

RULES ON PROVISIONAL WORK PERMIT (PWP)

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WHEREAS, the Philippine Immigration Act of 1940 (CA 613), as amended mandates the Bureau as the agency principally responsible for the administration and enforcement of alien admission and registration laws;

WHEREAS, Memorandum Order No. AFFJr.-2005-009 dated 9 February 2005 provided that the application for an Alien Employment Permit (AEP) shall serve as a Provisional Work Permit while the AEP is being processed.

WHEREAS, Memorandum Order No. AFFJr.-2005-023 dated 9 December 2005 provided that the application for 9(g) employment [commercial] visa shall be filed within fifteen (15) days from the date of issuance of the AEP;

WHEREAS, a substantial number of aliens who have applied for an AEP no longer apply for 9(g) employment visa;

WHEREAS, Sec. 3, CA 613, authorizes the Commissioner to issue such rules and regulations and from time to time, issue such instructions, not inconsistent with laws, as he shall deem best calculated to carry out the provisions of immigration laws;

NOW, THEREFORE, pursuant to the provisions of existing laws, the following provisions are hereby adopted:

Section 1. Provisional Work Permit – Aliens who have commenced employment while their applications for AEP or 9(g) employment [commercial] visa are still pending must secure a Provisional Work Permit (PWP).

Section 2. Documentary Requirements – The following documents shall be submitted by the Petitioner for PWP:

- a. Letter-request from Petitioner-Company with an undertaking to withhold and remit BIR taxes due on all income of the applicant, and with a statement that all documents submitted were legally obtained from the corresponding government agencies;
- b. Consolidated General Application Form duly accomplished and notarized;
- c. Photocopy of the Applicant's passport showing bio-page and authorized stay of at least 20 days;
- d. Proof that the Applicant has secured a Taxpayer Identification Number;
- e. Photocopy of official receipt for application for an AEP or photocopy of the AEP;
- f. Photocopy of Securities and Exchange Commission (SEC) Registration, Bylaws and Articles of Incorporation in case of corporation or partnership OR photocopy of Department of Trade and Industry (DTI) Certificate of Registration of Business Name in case of single proprietorship;
- g. Photocopy of Employment Contract specifying the exact compensation to be earned by the Applicant;

Section 3. Validity – The PWP shall be valid for three (3) months or until a 9(g) working [commercial] visa has been issued in favor of the Applicant which ever comes first.

Section 4. Fees – The following fees shall be charged for PWP:

a. Application Fee:

P2,000

b. Certificate Fee:

P 500

c. Legal Research Fee:

P 20

d. Service Fee:

P 100

e. PWP Fee:

P 400

f. Legal Research Fee:

P 20

g. Express Lane Fee (Certification)

P 500

h. Express Lane Fee (Filing)

P 500

TOTAL

P4,040

Section 5. Repealing Clause – All circulars, issuances and memoranda that are inconsistent with this Memorandum Circular are hereby repealed, amended or modified accordingly.

Section 6. Effectivity Clause – This Circular shall take effect fifteen (15) days from publication and fifteen (15) days from receipt of the Office of the National Administrative Register (ONAR), U.P. Law Center, U.P. Diliman, Quezon City.

13 December 2013.

(SGD) SIEGFRED B. MISON
Officer-in-Charge

APPROVED

(SGD) LEILA M. DE LIMA
Secretary, Department of Justice

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