

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 758

**PRESCRIBING GUIDELINES FOR THE ISSUANCE OF A SPECIAL VISA TO NON-
IMMIGRANTS FOR EMPLOYMENT GENERATION**

WHEREAS, there are foreigners who want to maintain a lawful presence in the Philippines by actually, directly or exclusively engaging in lawful, viable, and sustainable trade, business, industry, or activity offering local employment;

WHEREAS, according to the April 2008 survey of the National Statistics Office (NSO), there are 2.9 million Filipinos who are currently unemployed;

WHEREAS, creation of job opportunities for the Filipino is one of the advocacies of the Arroyo Administration under its 10-point Agenda;

WHEREAS, Commonwealth Act (CA) No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended, authorizes the President, when public interest so warrants, to admit as non immigrants, foreigners not otherwise provided for by the Act, who are coming for a temporary period only, under such conditions as may prescribed;

WHEREAS, public interest, particularly on an aspect of employment generation for Filipinos warrants the admission of these foreigners as special non-immigrants under Section 47 (a)(2) of CA No. 613, as amended;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the power vested in me by law, do hereby order:

Section 1. *Special Visa for Employment Generation (SVEG)* – The SVEG is a special visa issued to a qualified non-immigrant foreigner who shall actually employ at least ten (10) Filipinos in a lawful and sustainable enterprise, trade, or industry. Qualified foreigners who are granted the SVEG shall be considered special non-immigrants with multiple entry privileges and conditional extended stay, without need of prior departure from the Philippines.

The privileges of this Executive Order may extend to the qualified foreigner's spouse and dependent unmarried child/children below eighteen (18) years of age whether legitimate, illegitimate or adopted.

Section 2. *Who may avail* – Non-immigrant foreigners who wish to avail of the SVEG should comply with the following conditions:

- a. The foreigner shall actually, directly or exclusively engage in a viable and sustainable commercial investment/enterprise in the Philippines, exercises/performs management acts or has the authority to hire, promote and dismiss employees;
- b. He evinces a genuine intention to indefinitely remain in the Philippines;

- c. He is not a risk to national security; and
- d. The foreigner's commercial investment/enterprise must provide actual employment to at least ten (10) Filipinos in accordance with Philippine labor laws and other applicable special laws.

The above mentioned requirements must be continually satisfied by the foreigner for him/her to continue to be a holder of the SVEG.

Section 3. Application for SVEG – (a) Upon payment of regulatory fees, the Commissioner of Immigration shall receive and resolve SVEG applications within fifteen (15) days from the date of filing. Documentary proofs required by the Commissioner of Immigration shall be evaluated and reviewed without strict observance to the technicalities of evidence and procedure.

(b) Upon favorable review, the Commissioner of Immigration shall issue a Notice of Approval directing the foreigner-applicant to report for registration and documentation at the Bureau of Immigration. An Alien Certificate of Registration (ACR) I-Card and an Identification Certification (IC) shall be issued upon payment of appropriate fees. The ACR I-Card and the IC shall indicate among others, the following:

“Status Adjusted without Departure as a Special Non-immigrant with Multiple Entry Privileges and Conditional Extended Stay in the Philippines under (this Executive Order)”

(c) Otherwise, the Commission shall issue a Notice of Disapproval informing the foreigner applicant of the denial of his application. Within fifteen (15) days from receipt of such, disapproval, the foreigner-applicant may file a Motion for Reconsideration (MR) for the review of his application. Only one (1) such Motion shall be entertained.

(d) The Commissioner of Immigration shall monitor the continued compliance by the foreigners of the requirements of the SVEG.

(e) All fees collected by the Bureau of Immigration shall be acknowledged by bonded collecting officers via issuance of official receipts. These collections shall be accounted for as government funds and subject to strict auditing procedures.

Section 4. Revocation of the SVEG – (a) The Commissioner of Immigration shall revoke the SVEG granted: (i) If the SVEG holder fails to maintain compliance of any of the conditions set forth in Section 2 hereof; (ii) If it was obtained through fraud or willful misrepresentation of material facts; (iii) Upon conviction of the foreigner by final judgment for a crime or offense in the Philippines; or (iv) A final determination by competent authority that the foreigner poses a risk to national security.

