, and who have the legal capacity to enter into a contract under Philippine laws.

Provisions on Land Ownership

The following are the provisions of BP 185 and R.A. 7042, as amended, pertinent to land ownership by Filipinos overseas:

Particulars	Provision under BP 185 (for establishing residence)	Provisions under RA 7042 as amended by RA 8179 (for investment)
Size/Area of Coverage	<ul style="list-style-type: none"> • maximum of 1,000 sq. meters for urban land • maximum of one (1) hectare for rural land 	<ul style="list-style-type: none"> • maximum of 5,000 sq. meters for urban land • maximum of three (3) hectares for rural land
Land Acquisition for Both Spouses	<ul style="list-style-type: none"> • either of the spouses may avail of the privilege • in case both spouses wish to acquire lands for this purpose, the total area acquired should not exceed the maximum allowed 	<ul style="list-style-type: none"> • either of the spouses may avail of the privilege • in case both spouses wish to acquire lands for this purpose, the total area acquired should not exceed the maximum allowed
Additional Land Acquisition	<p>In case he/she already owns urban or rural lands for residential purposes, he/she may acquire additional urban or rural lands, which when added to those he/she presently owns shall not exceed the authorized maximum area</p>	<p>In case he/she already owns urban or rural lands for business purposes, he/she may acquire additional urban or rural lands, which when added to those he/she presently owns shall not exceed the authorized maximum area</p>
Limits to Acquisition of Land	<p>A person may acquire not more than two (2) lots which should be situated in different municipalities or cities anywhere in the Philippines, provided that the total area of these lots do not exceed 1,000 sq. meters for</p>	<p>A person may acquire not more than two (2) lots which should be situated in different municipalities or cities anywhere in the Philippines, provided that the total area of these lots do not exceed 5,000 sq. meters for urban land</p>

Particulars	Provision under BP 185 (for establishing residence)	Provisions under RA 7042 as amended by RA 8179 (for investment)
	<p>urban land or one (1) hectare for rural land for use as residence.</p> <p>An individual who has already acquired urban land shall be disqualified from acquiring rural land and vice versa.</p>	<p>or three (3) hectares for rural land for business purposes.</p> <p>Under Section 4 of Rule XII of the Implementing Rules and Regulations of RA 7042 as amended by RA 8179, a transferee who has already acquired urban land shall be disqualified from acquiring rural land and vice versa. However, if the transferee has disposed of his/her urban land, he/she may still acquire rural land and vice versa, provided that this will be used for business</p> <p>A transferee of residential land acquired under Batas Pambansa Blg. 185 may still avail of the privilege granted under this law</p>
Use of Land	<p>The acquired land should not be used for any purpose other than for residence.</p>	<p>Section 5 of Rule XII specifically states that “the land should be primarily, directly, and actually used in the performance or conduct of the owner’s business or commercial activities in the broad areas of agriculture, industry and</p>

Particulars	Provision under BP 185 (for establishing residence)	Provisions under RA 7042 as amended by RA 8179 (for investment)
Special Requirements	<p>In addition to the requirements provided for in other laws for the registration of titles to lands, the transferee should submit to the Register of Deeds of the province or city where the property is located a sworn statement stating the following:</p> <ul style="list-style-type: none"> • date and place of birth • names and addresses of his/her parents, spouse, and children, if any • area, location, and mode of acquisition of landholdings in the Philippines, if any • his/her intention to reside permanently in the Philippines • date he/she lost his/ 	<p>services including the lease of land, but excluding the buying and selling thereof”</p> <p>In addition to the usual registration requirements pertinent to the conveyance of real estate, the transfer contemplated shall not be recorded unless the transferee submits to the registry of the deeds of the province or city where the land is situated, the following:</p> <ul style="list-style-type: none"> • certification of business registration issued by the Bureau of Trade Regulation and Consumer Protection of the DTI • sworn statement stating information required under Batas Pambansa 185 • certification from assessor of municipality or province where the property is situated that the the subject land for transfer is an urban or rural area

Particulars	Provision under BP 185 (for establishing residence)	Provisions under RA 7042 as amended by RA 8179 (for investment)
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her Philippine citizenship and the country of which he/she is presently a citizen

- if an agricultural land is acquired, a certification from the Department of Agrarian Reform that the land is a retained area of the transferor and an affidavit of the transferee attesting that his/her total landholding inclusive of the land to be acquired does not exceed the 5-hectare limit provided under R.A. 6657, is required

Violations and Penalties

- Violations through:
- misrepresentation in the sworn statement
 - acquisition of land through fraudulent means
 - failure to reside permanently in the land acquired within two (2) years from its acquisition, except when such failure is caused by force majeure shall be penalized by the following:
 - liability to prosecution under the applicable provisions of the Revised Penal Code and subject to deportation in appropriate cases

Particulars	Provision under BP 185 (for establishing residence)	Provisions under RA 7042 as amended by RA 8179 (for investment)
	<ul style="list-style-type: none"> - forfeiture of such lands and their improvements to the national government through escheat proceedings by the representative of the Solicitor General - permanent disqualification from availment of the privilege under this Act 	

Requirements for Land Registration or Original Certificate of Title (Judicial Titling)

The application for land registration should be filed in triplicate with the Clerk of the Regional Trial Court of the province/city where the property is located. The following documents should be attached to the application:

1. Original plan on tracing cloth duly approved by the Director of Lands or Regional Land Director, or in lieu thereof, a true copy of the same on a tracing cloth properly attested and certified by said office or the official authorized to make such certification, together with two (2) print copies thereof
2. Three (3) copies of technical description
3. Three (3) copies of surveyor's certificate
4. Certificate of the assessed value of the property issued by the provincial treasurer, in quadruplicate

Requirements for Land Transfer or Transfer Certificate of Title

The following documents are required for the filing of land transfer:

1. Copies of the Deed of Absolute Sale
2. Latest real estate tax payments
3. Latest tax declaration of the property
4. Certificate from the Bureau of Internal Revenue that the capital gains tax and documentary stamps have been paid
5. Transfer tax
6. Receipt of payment of the transfer and registration fees

For more information on land ownership by Filipinos overseas, please contact:

Law Division**Land Registration Authority**

LRA Building, East Avenue cor. NIA Road

Diliman, Quezon City

Tel. Nos. (632) 920-1026/36



PERMANENT RESIDENCY STATUS FOR FILIPINO VETERANS

Republic Act No. 7837 is a law passed in 1994 that grants permanent residency status, other rights and privileges to World War II Filipino veterans who acquired American citizenship under the United States Immigration Act of 1990.

Any World War II Filipino veteran who acquired American citizenship shall be qualified for permanent residency status and granted limited property rights and other privileges. The rights and privileges shall also automatically accrue, upon proper application, to spouses, and legitimate, natural, recognized illegitimate, and unmarried children of Filipino veterans who thereafter acquired American citizenship.

Requirements and Application for Permanent Residence

Any qualified applicants who are American citizens and residing in foreign lands who wish to avail of permanent resident status in the Philippines shall comply with reentry requirements as prescribed by Philippine laws. Upon entry in the Philippines, they may acquire permanent resident status from the Bureau of Immigration (BI).

Filipino veterans who did not leave the Philippines and who have acquired American citizenship in the United States Embassy may also apply for permanent resident status from the BI.

The qualified applicants shall present their American passports and their birth or baptismal certificates, or any other documents that will prove that they were former Filipino citizens. All other documents as mandated by law and the BI are waived.

Rights and Privileges

1. Land ownership – They are entitled to continue to hold and retain all lands they have acquired before becoming American citizens, subject to the provisions of existing laws; provided that if they have no landholding upon becoming American citizens, they shall be qualified to acquire one residential lot

of not more than 1,000 sq. meters and/or farm lot of not more than 3 hectares.

2. Practice of profession – They are entitled to practice their professions in the Philippines.
3. Exemption from registration and other fees – They are exempt from payment of registration and other immigration fees after complying with the provisions of the Alien Registration Law.
4. Multiple entry visa – They are entitled to multiple entry visa which is valid for a period of two years.
5. Reentry permit – They may avail from the BI reentry permit which is valid for two years.
6. Immunity from deportation – They shall not be subject to deportation unless they commit and are convicted of crimes against the State; provided that their permanent residency status has been previously cancelled.
7. Other properties – Beneficiaries of R.A. 7837 who acquired shares of stocks in corporations and other properties as Filipino citizens shall continue to retain ownership of such properties registered in their name prior to their acquisition of American citizenship.

For more information, please contact:

Office of the Commissioner

Bureau of Immigration

Magallanes Drive, Intramuros, Manila

Tel. No. (632) 309-7753

Fax Nos. (632) 309-7751/52

One Stop Shop Processing Hotline

(632) 338-4537

Website: www.immigration.gov.ph



DUAL CITIZENSHIP LAW

Republic Act No. 9225 or the Citizenship Retention and Re-acquisition Act of 2003 enables natural-born Filipinos who have lost their Filipino citizenship through naturalization in a foreign country, to re-acquire their Filipino citizenship by taking an oath of allegiance to the Republic of the Philippines.

Natural-born Citizens of the Philippines

Natural-born citizens of the Philippines are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. These are:

1. Those whose fathers or mothers are citizens of the Philippines at the time of their birth; and
2. Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority.

