CIRCULAR ON EMPLOYMENT OF FOREIGN NATIONALS

MEMORANDUM CIRCULAR NO. MSSD-15-09, October 19, 2015

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1. The Clark Development Corporation (CDC), together with the Department of Labor & Employment (DOLE) and the Bureau of Immigration (BI), in balancing its efforts in generating jobs for Filipinos with its initiative to simplify documentation of foreign nationals, hereby clarifies the important provisions in the standard written undertakings individually executed by the applicant foreign nationals together with their respective employer/locator as guarantor:

A. Exclusive Use of AEPs and VISAs

- The applicant foreign national shall have no gainful employment other than that for which he/she was issued an Alien Employment Permit (AEP) and Subic Clark Working Visa (SCWV).

- The applicant foreign national must not have worked, engaged in the business operations, nor rendered any form of services in any capacity for the locator company prior to the issuance of or without a valid AEP and SCWV.

B. Inspection of Locator’s Premises

- All concerned locators shall permit duly authorized representatives of the CDC, the DOLE and/or the BI to conduct random inspections at their company premises during reasonable hours to verify compliances with the Labor Code, Philippine Immigration Act, and other pertinent laws, policies, rules and regulations governing alien employment.

C. Additional Requirements

- As appropriate and necessary, CDC may require additional information on the job descriptions for non-elective positions to determine whether the engagement of a foreign national for such position is justified and to verify the non-availability of Filipino experts for the said position, in coordination with DOLE. Evaluation for the employment of foreign nationals in a non-elective positions will include, among others, size of operation and floor to manpower ration.

- Elective positions in the locator corporation shall be exempted from this requirement provided that the position classified as elective in nature is included in the latest By-Laws or GIS submitted to the Securities and Exchange Commission.

D. Separation of the Foreign National or Permanent Closure of the Company

All concerned locators shall notify CDC, DOLE and BI Clark One Stop Shop (BI-OSS) in writing at least thirty (30) days prior to the intended separation/termination from employment of the foreign national or closure of the locator company. The foreign national shall surrender the (1) original AEP to DOLE; and (2) the Alien Certificate

of Registration (ACR-ICARD) to BI-OSS and have his/her SCWV downgraded by the BI.

- As part of our service enhancement to locators, the Freeport Zone BI- OSS has been authorized to receive documents for processing of visa downgrading# without the need of applicants going to BI Manila.

E. Period of Validity of the AEP and the SCWV

- CDC's endorsement of an AEP to the DOLE as a pre-condition for the issuance of an SCWV is based on the existence and registration of a valid Lease/Sub-Lease Agreement between CDC and the Freeport Enterprise, the latter availing of the non-fiscal incentive of hiring foreign nationals with the freeport zone.

- Since the issuance of the SCWV is dependent on the issuance of the AEP which is co-terminus with the validity of the Freeport Enterprise's Lease/Sub-Lease Agreement and registration with the CDC, it necessarily follows that the validity of the SCWV shall also be co- terminus with the Lease/Sub-Lease Agreement.

For information and guidance.

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