(b) A foreigner whose special non-immigrant status is revoked under Sections 4(a)(i), 4(a)(ii) or 4(a)(iv) hereof shall be deported via summary proceedings. In the case of revocation under Section 4(a)(iii), the foreigner shall be deported after the service of sentence.

(c) A foreigner deported by the BI Board of Commissioners under this Section shall be transported to the country whence he came, or to the foreign port where he embarked for the Philippines, or to the country of his nationality or of which he is a citizen or subject, or to the country in which he resided prior to his coming to the Philippines.

Section 5. Implementing Rules and Regulations and the One-Stop-SVEG Facility – Within thirty (30) days from the signing of this Executive Order, the Commissioner of Immigration, together with representatives from the Department of Justice (DOJ), the Department of Finance (DOF), the Department of Trade and Industry (DTI), the Department of Foreign Affairs (DFA), the Department of Labor and Employment (DOLE), The National Intelligence Coordination Agency (NICA) as well as other concerned government agencies, local or foreign chambers of commerce, and stakeholders as determined by the Commissioner of Immigration, shall promulgate the necessary Implementing Rules and Regulations (IRR) to ensure the orderly issuance of the SVEG.

Such IRR shall provided for the establishment of a One-Stop-SVEG Facility within the Bureau of Immigration with the participation of the departments and agencies abovementioned, to assist interested foreigners in the processing of documentary requirements to support their SVEG application (i.e. Alien Employment Permit from the DOLE, etc.)

The IRR shall take effect fifteen (15) days after the completion of its publication in at least two (2) newspapers of general circulation. Copies of the IRR shall be sent to the Office of the President, the Secretary of Justice, and the National Administrative Register at the U.P. Law Center.

Section 6. Reportorial Requirements. – The Commissioner of Immigration shall submit regular monthly reports on the implementation of this executive order to the Office of the President and the Secretary of Justice.

Certified copies of the SVEG issued by the Commissioner of Immigration pursuant to this Executive Order, including the supporting documents thereon, shall likewise be furnished to the Secretary of Justice for proper department recording and review.

Section 7. Construction – Nothing in this Executive Order shall be construed to diminish or otherwise preclude the President as Chief Executive, and the Secretary of Justice as Department Head, from exercising their respective powers and authorities over the Bureau of Immigration, pursuant to the provisions of the Revised Administrative Code and other existing laws, executive issuances, rules, and regulations.

Section 8. Separability Clause – If any provision of this Executive Order is declared invalid or unconstitutional, the provisions not affected thereby shall continue in force and effect.

Section 9. Repealing Clause – The provisions of other executive issuances, departmental/administrative orders, circulars, instructions, directives and memoranda incostinent herewith are hereby repeal or modified accordingly.

Section 10. Effectivity – This Executive Order shall take effect fifteen (15) days after completion of its publication in at least two (2) newspapers of general circulation.

Manila, 20 October 2008

By the President:

EDUARDO R. ERMITA
Executive Secretary

STEPS IN THE APPLICATIONS FOR CONVERSION TO PROBATIONARY SPECIAL VISA FOR EMPLOYMENT GENERATION (SVEG)

Pursuant to Executive Order No. 758, Series of 2008 in relation to Memorandum Circular No. MCL-09-001

1. PAYMENT OF FEES (for payment of Filing and Express Fee, BI Clearance and Legal Research Fee);
* Ground Floor of the BI Main Bldg.
2. FOR TRANSMITTAL TO THE ONE STOP SHOP for evaluation, hearing and preparation of orders;
* located in the Fourth Floor of BI Main Bldg.
3. APPLICATION WILL BE FORWARDED TO THE OFFICE OF ASSOCIATE COMMISSIONER'S OFFICE FOR HIS APPROVAL and/or DENIAL;
* 2nd Floor of BI Main Bldg
4. IF APPROVED, the application will be forwarded to the EXECUTIVE OFFICE (ground floor) issuance of Order of Payment Slip and acceptance of receipt;

IF DENIED, the applicant may file upon receipt of such denial, a Motion for Reconsideration within forty-five (45) days upon payment of filing fee, legal research fee, BI Clearance and Express Fee. The MR will be evaluated by the One Stop Shop for recommendation to the Commissioner.
5. The EO will forward the folder to the ASSOCIATE COMMISSIONER for the stamping of the SVEG on the passport of the applicant;
6. The applicant will apply for an ACR-I Card before the Alien Registration Division (located in the BI Ground Floor);
7. The folder and application whether denied and/or approved will be transmitted to the Records Section.

