

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
BUSINESS SERVICES A. Professional Services			
All subsectors	<p>(4) Upon recommendation of the concerned Professional Regulatory Board (PRB), the PRC may approve registration of and authorize issuance of certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked: provided,</p> <ul style="list-style-type: none"> • Requirements for registration/ licensing in said foreign state/ country are substantially the same as those required/ contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the 	<p>(1) Service Outputs: For professions with specific service outputs (e.g., plans, specifications, audit reports), such outputs shall be recognized by the Philippine Government only if the foreign professional is registered with the Professional Regulation Commission (PRC).</p> <p>(4) Upon recommendation of the concerned PRB, the PRC may approve registration of and authorize issuance of certificate of registration/ license and professional identification card with or without examination to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked: provided,</p> <ul style="list-style-type: none"> • Requirements for registration/ licensing in said foreign state/country are substantially the same as those required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the 	

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	<p>same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state;</p> <ul style="list-style-type: none"> • That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/ license or special temporary permit to: <ul style="list-style-type: none"> - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements. - Consultants in foreign funded, joint-venture or foreign assisted projects of the government - Employees of Philippine/ foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time • Agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC. 	<p>same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state;</p> <ul style="list-style-type: none"> • That the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certification/ license or special temporary permit to: <ul style="list-style-type: none"> - Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements. - Consultants in foreign funded, joint-venture or foreign assisted projects of the government - Employees of Philippine/ foreign private firms/ institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time • That agencies/organizations/ individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC. 	

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Auditing Services - covers financial auditing and accounting review (CPC 86211) (CPC 86212)	(1) None (2) None (3) Single practitioners and partnerships for public accountancy practice shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of three-year experience in any area of public practice, including taxation, prior to issuance of Certificate of Accreditation (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) Single practitioners and partnerships for public accountancy practice shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of three-year experience in any area of public practice, including taxation, prior to issuance of Certificate of Accreditation (4) a) Subjects/citizens of foreign countries may be allowed to practice accountancy in the Philippines: <ul style="list-style-type: none"> • In accordance to existing laws, international treaty organizations (MRAs); • Provided foreign country admits Filipinos to practice same profession without restriction b) As indicated in the horizontal section for Professional Services	

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Taxation Services (CPC 863)	<p>(1) None</p> <p>(2) None</p> <p>(3) Single practitioners and partnerships for the practice of public accountancy shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of 3 years experience in any area of public practice including taxation, prior to issuance of Certificate of Accreditation.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Single practitioners and partnerships for the practice of public accountancy shall be registered Certified Public Accountants in the Philippines; CPAs in public practice are required minimum of 3 years experience in any area of public practice including taxation, prior to issuance of Certificate of Accreditation.</p> <p>(4) a) Subjects/citizens of foreign countries may be allowed to practice accountancy in the Philippines:</p> <ul style="list-style-type: none"> - In accordance to existing laws, international treaty organizations (MRAs); - Provided foreign country admits Filipinos to practice same profession without restriction <p>b) As indicated in the horizontal section for Professional Services.</p>	

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Architectural Services (CPC 8671)	(1) None (2) None (3) A firm/company/partnership/corporation/association may be registered for architectural practice provided: a) Only Filipino citizens who are properly registered/licensed Architects may, among themselves, or with allied technical professionals, form/obtain registration as firm/company/partnership/association/corporation for architectural practice. b) At least 75% of owners/shareholders/incorporators/directors/executive officers are registered/licensed architects. c) Individual members of firm/partnership/association/corporation are responsible for individual/collective acts as an entity. d) Such firm/partnership/association/corporation shall be registered with Securities and Exchange Commission and Board of Architecture.	(1) None (2) None (3) A firm/company/partnership/corporation/association may be registered for architectural practice provided: a) Only Filipino citizens who are properly registered/licensed Architects may, among themselves, or with allied technical professionals form/obtain registration as firm/company/partnership/association/corporation for architectural practice. b) At least 75% of owners/shareholders/incorporators/directors/executive officers are registered/ licensed architects. c) Individual members of firm/partnership/association/corporation are responsible for individual/collective acts as an entity. d) Such firm/partnership/association/corporation shall be registered with Securities and Exchange Commission and Board of Architecture	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) As indicated in the horizontal section for Professional Services.	(4) a) Foreign citizens may be allowed to take licensure exam if foreign country admits Filipinos to practice same profession without restriction or allows Filipinos to practice it after passing the exam on equal terms with the foreign citizens, including unconditional recognition of degrees/diplomas. b) As indicated in the horizontal section for Professional Services.	