Civil and Political Rights and Liabilities Attendant to Dual Citizenship

Filipinos who retain or re-acquire Philippine citizenship under the law shall enjoy full civil and political rights and be subject to all attendant liabilities and responsibilities under existing laws of the Philippines and the following:

1. Those intending to exercise their right of suffrage must meet the requirements under the Constitution, Republic Act No. 9189 or “The Overseas Absentee Voting Act of 2003” and other existing laws;
2. Those seeking elective public office in the Philippines shall meet the qualifications required by the Constitution and existing laws and, at the time of filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer an oath;
3. Those appointed to any public office shall subscribe and swear to an oath of allegiance to the Republic of the Philippines

and its duly constituted authorities prior to their assumption of office, provided, that they renounce their oath of allegiance to the country where they took that oath;

4. Those intending to practice their profession in the Philippines shall apply with the Professional Regulation Commission (PRC) (or Supreme Court in case of lawyers) for a license or permit to engage in such practice; and
5. That right to vote or be elected or appointed to any public office in the Philippines cannot be exercised by, or extended to those who:
 - a) are candidates for or are occupying any public office in the country of which they are naturalized citizens; and/or
 - b) are in active service as commissioned or non-commissioned officers in the armed forces of the country which they are naturalized citizens.

Economic and Other Rights

1. Right to own land and property in the Philippines;
2. Right to engage in business or commerce reserved for Filipinos, and the exploitation of natural resources; and
3. Right to travel with a Philippine passport.

Requirements in Applying for Retention or Re-acquisition of Filipino Citizenship

1. Completed petition under oath with forwarding address
2. Three (3) recent 2" x 2" photographs of the applicant (front, left side and right side view over white background)
3. Processing fee of P2,500 for applicants who are in the Philippines, or US\$50 or its equivalent in foreign currency for applicants who are abroad
4. Copy of birth certificate authenticated by the Philippine National Statistics Office (NSO), or original copy of report of birth issued by the Philippine embassy/consulate with jurisdiction, or birth certificate issued by competent foreign authorities

5. Signed oath of allegiance

**Oath of Allegiance
To the Republic of the Philippines**

“I _____, solemnly swear (or affirm) that I will support and defend the Constitution of the Republic of the Philippines and obey the laws and legal orders promulgated by the duly constituted authorities of the Philippines; and I hereby declare that I recognize and accept the supreme authority of the Philippines and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.”

Procedures in Re-acquisition of Filipino Citizenship under R.A. No. 9225

By virtue of Administrative Order No. 91, the Bureau of Immigration, as the implementing agency of R.A. No. 9225, issued on March 10, 2004, the rules governing the provisions of the Citizenship Retention and Reacquisition Act of 2003.

A natural-born Filipino who lost his/her Filipino citizenship through naturalization in another country may re-acquire Filipino citizenship through the following process (see next page).

For more information on the Citizenship Retention and Re-acquisition Act, please contact:

Task Force on Citizenship Retention and Reacquisition

Bureau of Immigration

Magallanes Drive, Intramuros, Manila

Tel. No. (632) 527-3265

Fax No. (632) 527-3279

Website: www.immigration.gov.ph

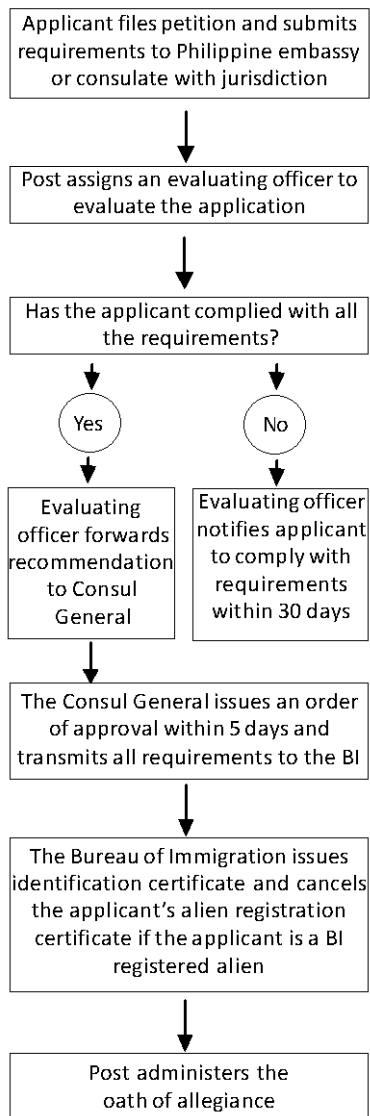
Dual Citizenship Hotline

Tel. No. (632) 301-0756

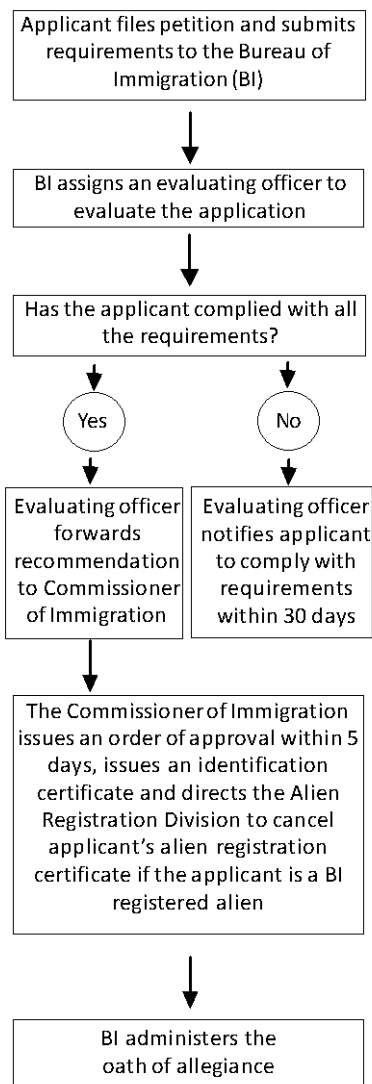
Fax No. (632) 309-7751



For applications filed overseas



For applications filed in the Philippines



PHILIPPINE PASSPORT ACT OF 1996

Republic Act 8239 or the Philippine Passport Act of 1996 was enacted to prescribe the minimum requirements for the application and issuance of passports and other travel documents.

Requirements for First Time Applicants

- Personal Appearance is required.
- Duly accomplished application form.
- Birth Certificate (BC) in Security Paper (SECPA) issued by the National Statistics Office (NSO) or Certified True Copy (CTC) of BC issued by the Local Civil Registrar (LCR) duly authenticated by NSO. Transcribed BC/MC from the LCR is required when entries in NSO BC/MC are blurred.
- Three (3) colored photos of the applicant taken against a royal blue background. Applicant should be in decent attire with collar. Photo must be of good quality, and must have been taken within the last six (6) months. Photo size: 4.5 cm x 3.5 cm. Facial image size: Not less than 3 cm. DFA has the right to reject photos that do not comply with specifications and international standards.
- Supporting documents to prove identity (please refer to the List of Supporting Documents below).

In case of no birth record:

If born after 1950

- Apply for the delayed registration of birth at the local civil registry office.
- Submit authenticated BC from NSO and supporting public document with correct date and place of birth (i.e. Form 137, Voter Registration Record, Baptismal Certificate or OMA Certificate)

If born on or before 1950:

- Certificate of non-availability of BC from NSO
- Joint Birth Affidavit

- Any public document with correct date and place of birth (i.e. Form 137, Voter Registration Record, Baptismal Certificate or OMA Certificate)

Additional Requirements:

For married women, who wants to adopt the surname of her spouse:

- Marriage Contract (MC) in Security Paper issued by NSO or Certified True Copy issued by the Local Civil Registrar duly authenticated by NSO.

For spouse of foreign national:

- Original and photocopy of Commission on Filipinos Overseas (CFO) Guidance and Counseling Certificate of Attendance.

For Minor applicant (below 18 years old)

- Personal appearance of either parent, marriage contract and proper ID (if minor is of legitimate status).
- Personal appearance of mother and mother's proof of identity (if minor is of illegitimate status).
- Birth Certificate from NSO.
- Document of identity, if any, if minor is 8-17 years old (for first time applicant only)
- Original and photocopy of the valid passport of the traveling companion except if the applicant is traveling alone.

Additional Requirements:

If minor is NOT traveling with either parent or alone:

- Original and photocopy of DSWD clearance.
- Affidavit of Support and Consent (ASC) from a parent indicating the name of the traveling companion and relationship to the minor. If minor is illegitimate, mother should execute the ASC.

If both parents are abroad:

- Affidavit of support and consent from parents indicating the name of the traveling companion (must be authenticated by the nearest Philippine Embassy or Consulate General if not executed before a Consul).
- Special Power of Attorney (must be authenticated by the nearest Philippine Embassy or Consulate General if not executed before a Consul designating the representative by name and authorizing him to apply for a passport on behalf of the minor).
- Passport and photocopy of the passport of the traveling companion of the minor.
- Original and photocopy of proper ID of the duly authorized representative.

If minor is legitimated by subsequent marriage of parents:

- Authenticated BC from NSO with annotation regarding the new status as legitimated and the full name of the child.
- MC of parents from NSO

If minor is illegitimate but acknowledged by father:

- Amended BC from NSO reflecting surname of father with affidavit of acknowledgement and consent to use the surname of father.

Foundling:

- Certificate of foundling authenticated by NSO
- DSWD clearance
- Passport of the person who found the applicant
- Letter of authority or endorsement from DSWD for the issuance of passport (If no longer a minor, supporting public documents establishing identity).