CHECKLIST OF REQUIREMENTS FOR AMENDMENT OF PROBATIONARY SPECIAL VISA FOR EMPLOYMENT GENERATION TO INDEFINITE VISA (SVEG)

Pursuant to Executive Order No. 758, Series of 2008 in relation to Memorandum Circular No. MCL-09-001

1. Notarized letter request of the applicant
2. General Application Form duly accomplished and notarized (BI Form No. MCL-07-01)
3. Photocopy of passport of the applicant with probationary SVEG stamp
4. Photocopy of the approved SVEG probationary Visa
5. Copy of ACR I-Card and proof of payment of Annual Report fee
6. Certification from the petitioner's Corporate Secretary that SVEG Holder is still a stock holder/investor in good standing and that the said firm, partnership, entity or corporation employs 10 Filipino workers
7. Certified true copy of the Alien Employment Permit issued by the Department of Labor and Employment (DOLE), whenever applicable
8. DOLE certification that the applicant's activity, investment, enterprise or industry in the Philippines employs at least ten (10) Filipino workers
9. BI Clearance
10. NICA Clearance
11. Valid BIR Permit, Mayor's Permit and Business Permit and;
12. Updated PhilHealth, Pag-ibig and SSS contributions of SVEG Holders for his employees.

If the applicant is joined by his/her spouse and dependent unmarried minor children below 18 years of age:

1. BI general application Form
2. Photocopy of passport of dependent with probationary SVEG stamp
3. BI Clearance

CHECKLIST OF REQUIREMENTS FOR CONVERSION TO PROBATIONARY SPECIAL VISA FOR EMPLOYMENT GENERATION (SVEG)

1. Notarized application letter of the applicant, certifying among others that:
 - (a) The applicant maintains a lawful immigration status in the Philippines;
 - (b) The applicant is engaged in a viable and sustainable business activity, investment, enterprise or industry in the Philippines;
 - (c) The applicant exercises acts of management with authority to employ, promote and dismiss employees;
 - (d) The applicant evinces a genuine intention to indefinitely remain in the Philippines, for purposes of these Rules;
 - (e) The applicant's business activity, investment, enterprise or industry is a real and on-going affair requiring daily supervision that shall provide employment for at least ten (10) long-term full time/regular Filipino workers in accordance with Philippine labor laws and other applicable special laws;
 - (f) The applicant undertakes to continuously comply with the conditions and limitations of the SVEG, as may be imposed by the Commissioner of Immigration.
2. General Application Form duly accomplished and notarized (BI Form No. MCL-07-01);

3. Photocopy of passport and visa of the applicant;
4. Certified true copies of the SEC Registration, Articles of Incorporation and latest General Information Sheet of the company that employs Filipino workers;
5. Proof of Investment of the applicant if any or nomination or endorsement of the entity, firm, partnership or corporation that the applicant is a stock holder/investor in good standing and that the said firm, entity, partnership or corporation employs ten Filipino workers;
6. Certified true copy of the Alien Employment Permit issued by the Department of Labor and Employment (DOLE), whenever applicable;
7. DOLE certification that the applicant's activity, investment, enterprise or industry in the Philippines employs at least ten (10) Filipino workers;
8. BI Clearance;
9. NICA Clearance;
10. BIR Permit, Mayor's Permit and Business Permit for established corporation and business entity;
11. Proof of compliance with the PhilHealth, Pag-Ibig and SSS requirements.

If the applicant is joined by his/her spouse and dependent unmarried minor children below 18 years of age:

1. BI general application Form;
2. Photocopy of passport of dependent;
3. BI Clearance
4. Birth Certificate and/or Marriage Contract duly authenticated by the Philippine Consulate.