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Landscape Architectural Services (CPC 86742)	<p>(1) None</p> <p>(2) None</p> <p>(3) Partnership/association/corporation may be formed/registered/licensed with SEC among registered/ licensed landscape architects or with other registered/licensed professionals in other fields (town/urban planning, civil engineering/architecture, interior design/forestry, etc.) provided:</p> <p>a) 80% of members of the partnership/ association/corporation are registered/ licensed landscape architects.</p> <p>b) Individual partners/stockholders/members are personally/jointly responsible/liable to the partnership/association/corporation for their respective acts in their respective professional practice.</p> <p>c) The partnership/association/ corporation is responsible/liable for all other contractual obligations of the entity. The managing partner/president of corporation or authorized representatives are authorized to enter into contracts for services.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Partnership/association/corporation may be formed/registered/licensed with SEC among registered/licensed landscape architects or with other registered/ licensed professionals in other fields (town/urban planning, civil engineering/architecture, interior design/forestry, etc.) provided:</p> <p>a) 80% of members of partnership/ association/corporation are registered/ licensed landscape architects.</p> <p>b) Individual partners/stockholders/ members are personally/jointly responsible/liable to the partnership/ association/corporation for their respective acts in their respective professional practice.</p> <p>c) The partnership/association/ corporation is responsible/liable for all other contractual obligations of the entity. The managing partner/president of corporation or authorized representatives are authorized to enter into contracts for services. However, only a registered/licensed professional is</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>However, only a registered/ licensed professional is responsible for and signs plans/documents involving his/her professional practice</p> <p>(4) As indicated in the horizontal section for Professional Services.</p>	<p>responsible for and sign plans/ documents involving his/her professional practice</p> <p>(4) As indicated in the horizontal section for Professional Services.</p>	

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Environmental (Urban Planning) Planning Services (CPC 86741, 91123)	(1) None (2) None (3) A consulting firm/partnership/ company/ corporation may engage in environmental planning practice in the Philippines provided: <ul style="list-style-type: none"> • Entity is registered as such with Board of Environmental Planning. • At least 75% of Board members of corporation/partnership/firm/association are registered environmental planners and at least 75% of total capitalization is owned by them. • The practice of consulting entity is carried out by duly registered environmental planner. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) A consulting firm/partnership/company/ corporation may engage in environmental planning practice in the Philippines provided: <ul style="list-style-type: none"> • Entity is registered as such with Board of Environmental Planning. • At least 75% of Board members of corporation/partnership/firm/association are registered environmental planners and at least 75% of total capitalization is owned by them. • The practice of consulting entity is carried out by duly registered environmental planner. (4) a) Valid temporary/ special permit duly issued by Professional Regulatory Board or Professional Regulatory Commission is required to practice the profession. b) As indicated in the horizontal section for Professional Services.	

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Engineering Services (CPC 8672) The disciplines/activities covered by Engineering Services are limited to:			
Civil Engineering	<p>(1) None</p> <p>(2) None</p> <p>(3) A firm/partnership/corporation/ association may be registered for civil engineering practice provided:</p> <p>a) Only persons who are properly registered/licensed civil engineers may, among themselves, or with a person or persons properly registered and licensed as architects may form/obtain registration as firm/partnership/association for civil engineering practice</p> <p>b) Members who are civil engineers shall only render work and services proper for a civil engineer and members who are architects shall only render work and services proper for an architect</p> <p>c) Individual members of such firms/ partnership/association shall be responsible for their own respective acts.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) A firm/partnership/corporation/association may be registered for civil engineering practice provided:</p> <p>a) Only persons who are properly registered/licensed civil engineers may, among themselves, or with a person or persons properly registered and licensed as architects may form/obtain registration as firm/partnership/ association for civil engineering practice</p> <p>b) Members who are civil engineers shall only render work and services proper for a civil engineer and members who are architects shall only render work and services proper for an architect</p> <p>c) Individual members of such firms/ partnership/association shall be responsible for their own respective acts.</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	(4) As indicated in the horizontal section for Professional Services.	(4) a) Foreign citizens may be allowed to take licensure exam if foreign country admits Filipinos to practice same profession without restriction or allows to practice it after passing the exam on equal terms with the foreign citizens, including unconditional recognition of degrees/diplomas. b) As indicated in the horizontal section for Professional Services.	

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Electrical Engineering	<p>(1) None</p> <p>(2) None</p> <p>(3) Licensed professional electrical engineers may, among themselves, form a partnership/ association and collectively render electrical engineering service, provided individual members of such partnerships/associations shall be responsible for their own respective acts.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Licensed professional electrical engineers may, among themselves, form a partnership/ association and collectively render electrical engineering service, provided individual members of such partnerships/associations shall be responsible for their own respective acts.</p> <p>(4) Reciprocity provisions: a) Exempt from exams/registration are foreign electrical engineers/erection/ commissioning/graduate engineers employed as technical consultants by Philippine government/private firms provided no qualified Filipino is available and foreign electrical installers for erection/ installation of special project/work provided: <ul style="list-style-type: none"> • They are legally qualified to practice the profession in foreign country in which requirements for obtaining license/ certificate of registration are not lower than those specified in the electrical </p>	