Orphaned minor applicant:

- Authenticated BC from NSO.
- Authenticated death certificates of parents from NSO.

- Court order awarding guardianship of the orphaned minor applicant or substitute parental authority under Article 214 and 216 of the Family Code.
- DSWD clearance.
- Original and photocopy of the valid passport of the traveling companion.

Legally adopted:

- Certified true copy of the court decision /order on adoption and certificate of finality.
- NSO amended birth certificate (BC after adoption)
- DSWD clearance for minor applicant, if traveling with the person other than the adopting parents.

Minor applicant whose mother is likewise a minor:

- Personal appearance of mother and maternal grandparents.
- Affidavit of support and consent from maternal grandparents.
- Proof of identity of mother and maternal grandparents.
- Passport of traveling companion.
- DSWD clearance if traveling with the person other than the maternal grandparents.

For Muslim applicants:

- Same general requirements stated above.

Additional requirement for late registered Muslim applicants

- Certificate of cultural affiliation from the Office on Muslim Affairs

For converts who would like to use their Muslim name

- Submit annotated BC in SECPA bearing the Muslim name.
- OMA certificate of conversion

Requirements for Renewal of Passport

- Personal appearance is required.

Brown passport or issued prior to 01 May 1995

- Old passport and photocopy of passport pages 1,2,3 (amendment). The pages showing latest Bureau of Immigration departure and arrival stamps.
- BC to determine complete middle name.

Green Passport or issued after 01 May 1995

- Present passport and photocopy of inside and back cover.
- The pages showing latest Bureau of Immigration departure and arrival stamps.

For married women, who want to use surname of their spouse:

- Marriage Contract (MC) in Security Paper issued by NSO or CTC issued by the Local Civil Registrar duly authenticated by NSO.

For married woman who would like to revert to her maiden name:

- If already widowed, death certificate from NSO of the deceased husband.
- If marriage is annulled: certified true copy and photocopy of the first page and the dispositive portion of the judgment on annulment and NSO-issued MC with the annotation on the annulment decree.
- If divorced: certified true copy and photocopy of the first page and the dispositive portion of the judgment on divorce authenticated by the Philippine Embassy or Consulate where the divorce was obtained. However, divorce should be duly recognized by a Philippine court.

For minor applicants, requirements for first time minor applicants are still prescribed, in addition to passport of minor.

Requirements for Replacement of Passport

- Fill out affidavit of loss. If the lost passport is still valid, submit a police report.
- Submit same documents required for first time passport applicants.

(Note: There is a 15-day clearing period prior to the processing of application for replacement of a lost valid passport.)

Passport Fees

Regular Processing

- (14 working days) - P 500.00

Expedited Processing

- (7 working days) - Additional P 250.00

For Replacement of Lost valid Passport

- Additional P 200.00

List of Supporting Documents

- Marriage Contract
- Voter's Registration Record
- PRC / IBP ID
- Baptismal Certificate
- Land Title
- Seaman's Book
- Driver's License
- Income Tax Return (Old)
- Government Service Record
- Old SSS-E1 form/or digitized SSS-ID
- School Form 137 or Transcript of Records
- Other documents that show full name and birth details of applicant, signature and citizenship

Reminders

- Personal appearance is required except when the applicant is:
 1. Below 8 years old.
 2. Exactly 65 years old and above but with properly filled out application form and to be filled by the immediate family member with authorization letter and ID.

3. Mentally and/or physically incapacitated but with properly filled out application form to be filled by the immediate family member with authorization letter and ID and medical certificate.
Immediately family members are parents, siblings, spouse and children of legal age.
- Passport shall only be released to immediate family member only with authorization letter. Passport of minor applicant shall be released to parents only. Passports unclaimed after six (6) months will be cancelled per Department Order No. 37-03.
 - Check all data in the passport upon release.
 - Number of processing days may vary depending on where the application was filed.
 - The DFA may require additional supporting documents as may be necessary.

For Passport and Consular related inquiries, please contact:

Consular Information

Passport Division

Department of Foreign Affairs

DFA Building, 2330 Roxas Blvd., Pasay City

1300 Tel. No. (632) 556-0000

Office hours: Monday-Friday from 8am to 4pm

Website: www.dfa.gov.ph



INTER-COUNTRY ADOPTION ACT OF 1995

Republic Act 8043, also known as the Inter-Country Adoption Act of 1995, was enacted to allow aliens to adopt Filipino children if such children cannot be adopted by qualified Filipino citizens.

Who May Be Adopted

A child who is below 15 years of age and is voluntarily or involuntarily committed to the DSWD may be adopted under the inter-country adoption law. However, a certification from DSWD that a child is legally available for adoption must be first obtained since it is a prerequisite for adoption proceedings.

For such a child to be considered for placement, the following documents must be submitted to the Inter-Country Adoption Board:

1. Child study to be prepared by the social worker of the DSWD or the accredited placement NGO
2. Birth certificate/ foundling certificate (NSO security paper)
3. Deed of voluntary commitment/ decree of abandonment/ death certificate of parents
4. Medical evaluation/history
5. Psychological evaluation by a psychologist
6. Recent photo of the child

Who May Adopt

The following qualifications are required of an alien or Filipino citizen permanently residing abroad to be eligible to adopt a Filipino child under the inter-country adoption law:

1. At least 27 years of age and at least 16 years older than the child to be adopted at the time of application unless the adopter is the natural parent of the child to be adopted or the spouse of such parent

2. If married, his/her spouse must jointly file for the adoption
3. Is capable of acting and assuming all rights and responsibilities of parental authority under his/her national law and has undergone the appropriate counseling from an accredited counselor in his/her country
4. Has not been convicted of a crime involving moral turpitude
5. Is eligible to adopt under his/her national law
6. Able to provide for the proper care and support and to inculcate the necessary moral values and example to his/her children, including the child to be adopted
7. Agrees to uphold the basic rights of the child as embodied under Philippine laws, the UN Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act
8. Comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similarly authorized and accredited agency and adoption is allowed under his/her national laws
9. Possesses all the qualifications and none of the disqualifications provided by applicable Philippine laws

Inter-Country Adoption Board

Under the law, a seven-member Inter-Country Adoption Board was created to act as the central authority on matters relating to inter-country adoption. It serves as a policy-making body in consultation and coordination with the DSWD, various child-care placement agencies, adoptive agencies, and non-government organizations engaged in child care and placement activities.

Where to File Applications

Application for inter-country adoption may be filed in the country of the prospective adoptive parents by coordinating with Philippine-accredited foreign adoption agencies.

Form Application

- An application shall be in the form prescribed by the Board which shall include an undertaking under oath, signed by the applicant to uphold the rights of the child under Philippine laws and the applicant's national laws, the United Nations Convention on the Rights of the Child and to abide by the provisions of the Act and all rules and regulations issued pursuant thereto.
- The application shall include an undertaking that should the adoption not be approved, or if for any reason the adoption does not take place, the applicant shall pay for the cost of travel back to the Philippines of the child and his/her companion, if any.

Documentary Requirements

The application to adopt must be submitted together with the following documents:

1. Birth certificate of applicant(s)
2. Marriage contract, if married, and divorce decree, if applicable
3. Written consent from their biological or adopted children above ten (10) years of age, in the form of sworn statement
4. Physical, medical, and psychological evaluation by a duly licensed physician and psychologist
5. Income tax returns or any document showing the financial

- capability of the applicant(s)
6. Police clearance of applicant(s)
 7. Character reference from the local church/ minister, the applicant's employer and a member of the immediate community who has known the applicant(s) for at least five (5) years
 8. Recent postcard-size pictures of the applicant(s) and his/her immediate family
 9. Letter of Acceptance by Designated Guardian
 10. Adoption Decree (if previously adopted Filipino children)

Pre-adoptive Placement Costs

The applicant shall bear the following costs incidental to the placement of the child:

1. The cost of bringing the child from the Philippines to the residence of the applicant(s) abroad including all travel expenses within the Philippines and abroad
2. The cost of passport, visa, medical examination and psychological evaluation required, and other related expenses

For details regarding requirements and procedures, please contact:

Inter-Country Adoption Board
Department of Social Welfare and Development
 2 Chicago Street cor. Ermin Garcia Street
 Brgy. Pinagkaisahan, Cubao, Quezon City
 Tel. Nos. (632) 721-9781 / 721-9782 / 726-4568
 726-4551 Fax No. (632) 727-2026
 Email: adoption@icab.gov.ph
 Website: www.icab.gov.ph



DOMESTIC ADOPTION ACT OF 1998

Republic Act 8552, also known as the Domestic Adoption Act of 1998, encourages domestic adoption to preserve the child's identity and culture and only when this is not available shall inter-country adoption be considered as a last resort.

However, a certification from DSWD that a child is legally available for adoption must be first obtained since it is a prerequisite for adoption proceedings.

