BILATERAL

MEMORANDUM OF AGREEMENT ON THE ACCREDITATION OF PHILIPPINE TOUR OPERATORS HANDLING TOUR GROUPS FROM THE PEOPLE’S REPUBLIC OF CHINA

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KNOW ALL MEN BY THESE PRESENTS:

This Agreement made and entered into this 15th day of June 2000, by and among:

The DEPARTMENT OF TOURISM, a government agency duly created and existing under and by virtue of Executive Order No. 120, with principal address at the DOT Building, T.M. Kalaw Street, Ermita, Manila, represented by Secretary GEMMA CRUZ-ARANETA, hereinafter referred to as the DOT;

The DEPARTMENT OF FOREIGN AFFAIRS, a government agency duly created under and by virtue of the laws of the Philippines with principal address at the DFA Building, Roxas Boulevard, Pasay City, represented by Secretary DOMINGO L. SIAZON, JR., hereinafter referred to as the DFA;

- and -

The BUREAU OF IMMIGRATION, a government agency duly created under and by virtue of the laws of the Philippines with principal address at the Bi Building, Magallanes Drive, Intramuros, Manila, represented by Commissioner RUFUS B. RODRIGUEZ, hereinafter referred to as the BI;

WITNESSETH THAT:

WHEREAS, the DOT is the primary government agency charged with the responsibility to encourage, promote and develop tourism as a major socio-economic activity to generate foreign currency and employment and to spread the benefits of tourism to a wider segment of the population with the support, assistance and cooperation of both the private and public sector and to assure the safe, convenient, enjoyable stay and travel of foreign and local tourists in the country;

WHEREAS, the DFA is the instrumentality of the Philippine government which is primarily responsible for promoting and protecting the interests of the Philippines abroad, including the direction and coordination of all activities in pursuance of the economic diplomacy program of the government;

WHEREAS, the BI, being the government agency charged with full and final jurisdiction in immigration matters, is principally responsible for the administration and enforcement of, among others, the entry and admission of aliens into the Philippines in accordance with the provisions of Commonwealth Act No. 163, as amended, otherwise known as "The Philippine Immigration Act of 1940", and such rules and regulations as may be promulgated by the Commissioner of Immigration;

WHEREAS, there has been a notable increase in the number of Chinese outbound travelers which proves that the People's Republic of China (PROC) can be major sources of inbound tourism;

WHEREAS, it is the desire of all the parties to eliminate barriers to tourism without prejudice to the enforcement of the laws of the land;

WHEREAS, there is a need to check on the practice of some foreign nationals who enter the Philippines as

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tourists but remain in the Philippine shores beyond the period of their authorized stay;

WHEREAS, the parties realize that there is a need to exercise coordinated efforts to ensure the efficient, effective, and expeditious implementation of a system to encourage tourists from mainland China and to ensure compliance of the conditions of their authorized stay in the country;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereby agree as follows:

I.

COVERAGE

This MOA shall apply to Philippine registered and accredited tour operators handling group tours from the People's Republic of China (PROC).

II.

DEFINITION OF TERMS

For purposes of this MOA, and unless expressly provided otherwise:

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

- Accreditation shall mean a recognition given by the DOT, DFA and BI to a Philippine registered and accredited tour operator that the holder can handle tour groups from PROC.

- Inbound Tour shall mean a tour to or of the Philippines or any place within the Philippines.

III.

DUTIES AND RESPONSIBILITIES

The DOT shall:

- Accredit such persons, corporations or any other entity which will engage in inbound operation pursuant to its Rules and Regulations Governing Travel and Tour Services;

- Issue an endorsement to the BI and DFA for any tour operator wishing to transact business with tour wholesalers based in China, provided that the local tour operator and the Chinese and Taiwanese tour wholesalers are duly accredited and remain to be of good standing;

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- Cause the revocation of the DOT accreditation of any tour operator found violating any rules and regulations governing the operation of tour operators and recommend to the BI and DFA the enforcement of appropriate action against the same; and

- Provide the BI and DFA with a monthly listing of DOT accredited tour operators.

The DFA shall:

- Through its consular offices, accredit Philippine tour operators dealing with authorized Chinese and Taiwanese tour wholesalers in their respective areas of jurisdiction, provided that they are duly accredited by the DOT;

- Provide information on foreign travel agencies in the People's Republic of China, duly authorized to handle outbound tours to the Philippines;

- Authenticate the contract/agreement between the Philippine tour operators and the respective foreign travel agencies which will engage in group tour; and

- Cause the revocation of the accreditation of any Philippine tour operator found violating any of the rules and regulations that govern the operation of tour operators, upon recommendation of the DOT and/or BI.

The BI shall:

- Accredit Philippine tour operators dealing with authorized Chinese tour wholesalers provided the same are accredited by DOT;

Accreditation as referred to in the preceding paragraph shall apply to any DOT accredited tour operator who shall post a Government Service Insurance System (GSIS) surety bond in the amount of Five Hundred Thousand Pesos (P500,000.00) with the BI to answer for any violation to be committed by the tour operator;

- Allow the entry of tour groups with duly issued visa coming from mainland China handled by duly accredited Philippine tour operators;

- Cause the exclusion or deportation of any individual or group of persons belonging to the tour group of a duly accredited local tour operator who fails to comply with entry requirements or the terms and conditions of their stay, without prejudice to the imposition of other applicable penalties under Philippine laws; and

- Confiscate the bond of any duly accredited local tour operator found to have violated the provisions of the bond, and cancel the accredit said tour operator with the BI.

IV.

MONITORING

All parties shall ensure that the requirements, terms and conditions set forth in the grant of accreditation under this Memorandum of Agreement are duly complied with and maintained by the concerned Philippine tour operator. For this purpose, the DOT, DFA and BI shall promulgate the pertinent rules and regulations to implement the same.

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V.

EFFECTIVITY

This MOA shall take effect immediately upon signing by the parties.

IN WITNESS WHEREOF, the parties hereto have set their hands this 15th day of June 2000, in the City of Manila, Philippines.

DEPARTMENT OF TOURISM

DEPARTMENT OF FOREIGN AFFAIRS

By: By:

(Sgd.)

(Sgd.)

GEMMA CRUZ-ARANETA
Secretary

DOMINGO L. SIAZON, JR.
Secretary

BUREAU OF IMMIGRATION

By:

(Sgd.)
RUFUS B. RODRIGUEZ
Commissioner

SIGNED IN THE PRESENCE OF:

(Sgd.)
ORESTES R. RICAFORTE
Undersecretary
Tourism Services & Regional Offices
Department of Tourism

(Sgd.)
CATALINO R. DILEM, JR.
Executive Director
Office of Consular Affairs
Department of Foreign Affairs

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