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		<p>engineering law.</p> <ul style="list-style-type: none"> • The scope of practice is limited to particular work contracted. • They shall not engage in private practice. • For every foreign professional contracted, one registered Filipino understudy shall be employed by private firm utilizing the services of such foreign professional during his tenure with the firm. • Exemption is good only for 6 months, renewable for another 6 months. <p>b) Foreign engineers may be admitted to take the board exam/be given certificate of registration/be entitled to rights and privileges if his country specifically permits Filipino engineers to practice within its territorial limits on same basis as subjects/citizens of such country.</p> <p>c) As indicated in the horizontal section for Professional Services</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Geodetic Engineering	(1) None (2) None (3) Duly registered geodetic engineers may organize/establish/form firms/partnerships/ associations for practice of geodetic engineering pursuant to SEC rules. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) Duly registered geodetic engineers may organize/establish/form firms/partnerships/ associations for practice of geodetic engineering pursuant to SEC rules. (4) a) Foreign geodetic engineers may be issued temporary license to practice the profession provided the foreign country permits the Filipino geodetic engineers within its territorial limits on same basis as subjects/citizens of such foreign state/country b) As indicated in the horizontal section for Professional Services.	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Mechanical Engineering	<p>(1) None</p> <p>(2) None</p> <p>(3) Corporate practice is not allowed, however, Registered/licensed mechanical engineers may form/obtain SEC registration of firm/partnership/association.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Corporate practice is not allowed, however, Registered/licensed mechanical engineers may form/obtain SEC registration of firm/partnership/association.</p> <p>(4) Reciprocity provisions:</p> <p>a) Temporary Special Permit from Board of Mechanical Engineering may be issued to:</p> <ul style="list-style-type: none"> ▪ Foreign Mechanical Engineers, installation/ commission or graduate engineer called in for projects not requiring more than 3 months residence in the Philippines in a 12-month period, provided they are legally qualified in their countries in which requirements/qualifications are equal to those specified in Philippine law on mechanical engineering. ▪ Foreigners employed as technical officers, training officers/consultants who are necessary/advantageous for the country particularly in aspects of technology transfer, provided: 	

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		<ul style="list-style-type: none"> - Competent/able/willing Filipino mechanical engineers are not available - Previously employed foreigners by engaging firm/foreign business partner for not less than one year provided immediately preceding date of engagement - Specific engagement shall not be more than 6 months which may be renewed once, except for a newly established firm, such period of engagement may be longer but not to exceed two years. b) Certificate of registration may be issued to a foreigner if foreign country permits Filipino citizens to practice within its territorial limits on same basis as subjects/citizens of such country/state. c) As indicated in the horizontal section for Professional Services. 	

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Metallurgical Engineering	<p>(1) None</p> <p>(2) None</p> <p>(3) A firm/co-partnership/company/corporation/association can practice metallurgical engineering in the Philippines, provided such practice is carried out by metallurgical engineers holding valid Certificates of Registration issued by the Board of Metallurgical Engineering and in the regular employ of said firm/co-partnership/ company/corporation or association.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) A firm/co-partnership/company/corporation/ association can practice metallurgical engineering in the Philippines, provided such practice is carried out by metallurgical engineers holding valid Certificates of Registration issued by the Board of Metallurgical Engineering and in the regular employ of said firm/co-partnership/ company/corporation or association.</p> <p>(4) Reciprocity provisions: a) Foreigner may take licensure exam under reciprocity provisions. b) Exempt from registration: <ul style="list-style-type: none"> ▪ Foreign consultants/engineers/ technicians called by government for consultation/specific assignment/project or employed by private firm provided no qualified Filipino is available as certified by the firm and that employment is for one year extendable for another year and not to exceed three years for any one individual. </p>	

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		<ul style="list-style-type: none"> ▪ Foreigners are subject to the following: <ul style="list-style-type: none"> - Good reputation/moral character - Applicants' CV and exemption application to be submitted to the Board - Not to engage in private practice - For every foreign applicant, one registered Filipino understudy shall be employed by the firm - Applicant is legally qualified to practice the profession in his country which also allows Filipinos to practice within its territorial limits c) Exempt from examination: Foreign metallurgists/metallurgical engineers who have been in actual/ bona fide metallurgy/ metallurgical engineering practice for at least 5 consecutive years in the Philippines. d) As indicated in the horizontal section for Professional Services 	

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Mining Engineering	(1) None (2) None (3) Corporate practice is not provided in the mining engineering law. (4) As indicated in the horizontal section for Professional Services.	(1) None (2) None (3) Corporate practice is not provided in the mining engineering law. (4) Reciprocity provisions: a) Exempt from registration: <ul style="list-style-type: none"> ▪ Mining engineering practitioners engaged by government for consultation/specific purpose or mining industry ▪ Foreigners employed by private firms as technical consultants if no qualified Filipino is available provided: <ul style="list-style-type: none"> - Applicant's CV is submitted to Board of Mining Engineering prior to arrival in the Philippines. - Applicant will not engage in private practice. - For every foreign applicant, one Filipino understudy registered shall be employed by private firm by utilizing foreigner's services during his tenure. - Exemption is only good for 	

