NATIONAL ADMINISTRATIVE REGISTER · FEBRUARY 13, 2005

RULES AND REGULATIONS IMPLEMENTING THE MEMORANDUM OF AGREEMENT ON THE PHILIPPINES ENGLISH AS A SECOND LANGUAGE (ESL) TOUR PROGRAM

DOT, February 13, 2005

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Pursuant to the Memorandum of Agreement (MOA) executed by the Department of Tourism (DOT), the Department of Foreign Affairs (DFA), the Bureau of Immigration (BI) and the Technical Education and Skills Development Authority (TESDA), on 27 Septem ber 2004, the following rules and regulations on the implementation of the Philippines English as a Second Language Tour Program are hereby promulgated.

Rule I. Coverage

These rules and regulations shall govern the provisions of the Memorandum of Agreement executed by the DOT, DFA, BI and TESDA on the implementation of the Philippines ESL Tour Program

Rule II. Basic Policy

Cognizant of the Philippines' advantage being a country which uses English as a second language and the increasing influx of foreign tourists studying English in local universities and language centers, the Department of Tourism developed an aggressive promotional campaign dubbed as the Philippines ESL Tour Program to attract more tourists to learn English in the country.

Rule III. Objectives

The implementation of the Philippines ESL Tour Program shall be guided by the following objectives:

1. To make the Philippines a destination in Asia for learning English as a second language;

2. To develop tours combining English language courses with holiday/vacation activities;

3. To enrich student visitor's experience by providing opportunities for cultural immersion, thereby enhancing appreciation and understanding of Philippine culture;

4. To increase visitor arrivals by tapping the ESL market especially from China, Korea, Taiwan and Japan, thereby, contributing to the country's tourist receipts;

5. To offer English language courses in a relaxed atmosphere adopting interesting and dynamic methodologies for a more effective learning process; and

6. To encourage participation of the academe in fostering a highly competitive travel and learn English program in their respective language centers.

Rule IV. Definition of Terms

For purposes of these rules and unless expressly provided otherwise:

1. Tour Operator shall mean a Philippine registered and accredited entity which may either be a single

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proprietorship, partnership or corporation regularly engaged in the business of extending to individuals or groups such services pertaining to arrangements and bookings for transportation and/or accommodation, handling and/or conduct of inbound tours whether or not for a fee, commission or any other form of compensation.

2. Accreditation shall mean a recognition given by the DOT to a duly registered and accredited Philippine tour operator and that the holder thereof can handle ESL tours.

3. Registration shall mean a recognition given by TESDA to all Technical, Vocational, Educational and Training (TVET) programs that comply with minimum standards pre- scribed in Training Regulations and anchored in competency based-system of TESDA.

4. Language Training Center shall mean a Philippine corporation registered with the Securities and Exchange Commission (SEC) that offers English courses registered with TESDA on a regular basis as well as ESL programs and authorized by BI to admit foreign students.

5. Special Study Permit (SSP) shall mean a Permit or Authority to study issued by the Bureau of Immigration (BI) to bonafide foreign tourists who wish to study in a non-degree course for less than one (1) year at BI-authorized school with TESDA-registered program.

6. Letter of Guarantee is a letter addressed to the Philippine Foreign Service Post executed by the President/General Manager/Chief Executive Officer of a tour operator handling ESL tours stating that said tour operator shall be held liable should any member of the group tour fail to leave the Philippines with the group and that the tour operator shall be held accountable for administrative fines and such other sanctions as may be imposed as well as expenses that may be incurred in the repatriation of the said tour group member.

7. Philippine Foreign Service Post shall mean the Philippine Embassy or Consulate which exercises jurisdiction over the country where the ESL participant is a national or is a legal resident therein as well as over the country where the foreign tour operator's main office is located.

Rule V. Procedures for Tour Operators Intending to
Participate in the Philippines ESL Tour Program

Philippine registered tour operators who intend to handle ESL tour groups and individuals shall comply with the following requirements:

1. Tour operators shall first seek accreditation from the DOT in accordance with the latter's rules and regulations governing the accreditation of travel and tour services.

2. Upon payment of the required fees and the issuance by DOT of a certificate of accreditation, DOT shall include the tour operator in the list of DOT-accredited tour operators which DOT shall provided DFA on a monthly basis.

3. The accreditation issued to the tour operator by the DOT authorizing the former to handle ESL tours under these rules shall in no case extend beyond the period of validity of said tour operators' accreditation which the DOT issued pursuant to the latter's Rules and Regulations in the Accreditation of Tour Operators.

Foreign travel agencies intending to handle ESL tour groups shall submit the following documents to the concerned Philippine Foreign Service Post for inclusion in the list of foreign travel agencies authorized to handle ESL tour groups:

a. Contract or agreement between the Philippine tour operator and its counterpart foreign travel agency abroad, duly authenticated by the concerned Foreign Service Post, for the purpose of engaging in the Philippines ESL Tour Program;

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b. Letter of Guarantee; and

c. Such other documents which may be required to establish their legitimate existence.

Tour operators who intend to engage in handling ESL tour groups from the People's Republic of China shall still be governed by the provisions of the Memorandum of Agreement by and among the DOT, DFA and BI in the accreditation of Philippine Tour Operators Handling Tour Groups or Individuals from the People's Republic of China on 15 June 2000 as amended and its implementing rules and regulations.

