

Annex 8 referred to in Chapter 9  
Specific Commitments for the Movement of Natural Persons

Part 1  
Specific Commitments of Japan

Japan may require a natural person of the Philippines seeking entry and temporary stay under the terms and conditions set out in each Section of this Annex to obtain an appropriate visa or its equivalent prior to entry.

Section 1  
Short-term Business Visitors

Entry and temporary stay shall be granted to a natural person of the Philippines who stays in Japan for a period set out in Appendix 1, without acquiring remuneration from within Japan and without engaging in making direct sales to the general public or in supplying services himself, for the purposes of participating in business contacts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing commercial presence in Japan.

Section 2  
Intra-corporate Transferees

1. Entry and temporary stay for a period set out in Appendix 1, shall be granted to a natural person of the Philippines who has been employed by a juridical person that supplies services in Japan or by a juridical person that invests in Japan, for a period not less than one (1) year immediately preceding the date of his application for the entry and temporary stay in Japan, who is being transferred to its branch office or its representative office in Japan, or a juridical person constituted or organized in Japan owned or controlled by or affiliated with the aforementioned juridical person, and who engages in one of the following activities during its temporary stay in Japan:

- (a) activities to direct a branch office or a representative office as its head;
- (b) activities to direct a juridical person as its board member or auditor;
- (c) activities to direct one or more departments of a juridical person;

- (d) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences, recognized under the status of residence of "Engineer" provided for in the Immigration Control and Refugee Recognition Act (Cabinet Order No 319 of 1951); or
- (e) activities which require knowledge at an advanced level pertinent to human science, including jurisprudence, economics, business management, accounting or which require ideas and sensitivity based on culture of a country other than Japan, recognized under the status of residence of "Specialist in Humanities/International Services" provided for in the Immigration Control and Refugee Recognition Act.

Note: For the purposes of this Annex, a juridical person is "affiliated" with another juridical person when the latter can significantly affect the decision making of the former on finance and business policy.

2. Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in subparagraphs 1 (d) and (e) above mean activities in which the natural person may not be able to engage without the application of specialized technology or knowledge of natural or human sciences acquired by him, by completing college education (i.e. bachelor's degree) or higher education, or by having been engaged in the activities for at least ten (10) years.

### Section 3 Investors

Entry and temporary stay for a period set out in Appendix 1 shall be granted to a natural person of the Philippines who engages in one of the following activities during its temporary stay in Japan:

- (a) activities to invest in business in Japan and manage such business;
- (b) activities to manage business in Japan on behalf of a person other than that of Japan who has invested in such business; or
- (c) conduct of business in Japan in which a person other than that of Japan has invested.

Section 4  
Natural Persons of the Philippines who Engage in  
Professional Services

Entry and temporary stay for a period set out in Appendix 1 shall be granted to a natural person of the Philippines who is a legal, accounting or taxation service supplier qualified under Japanese law and who engages in one of the following activities during its temporary stay in Japan:

- (a) legal services supplied by a lawyer qualified as "Bengoshi" under Japanese law;
- (b) consultancy on law of jurisdiction where the service supplier is a qualified lawyer on condition that the service supplier is qualified as "Gaikoku-Ho-Jimu-Bengoshi" under Japanese law;
- (c) legal services supplied by a patent attorney qualified as "Benrishi" under Japanese law;
- (d) legal services supplied by a maritime procedure agent qualified as "Kaijidairishi" under Japanese law;
- (e) accounting, auditing and bookkeeping services supplied by an accountant qualified as "Koninkaikeishi" under Japanese law; or
- (f) taxation services supplied by a tax accountant qualified as "Zeirishi" under Japanese law.