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		<p> six months renewable for another six months.</p> <ul style="list-style-type: none"> - Certificate of exemption shall be secured. - Each private firm is allowed a maximum of 3 consultants at any one time. <p>b) A foreigner may be admitted to take the exam if foreign country accords reciprocity with the Philippines.</p> <p>c) Foreign mining engineers may be granted rights/privileges if foreign country permits Philippine mining engineers to practice within its territorial limits on same basis as subjects/citizen of such country.</p> <p>d) As indicated in the horizontal section for Professional Services</p>	

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Sanitary Engineering	<p>(1) None</p> <p>(2) None</p> <p>(3) A firm/partnership/corporation/association may engage in sanitary engineering practice, provided such practice is carried out under supervision of sanitary engineer/s holding valid Certificate issued by Board of Sanitary Engineering.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) A firm/partnership/corporation/association may engage in sanitary engineering practice, provided such practice is carried out under supervision of sanitary engineer/s holding valid Certificate issued by Board of Sanitary Engineering.</p> <p>(4) a) A foreigner may be allowed to take the exam provided foreign country admits Philippine citizens to practice same profession without restriction or allows them to practice it on strict/absolute equality with citizens/subjects/nationals of the country concerned including unconditional recognition of degrees. b) As indicated in the horizontal section for Professional Services.</p>	

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Interior Design Services	<p>(1) None</p> <p>(2) None</p> <p>(3) Registered/licensed interior designers may organize among themselves or with registered/licensed building architects/town planners/landscape architects/civil engineers/any other allied design professionals, form/register with the SEC a firm/partnership/association, provided interior designers shall only render work/services proper for an interior design as defined by law.</p> <p>(4) As indicated in the horizontal section for Professional Services</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Registered/licensed interior designers may organize among themselves or with registered/licensed building architects/town planners/landscape architects/civil engineers/any other allied design professionals, form/register with the SEC a firm/partnership/association, provided interior designers shall only render work/services proper for an interior design as defined by law.</p> <p>(4) Reciprocity provisions:</p> <p>a) Temporary license to practice interior design may be given to a foreigner if the foreign country permits Filipino interior designers to practice within its territorial limits on the same basis as subjects or citizens of such foreign state or country.</p> <p>b) Special Temporary Permit may be given to foreign interior designers/consultants in foreign-funded/assisted projects of government or employed/engaged by Filipino/foreign</p>	

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		contractors/private firms under the following conditions: <ul style="list-style-type: none"> • Citizens of countries which permit Filipino professionals to practice the profession within their territorial limits on the same basis as subjects/citizens of each foreign state/country. • Legally qualified to practice in their own countries and expertise is necessary particularly for technology transfer/specialization. • Required to work with Filipino counterparts with corresponding sharing of fees/services/ documentation expenses/liabilities/ taxes. c) As indicated in the horizontal section for Professional Services	

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Geology	<p>(1) None</p> <p>(2) None</p> <p>(3) A firm/co-partnership/company/corporation/ association can practice geology in the Philippines, provided such practice is carried out by geologists holding valid Certificate of Registration issued by the Board of Geology and in regular employ of said firm/co-partnership/ company/corporation/ association. The manager/ administrator/person in charge of management or administration of business shall be held personally liable for any violation of the geology law.</p> <p>(4) As indicated in the horizontal section for Professional Services.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) A firm/co-partnership/company/corporation/ association can practice geology in the Philippines, provided such practice is carried out by geologists holding valid Certificate of Registration issued by the Board of Geology and in regular employ of said firm/co-partnership/ company/corporation/ association. The manager/ administrator/person in charge of management or administration of business shall be held personally liable for any violation of the geology law.</p> <p>(4) Reciprocity provisions: a) Foreign applicants shall satisfy exam requirements for Filipinos, provided the foreign country accords the same reciprocity with the Philippines. b) Exempt from registration are qualified foreign geologists/geological engineers called in for consultation/conduct of special geological investigation only by:</p>	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		<ul style="list-style-type: none"> • Government (with written permission from the Board of Geology) • Bona fide corporations registered under Philippine laws, provided: <ul style="list-style-type: none"> - Work is for six months only with renewal under authority by the Board of Geology for not more than six months; - They are legally qualified geologist/geological engineers in their countries; and - Their country grants the same reciprocity to Filipino citizens. c) As indicated in the horizontal section for Professional Services. 	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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B. Computer and Related Services			
Consultancy services related to the installation of computer hardware* (CPC 841)	<p>(1) None</p> <p>(2) None</p> <p>(3) 100 percent foreign equity participation is allowed in the following cases:</p> <p>A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or</p> <p>B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or</p> <p>C. paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or</p> <p>D. the service provider exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) Natural persons are allowed in the following cases:</p> <ul style="list-style-type: none"> A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or C. paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or D. he exports 60 percent or more of his output. <p>Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(4) Employment of foreign professionals:</p> <p>As indicated in the horizontal section for Professional Services.</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Software implementation services (CPC 842)**	<p>(1) None</p> <p>(2) None</p> <p>(3) 100 percent foreign equity participation is allowed in the following cases.</p> <p>A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or</p> <p>B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or</p> <p>C. paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or</p> <p>D. the service provider exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) Natural persons are allowed in the following cases:</p> <ul style="list-style-type: none"> A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or C. paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or D. he exports 60 percent or more of his output. <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(4) None</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Data Processing Services (CPC 843)</p> <p>Data base services (CPC 844)</p> <p>Others (CPC 845+849)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) 100 percent foreign equity participation is allowed in the following cases:</p> <p>A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or</p> <p>B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or</p> <p>C. paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or</p> <p>D. the service provider exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>(4) Natural persons are allowed in the following cases:</p> <ul style="list-style-type: none"> A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or C. paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or D. he exports 60 percent or more of his output. <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(4) None</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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E. Rental/Leasing Services without Operators			
Relating to ships (CPC 83103)	(1) None	(1) None	
	(2) None	(2) None	
	(3) Up to 40 percent foreign equity participation is allowed. Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA). Limitations listed in the horizontal section shall also apply.	(3) None, except as indicated in the horizontal section.	
	(4) None, except as indicated in the horizontal section.	(4) None	