Who May Be Adopted

The following may be adopted:

1. Any person below eighteen (18) years of age who has been administratively or judicially declared available for adoption
2. The legitimate son or daughter of one spouse by the other spouse
3. An illegitimate son or daughter by a qualified adoptor to improve his/her status to that of legitimacy
4. A person of legal age if, prior to the adoption, said person has been consistently considered and treated by the adoptor(s) as his/her own child since minority
5. A child whose adoption has been previously rescinded
6. A child whose biological or adoptive parent(s) has/have died, provided that no proceedings shall be initiated within six (6) months from the time of death of said parent(s)

Who May Adopt

In addition to Filipinos, Section 7(b) of the law also allows a non-Filipino national to adopt under the domestic adoption law provided that he/she meets the following requirements:

1. Of legal age and at least 16 years older than the adoptee (except when the adopter is the biological parent of the adoptee or is the spouse of the adoptee's parent)
2. Possesses full civil capacity and legal rights
3. Of good moral character and has not been convicted of any crime involving moral turpitude
4. Emotionally and psychologically capable of caring for children
5. In a position to support and care for his/her children in keeping with the means of the family
6. His/her country has diplomatic relations with the Philippines
7. Has been certified by the diplomatic or consular office or any appropriate government agency that he/she has the legal capacity to adopt in his/her country and that his/her government allows the adoptee to enter his/her country as an adopted child
8. Has been living continuously in the Philippines for at least three (3) years prior to the filing of the application for adoption and maintains such residence until the adoption decree is entered

Section 7(c) also provides that the guardian, with respect to the ward after the termination of the guardianship and clearance of his/her financial accountability, is also qualified to adopt under the law.

Waiver of Residency Requirement

The requirements on residency and certification of the alien's qualification to adopt in his/her country may be waived in the following cases:

1. The applicant is a former Filipino citizen seeking to adopt a relative within the fourth (4th) civil degree of consanguinity or affinity
2. The applicant is seeking to adopt the legitimate son or daughter of his/her Filipino spouse
3. The applicant is married to a Filipino citizen, and seeks to adopt jointly with his/her spouse a relative within the fourth (4th) civil degree of consanguinity or affinity of the Filipino spouse

Adoption by Husband and Wife

Husband and wife shall jointly adopt, except in the following cases:

- If one spouse seeks to adopt the legitimate son/daughter of the other
- If one spouse seeks to adopt his/her own illegitimate son or daughter, provided, however, that the other spouse has signified his/her consent
- If the spouses are legally separated from each other

In case the husband and wife jointly adopt, or one spouse adopts the illegitimate son or daughter of the other, joint parental authority shall be exercised by the spouses.

Supervised Trial Custody

No petition for adoption shall be finally granted until the adopter has been given by the court a supervised trial custody period for at least six (6) months within which the parties are expected to adjust psychologically and emotionally to each other and establish a bonding relationship. During the said period, temporary parental authority shall be vested on the adopter.

An alien adopter must complete the six (6) month trial custody except in the following cases:

- Former Filipino citizens adopting a relative within the fourth (4th) civil degree of consanguinity or affinity
- One who is adopting the legitimate son or daughter of his/her Filipino spouse
- One who is married to a Filipino citizen and seeks to adopt jointly with his/her spouse a relative within the fourth (4th) civil degree of consanguinity or affinity of the Filipino spouse

For more information on domestic adoption, please contact any of the following:

The ***DSWD Regional Office*** which has jurisdiction over the residence of the minor, or

Adoption Resource and Referral Unit

Department of Social Welfare and Development

National Capital Region

389 San Rafael cor. Legarda Sts., Manila

Tel Nos. (632) 488-27-54/734-86-22

Email: arru_ncr@yahoo.com

Website: www.dswd.gov.ph



OMNIBUS GUIDELINES FOR MINORS TRAVELING ABROAD

Republic Act 7610, also known as Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act, requires children below 18 years of age, who are traveling outside the Philippines unaccompanied by their biological/adoptive parents or legal guardians, to secure a travel clearance.

A travel clearance is a document issued by DSWD certifying that the child is authorized to travel abroad for valid reasons based on the assessment of the social worker. It seeks to provide protection to minors against exploitation, improper influences, abuse, hazards and other conditions prejudicial to their physical, mental, emotional, social and moral development.

The DSWD issued an Omnibus Guidelines for Minors Traveling Abroad and several amendments in 2005 (AO 14) and 2006 (AO 02) to streamline the process of travel clearance issuance.

Henceforth, this guideline shall provide the direction for the issuance of travel clearance to minors traveling abroad in so far as the specific provisions listed herein are concerned.

General Policies

1. A travel clearance is required and shall be secured from the DSWD by the following Filipino citizens:

- a. a minor traveling alone to a foreign country except under special circumstances where a minor whose parents are in the foreign service or are living abroad or are immigrants provided he/she is holding a valid pass such as a dependent's visa/pass/identification card or permanent resident visa/pass/identification card which serve as proof that he/she is living with parents abroad and their travel does not constitute child trafficking

b. a minor traveling to a foreign country accompanied by a person other than his/her parents

2. A travel clearance from the DSWD is not required by a minor traveling to a foreign country with both or either parents or with his/her solo parent or legal guardian. Solo parenthood or legal guardianship may be proved by:

a. a photocopy of the solo parent identification card from the Municipal Social Welfare & Development Office or

b. a photocopy of a certification from the local Social Welfare and Development Office of being a solo parent or Tallaq or Fasakh certification from the Shariah court or any Muslim barangay or religious leader or

c. in the case of an illegitimate minor, a certificate of no marriage from the local civil registrar or

d. in the case of a deceased parent, a photocopy of the death certificate, and

e. in the case of legal guardianship, a certificate of legal guardianship issued by the court

3. A minor traveling abroad whose parents are in the foreign service or are living abroad or are immigrants is not required a travel clearance provided he/she is holding a valid pass such as a dependent's visa/ pass/identification card or permanent resident visa/pass/ identification card which serve as proof that he/she is living with parents abroad and their travel does not constitute child trafficking.

4. A travel clearance certificate shall be valid for a period of one year from the date of issuance and shall be valid for multiple travels within the validity period, provided that the conditions under which the travel clearance was issued have

not changed. If a change in condition occurs, e.g., a change in traveling companion, a new travel clearance must be obtained.

Documentary Requirements:

1. For a minor traveling alone to a foreign country for the first time:

- a. Duly accomplished application form
- b. A photocopy of the birth certificate or passport of the minor
- c. A written consent of both parents or the solo parent or the legal guardian permitting the minor to travel alone to a foreign country
- d. As appropriate, a photocopy of the marriage certificate of the minor's parents or a photocopy of the certificate of legal guardianship of the minor or in the case of solo parents, a photocopy of the solo parent identification card from the Municipal Social Welfare & Development Office or a photocopy of a certification from the local Social Welfare and Development office of being a solo parent or Tallaq or Fasakh certification from the Shariah court or any Muslim barangay or religious leader or in the case of an illegitimate minor, a certificate of no marriage from the local civil registrar or in the case of a deceased parent, a photocopy of the death certificate
- e. Two colored passport size photos of the minor taken within the last 6 months

2. For a minor traveling alone to another country subsequently:

- a. Duly accomplished application form

- b. A written consent of both parents or the solo parent or the legal guardian permitting the minor to travel alone to a foreign country
 - c. A photocopy of the previous travel clearance or as required in 2.1.2 and 2.1.4
 - d. Two colored passport size photos of the minor taken within the last 6 months
3. For a minor traveling for the first time with a person other than the parents or legal guardian:
- a. Duly accomplished application form
 - b. A photocopy of the birth certificate or passport of the minor
 - c. A written consent of both parents or the solo parent or the legal guardian permitting the minor to travel to a foreign country with a specific person other than them
 - d. As appropriate, a photocopy of the marriage certificate of the minor's parents or a certificate of legal guardianship of the minor or in the case of solo parents, a solo parent identification card from the Municipal Social Welfare & Development Office or a certification from the local Social Welfare and Development office of being a solo parent or a court decree of separation, annulment or divorce, or Tallaq or Fasakh certification from the Shariah court or any Muslim barangay or religious leader or in the case of an illegitimate minor, a certificate of no marriage from the local civil registrar or in the case of a deceased parent, a photocopy of the death certificate

- e. Two colored passport size photos of the minor taken within the last 6 months
 - f. Photocopy of the passport of the traveling companion
4. For a minor traveling subsequently with a person other than the parents or legal guardian:
- a. Duly accomplished application form
 - b. A written consent of both parents or the solo parent or the legal guardian permitting the minor to travel to a foreign country with a specific person other than them
 - c. A photocopy of the previous travel clearance or as required in 2.3.2 and 2.3.4
 - d. Two colored passport size photos of the minor taken within the last 6 months
 - e. Photocopy of the passport of the traveling companion

Procedures

1. Application

The application for travel clearance together with the supporting documents required shall be submitted/filed by the parent or legal guardian or a duly authorized representative at any DSWD Field (regional) office. Application forms may be obtained from any DSWD Field (regional) office or travel clearance office or may be downloaded from the DSWD website www.dswd.gov.ph.

2. Issuance

The travel clearance may be obtained within 3 working days from the DSWD field (regional) or travel clearance unit where it was submitted, provided all requirements have been fulfilled.

3. Fees

The DSWD shall collect a processing fee of P300.00 for each travel clearance issued to minors traveling abroad in accordance to Administrative Order NO. 60, series of 2003 (Amendment in the Guidelines on the Charging of Fees and Services). An official receipt shall be issued for the fee collected.