Section 5  
Natural Persons of the Philippines who Engage in  
Supplying Services, which Require Technology or Knowledge  
at an Advanced Level or which Require Specialized Skills  
belonging to Particular Fields of Industry,  
on the Basis of a Contract with Public or  
Private Organizations in Japan

1. Entry and temporary stay for a period set out in Appendix 1 shall be granted to a natural person of the Philippines who engages in one of the following business activities of supplying services, during its temporary stay in Japan on the basis of a personal contract with a public or private organization in Japan:

- (a) activities which require technology or knowledge at an advanced level pertinent to physical sciences, engineering or other natural sciences under the status of residence of "Engineer", whose scope is provided in the Immigration Control and Refugee Recognition Act; or
- (b) activities which require knowledge at an advanced level pertinent to human science, including jurisprudence, economics, business management and accounting, or which require ideas and sensitivity based on culture of a country other than Japan, under the status of residence of "Specialist in Humanities/International Services", whose scope is provided in the Immigration Control and Refugee Recognition Act.

2. Activities which require technology or knowledge at an advanced level pertinent to natural or human sciences referred to in paragraph 1 above mean activities in which the natural person may not be able to engage without the application of specialized technology or knowledge of natural or human sciences acquired by the natural person, by completing college education (i.e. bachelor's degree) or higher education, or by having been engaged in the activities for at least ten (10) years.

#### Section 6

#### Natural Persons of the Philippines who Engage in Supplying Services as Nurses or Certified Careworkers or Related Activities, on the Basis of a Contract with Public or Private Organizations in Japan, or on the Basis of Admission to Public or Private Training Facilities in Japan

1. Entry and temporary stay for a period set out in Appendix 1 shall be granted to a natural person of the Philippines set out in Appendix 2, who is designated and notified to the Government of Japan by the Government of the Philippines in accordance with the Implementing Agreement, who enters into Japan on the dates specified by the Government of Japan and who engages in one of the following activities during its temporary stay in Japan:

- (a) for the purposes of obtaining a qualification as a nurse under Japanese law (hereinafter referred to in this Section as "Kangoshi");

- (i) pursuing the course of training including Japanese language training, referred to in the Implementing Agreement, for six (6) months; and
- (ii) after completion of the said training, acquiring necessary knowledge and skills at the hospital mentioned below through the training under the supervision of "Kangoshi",

provided that such activities are conducted on the basis of a personal contract with a public or private organization in Japan which establishes a hospital under Japanese laws and regulations and which is referred by a coordinating organization approved to conduct its activities by the competent authority of Japan in accordance with its laws and regulations and notified to the Government of the Philippines by the Government of Japan, or in cases where there is no such organization, by that competent authority of Japan;

- (b) for the purposes of obtaining a qualification as a certified careworker under Japanese law (hereinafter referred to in this Section as "Kaigofukushishi");
  - (i) pursuing the course of training including Japanese language training, referred to in the Implementing Agreement, for six (6) months; and
  - (ii) after completion of the said training, acquiring necessary knowledge and skills at the caregiving facility mentioned below through the training under the supervision of "Kaigofukushishi",

provided that such activities are conducted on the basis of a personal contract with a public or private organization in Japan which establishes a caregiving facility under Japanese laws and regulations and which is referred by a coordinating organization approved to conduct its activities by the competent authority of Japan in accordance with its laws and regulations and notified to the Government of the Philippines by the Government of Japan, or in cases where there is no such organization, by that competent authority of Japan; or

- (c) for the purposes of obtaining a qualification as a "Kaigofukushishi";
  - (i) pursuing the course of training including Japanese language training, referred to in the Implementing Agreement, for six (6) months; and
  - (ii) after completion of the said training, acquiring necessary knowledge and skills at the training facility mentioned below, provided that the duration of the course of the training in the said training facility shall not exceed four (4) years,

provided further that such activities are conducted on the basis of an admission to a public or private training facility for "Kaigofukushishi" in Japan under Japanese laws and regulations.

Note 1: For the purposes of paragraph 1 above, "training under the supervision of 'Kangoshi'", "training under the supervision of 'Kaigofukushishi'", a "hospital", a "caregiving facility", a "public or private training facility for 'Kaigofukushishi'" and a "personal contract" shall satisfy the conditions notified by the Government of Japan to the Government of the Philippines.