Note:

- * Assistance services to the clients in the installation of computer hardware (i.e. physical equipment) and computer services
- ** All services involving consultancy services on, development and implementation of software.
- *** All services provided from primarily structured databases through a communication network.

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATION SERVICES			
A. Postal Services			
a. Domestic Mail Services <ul style="list-style-type: none"> • Ordinary Mail • Registered Mail¹ • Express Mail • Domestic Parcel • Business Reply¹ • Printed Matters 	(1) Commercial presence is required. (2) None (3) Entry is subject to the following requirements: A. Foreign equity is permitted up to 40 percent; and B. Philippine Government authority to operate private express and/or messengerial delivery services. Limitations listed in the horizontal section shall also apply.	(1) None (2) None (3) Entry is subject to the following requirements and conditions: A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity; and B. All executives and managers must be citizens of the Philippines. Limitations listed in the horizontal section shall also apply.	
b. International Mail Services <ul style="list-style-type: none"> • Ordinary Mail • Registered Mail¹ • Express Mail • Printed Matters • International Parcels 	(4) Provision of postal/courier services is reserved only to Filipino citizens. Limitations listed in the horizontal section shall also apply.	(4) Provision of postal/courier services is reserved only to Filipino citizens.	
c. Money Order Service (Domestic and International) ¹			

¹ Postal services that are only offered by the Philippine Postal Corporation (PPC)

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
B. Courier Services	(1) Commercial presence is required (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	

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For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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C. Telecommunication Services			
<p>The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV).</p> <p>a. Voice telephone services (CPC 7521)</p> <p style="padding-left: 20px;">Local services Toll services Domestic International</p> <p>b. Packet-switched data transmission services (CPC 7523**)</p> <p>c. Circuit-switched data transmission services (CPC 7523**)</p> <p>d. Telex Services (CPC 7523**)</p> <p>e. Telegraph Services (CPC 7522)</p> <p>f. Facsimile services (CPC 7521**+7529**)</p> <p>g. Private Leased Circuit Services (CPC 7522**+7523)</p>	<p>(1) Subject to commercial arrangement with licensed operators</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements and conditions:</p> <p style="padding-left: 20px;">A. Franchise from Congress of the Philippines</p> <p style="padding-left: 20px;">B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</p> <p style="padding-left: 20px;">C. Foreign equity is permitted up to 40 percent.</p> <p style="padding-left: 20px;">D. Resale of private leased lines is not allowed².</p> <p style="padding-left: 20px;">E. Private leased circuit services shall not be connected to a public network (PSTN).</p> <p style="padding-left: 20px;">F. Call back, dial back and other similar schemes, which result in the same operation, are not</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements and conditions:</p> <p style="padding-left: 20px;">A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity.</p> <p style="padding-left: 20px;">B. All executives and managers must be citizens of the Philippines.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>The Philippine Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws and regulations.</p>

² Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>o. Other</p> <p>Cellular Mobile Telephone Service (CPC 75213)</p> <p>Satellite services</p>	<p>authorized.</p> <p>G. Subject to the availability and efficient utilization of radio frequencies.</p> <p>H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>I. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(4) Service suppliers must be Filipino citizens.</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Data and message transmission services</p> <p>Data network services (CPC 75231)</p> <p>Electronic message and information services (CPC 75232)</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements and conditions:</p> <p>A. Franchise from Congress of the Philippines</p> <p>B. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission</p> <p>C. Foreign equity is permitted up to 40 percent.</p> <p>D. Resale of private leased lines is not allowed³.</p> <p>E. Private leased circuit services shall not be connected to a public network (PSTN).</p> <p>F. Call back, dial back and other similar schemes, which result in the same operation, are not authorized.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements and conditions:</p> <p>A. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity.</p> <p>B. All executives and managers must be citizens of the Philippines.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	

³ Enfranchised public telecommunications entities (PTE) may be authorized to sell/resell private leased lines.

