

ANTI-DUMMY LAW RESTRICTIONS FOR ALIEN CULINARY TECHNICAL PERSONNEL SEEKING EMPLOYMENT IN LOCAL RESTAURANTS

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Commonwealth Act (C.A.) No. 108 (The Anti-Dummy Law), Section 2-A regulates the employment of alien technical personnel. The term technical personnel would in general include any person who has special, extraordinary or practical knowledge, especially of a mechanical or scientific occupation. The term also includes: (1) Any person who possesses extraordinary or special skill or knowledge having to do with the practical, industrial, or mechanical arts or services and (2) The entry and employment of foreign personnel as culinary technicians in local restaurants (Primer on the employment of Aliens under the Anti-dummy Law, Department of Justice publication, pp. 11-12).

Effective immediately, alien culinary technical personnel seeking employment in local restaurant operations that are not necessarily included in, or incidental to, the hotel/inn business shall secure from the Department of Justice and submit to this Bureau proof of exemption from anti-dummy law restrictions, before filing an application for pre-arranged employment under Commonwealth Act (C.A.) No. 613, Sections 9(g) and 20 and/or a permit to work under C.A. No. 613, Section 42(a)(32).

Finally, no-pre-arranged employment visa or permit to work shall be issued by this Bureau to the alien culinary technical personnel concerned, unless the requirements of Ministry of Justice (MOJ) Order No. 210 (series of 1980) are fully complied with. For this purpose, copies of MOJ Order No. 210 (series of 1980) and an application form are hereby attached (Annexes "A" and "B")[*].

Adopted: 02 September 2004

(SGD.) ALIPIO F. FERNANDEZ, JR.
Commissioner

[*] Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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