Note 2: Japan may exempt, totally or partially, a natural person of the Philippines from the training referred to in subparagraphs 1(a)(i), 1(b)(i) or 1(c)(i) above, in such cases as when the Government of Japan considers that language ability of the natural person as sufficient to engage in the activities referred to in subparagraph 1(a)(ii), 1(b)(ii) or 1(c)(ii) above.

Note 3: With reference to subparagraph 1(a) above, the natural person has, upon application and in accordance with the laws and regulations of Japan, a maximum of three (3) opportunities to take the national examination for "Kangoshi", under normal circumstances, during the maximum period of its stay set out in Appendix 1

2. Entry and temporary stay for a period set out in Appendix 1 shall be granted to a natural person of the Philippines;

- (a) who are qualified as "Kangoshi" or "Kaigofukushishi" during the stay under paragraph 1 above;
- (b) who are not qualified as "Kangoshi" during the stay under paragraph 1 above but qualified as such by passing the national examination for "Kangoshi"; or
- (c) who are not qualified as "Kaigofukushishi" during the stay under paragraph 1 above but qualified as such by passing the national examination for "Kaigofukushishi" after the stay referred to in subparagraph 1(b) above,

and who engages in supply of service as "Kangoshi" or "Kaigofukushishi" during its temporary stay in Japan, on the basis of a personal contract with a public or private organization in Japan.

Note 1: For the purposes of this paragraph, a "personal contract" and a "public or private organization in Japan" shall satisfy the conditions notified by the Government of Japan to the Government of the Philippines.

Note 2: Natural persons of the Philippines who fall under subparagraph 2(a) above and leave Japan without obtaining re-entry permit, or who fall under subparagraphs 2(b) or 2 (c) above:

- (a) shall be designated and notified to the Government of Japan by the Government of the Philippines in accordance with the Implementing Agreement; and
- (b) shall have entered into personal contracts with public or private organization in Japan which is referred by a coordinating organization approved to conduct its activities by the competent authority of Japan in accordance with its laws and regulations and notified to the Government of the Philippines by the Government of Japan, or in cases where there is no such organization, by that competent authority of Japan,

to be granted entry and temporary stay under this paragraph.

Note 3: For the purposes of this Section, "a coordinating organization approved to conduct its activities by the competent authority of Japan" shall be that having entered into a contract with the competent authority of the Philippines in regard to the referral of a public or private organization to a natural person of the Philippines, and "the competent authority of the Philippines" means Philippines Overseas Employment Administration.

Note 4: For the purposes of this Section, the "competent authority of Japan" means the Ministry of Health, Labour and Welfare.

#### Appendix 1

1. For the purposes of entry and temporary stay as set out in Section 1, Japan shall grant a stay of ninety (90) days, which may be extended.

2. For the purposes of entry and temporary stay as set out in Sections 2 through 5, Japan shall grant a stay of one (1) or three (3) years, which may be extended.



3. For the purposes of entry and temporary stay as set out in paragraph 1 of Section 6, Japan shall grant a stay of one (1) year, which may be extended:

- (a) in the case of subparagraph (a), not exceeding twice for each and equal period of time;
- (b) in the case of subparagraph (b), not exceeding three (3) times for each and equal period of time; and
- (c) in the case of subparagraph (c), up to the period necessary for the completion of the course of the training in the training facility referred to in that subparagraph.

4. For the purposes of entry and temporary stay as set out in paragraph 2 of Section 6, Japan shall grant a stay of up to three (3) years, which may be extended.

#### Appendix 2

1. For the purposes of subparagraph 1(a) of Section 6, a "natural person of the Philippines" shall be a natural person of the Philippines who is a qualified nurse under Philippine laws and regulations with work experience as a nurse for at least three (3) years;

Note: For the purposes of this paragraph, a "qualified nurse under Philippine laws and regulations" means a nurse who passed the Philippine Licensure Examination for Nurses under Philippine laws and regulations.

