

**Agreement Establishing the ASEAN–Australia–New Zealand Free
Trade Area**

**THE PHILIPPINE SCHEDULE OF MOVEMENT OF NATURAL
PERSONS COMMITMENTS**

1. This schedule applies to all sectors covered under the specific commitments of the Philippines in the Trade in Services Chapter of the AANZFTA.

2. Philippines' commitments under the Movement of Natural Persons Chapter, and under Article 3 (National Treatment) and Article 4 (Market Access) of the Trade in Services Chapter, in relation to the supply by a service supplier of one Party through presence of natural persons of a Party in the territory of another Party, apply only in relation to the categories of persons set out below.

3. In accordance with Articles 3, 4 and 8 (National Treatment, Market Access and Specific Commitments) of the Trade in Services Chapter, for the categories of persons set out in this Schedule, Philippines specifies below any terms, conditions, limitations or qualifications in relation to the supply of a service by a service supplier of a Party through the presence of natural persons of a Party in the territory of the Philippines.

- a) The Philippines shall require a covered natural person of each Party seeking entry and temporary stay under the terms and conditions set out in each category below to obtain an appropriate visa prior to entry pursuant to the Philippine Immigration Act of 1940, as amended.
- b) Pursuant to the provisions of Article 40 of the Labor Code, as amended and its implementing rules and regulations, non-resident aliens may be admitted to the Philippines for the supply of a service after a determination of the non-availability of a person in the Philippines who is competent, able and willing at the time of application, to perform the services for which the alien is desired.
- c) Pursuant to Section 14, Article XII of the Constitution of the Republic of the Philippines, the practice of profession in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law. If the position of the natural person constitutes the practice of a regulated profession under the laws and regulations of the Philippines, the natural person must secure a special permit to practice the regulated profession from the Professional Regulation Commission pursuant to Section 7(j) of Republic Act No. 8981, and obtain an AEP from DOLE pursuant to Article 40 of the Labor Code

as amended. The natural person shall likewise comply with the requirements relative to practice of profession by a foreign national as provided for in the appropriate professional regulatory law.

- d) In activities expressly reserved by law to citizens of the Philippines, (i.e. foreign equity is limited to a minority share) all executive and managing officers must be citizens of the Philippines. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital to that entity.
- e) For Telecommunications sector, individual service suppliers must be Filipino citizens. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital to that entity. All executives and managers must be citizens of the Philippines.
- f) For banking services, unbound except as indicated in item 2 of this schedule. A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.
- g) For all insurance and insurance related services, only aliens qualified to hold technical positions may be employed within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry. Each employed alien shall have at least two Filipino understudies.
- h) For transport services, only aliens qualified to hold technical positions may be employed within the first five (5) years of operation of the enterprise, their stay not to exceed five (5) years upon entry. Each employed alien shall have two Filipino understudies. For specialized vessels, aliens may be employed as supernumeraries only for a period of six months.
- i) All measures relating to permanent residents are unbound. The Philippines reserves the right to enact laws on the treatment of permanent residents of foreign countries. Until such time as the Philippines enacts said domestic law, the

obligations of the Philippines with respect to the permanent residents of the other Parties shall be limited to the Philippines' obligations under the GATS, and the obligations of the other Parties with respect to the permanent residents of the Philippines shall be limited to their obligations under the GATS.

Categories of Natural Persons Covered under this Commitment	Conditions and Limitations (Including Period of Stay)
<p>1. Business visitors</p> <p>Natural persons who enter the Philippines for the purpose of participating in business contracts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing commercial presence in the Philippines, without acquiring remuneration from the Philippines and without engaging in the supply of services.</p>	<p>Entry and temporary stay shall be granted to a natural person of each Party, who stays in the Philippines for an initial period of fifty nine (59) days, which may be extended every two (2) months thereafter for a total period of stay of one (1) year</p>
<p>2. Intra-corporate Transferees</p> <p>A natural person of each Party who is a manager, executive or person with specialized technology or knowledge, who has been employed by a juridical person that supplies services and/or has established commercial presence in each Party's territory and who is being transferred to its branch, subsidiary, affiliate, representative office or joint</p>	<p>Entry and temporary stay for one (1) year, which may be extended.</p>

Categories of Natural Persons Covered under this Commitment	Conditions and Limitations (Including Period of Stay)
venture partner in the Philippines.	
<p>3. Investors engaged in the following:</p> <ul style="list-style-type: none"> (a) activities to invest in business in the Philippines and manage such business; (b) activities to manage business in the Philippines on behalf of a person other than that of the Philippines who has invested in such business; or (c) conduct of business in the Philippines in which a person other than that of the Philippines has invested. 	Entry and temporary stay for a period of one (1) year, which may be extended, shall be granted to a natural person of each Party who engages in any of these activities
<p>4. Natural Persons of each Party who Engage in Supplying Services, which Require Technology or Knowledge at an Advanced Level or which Require Specialized Skills belonging to Particular Fields of Industry, on the Basis of a Contract with Public or Private Organizations in the Philippines.</p>	Entry and temporary stay for a period of one (1) year, which may be extended, shall be granted to a natural person of a Party who occupies a technical, advisory or supervisory position on the basis of a personal contract with a public or private organization in the Philippines.

Categories of Natural Persons Covered under this Commitment	Conditions and Limitations (Including Period of Stay)
<p>Technical, Advisory or Supervisory position does not include skilled labor, and does not involve the practice of regulated profession as defined under the laws and regulations of the Philippines except for professionals covered in the schedule of commitments under the professional services in the Trade in Services Chapter, subject to the issuance of Special Permit by the Professional Regulation Commission and Alien Employment Permit by the Department of Labor and Employment pursuant to Section 7(j) of the PRC Modernization Act of 2000 and the applicable regulatory laws for each profession.</p>	

Categories of Natural Persons Covered under this Commitment	Conditions and Limitations (Including Period of Stay)
<p data-bbox="298 422 769 743">5. Natural Persons of Each Party who Engage in Professional Service under a Twinning or Bridging Program Done Through an Accredited Higher Education Institution in the Philippines by a Foreign Higher Education Provider</p> <p data-bbox="355 789 777 1661">A natural person of each Party who is a Specialist with knowledge at an advanced level in the fields of agriculture, industrial, environment and natural resources management, engineering, architecture, science and technology, nursing and midwifery, curriculum development and enhancement, library and laboratory enrichment and cultural exchange in the fields of agriculture, industrial, environment and natural resources management, engineering, architecture, science and technology and health-related programs on the basis of a contract with public or private Higher Education Institution in the Philippines.</p>	<p data-bbox="823 789 1252 890">Entry and temporary stay for a period of one (1) year, which may be extended.</p>