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>G. Subject to the availability and efficient utilization of radio frequencies.</p> <p>H. Only duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers.</p> <p>I. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered.</p> <p>J. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(4) Service suppliers must be Filipino citizens.</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
<p>Value added services i.e.</p> <p>h) electronic mail (CPC 7523**)</p> <p>l) value added facsimile service (CPC 7523**)</p> <p>m) code and protocol conversion</p> <p>n) on-line information and/or data processing (CPC 843**)</p>	<p>(1) Unbound⁴</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements:</p> <p>A. Foreign equity is permitted up to 40 percent</p> <p>B. Must register with the Philippines regulatory body but is not allowed to build its own network.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be Filipino citizens.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements and conditions:</p> <p>A. The number of non-Filipino citizens on the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity.</p> <p>B. All executives and managers must be citizens of the Philippines</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be Filipino citizens.</p>	

⁴ Shall be reviewed in the future in accordance with the developments of its laws and regulations.

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
i) voice mail (CPC 7523**) j) on-line information and database retrieval (CPC 7523**) k) electronic data exchange Videotex	(1) Only through duly enfranchised and certificated domestic public telecommunications carriers (2) None (3) Operation subject to securing of : <ul style="list-style-type: none"> a) Franchise from Congress of the Philippines b) Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commissions (4) None	(1) None (2) None (3) None (4) None	
Paging services (CPC 75291)	(1) Unbound (2) Unbound (3) Entry is subject to the following requirements and conditions: <ul style="list-style-type: none"> - franchise from Congress - foreign equity is limited to 40% - subject to the availability and efficient utilization of radio frequencies (4) Unbound	(1) None (2) None (3) The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity. All executives and managers must be citizens of the Philippines (4) Unbound	

Philippine Reference Paper on Regulatory Principles in Telecommunications Services

The commitments in telecommunication services are in accordance with the General Agreement on Trade in Services and its Annex on Telecommunications. In support of market access commitments undertaken, the following principles will form the basis for the regulatory framework in basic telecommunications.

1. Competitive safeguard

Appropriate measures shall be maintained for the purpose of preventing suppliers from engaging in or continuing anti-competitive practices.

2. Interconnection

In order to achieve viable, efficient, reliable and universal telecommunications services, a fair and reasonable interconnection of facilities of authorized public network operators and other providers of telecommunications services shall be provided.

Interconnection shall be at any technically feasible point in the network, under non-discriminatory terms and conditions, in a timely fashion, and on terms and conditions that are fair, transparent and reasonable.

A service supplier requesting interconnection with another supplier will have recourse after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal Service

Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner.

Authorized international gateway and mobile cellular telephone service providers are required by law to install a set number of local exchange lines in designated areas.

4. Public availability of licensing criteria

Where a license is required, the following shall be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license;
- (b) the terms and conditions of individual licenses

The reasons for the denial of a license will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

The regulation of telecommunication suppliers shall rely principally on an administrative process that is stable, transparent and fair, giving due emphasis to technical, legal, economic and financial considerations, and with due regard to the observance of due process at all times.