Applications for travel clearance can only be filed at the DSWD Field/Regional offices. For other details, kindly contact:

The ***DSWD Field/Regional Office*** which has jurisdiction over the residence of the minor. See <http://dswd.gov.ph/fieldoffice.php> for the listings, or

For Metro Manila:

Travel Clearance Unit
Department of Social Welfare and Development

National Capital Region

389 San Rafael cor. Legarda Sts., Manila

Tel No: (632) 313-1435

Fax: (632) 734-8639

E-mail: regionaldir_ncr@yahoo.com

Website: www.dswd.gov.ph



OVERSEAS ABSENTEE VOTING ACT of 2003

Republic Act No. 9189, also known as “The Overseas Absentee Voting Act of 2003”, is the law that ensures equal opportunity to all qualified citizens of the Philippines abroad in the exercise of their right to participate in the election of President, Vice-President, Senators and Party-List Representatives.

Qualifications

All Filipino citizens, not otherwise disqualified by law, at least eighteen (18) years of age on the day of the election, and who are registered overseas absentee voters with approved application to vote *in absentia*, may vote for President, Vice-President, Senators and Party-List Representatives.

Disqualifications

The following are disqualified from registering as overseas absentee voters:

- a. Those who have lost their Philippine citizenship in accordance with Philippine Laws;
- b. Those who have expressly renounced their Philippine citizenship and who have pledged allegiance to a foreign country; except dual citizens as referred to under Republic Act No. 9225, Otherwise known as the “Citizenship Retention and Retention and Reacquisition Act of 2003”;
- c. Those who have been convicted by final judgment of a court or tribunal of an offense punishable by imprisonment of not less than one (1) year, unless such disability has been removed by plenary pardon or amnesty;
- d. Those who have been found guilty by final judgment of Disloyalty as defined under Article 137 of the Revised Penal

Code, unless such disability has been removed by plenary pardon or amnesty;

- e. An immigrant or a permanent resident who is recognized as such in the host country, unless he/she executes upon filing of an application for registration as overseas absentee voter an affidavit declaring that: (i) he/she shall resume actual physical permanent residence in the Philippines not later than three (3) years from approval of his/her registration, and (ii) he/she has not applied for citizenship in another country;
- f. Any citizen of the Philippines abroad previously declared insane or incompetent by competent authority in the Philippines or abroad, as verified by the Philippine embassy, consulate or Foreign Service establishment concerned, unless such competent authority subsequently certifies that such person is no longer insane or incompetent.

However, those disqualified under paragraphs (c) and (d) hereof who have not been granted plenary pardon or amnesty shall automatically acquire or reacquire the right to vote as an overseas absentee voter upon the expiration of five (5) years after service of sentence.

How May A Filipino Citizen Become A Registered Overseas Absentee Voter

Filipino citizens abroad or Filipino citizens in the Philippines who will be abroad on Election Day may become registered overseas absentee voters by filing an application for registration or certification as overseas absentee voters.

Note: A registered overseas absentee voter is not automatically entitled to vote, he/she must have an approved application in order to vote *in absentia* to be entitled to vote for President, Vice-President, Senators and Party-List Representatives.

Application For Registration Or Certification As Overseas Absentee Voter

The application for registration or certification as overseas absentee voter and application to vote in absentia are contained in one form, consisting of four parts:

Part 1 - The Application for Registration is to be accomplished by ALL applicants.

The Application for Certification is to be accomplished ONLY by applicants who are already registered as voters under Republic Act No. 8189, also known as "The Voter's Registration Act of 1996". (Those who registered before the June 1997 general registration of voters and those who registered before the December 1999 general registration of voters in the Autonomous Region in Muslim Mindanao [ARMM], except Cotabato City and Isabela City of Basilan, are not considered registered voters under RA No. 8189)

Part 2 - The Application to Vote *in Absentia* is to be accomplished by ALL applicants.

Part 3 - The Oath is to be accomplished ONLY by applicants who are immigrants or permanent residents abroad.

Part 4 - For COMELEC's Official use only

The abovementioned form may be obtained from: (i) the Philippine Embassies, Consulates and other Foreign Service establishments, (ii) the Committee on Overseas Absentee Voting at the Central Office of the Commission on Elections, Intramuros, Manila, and (iii) the Office of the Election Officer in every city/municipality/district (iv) the NAIA or POEA Overseas Absentee Voting Registration Center. It may also be downloaded from the Commission on Election website (www.comelec.gov.ph).

Where Shall Applications For Registration/Certification Be Filed**If the applicant is abroad during the period for the filing of applications:**

- a. File the application with the representative of the Commission on Elections (COMELEC) at the Philippine Embassy, Consulate and other Foreign Service establishment having consular jurisdiction over the locality where you temporarily reside.
- b. In case of qualified seafarers, file the application with the representatives of the Commission on Election (COMELEC) at the Philippine Embassy, Consulate and other Foreign Service establishment having consular jurisdiction over the locality where your vessel is docked during the period for the filing of applications.

If the applicant is in the Philippines during the period for the filing of applications but will be abroad on the day of the election:

- a. File the application with the Election Registration Board of the city/municipality/district where you are domiciled or at the NAIA or POEA OAV Registration Centers prior to your departure from the Philippines.
- b. In case of seafarers, you have the option to file the application either with (i) the Election Registration Board of the city/municipality/district where you are domiciled prior to your departure from the Philippines or (ii) the Committee on Overseas Absentee Voting at the Central Office of the Commission on Elections, Intramuros, Manila (iii) and at the NAIA or POEA OAV Registration Centers.

Procedure For Filing Of Application For Registration/ Certification**If the applicant is abroad during the period for the filing of applications:**

- a. Personally appear before the representative of the Commission on Elections (COMELEC) at the Philippine Embassy, Consulate

and other Foreign Service establishment having consular jurisdiction over the locality where you temporarily reside;

- b. Present your valid Philippine passport;
- c. Accomplish the prescribed application form; and
- d. Submit the accomplished application form with a photocopy of your passport.
- e. Have an actual capture of his/her biometrics

If the applicant is a seafarer:

- a. Personally appear before the representative of the Commission on Elections (COMELEC) at the Philippine Embassy, Consulate and other Foreign Service establishment having consular jurisdiction over the locality where your vessel is docked during the period for the filing of applications;
- b. Present your valid Philippine passport;
- c. Accomplish the prescribed form; and
- d. Submit the accomplished form together with (i) a photocopy of your passport and (ii) a photocopy of your Seaman's Book or any other document that will prove that you are a seafarer.
- e. Have an actual capture of his/her biometrics

If the applicant is in the Philippines during the period for the filing of applications but will be abroad on the day of the election:

- a. Personally appear before the Election Officer of the city/municipality/district where you are domiciled or at the NAIA or POEA OAV Registration Centers prior to your departure from the Philippines;

- b. Present your valid Philippine passport;
- c. Accomplish the prescribed application form; and
- d. Submit the accomplished form together with a photocopy of your passport.
- e. Have an actual capture of his/her biometrics

If the applicant is a seafarer:

- a. Personally appear at your option either (i) before the Election Officer of the city/municipality where you are domiciled prior to your departure from the Philippines or (ii) before the Committee on Overseas Absentee Voting at the Central Office of the Commission on Elections, Intramuros, Manila (iii) and at the NAIA or POEA OAV Registration Centers.
- b. Present your valid Philippine passport;
- c. Accomplish the prescribed application form; and
- d. Submit the accomplished form together with (i) a photocopy of your passport and (ii) a photocopy of your Seaman's Book or any other document that will prove that you are a seafarer.
- e. Have an actual capture of his/her biometrics

Modes of Voting

Personal Voting (PV) – Overseas absentee voters whose application to vote *in absentia* has been approved shall cast their ballots personally at anytime within the voting period.

Voting by Mail (VBM) - Overseas absentee voters whose application to vote *in absentia* has been approved shall cast their ballots anytime within the voting period. In VBM, the electoral mails are sent by the

Commission on Elections from the OAV Mailing Center in Manila directly to the voters based on their addresses selected from the Certified List of Overseas Absentee Voters (CLOAV) database.

The voters will receive a mailing/packet envelope that contains the ballot and the envelopes to seal and send/deliver the ballot. It also contains the Certified List of Candidates and Instructions which provides the step-by-step procedures on how they would be able to cast their votes.

Note: Seafarers may vote at any Post adopting **Personal Voting (PV)**. Additionally, they could vote at the following Posts that adopts **Voting by Mail (VBM)**, were allocated corresponding blank electoral mails (with no addresses) so that they may vote in case their ships are docked in ports situated at the host countries:

Modified Voting by Mail (MVBM) - Overseas absentee voters whose application to vote *in absentia* has been approved shall cast their ballots anytime within the voting period. In MVBM, the electoral mails are sent by the Commission on Elections from the OAV Mailing Center in Manila directly to the Foreign Service Posts (FSP). The FSPs in turn distributes the electoral mails to the voters.

For more information on the Overseas Absentee Voting Act, please contact:

Committee on Overseas Absentee Voting

Commission on Elections

7/F Palacio del Gobernador Bldg.
General Luna St. Intramuros, Manila
Tel. No. (632) 521-2952
Telefax No. (632) 527-0836
Website: www.comelec.gov.ph



**Overseas Absentee Voting Secretariat
Department of Foreign Affairs**

6/F, South Wing, Department of Foreign Affairs Bldg.
2330 Roxas Boulevard, Pasay City
Tel. Nos. (632) 834-4361, 834-3275
Telefax Nos. (632) 833-0914/15
Email: dfaoavs@yahoo.com.ph
Website: www.dfa-oavs.gov.ph



ANTI-TRAFFICKING LAW

The rise in international trafficking in persons for prostitution and forced labor especially in Asia, led to the enactment of Republic Act 9208 or the “Anti-Trafficking Law”. The law, which aims to eliminate trafficking in persons, especially women and children, establishes necessary institutional mechanisms to protect and support trafficked persons, and provides certain penalties for violators.