2. For the purposes of subparagraph 1(b) of Section 6, a "natural person of the Philippines" shall be a natural person of the Philippines who graduated with bachelor's degree from a higher education institution from which the minimum period required for graduation is four (4) years and certified as a caregiver by the Government of the Philippines in accordance with the laws and regulations of the Philippines, or a natural person of the Philippines who graduated from a nursing school; and

Note: For the purposes of this paragraph, a "nursing school" means a higher education institution authorized by the Philippine Government to operate a Bachelor of Science in Nursing program.

3. For the purposes of subparagraph 1(c) of Section 6, a "natural person of the Philippines" shall be a natural person of the Philippines who graduated with bachelor's degree from a higher education institution from which the minimum period required for graduation is four (4) years.

Part 2  
Specific Commitments of The Philippines

Specific Commitments under Article 110

The Philippines may require a natural person of Japan seeking entry and temporary stay under the terms and conditions set out in each Section of this Annex to obtain an appropriate visa prior to entry.

Section 1  
Short-term Business Visitors

1. Entry and temporary stay shall be granted to a natural person of Japan, who stays in the Philippines for an initial period of fiftynine (59) days, which may be extended every two (2) months thereafter for a total period of stay of one (1) year, without acquiring remuneration from the Philippines and without engaging in supplying services himself, for the purposes of participating in business contracts including negotiations for the sale of goods or services, or other similar activities including those to prepare for establishing commercial presence in the Philippines.
2. The Philippines shall exempt the natural person from obtaining Alien Employment Permit (AEP) from the Department of Labor and Employment (DOLE).

Section 2  
Intra-corporate Transferees

Entry and temporary stay for one (1) year, which may be extended, shall be granted to a natural person of Japan who is a manager, executive or person with specialized technology or knowledge, who has been employed by a juridical person that supplies services in Japan or by a juridical person that invests in Japan and who is being transferred to its branch, subsidiary, affiliate, representative office or joint venture partner in the Philippines, provided that:

- (a) if the position of the natural person constitutes the practice of a regulated profession under the laws and regulations of the Philippines, the natural person must secure a special permit to practice the regulated profession from the Professional Regulation Commission pursuant to Section 7(j) of Republic Act No. 8981, and obtain an AEP from DOLE pursuant to Article 40 of the Labor Code as amended.

- (b) if the position of the natural person does not constitute the practice of a regulated profession under the laws and regulations of the Philippines, the natural person must obtain an AEP from DOLE pursuant to Article 40 of the Labor Code as amended.

Section 3  
Investors

1. Entry and temporary stay for a period of one (1) year, which may be extended, shall be granted to a natural person of Japan who engages in one of the following activities:

- (a) activities to invest in business in the Philippines and manage such business;
- (b) activities to manage business in the Philippines on behalf of a person other than that of the Philippines who has invested in such business; or
- (c) conduct of business in the Philippines in which a person other than that of the Philippines has invested.

2. The Philippines shall require a natural person of Japan seeking entry and temporary stay under paragraph 1 above to obtain an AEP from DOLE pursuant to Article 40 of the Labor Code as amended. Provided that if the position constitutes the practice of a regulated profession under the laws and regulations of the Philippines, the natural person must also secure a special permit to practice the regulated profession from the Professional Regulation Commission subject to the provisions of Section 7(j) of Republic Act No. 8981.

Section 4  
Natural Persons of Japan who Engage  
in Professional Services

Entry and temporary stay for a period of one (1) year, which may be extended, shall be granted to a natural person of Japan who is an engineer including a chemical, civil, electrical, electronics and communications, geodetic, mechanical, metallurgical, mining, or sanitary engineer on the basis of a contract with public or private organizations in the Philippines, provided that he must secure a special permit to practice the regulated profession from the Professional Regulation Commission subject to the provisions of Section 7(j) Republic Act No. 8981 and AEP from DOLE pursuant to Article 40 of the Labor Code as amended.