A national consultative forum shall be maintained to allow interaction among the telecommunications industries, user groups, and academic and research institutions on important issues in the field of communications.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, which are frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for buildings (CPC 512)	(1) Unbound due to lack of technical feasibility	(1) Unbound due to lack of technical feasibility.	
B. General construction work for civil engineering (CPC 513)	(2) None	(2) None	
C. Installation and assembly work (CPC 514+CPC 516)	(3) a) 40% foreign equity for construction of locally funded private projects	(3) a) Unbound	
D. Building completion and finishing work (CPC 517)	b) 100% foreign equity for foreign-funded/ assisted internationally-bid construction projects	b) Foreign Contractors are required to secure a Special Contractor's License from the Philippine Contractors Accreditation Board on a per project basis	
E. Other (CPC 511+ CPC 515)		<ul style="list-style-type: none"> • Foreign Contractors are required to employ qualified Filipino Sustaining Technical Employees (STE) who meet the minimum requirements for the category and classifications applied for • Foreign Contractors are required to have a Resident Alien Representative (RAR) in the Philippines who is a holder of an Alien Certificate of Registration (ACR) and a working visa to receive summons and act for and in behalf of the company 	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except that foreign engineers or architects to be involved in undertaking construction	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	WTO GATS Horizontal Commitment: Non-resident may be admitted only after a determination of non-availability of a Filipino who is competent, able and willing to perform the services for which the non-resident is desired	and related activities must register/secure the necessary permit from the Phil Regulation Commission, the Bureau of Immigration and the Department of Labor and Employment	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Renting services related to equipment for const. or demolition of building or civil engineering works, with operator (CPC 518)	(1) None (2) None (3) Maximum 40% Foreign Equity (4) Unbound, except as indicated in the horizontal section WTO GATS Horizontal Commitment: Non-resident may be admitted only after a determination of non-availability of a Filipino who is competent, able and willing to perform the services for which the non-resident is desired)	(1) None (2) None (3) All executives and managing officers must be Filipino citizens (4) Unbound	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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DISTRIBUTION SERVICES			
<p>A. Commission Agents' Services except rice and corn industry (CPC 621)</p>	<p>(1) Business must be done through an entity registered under Philippine laws.</p> <p>(2) None</p> <p>(3) 100 percent foreign equity participation is allowed in the following cases:</p> <p>A. paid-in equity capital is not less than US\$200,000 for domestic market enterprises; or</p> <p>B. paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or</p> <p>C. paid-in equity is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or,</p> <p>D. the agent exports 60 percent or more of its output.</p> <p>Otherwise, only up to 40 percent foreign equity participation is allowed.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) A. A natural person is allowed provided that the total investment is not less than US\$200,000 for domestic market enterprises; or</p> <p>B. A natural person is allowed provided that the total investment is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; or</p> <p>C. A natural person is allowed provided that the total investment is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or,</p> <p>D. A natural person is allowed provided he exports 60 percent or more of his output.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(4) None</p>	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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ENVIRONMENTAL SERVICES			
Sewerage services (CPC 9401)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) For participation in public and/or private sewerage services, up to 40 percent foreign equity participation is allowed.</p> <p>For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with concessionaires (i.e., Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and Sewerage System (MWSS). If the parties agreed (MWSS & the two concessionaires), amendment of the Concession Agreement shall be made.</p> <p>For areas outside Metro Manila, entry into public and/or private sewerage services is subject to the following:</p> <p>A. Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which may then enter into a BOT Scheme or other similar schemes</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None, except as indicated in the horizontal section.</p>	

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Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	<p>or other forms of contractual agreements/arrangements with the LWDs.</p> <p>B. In the absence of existing LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements/arrangements that may be entered into will be with local government unit/s concerned.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.</p> <p>Limitations listed in the horizontal section shall also apply.</p>	<p>(4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.</p>	

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For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
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HEALTH RELATED AND SOCIAL SERVICES			
Hospital services (CPC 9311)	(1) Unbound*	(1) Unbound*	
Other human health services n.e.c.	(2) None	(2) None	
Laboratory services	(3) Up to 100 percent foreign equity participation is allowed provided: A. paid-in equity capital is at least US\$200,000; or B. paid-in equity must not be less than US\$100,000 for domestic market enterprises employing at least 50 direct employees Otherwise, only up to 40 percent foreign equity participation is allowed.	(3) None, except as indicated in the horizontal section	
	(4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services Limitations in the horizontal section shall also apply	(4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services Limitations in the horizontal section shall also apply	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
Hotel, resort, pension houses, tourist inns apartelles lodging services (CPC 64110)	(1) None (2) None (3) None except as indicated in the horizontal section (4) None except as indicated in the horizontal section	(1) None (2) None (3) None except as indicated in the horizontal section (4) None	
Meal Serving Services with Full Restaurant Service (CPC 64210)	(1) None (2) None (3) Enterprises with paid-up capital of US\$2.5 million or more may be wholly owned by foreigners (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) None	
Beverage Serving Services for consumption on the premises (CPC 6431 - 6431(2))	(1) None (2) None (3) Enterprises with paid-up capital of US\$2.5 million or more may be wholly owned by foreigners (4) As indicated in the horizontal section.	(1) None (2) None (3) None (4) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Travel Agencies and Tour Operator (CPC 7471)	(1) None (2) None (3) 60% foreign equity is allowed (4) As indicated in the horizontal section	(1) None (2) None (3) None except as indicated in the horizontal section (4) None	
Other Professional Congress Organizers	(1) None (2) None (3) 60% foreign equity is allowed (4) None	(1) None (2) None (3) None (4) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TRANSPORT SERVICES			
A. Maritime Transport Services			
International Transport passenger, except cabotage transport, and government own cargoes.	(1) None (2) None (3) None (4) For specialized vessels, aliens may be employed as supernumeraries only for a period of six months	(1) None (2) None (3) None (4) None	
International transport (freight),except cabotage transport and government own cargoes	(1) None (2) None (3) None (4) For specialized vessels, aliens may be employed as supernumeraries only for a period of six months	(1) None (2) None (3) None (4) None	
Leasing/Rental of vessel without crew	(1) None (2) None (3) Bareboat charter or lease contract subject to approval by the Maritime Industry Authority (MARINA) (4) None	(1) None (2) None (3) None (4) None	

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Maintenance and repair of vessels	(1) Unbound due to lack of technical feasibility (2) Any repairs, conversion or drydocking of Philippine-owned or registered vessels are required to be done at domestic repair yards registered with the Maritime Industry Authority (MARINA) (3) None except as indicated in the horizontal section (4) None	(1) Unbound due to lack of technical feasibility (2) None (3) None except as indicated in the horizontal section (4) None	
Pushing and towing services (CPC 72140)	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

