

## **AMENDING CERTAIN PROVISIONS OF DEPARTMENT ORDER NO. 12, SERIES OF 2001, ENTITLED “OMNIBUS GUIDELINES FOR THE ISSUANCE OF EMPLOYMENT PERMITS TO FOREIGN NATIONALS”;**

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In the interest of the service and pursuant to the provisions of Articles 5 and 40 of PD 442, as amended, Rule II Paragraphs 4 and 5, Rule III Paragraph 1 , and Rule IV Paragraph 1 of Department Order No. 12, series of 2001, are hereby amended as follows:

SECTION 1. Rule II, Paragraph 4 shall read:

4. Denial of Application for AEP - An Application for AEP may be denied based on any of the following grounds:

- 4.1 non-compliance with any of the requirements for the issuance of AEP;
- 4.2 misrepresentation of facts in the application;
- 4.3 submission of falsified or tampered documents;
- 4.4 meritorious objection or information against the foreign national as determined by the DOLE Regional Director; or
- 4.5 filing of application for renewal of AEP beyond one (1) year after its expiration.

Foreign nationals whose applications have been denied shall not be allowed to re-apply in any of the DOLE Regional Offices.

SECTION 2. Rule II, Paragraph 5 shall read:

5. Renewal of Permit - An application for renewal of AEP of non-elective and non-appointive personnel shall be filed at least fifteen (15) days before its expiration.

For elective and appointive officers, application for renewal of AEP may be filed, without penalty, within five (5) working days after their election or appointment, or upon expiration of the AEP if election or appointment comes later than the expiration of the AEP.

Filing of application for renewal of AEP after the prescribed period shall be subject to the following fines:

- 5.1 Two Thousand Pesos (P2,000.00), if filed after the prescribed period but not later than two (2) months after expiration of the AEP;
- 5.2 Five Thousand Pesos (P5,000.00), if filed after two (2) months but within six (6) months after the expiration of the AEP; and
- 5.3 Ten Thousand Pesos (P10,000.00), if filed beyond six (6) months but within one (1) year after the expiration of the AEP

Failure to renew the AEP within one (1) year after its expiration shall be a cause for the denial of its renewal.

SECTION 3. Rule III, Paragraph 1.4 is hereby deleted.

SECTION 4. Rule IV paragraph 1 shall read:

The DOLE Regional Directors, after due notice, shall have the power to order and impose a fine of Two Thousand Pesos (P2,000.00) on foreign nationals found working without an AEP for two (2) months or less, Five Thousand Pesos (P5,000.00) for more than two (2) months but not more than six (6) months, and Ten Thousand Pesos (P10,000.00), for more than six (6) months.

Elective and appointive officers are given a grace period of five (5) working days from date of election or appointment to file their application for AEP, without penalty.

SECTION 5. All rules, guidelines, and procedures inconsistent herewith are hereby repealed or modified accordingly.

SECTION 6. These guidelines shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Adopted: 23 June 2004

(SGD.) MANUEL G. IMSON  
Acting Secretary

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