



1 desires to engage an alien for] employment in the Philippines  
2 shall obtain an employment permit from the Department of  
3 Labor AND EMPLOYMENT.

4 "[The] AN employment permit may be issued to a  
5 nonresident [alien] FOREIGN NATIONAL [or to the applicant  
6 employer after a determination of the] SUBJECT TO THE LABOR  
7 MARKET TEST BASED ON THE non-availability of [a person in  
8 the Philippines who is competent, able] QUALIFIED and willing  
9 [at the time of application to perform the services for which the  
10 alien is desired] FILIPINO NATIONALS.

11 "THE SECRETARY OF LABOR AND EMPLOYMENT IS  
12 AUTHORIZED TO GRANT EXEMPTIONS FROM THE LABOR  
13 MARKET TEST TO FOREIGN NATIONALS AS PROVIDED FOR  
14 UNDER EXISTING LAWS AND AGREEMENTS, AS WELL AS IN  
15 INDUSTRIES OR OCCUPATIONS OR PRACTICE OF PROFESSIONS  
16 WHERE THERE IS SHORT SUPPLY, AFTER TRIPARTITE  
17 CONSULTATION.

18 "FOREIGN NATIONALS ISSUED EMPLOYMENT PERMITS  
19 SHALL TRANSFER TECHNOLOGY TO FILIPINO UNDERSTUDIES  
20 WITHIN A PRESCRIBED PERIOD.

21 "For an enterprise registered in preferred areas of  
22 investments, said employment permit may be issued upon  
23 recommendation of the government agency charged with the  
24 supervision of said registered enterprise."

1           SEC. 2. Article 41 of the Labor Code is hereby amended to read as  
2 follows:

3           "ART. 41. *Prohibition Against Transfer of Employment.*

4           - (A) After the issuance of an employment permit, the [alien]  
5 FOREIGN NATIONAL shall not transfer to another job or change  
6 his employer without prior approval of the Secretary of Labor  
7 AND EMPLOYMENT.

8           "(B) Any nonresident [alien] FOREIGN NATIONAL who  
9 shall take up employment in violation of the provision of this  
10 Title and its implementing rules and regulations, AS WELL AS  
11 THE EMPLOYER OR THE RESPONSIBLE PERSON REPRESENTING  
12 THE EMPLOYER, shall be punished [in accordance with the  
13 provisions of Articles 289 and 290 of the Labor Code] WITH A  
14 FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00)  
15 NOR MORE THAN ONE HUNDRED THOUSAND PESOS  
16 (P100,000.00), OR IMPRISONMENT OF NOT LESS THAN SIX (6)  
17 MONTHS NOR MORE THAN SIX (6) YEARS, OR BOTH SUCH FINE  
18 AND IMPRISONMENT, AT THE DISCRETION OF THE COURT.

19           "In addition, the [alien worker] FOREIGN NATIONAL shall  
20 be subject to deportation after service of his sentence.

21           "THE SECRETARY OF LABOR AND EMPLOYMENT IS  
22 AUTHORIZED TO IMPOSE A FINE OF FIFTY THOUSAND PESOS  
23 (P50,000.00) FOR EVERY YEAR OR FRACTION THEREOF TO  
24 BOTH THE FOREIGN NATIONAL FOUND WORKING WITHOUT  
25 VALID EMPLOYMENT PERMIT AND TO THE EMPLOYER."

1           SEC. 3. Article 42 of the Labor Code is hereby amended to read as  
2 follows:

3           "ART. 42. *Submission of List.* - Any employer employing  
4 nonresident foreign nationals [on the effective date of this Code]  
5 shall submit a list of such nationals to the [Secretary] REGIONAL  
6 DIRECTOR OF THE DEPARTMENT of Labor AND EMPLOYMENT  
7 WHICH HAS JURISDICTION OVER THE EMPLOYER within thirty  
8 (30) days after [such date] HIRING, indicating their names,  
9 citizenship, foreign and local addresses, nature of employment  
10 and status of stay in the country. [The Secretary of Labor AND  
11 EMPLOYMENT shall then determine if they are entitled to an  
12 employment permit.]"

13           SEC. 4. *Implementing Rules and Regulations.* - The Secretary of  
14 Labor and Employment, in coordination with concerned agencies, shall  
15 formulate the necessary rules and regulations within ninety (90) days from the  
16 effectivity of this Act.

17           SEC. 5. *Separability Clause.* - If any provision of this Act is held  
18 invalid or unconstitutional, the same shall not affect the validity and effectivity  
19 of the other provisions hereof.

20           SEC. 6. *Repealing Clause.* - All laws, presidential decrees, issuances,  
21 executive orders, letters of instruction, and rules and regulations contrary to or  
22 inconsistent with the provisions of this Act are hereby amended accordingly.

23           SEC. 7. *Effectivity.* - This Act shall take effect fifteen (15) days after  
24 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,