Modes of Supply: (1) Cross-border supply (2) Consumption aboard (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Supporting services for maritime transport (CPC 745**) Container yard and depot services	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
Port and waterway operation services (CPC 74510)	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None	
Maritime agency services (CPC 7454)	(1) None (2) None (3) None, except as indicated in the horizontal section. (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section. (4) None, except as indicated in the horizontal section.	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Other supporting services for water transport (CPC 74590)	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) None	
Classification societies (CPC 748)	(1) None (2) None (3) Unbound, except up to 30% foreign equity is allowed (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Unbound (4) Unbound	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
E. Rail Transport Services			
a. Passenger transportation (CPC 7111)	(1) Unbound*	(1) Unbound*	
b. Freight transportation (CPC 7112)	(2) None	(2) None	
e. Supporting services (CPC 743) Railroad, street railway, traction railway	(3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply.	(3) None, except as indicated in the horizontal section.	
	(4) None, except as indicated in the horizontal section.	(4) None	
F. Road Transport Services			
a. Passenger transportation (CPC 7121+ CPC 7122)	(1) Unbound*	(1) Unbound*	
b. Freight transportation (CPC 7123)	(2) None	(2) None	
c. Rental of commercial vehicles with operator (CPC 7124)	(3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply.	(3) None, except as indicated in the horizontal section.	
	(4) None, except as indicated in the horizontal section.	(4) None	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
G. Pipeline Transport (CPC 713)	(1) Unbound* (2) None (3) Up to 40 percent foreign equity participation is allowed. Limitations listed in the horizontal section shall also apply. (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services. Limitations listed in the horizontal section shall also apply.	(1) Unbound* (2) None (3) None, except as indicated in the horizontal section. (4) Employment of foreign professionals: As indicated in the horizontal section for Professional Services.	
H. Services auxiliary to all modes of transport			
a. Cargo handling services	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
b. Storage and warehousing services	(1) Unbound* (2) None (3) None (4) None	(1) Unbound* (2) None (3) None (4) None	
c. Freight transport agency services (CPC 74800**) International freight forwarding by sea	(1) None (2) None (3) A. Up to 100 percent foreign equity participation is allowed, provided that paid-in equity capital is not less than \$200,000, otherwise up to 40 percent foreign equity participation is allowed. B. Secondary permits, licenses or registration/accreditation must be secured from agencies concerned prior to operation of a business enterprise. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section. (4) None	

PHILIPPINES – SCHEDULE OF SPECIFIC COMMITMENTS

For the 5th Package of Commitments under ASEAN Framework Agreement on Services

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Sector or Subsector	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Domestic freight forwarding by sea	(1) None (2) None (3) A. Up to 40 percent foreign equity participation is allowed. B. Secondary permits, licenses or registration/accreditation must be secured from agencies concerned prior to operation of a business enterprise. Limitations listed in the horizontal section shall also apply. (4) None, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in the horizontal section. (4) None	

Notes to the Specific Commitments in the Sectors of Transport Services:

Maritime Transport Services

1. <<Maritime Agency Services>> means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
 - (a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
 - (b) acting on behalf of the companies organizing the call of the ship or taking over cargoes when required.
2. <<Pushing and towing services>> on the high seas and on coastal waters shall mean the business of pulling a vessel with the help of a watercraft/vessel, which is equipped with powerful engines and deck mounted winches to perform towing and pushing services. This is a service provided to ships, which are difficult to maneuver to berth or during bad weather conditions to assure their safety. These services are generally provided by vessels, which do not themselves carry freight or passengers.
3. <<Maritime cargo handling services>> means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring or terminal operator companies. The activities covered include the organization and supervision of:
 - the loading/discharging of cargo to/from ship;
 - the lashing/unlashing of cargo;
 - the reception/delivery and safekeeping of cargoes before shipment or after discharge
4. <<Port and waterway operation services>> shall mean the operation services of Ferry Terminals under the Road Roll-On/Roll-Off Terminal System (RRTS) of the Philippines' Strong Republic Nautical Highway (SRNH). The Guidelines on the Development, Construction, Management and Operation of Ferry Terminals under the Road Roll-on Roll-Off Terminal System (RRTS) is contained in Philippine Ports Authority (PPA) Administrative Order No. 03-2004.

Freight Forwarding Services

5. Notwithstanding the fact that road, rail, inland waterways and related auxiliary services are not fully covered in this schedule of specific commitments, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purposes of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purposes of carrying out multimodal transport operations.

Note1 <<Multimodal transport operator>> means any person who on his own or behalf or through another person acting on his behalf concludes a multimodal transport contract and who acts as a principal, not as an agent or on behalf of the consignor or of the carriers participating in the multimodal transport operations, and who assumes responsibility for the performance of the contract.

Note2 <<Reasonable and non-discriminatory terms and conditions>> means, for the purposes of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date.