Rule VI. Procedures and Conditions for Language Centers/Schools Intending to
Participate in the Philippines ESL Tour Program

Philippine registered language training centers/schools may participate in the Philippines ESL Tour Program subject to compliance with the following requirements:

1. To be included in the roster of DOT ESL partners, language training centers shall submit a letter to the DOT-OPRD and/or its concerned regional office expressing its intention to participate in the program together with certified copies of the following:

a. Profile of the company
b. TESDA Certificate of Program Registration; and
c. BI authorization to admit foreign students in accordance with BI Administrative Order No. ADD-02-006.

Upon completion of requirements and agreement to the ESL rules and regulations, DOT desk shall issue a certification stating that it is a DOT ESL partner language center.

2. Language training centers/schools shall only patronize DOT-accredited travel and tour service providers in the conduct of its ESL tour programs in the same manner that DOT-accredited tour operators shall only patronize language training centers/schools whose programs are registered with TESDA and authorized by the BI.

3. A website to be linked to the DOT homepage shall be maintained by partner language centers. The website shall have a dedicated webpage for the ESL tour program. Contents shall include, but not limited to the following:

a. information about the language center/school, e.g. location, contact details, facilities, and amenities offered (with photos)

b. courses/programs offered with corresponding duration and schedule of fees.

c. Other services offered (with fees, if any)

d. ESL Tour packages (if any)

e. Procedure for enrollment or availing tours

4. Only those entities complying with the above requirements shall be included in the promotional materials and activities of the DOT. Likewise, DOT shall keep an updated roster of ESL partner language centers/institutions.

Rule VII. Implementation and Monitoring

1. BI shall allow entry of ESL tour groups or individuals with duly issued visa handled by Philippine tour operators duly accredited under the provisions of these rules and regulations, provided that the tour operators shall submit to the BI a list of the names included in each tour at least two (2) working days before arrival.

2. DOT shall provide the DFA and BI on a monthly basis with a listing of DOT-accredited tour operators under these Rules. In turn, DFA shall also provide the DOT and BI with information regarding the names, addresses and

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contact particulars of travel agencies and tour operators abroad who are found to be lawfully operating and duly authorized by national or local authorities to handle outbound/ESL tours to the Philippines. BI shall inform DFA and DOT of its exclusion or deportation of any individual or persons belonging to the tour group who failed to comply with the entry requirements or terms and conditions of their stay, as well as the names of those who failed to return with the tour group in accordance with the original terms of their entry.

3. TESDA shall monitor the conduct of registered language programs in accordance with the rules and procedures set forth in the Unified TVET Registration and Accreditation System.

4. TESDA shall provide DOT, DFA and BI with a monthly listing of language centers with TESDA-registered programs. In turn, BI shall provide DOT, DFA and TESDA on a monthly basis with a list of a BI-authorized language training centers/schools which shall include information re name of school/establishment, addresses and contact details.

Rule VIII. Sanctions

1. DOT shall cause the revocation of accreditation of any tour operator found to have violated any provision of the DOT rules and regulations governing the accreditation of tour operators and recommend to BI and DFA the delisting of the said tour operator.

2. DFA may recommend to DOT the cancellation of the accreditation of a Philippine tour operator whose foreign counterpart violates any of the provisions of these rules and regulations without prejudice to other administrative sanctions as well as criminal prosecution for violation of immigration laws, rules and regulations.

3. Violation of these rules and regulations and or any terms and conditions of accreditation committed by the Philippine tour operators shall be a ground for blacklisting of such tour operators accredited in accordance with the provisions of these rules and regulations, including their officers, major stockholders or owner/s, and they shall therefore be barred by DOT, DFA and BI.

4. TESDA shall cause the cancellation of certificate of registration granted to language centers that fail to adhere to the requirements of the Unified TVET Program Registration and Accreditation System.

5. BI shall cause the exclusion or deportation of any individual or persons belonging to the tour group who fails to comply with entry requirements or the terms and conditions of their stay in the Philippines without prejudice to the prosecution of the concerned Philippine tour operator under the provisions of pertinent immigration laws, rules and regulations.

6. BI shall revoke the authorization of any language training center or learning institution that fails to comply with BI Memorandum Order No. ADD-02-006, without prejudice to the penal provision of Commonwealth Act No. 613, Section 46. Penal sanction shall also apply to any non-BI authorized language center that enrolls alien students who are subject of the said memorandum order.

7. DOT shall cease to promote the ESL tour programs offered by any tour operator and/or language training center found to be violating the provisions of these rules and regulations.

Rule IX. Issuance of Additional Rules

Each participating agency shall, whenever necessary, adopt its own internal guidelines in the implementation of these rules and regulations in accordance with the provisions of the MOA.

Rule X. Separability Clause

The provisions of these rules and regulations are hereby declared separable, and in the event that one or more of

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such provisions are declared invalid, the validity of all other provisions shall not be affected thereby.

Rule XI. Effectivity

These rules and regulations shall take effect thirty (30) days after its publication in the Official Gazette or in a newspaper of general circulation.

Adopted: 13 Feb. 2005

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