Trafficking in Persons

Trafficking in persons refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others, or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation shall also be considered as “trafficking in persons” even if it does not involve any of the means set forth in the preceding paragraph.

Qualified trafficking, on the other hand, is committed under the following circumstances:

1. When the trafficked person is a child or below 18 years old
2. When the adoption is committed through the Inter-Country Adoption Law and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage
3. When the act is committed by a syndicate or in large scale
4. When the offender is a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee
5. When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies
6. When the offender is a member of the military or law enforcement agencies
7. When the offended party dies, becomes insane, suffers mutilation or is afflicted with HIV or AIDS by reason or on occasion of the act of trafficking

Penalties for Violation of the Act

Act	Penalty
Qualified Trafficking in Persons	Life imprisonment and a fine of P2 million to P5 million
Trafficking in Persons	20 years imprisonment and a fine of P1 million to P2 million
Promoting Trafficking in Persons	15 years imprisonment and a fine of P500,000 to P1 million
Use of Trafficked Persons	First offense: 6 months community service and a fine of P50,000 Subsequent offenses: 1 year imprisonment and a fine of P100,000

Filing of Action

Filing of complaint may be done either orally or in writing to the Presidential Task Force on Human Trafficking, any member of the Inter-Agency Council Against Trafficking (IACAT), the nearest police or other law enforcement agency, the local social welfare and development office or the local Council for the Protection of Children. In case of trafficking abroad, the report may be made to the nearest Philippine Embassy/Consulate.

Who Can File Cases

The following may file a case/complaint for trafficking:

1. the trafficked person;
2. the trafficked person's parents, spouse, siblings, children, or legal guardian; or
3. anyone who has personal knowledge of the acts committed.

Repatriation of Trafficked Persons

The DFA in coordination with DOLE and other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons, regardless of whether they are documented or undocumented.

If, however, the repatriation of the trafficked persons shall expose the victim to greater risks, the DFA shall make representation with the host government for the extension of appropriate residency permits and protection, as may be legally permissible in the host country.

The Presidential Task Force Against Trafficking may be reached through:

Task Force Against Human Trafficking

Commission on Filipinos Overseas

6th Floor, Citigold Centre

1345 Quirino Avenue corner

South Superhighway, Paco, Manila 1007

Tel. Nos. (632) 561-8291/(632) 561-8321 local 401

Fax Nos. (632) 561-8332/561-8291

Email: trafficking@cfo.gov.ph

Website: www.cfo-antitrafficking.org.ph



INFORMATION AND GUIDELINES ON THE IMPORTATION AND EXPORTATION OF PLANTS, PLANT PRODUCTS AND ANIMALS

In line with efforts to prevent the spread of diseases and damaging pests that may threaten national health and security, the Philippines enforces certain rules and regulations for the bringing in of plants, plant products and animals by Filipinos or alien citizens originating from foreign countries. Their shipment and export overseas are likewise governed by similar rules consistent with the interest of destination countries.

PLANT QUARANTINE

The quarantine of plants in the Philippines is enforced by virtue of P.D. No. 1433 or the Plant Quarantine Law of 1978 as revised by the Administrative Code of 1987. It has the primary function of preventing the entry of foreign pests into the country and preventing further spread of those pests already introduced to places where they are previously not known to exist.

On the other hand, the Philippines complies with the International Plant Protection Agreement on the phytosanitary requirements of plants and plant products for export to ensure acceptability upon entry at the country of destination.

Import Procedure

A. Import Permit Procedure

Application

Any person/company intending to import plants/plant products shall file an application for Permit to Import (BPI Q Form No. 1) with the PQS prior to importation.

Importations which require Permit to Import and are subject to inspection:

- Living plants

- Nursery stocks, including vegetative parts thereof used as propagating materials
- Seeds nut for planting
- Fresh fruits, vegetables, and other plant products, which have been declared as prohibited/restricted imports under Special Quarantine Orders by Virtue of their being known hosts of certain plant pests, or because they originate from restricted areas
- Pure cultures of fungi, bacteria, virus, nematodes and other phytopathogenic materials
- Mushroom cultures including spawn
- Algae cultures, rhizobial cultures as legume inoculants
- Soil and plant materials for isolation of organism
- Other plants cultures
- Certain species of animals such as insects, birds, monkeys, reptiles are capable of causing injury to agricultural crops are liable to become agricultural crop pests
- Biocontrol agents and genetically modified organism/ materials

B. Evaluation of Application

Evaluation and pest risk analysis (PRA) shall be conducted prior to the issuance of an import permit.

1. PQS shall conduct PRA based on:

- List of pest (insects, diseases, nematodes, viruses, weeds) which shall be obtained by PQS from the country of origin as applied for by the importer
- Other information gathered from international pest data bases, research institutions, scientific publications and personal communication with experts. Duration of PRA and action on the application shall depend on the availability of information for assessing the risks involved in importing the commodity. Conditions for entry shall be based on the pest present in the country of origin and other phytosanitary measures

2. For commodities that will require inspection and evaluation of field/ growing area the following are conducted:

- Inspection of the field where the materials will be planted
- Make the necessary phytosanitary measures/ recommendations required by the PQS
- Approval of the area by the PQS
- Sketch location of the growing area to guide the post entry team in monitoring and observing the materials for presence of pests during the growing period

3. Completed forms shall be assessed and the applicants are advised either to return on a specific date to gate the permit or to submit other requirements, for those who have not fully complied.

4. Importation of potentially hazardous biological and/or genetically modified organisms involved the following:

- Evaluation, approval and monitoring of the biosafety aspects of the biological research by the Institutional Biosafety Committee (IBC)
- Evaluation and approval by the National Committee on Biosafety of the Philippines (NCBP) and
- Upon recommendation of the NCBP evaluation of the conditions or entry and issuance of the import permit by the PQS

C. Approval of Application for Issuance of Permit to Import

Upon approval of the application and payment of regulatory fee, the Permit to Import is issued to the applicant importer in four copies: the original shall be given to the Permittee for presentation to the Plant Quarantine officer at the port of entry: the duplicate copy shall be Plant Quarantine of the source country for compliance of the terms and conditions stipulated in the permit: the third copy shall be furnished to the collector of Customs at the port of entry: and the fourth copy shall be filed with the PQS.

Inspection upon Arrival of Commodities

Application for inspection upon arrival

The importer shall file with the PQS a duly accomplished Application for Inspection at least twenty-four (24) hours prior to arrival of the consignment. The following documents shall be submitted:

1. Phytosanitary Certificate (original FAO/IPPC Model) issued by the PQ of the country of origin;
2. Permit to Import (original copy) issued by PQS
3. Bill of lading/airway bill;
4. Inword cargo manifest and Bureau of Customs (BOC) entry declaration (photocopy)

In the absence of a Permit to Import (IP) or Phytosanitary Certificate (PC), the consignment shall be held under BOC custody or transferred (upon importer's request) to PQS custody until such documents are presented.

In the absence of both IP and PC, the consignment shall either be returned to the country of origin or re-exported to another accepting country or destroyed.

Importation Not Requiring Permit to Import

The following imports maybe allowed to enter the country without securing the Permit to Import. However, they are subject to inspection/verification and prescribed treatment and payment of regulatory fees and charges.

1. Plant products not governed by any plant quarantine restriction/prohibition and fruits and vegetables in limited quantity and plant products intended for food or animal feed or those for processing or manufacturing purposes.
2. Properly dried or sterilized, or poisoned botanical specimens or herbaria, provided, free from soil or sand.

3. Fresh flowers, bouquets and other floral arrangements when free from soil, sand and other prohibited materials.

Export Procedure

The export certification procedures and phytosanitary certification system is based on the IPPC standard for export certification system. However, import requirements imposed by trading partners and agreed export procedures, in case of bilateral agreement, are complied with to ensure acceptability of commodities to the country of destination.

1. Export Certification Procedure

The PQS shall require the exporter to submit the following: Import Permit from the country of destination if required. The IP shall state the terms and conditions to be complied with to facilitate clearance of commodities.

- Clearance to export restricted and/or prohibited exports or movement of plants and plant products issued by designated agencies of the Philippines, such as the Bureau of Forest Development, Department of Environment and Natural Resource (DENR) for certification with regards to the Convention on International Trade for Endangered Species (CITES) of wild Fauna and Flora.
- Accomplished application for Phytosanitary Certification
- The commodities to be inspected/examined/verified must be submitted at least 48 hours prior to actual loading, either at the office of the Plant Quarantine Services or at the premises of the exporter, whichever is convenient for both parties
- Treatment, unless compulsory or mandated by the importing country may be waived. It may be performed at the facilities operated by the PQS or private firms licensed to operate fumigation facilities. If the latter, a plant quarantine officer must supervise the entire operations

2. Phytosanitary Certification

Upon compliance with the preceding requirements, the commodities will be issued a phytosanitary certificate or plant health certificate in accordance with IPPC/FAO.

