

Joint Foreign Chambers of the Philippines



AMERICAN

American Chamber of Commerce of the Phils., Inc. ♦ Australian-New Zealand Chamber of Commerce (Phils.), Inc.
Canadian Chamber of Commerce of the Phils., Inc. ♦ European Chamber of Commerce of the Phils., Inc.
Japanese Chamber of Commerce & Industry of the Phils., Inc. ♦ Korean Chamber of Commerce of the Phils., Inc.
Philippine Association of Multinational Companies Regional Headquarters, Inc.
Website: arangkadaphilippines.com, investphilippines.info

STATEMENT ON THE PROPOSED ENVIRONMENTAL PLANNING ACT

AUGUST 3, 2011



AUSTRALIAN-NEW ZEALAND

Mr. Chairman:

The Joint Foreign Chambers (JFC) of the Philippines is pleased to have the opportunity to submit its statement of conditional support on the subject legislation.



CANADIAN

The Philippine Constitution creates a policy bias in favor of Philippine citizens, but not a strict legal barrier to the participation of foreign professionals. Although the constitutional language states that “the practice of all professions in the Philippines shall be limited to Filipino citizens,” this statement is immediately followed by “save in cases prescribed by law.”



EUROPEAN

There are 45 laws governing the practice of specific professions, and 40 contain “reciprocity” provisions allowing foreigners to practice their profession in the Philippines, provided their countries of origin also allow Filipinos to practice these (see attachment). We suggest a provision similar to below:



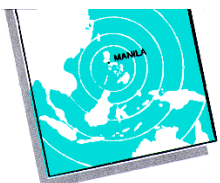
JAPANESE

“No foreign _____ shall be admitted to the examination or be given a certificate of registration/professional license and professional identification card or be entitled to any of the privileges under this Act unless the country of state of which he is a subject or a citizen permits Filipino _____ to practice within its territorial limits on the same basis as the subjects or citizens of said country or state.”



KOREAN

Five laws regulating criminologists, environmental planners, foresters, pharmacists, and radio and x-ray technologists state the profession is restricted to Philippine nationals and contain no reciprocity provision. We favor amendment of these laws to include a reciprocity provision quoted above. In addition, a Supreme Court rule limits the practice of law to Philippine nationals, which is another restriction which could be liberalized on the basis of reciprocity.



PAMURI

Because millions of Filipinos work abroad and support the Philippine economy with their remittances, it should be in the national interest to seek the reduction of restrictions on professionals in other countries, for example, in the negotiations on the General Agreement on Trade in Services (GATS) under the WTO and the ASEAN Framework Agreement on Services (AFAS). At the same time, having more foreign professionals practicing in the Philippines can bring new skills, ideas,

connections and integration into global networks of service providers, and support sunrise sectors like the creative industries sector, R&D, medical travel, and retirement.

The economy will benefit from having foreign professionals working with Filipino professionals to develop the high growth potential of various sectors. In short, more foreign professionals practicing in the Philippines will mean more jobs for Filipinos at home.

As stated in the Explanatory Note of Senate Bill 1401, the law governing environmental planning, Presidential Decree 1308, enacted more than 30 years ago, requires updating for contemporary conditions.

We commend the Legislative Branch, in particular the Senate and House Committee Chairmen, for initiating deliberations on this vital measure as early as the First Regular Session. We recognize that the House of Representatives has transmitted its version approved on Third Reading to the Senate on June 30, 2011.

Our comments on specific sections of the bill are:

1. Sec. 18 (a)

This section is highly impractical, unnecessary, and protectionist as it requires the Philippines to enter into agreements with every country allowing the practice of Filipino environmental planners in their countries in order to allow foreign environmental planners to practice in the Philippines. Such agreements may or may not have been negotiated by the Philippine Government, as has taken place in recent years among ASEAN members for several professions. The provision would require a time-consuming process to be initiated, which usually takes at least several years before a foreign professional can even be considered by the Professional Regulatory Commission.

The provision also does not conform to international practice as there are many countries which allow Philippine citizens to practice professions without prior bilateral agreements being put in place. For example, Filipino nurses can practice their profession in many countries, such as the US and Saudi Arabia, without a reciprocity agreement. Filipino accountants work in Singapore without a reciprocity agreement. Should we ask these governments to repatriate these OFWs while the diplomats negotiate terms of an agreement?

2. Sec. 27

This section is likewise highly impractical, unnecessary, and protectionist as it requires a prospective foreign practitioner to submit provisions of law allowing Filipino citizens to practice in their respective countries. In many countries, foreigners (including Filipinos) are allowed to practice their profession without need of a law authorizing them to do so.

We prefer Section 27 of the House version which allows foreigners to practice in the Philippines as long as his country permits Filipino environmental planners to practice on the same basis as the citizens of such foreign country.

3. Section 28

We propose to delete this Section as it unduly restricts the practice of foreign environmental planners in the country.

The reduction of restrictions on foreign professionals practicing in the Philippines is a priority issue that needs to be addressed to enhance the competitiveness of the Philippines and to level the playing field in the economy. This is of the highest importance if the Philippines is to enter into new free trade agreements with the United States and with Europe which allow the free movement of trade in services and exchanges with providers of professions.

Our chambers composed of the American Chamber of Commerce, Australian-New Zealand Chamber, Canadian Chamber of Commerce, European Chamber of Commerce, Japanese Chamber of Commerce, Korean Chamber of Commerce & Industry and the Philippine Association of Multinational Companies Regional Headquarters, Inc., include some 2,000 members, employing over one million Filipinos and paying substantial taxes to the national government. The world's largest multinationals as well as the newest investors in the Philippines are our members, including telecom operators, online service providers, equipment manufacturers, large users of telecommunications services, financial services providers and content providers. Our members strongly support policies geared towards a level playing field for Filipino and foreign business partnering for the faster development of the Philippines.

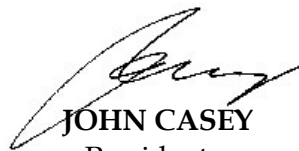
Mr. Chairman, thank you again for considering our views.



AUSTEN CHAMBERLAIN

President

American Chamber of Commerce
of the Philippines, Inc.



JOHN CASEY

President

Australian-New Zealand Chamber
of Commerce of the Philippines, Inc.



JULIAN PAYNE

President

Canadian Chamber of Commerce
of the Philippines, Inc.



HUBERT D'ABOVILLE

President

European Chamber of Commerce
of the Philippines, Inc.



N OBUYA ICHIKI

President


Japanese Chamber of Commerce
& Industry of the Philippines, Inc.



EUN GAP CHANG

President

Korean Chamber of Commerce
of the Philippines, Inc.



SHAMEEM QURASHI

President

Philippine Association of Multinational Companies
Regional Headquarters, Inc.