Section 5  
Natural Persons of Japan who Engage in Supplying Services,  
which Require Technology or Knowledge at an Advanced Level  
or which Require Specialized Skills belonging to  
Particular Fields of Industry, on the Basis  
of a Contract with Public or Private Organizations  
in the Philippines

Entry and temporary stay for a period of one (1) year, which may be extended, shall be granted to a natural person of Japan who occupy a technical, advisory or supervisory position on the basis of a personal contract with a public or private organization in the Philippines, provided that he must obtain an AEP from DOLE pursuant to Article 40 of the Labor Code as amended.

Note: Technical, Advisory or Supervisory position does not include skilled labor, and does not involve the practice of regulated profession as defined under the laws and regulations of the Philippines.

## Section 6

Natural Persons of Japan who Engage in Supplying Services  
as Nurses or Certified Careworkers or Related Activities,  
on the Basis of a Contract  
with Public or Private Organizations in the Philippines, or  
on the Basis of Admission  
to Public or Private Training Facilities in the Philippines

1. Entry and temporary stay for a period of six (6) months, shall be granted to a qualified Japanese nurse, who will enter the Philippines to undergo language training, which may be extended for a period of six (6) months to one (1) year for such a nurse to acquire related learning experience, for the purposes of preparation for taking the Philippine Proficiency Examination for Nurses.

Note: (a) "Qualified Japanese nurse" means the natural person of Japan who has satisfied all the following requirements:

- (i) Licensed nurse under Japanese law who is a graduate of nursing course under Japanese laws and regulations equivalent to Bachelors Degree in Nursing in the Philippines. The equivalent nursing course shall be determined by the appropriate agency in the Philippines; and
  - (ii) With at least three (3) years work experience as a licensed nurse in a hospital.
- (b) "Qualified Japanese nurse" must undergo language training in English and Filipino, culture orientation and related learning experience, prior to taking the Philippines Proficiency Examination for Nurses.
- (c) The Philippines may exempt, totally or partially, a qualified Japanese nurse from the language training referred to in Note (b) above, in such case as when the Government of the Philippines considers that language ability of the qualified Japanese nurse as sufficient to take the Philippine Proficiency Examination for Nurses and to engage in the activities in relation to services supplied by nurses.

- (d) The qualified Japanese nurse, upon application and in accordance with the laws and regulations of the Philippines, has a maximum of three (3) opportunities to take the Philippine Proficiency Examination for Nurses, under normal circumstances, during the maximum period of stay set out in paragraph 1 above.

2. Entry and temporary stay for a period co-terminus with the personal contract with a public or private organization in the Philippines, which may be extended, shall be granted to a qualified Japanese nurse who passed the Philippine Proficiency Examination for Nurses; provided that the natural person must secure a special permit to practice Nursing from the Professional Regulation Commission subject to the provisions of Section 7(j) Republic Act No. 8981 and AEP from DOLE pursuant to Article 40 of the Labor Code as amended.

3. For purposes of language training, qualified Japanese nurses may be accepted only in learning institutions accredited by the Bureau of Immigration. For purposes of culture orientation and related learning experience, qualified Japanese nurses may be accepted only in identified teaching and training hospitals accredited by the Department of Health.

4. For purposes of employment, qualified Japanese nurses who passed the Philippine Proficiency Examination for Nurses administered jointly by the Department of Health and Board of Nursing may work only in hospitals identified by the Department of Health.

5. If a qualification equivalent to certified careworker under Japanese law is established in the Philippines in the future, Philippines shall consult with Japan on issues related to this matter.

#### Specific Commitments under Article 110

1. The Department of Labor and Employment and the Bureau of Immigration shall issue administrative guidelines to eliminate duplication of requirements for the issuance of Alien Employment Permit and Special Work Permit, respectively.

2. The Philippines shall discuss with Japan, within three (3) years after the date of entry into force of the Agreement, the possibility of reducing the burden borne by natural persons of Japan who departs from the Philippines.