- The BPI-PQS is the only government agency in the Philippines authorized to issue the PC
- Only an authorized plant quarantine officer may validate a PC
- Certification shall only be issued for commodities that completely meet the import requirements of the country of destination
- PC shall be denied for exports to countries in which the commodity is prohibited by the plant quarantine regulations

3. Re-export Phytosanitary Certification

PC for re-export shall be issued for in-transit shipments if the country of destination requires such certification. Any treatment and/or quarantine actions instituted on the in-transit cargo during its stay in the Philippines shall be stated in the re-export PC.

List of most important export products

- Fresh Bananas
- Coconut (desiccated)
- Fresh Pineapple
- Coconut Copra
- Coconut Copra Meal/Pellets
- Fresh Mango
- Fresh Onion (shallots)
- Coconut Copra solvent
- Tobacco leaves (dried)

Verification / Inspection and Treatment

After verification and evaluation of the required documents, inspection shall be conducted by random sampling. Samples are then subjected to laboratory examination. Depending on the results of the examination, the following maybe conducted:

1. Release to the consignee if no pest is found in the consignment
2. Treat the commodity if the pest found can be eliminated by internationally approved treatment
3. Hold under post-entry quarantine for a period of time
4. If found infested with dangerous quarantine pest, and treatment is not possible:
 - Return to the port of origin
 - Ship to other countries that will accept the consignment, and
 - Destroy the consignment
5. In all cases, the corresponding fees and charges shall be borne by the importer.

Permits shall be revoked and further permit issuance shall be refused if the materials have the following findings:

1. Inspection and certification are confirmed to be merely superficial:
2. Failure of the Permittee to give the required notice
3. False notice;
4. Misdeclared shipment;
5. Falsification of plant quarantine terms and conditions imposed in the permit;
6. Other violations of plant quarantine rules and regulations

For more information on the importation or exportation of plants or plant products, you may contact:

Plant Quarantine Service

Bureau of Plant Industry

692 San Andres Street

Malate, Manila

Tel. Nos. (632) 524-3749, 404-0409,

524-3706 Fax no. (632) 521-7650

Email: bpipqs.phil@yahoo.com

Website: www.pqs.da.gov.ph



ANIMAL QUARANTINE

1. Exportation of animal, animal products and by-products:

I. A. General Requirements

1. Letter of Intent of Exporter addressed to the Director of the Bureau of Animal Industry
2. Identification of exporter and representative and photocopy of both
3. Special Power of Attorney (SPA) if through representative
4. SPS Clearance or import issued by the importing country

B. Additional requirements for:

1. Animals, animal products and by-products
 - a. Convention on International Trade in Endangered Species(CITES) Clearance of wild fauna and flora
 - b. Results of laboratory examination
2. Meat and meat products
 - a. Official meat inspection certificate (OMIC) issued by the National Meat Inspection Service (telephone no. (632-924-7971)
 - b. Process flow of products
 - c. Results of laboratory examination
3. Processed food (e.g. noodle, dairy products etc.)
 - a. Certificate of product registration (CPR)/License to operate (LTO) from BFAD
 - b. Process flow of products

II. Inspection of facilities

1. Validation of process flow
2. Collection of laboratory samples for live animals and animals where the meat will be sourced.
3. Inspection of process required by the importing country.

III. Issuance of International Veterinary Certificate (IVC) to export or veterinary healthcertificate (VHC) or commodity clearance (CC) or veterinary quarantine clearance (VQC) or whichever is needed by the importing country.

IV. Documentation and final inspection at the port of exit.

V. Annual inspection of manufacturing plant/warehouse is required. Collection of laboratory samples every six (6) for farms where the animals and its products for export will be sourced if needed.

2. Importation of Animal, Animal Products, and by-products

I. A. General Requirements

1. Letter of Intent of Exporter addressed to the Director of the Bureau of Animal Industry
2. Special Power of Attorney (SPA) if through representative
3. Notarized application for the importation of live animals

B. Additional requirements for

1. Animals, animal products and by-products
 - a. Convention on International Trade in Endangered Species (CITES) Clearance of wild fauna and flora from Protected Areas and Wildlife Bureau-Department of Environment and Natural Resources (Tel. No. (632) 924-6031 to 35)
2. Meat and meat products
 - a. Accreditation certificate of the National Meat Inspection Service
 - b. Application form to import to be secured from BAI

c. Pro forma invoice from the supplier

3. Processed food (e.g. noodle, dairy products etc.)

a. FDA's certificate of product registration (CPR) if finished products

b. Inspection of storage facilities for imported animal products and by-products

II. A. Inspection/Accreditation of quarantine and storage facilities

1. Animals, animal products and by-products

a. Inspection of quarantine facilities to validate if the quarantine area can handle the quarantine activities of live animals during the 30 days quarantine period of imported live animals

b. inspection of storage facilities for imported animal products and by-products

III. Issuance of veterinary quarantine clearance (VQC) to import or commodity clearance or import permit

IV. Documentation and inspection of imported items at the port of entry

V. Inspection and collection of laboratory specimen of imported live animals at the quarantine area

For more information, please contact:

**National Veterinary Quarantine Services
Bureau of Animal Industry**

Visayas Avenue, Diliman, Quezon City

Tel. Nos. (632) 925-4343/920-0816

Fax No. (632) 920-0815

Email: quarantine_bai@yahoo.com

Website: www.bai.gov.ph



RENEWAL OF PHILIPPINE DRIVER'S LICENSE FOR FILIPINOS ABROAD

The Land Transportation Office in the Philippines has amended its rule on validating expired driver's license of overseas Filipinos. In the past, only overseas Filipino workers can renew driver's license through authorized representatives while working abroad. With the new regulation under Administrative Order No. RIB-2007-011, all Filipino citizens abroad who are holders of authentic Philippine driver's license can already renew their license through a duly authorized representative in the Philippines.

The amendment came after reports of inconvenience by other Filipinos overseas, mostly students and family members of OFWs who are forced to return to the Philippines to renew their license because they are not covered by LTO Administrative Order No. 88-002 dated 8 November 1988 which allows only OFWs to renew through authorized representative.

Applications for renewal of license within the National Capital Region will be accepted only at the License Section of the Central Office where a fast lane for the processing of licenses of foreigners and overseas Filipino workers is available. Applications outside NCR may be filed at any field office at the option of the representative.

The authorized representative shall present to the LTO documents from the licensee such original driver's license with one photocopy, photocopy of Philippine passport with visa, and letter addressed to the LTO requesting the renewal and authorizing his representative to renew on his behalf. In no case should any other agency take the photograph of the licensee.

Upon payment, LTO will issue to the licensee a Driver's License Receipt (DLR) stamped at the right portion with "LICENSEE ABROAD FOR PHOTOTAKE WITHIN 30 DAYS UPON ARRIVAL."

Within 30 days upon arrival in the Philippines, the licensee shall present himself to the same office where renewal was made for

photograph taking, to present his original DLR and passport, to submit a valid drug test result and medical certificate, and to surrender his expired driver's license. The licensing center will retrieve applicant's previous files and incorporate with other requirements for evaluation and approval, production of the license and eventual release to the licensee.

The fee for renewal of license is Php180.00 for non-professional or Php240.00 for professional driver's license. Penalty will apply for holders of expired license at the following rate:

	Professional	Non-professional
Expired for less than one year	P 40.00	P 30.00
Expired for 1 year to less than 2 years	P 80.00	P 60.00
Expired for 2 years and more	P 120.00	P 90.00

For more details, kindly contact:

License Section

Land Transportation Office
East Avenue, Q.C.
Tel. Nos. 926-7081 / 921-5370
Website: www.lto.gov.ph



BUREAU OF CUSTOMS PHILIPPINES - PASSENGER GUIDELINES

All persons and baggage are subject to a search at any time. (Sections 2210 & 2212, Customs Law)

General Provisions

All articles, when imported from any foreign country into the Philippines, shall be subject to duty and tax upon each importation, even though previously exported from the Philippines, except as otherwise specifically provided in the Customs Code or in other laws. (Section 100, TCCP)

Prohibited and Regulated Articles

The unlawful importation of prohibited articles (i.e. marijuana, cocaine or any other narcotics or synthetic drugs), firearms, ammunitions, gun replicas, explosives and parts thereof, obscene, pornographic and immoral articles, mislabeled, misbranded and adulterated articles of food or drugs, gambling outfits and paraphernalia, used clothing and rags – (R.A. 4653), elephant tusks and their by-products or those which violate the Intellectual Property Rights Act (i.e., pirated DVDs, VCDs, and other imitation products) and regulated items (such as transceivers and communication equipment; controlled chemicals / substances and precursors, regardless of quantity constitutes a violation of Tariff and Customs Code of the Philippines, as amended, and other special laws and may subject the person to criminal prosecutions and /or fines and penalties.

Agriculture and Quarantine Regulations

Agriculture quarantine restricts the entry of animals, fish and plant products or their by-products (such as meat, eggs, birds, fruits, etc.). Transport of endangered species and their by-products is also restricted / prohibited by CITES / DENR regulations. Likewise, export of such products / by-products must be referred to quarantine officers to ensure compliance with Philippine regulations and requirements of country of destination. Failure to obtain prior import and / or export permit from the Philippine Department of Agriculture together with corresponding health sanitary or phytosanitary certificate from country of origin and to declare the same may result to seizure, fines and / or penalties.

Regulated Articles That Require Import Permit / Clearances:

Articles that need import / export permits and / or clearances and government agencies that issue them:

Live Animals and Meat	Bureau of Animal Industry (BAI)
Fruits and Plants	Bureau of Plant Industry (BPI)
Marine and Aquatic Products	Bureau of Fisheries and Aquatic Resources (BFAR)
Firearms, Parts, Ammunition, etc.	PNP Firearms and Explosives Office (FEO)
VHS, Tapes, CDs, DVDs, etc.	Optical Media Board (OMB)
TV, Movie, Film Print and Negatives, etc.	Movie and Television Review and Classification Board (MTRCB)
Transceivers, Communication Equipment, etc.	National Telecommunications Commission (NTC)
Endangered Species	Dept. of Environment and Natural Resources (DENR)
Medicines and the like	Bureau of Food and Drugs (BFAD)

Currency Regulations

Philippine currency - No person may import or export or export or bring with him into or out of the country legal tender Philippine notes, coins, checks, money orders and other bills of exchange drawn in pesos against banks operating in the Philippines in an amount exceeding P10,000.00 without authorization by the Bangko Sentral ng Pilipinas (BSP Circular 98-1995).

Foreign currency - Any person bringing in or taking out of the Philippines foreign currency, or other foreign exchange-denominated bearer negotiable monetary instruments such as travellers check, other checks, drafts, notes, money order, bonds, deposit, certificates, securities, commercial papers, trust certificates, custodial receipts, deposit substitute instruments, trading orders, transaction tickets and confirmation of custodial receipts, trading orders, transaction tickets and confirmation of sale/investment, in excess of US\$10,000.00 or its equivalent must accomplish a Foreign Currency Declaration (FCD) Form which may be obtained from the Bureau of Customs office at NAIA and after accomplishment is submitted to a Customs Officer at the Customs Desk in the Arrival or Departure Areas (BSP Circular No. 308, Series of 2001, as amended by BSP Circular No. 507, series of 2006). Any violation thereof shall be subject to the sanctions provided for in Section 36 of Republic Act No. 7653 (New Central Bank Act), without prejudice to the application of remedies and sanctions provided for under customs laws and regulations (BSP Circular No. 308, series of 2001).

Balikbayan Categories

1. Filipino citizen who has been continuously out of the Philippines for a period of at least one (1) year from the date of last departure;
2. A Filipino overseas worker (OFW); or
3. Former Filipino with foreign passport and members of his family (i.e. spouse and children) who are traveling with him.

Exemptions / Duty-Free Concessions**Adult Passengers:**

- Two (2) reams of cigarette or two (2) tins of tobacco
- Two (2) bottles of liquor or wine not exceeding one (1) liter per bottle.

Balikbayan and Overseas Filipino Workers (OFWs) are entitled to a Ten Thousand (10,000.00) Peso duty exemption on their USED personal and household effects. Any excess thereof is subject to an ad valorem duty (Executive Order 206). In addition, OFWs are entitled to duty and tax-free privileges on their USED appliances limited to one of every kind provided the total value does not exceed PHP10,000.00. Any excess is subject to duty and tax.

Philippine Duty-Free Shopping

All passengers arriving from abroad can enjoy a one-time duty-free shopping privilege within forty-eight (48) hours from date of arrival, upon presentation of a valid passport, flight ticket and boarding pass. Philippine duty-free shops are retail establishments licensed by the government to sell duty and tax-free merchandise to cater to travelers and balikbayans. Frequent travelers can enjoy up to US\$10,000.00 worth of duty-free shopping privileges in a given calendar year.

Purchases must be made in US dollars or its equivalent in Philippine Peso and other acceptable foreign currencies. This privilege is not transferable (However, duty-free shopping is subject to certain conditions and limitations. Purchases must be made in US dollars or its equivalent in Philippine Peso and other acceptable foreign currencies. This privilege is not transferable (except for kabuhayan shopping).

Balikbayan privileges can only be availed of once a year. Minors are not allowed to buy cigarettes, liquors, wines, electronics, and home appliances. Tourists buying home appliances and electronics are subject to duties and taxes.

Accompanied Baggage Intended as Donation

Relief, charitable and / or humanitarian organizations intending to donate for free distribution or extend free medical, dental or any other services to the less privileged must coordinate with the Philippine Department of Social Welfare and Development, through the Philippine embassies and / or consulates abroad, for purposes of clearance, prior to actual departure. Donations must be covered by a Deed of Donation and Deed of Acceptance, approved by the Department of Finance.

Non-Resident Foreigners

Passengers who intend to bring back to their place of residence abroad any dutiable article must inform the inspecting Customs Officer of said intention. In this case, the passenger may be required to accomplish a re-exportation commitment form duly secured by a cash bond deposit equal to the ascertained duty and tax on the article, refundable upon departure of the passenger with the article, for which a corresponding Official Receipt will be issued.

IMPORTANT NOTICE

Your Customs Declaration

All arriving passengers are required to accomplish a Customs Declaration form (BC Form 117) given on board the carrying aircraft. If traveling as one family, one declaration is sufficient.

Arriving passengers are required to declare all articles purchased or acquired abroad, indicating the quantity and its total acquisition price. If unsure of what to declare, please consult any Customs Officer on duty.

For more information, please contact:

**The Commissioner of Customs
Bureau of Customs**

South Harbor, Port Area, Manila 1018
Tel. No. (632) 527-4573 - Fax (632) 527-9453



NAIA District Collector of Customs

Tel. No. (632) 879-6003 - Telefax (632) 819-5088

Deputy Collector for Passenger Service

Telefax (632) 831-6262

Chief, Arrival Operations Division

Telefax (632) 879-5185



Email: arrivalcustoms@hotmail.com

Website: www.customs.gov.ph

APPLICATION FOR BIRTH CERTIFICATE

e-Census (www.e-Census.com.ph) is an online facility that allows you to submit requests for the following civil registry services:

- issuance of certified copies of civil registry documents, i.e., birth, marriage and death certificates; and
- issuance of certificate of no marriage record (CENOMAR or Singleness)

e-Census also accepts requests from within and outside the Philippines.

Payment for Foreign Requests

After submission of a request, an Acknowledgment Page will be presented, and one will also receive an e-mail acknowledgment. These will contain the transaction details of the request/s (i.e., name of document owner, number of copies applied for and the corresponding costs, Batch Request Number, Request Reference Number, etc). This information is needed when paying.

Foreign requests may be paid through credit cards or through foreign correspondent banks. The credit card payment facility accepts Visa, Mastercard, American Express and Discover cards. For correspondent banks, the list is available in e-census website.

If you pay immediately after the Acknowledgment Page is displayed, you will be charged the amount corresponding to the batch request.

Credit card payments use the payment facility of Kabayan Central Networks, Inc. Thus, the billing statement will reflect Kabayan Central Networks, Inc. On the other hand, the official receipt of the requested document/s will bear the name of Unisys Public Sector Services Corporation (UPSSC). It is possible that the fee will be reflected in the credit card statement of account before one receives the document.

Filipino Children Born Overseas

A child born of Filipino parents can request for a birth record via the e-Census website as long as the birth was reported at the Philippine Consulate in the country where the child was born. The following information should be forwarded immediately via e-mail (e-census.info@mail.census.gov.ph) to facilitate the search and retrieval efforts:

- (1) Dispatch no.
- (2) Date of dispatch
- (3) Reference no.

The above-mentioned information can be obtained from the Philippine Embassy/Consular Office where the event, i.e., birth, marriage or death, was registered.

The regular schedule of transmission of civil registry documents, i.e. birth, marriage and death certificates, from the Philippine Embassies/Consular Offices to NSO's Central Office archives, is quarterly, though schedule may be changed as appropriate from the office of origin.

Additionally, one may request for the birth, marriage or death certificate, after two months from the month of receipt by the NSO.

For details, the NSO may be reached at:

Civil Registration Department
National Statistics Office
Vibal Building, EDSA, Quezon City
Email: e-census.info@mail.census.gov.ph
Website: www.ecensus.com.ph



PROFESSIONAL REGISTRATION AT THE PHILIPPINE REGULATION COMMISSION (PRC)

The Philippine Regulation Commission (PRC) has passed Resolution No. 2006-313 (amending Resolution No. 2004-235) to accommodate registration of newly registering professionals under exceptional circumstances.

This resolution addresses the shortcomings of Resolution No. 2004-235 which calls for registering professionals to personally fill up all entries in the registry book, affix his/her signature and 1 x 1 picture with complete nametag on it, therefore making personal appearance to the Commission mandatory.

Recognizing the problems encountered by new registering professionals who have either left abroad immediately after examinations or before the results were released, the Commission now allows newly passed professionals to register through their authorized representatives. Following are the requirements and conditions:

- 1) The new registrants should fill up an Oath Form required by PRC and take his oath under the presence of an officer of the Philippine Embassy or Consulate where he/she is situated;
- 2) The registrant shall designate his/her representative in the Philippines and execute a Special Power of Attorney preferably before the same officer of Philippine Embassy or Consulate who administered his/her oath;
- 3) The SPA should expressly declare that his/her representative is fully authorized to accomplish, sign and execute documents, perform all acts necessary for his/her registration, and;
- 4) The registrant should come to PRC as soon as he/she arrives from overseas to personally sign the Registry Book of Professionals.

Queries can be directed to PRC through their email address: *webmaster@prc.gov.ph*. More information can be found at the PRC website *http://www.prc.gov.ph*