



Republic of the Philippines
Professional Regulation Commission
Manila



Professional Regulatory Board of Real Estate Service
Resolution No. 26
Series of 2021

**IMPLEMENTING GUIDELINES ON THE ISSUANCE OF SPECIAL/TEMPORARY PERMITS
PURSUANT TO SECTIONS 23 AND 24, REPUBLIC ACT NO. 9646, OTHERWISE KNOWN
AS THE “REAL ESTATE SERVICE ACT OF THE PHILIPPINES”**

WHEREAS, Section 14, Article XII of the 1987 Philippine Constitution provides that the practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law;

WHEREAS, Section 9 of Republic Act (R.A.) No. 8981, otherwise known as the “PRC Modernization Act of 2000”, provides that the Professional Regulatory Boards shall have the power to regulate the practice of the profession in accordance with the provisions of their respective professional regulatory laws;

WHEREAS, Section 5 (j) of R.A. No. 9646, otherwise known as the “Real Estate Service Act of the Philippines”, provides that the Board is vested with the powers and functions to promulgate, administer and enforce rules and regulations necessary in carrying out the provision of the Act;

WHEREAS, Section 23 of R.A. No. 9646 provides that “Upon application and payment of the required fees and subject to the approval of the Commission, the Board may issue special/temporary permit to Real Estate Service Practitioners from foreign countries whose services are urgently needed in the absence or unavailability of local real estate service practitioners for the purpose of promoting or enhancing the practice of the profession in the Philippines.”;

WHEREAS, Section 24 of R.A. No. 9646 also provides that “No foreign real estate service practitioner shall be admitted to the licensure examination or be given a certificate of registration or a professional identification card, or be entitled to any of the privileges under this Act unless the country of which he/she is a citizen specifically allows Filipino real estate service practitioners to practice within its territorial limits on the same basis as citizens of such foreign country.”;

WHEREAS, there is a need to formulate a specific guidelines relative to the practice of the Real Estate Professionals from foreign countries.

NOW THEREFORE, the Board **RESOLVES**, as it is hereby **RESOLVED**, to adopt the following Implementing Guidelines on the issuance of Special/Temporary Permits pursuant to Sections 23 and 24, R.A. No. 9646.

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RULE I

DEFINITION OF TERMS

Henrietta P. Narvaez
HENRIETTA P. NARVAEZ 04/20/21
Officer-In-Charge

Archives and Records Division

Section 1. Definition of Terms – The following terminologies shall be understood as:

- 1.1. **Board** – refers to the Professional Regulatory Board of Real Estate Service;
- 1.2. **Competence** – refers to the ability or capacity that extends beyond the basic possession of knowledge and skills which include cognitive, functional, professional, personal and ethical competence;

- 1.3. **Competency** – refers to the capability/ability to apply or use a set of knowledge, skills and abilities required to successfully perform and implement critical work functions or tasks in a well-defined work setting;
- 1.4. **Practice of Real Estate Service**- refers to any single act or transaction embraced within the provisions of Section 3(g) of R.A. No. 9646, as performed by real estate service practitioners/professionals.
- 1.5. **PRC**- refers to the Professional Regulation Commission
- 1.6. **Real Estate Service Practitioners**- refers to the Real Estate Consultants (REC), Real Estate Appraisers (REA), Real Estate Assessors, Real Estate Brokers (REB) and Real Estate Salesperson as defined in Section 3(g) of R.A. No. 9646 or the Real Estate Service Act of the Philippines.
- 1.7. **Registered Practicing Professional**- refers to a licensed REC, licensed REA or licensed REB who is accredited by the Board to practice the real estate service profession(s) and has been issued with the accreditation number for the purpose;
- 1.8. **Resource Person** – refers to a Speaker, Lecturer, Trainer and Mentor in a specialized field or expertise of professional educational activities or programs/courses;
- 1.9. **Special/Temporary Permit (STP)**—also referred to as “Special Temporary Permit” under Section 7 of R.A. No. 8981 is the privilege granted to a foreign professional to practice in the Philippines for a limited period of time, subject to the limitations and conditions provided for by law.
- 1.10. **Specialized or Specialty Training** – refers to a non-degree post-graduate training program such as Fellowship in specialized real estate field and sub-specialized program(s) or diplomates conferred by an organization or society recognized by the Commission on Higher Education (CHED) as recommended by the Technical Working Committee (TWC) for Real Estate or recognized by the Board;

RULE II

QUALIFICATION, REQUIREMENTS, VALIDITY AND RENEWAL OF SPECIAL/TEMPORARY PERMITS

Section 2. Qualification—No foreign real estate service professional shall be entitled to any of the privileges under R.A. No. 9646 unless the country of which he/she is a citizen specifically allows Filipino real estate service professionals to practice within its territorial limits on the same basis as citizens of such foreign country.

Upon application and payment of the required fees and subject to the approval of the Commission, the Board may issue an STP to real estate service professionals from foreign countries whose services are urgently needed in the absence or unavailability of local real estate service professionals for the purpose of promoting or enhancing the practice of the profession in the Philippines.

Section 3. Documentary Requirements- The foreign national shall be issued an STP, upon submission of the following documentary requirements:

- 3.1 Duly accomplished STP Application Form (The form is available at the <https://www.prc.gov.ph/special-temporary-permits>);
- 3.2 Photocopy of valid passport as proof of citizenship;
- 3.3 Two (2) pieces passport size I.D. picture with complete name tag in white background;
- 3.4 Proof of payment of Three Thousand Pesos (Php 3,000.00) pertaining to the STP application;
- 3.5 An official document showing that the applicant is a registered and licensed real estate service professional in the foreign state or country or any equivalent document, including Certificate/s of Trainings/Competency in the discipline of area of specialization for which the foreign real estate service professional is to be engaged in the Philippines;
- 3.6 An official copy of the foreign law or international agreement to which the Philippines and the foreign state or country are both signatories establishing the existence of reciprocity for the practice of real estate service profession or any equivalent document or an official document that will establish the fact that Filipinos are permitted to get a license and practice therein;
- 3.7 A letter request to the PRC or the Board Chairperson requesting for the issuance of the STP to the foreign real estate service professional indicating the following:
 - 3.7.1 The date and venue of the undertaking;
 - 3.7.2 The name of the Filipino real estate service professional as accredited practicing professional counterpart; and
 - 3.7.3 The purpose of the STP.
- 3.8 Photocopy of the Professional Identification Card (PIC) and Accreditation Certificate (AC) to independently practice the real estate service profession for the Filipino professional counterpart as registered practicing professional;
- 3.9 A copy of the agreement between the Foreign real estate service professional and the Filipino professional counterpart as to the scope of work or assignment involved including the agreed professional fee;
- 3.10 A copy of the Contract of Employment or Services, or Memorandum of Agreement between the private firm or institution and the foreign professional, indicating the terms of reference, nature of engagement, scope, duration and other project or contract details;
- 3.11 Profession Indemnity Insurance/Cash or Surety Bond, in the case of a Real Estate Broker and a Private Real Estate Appraiser; and
- 3.12 Other requirements as may be prescribed by the Board.

All official documents that are issued or executed abroad must be authenticated by the Philippine Embassy/Consulate/Legation in the state or country where the same was issued or executed. An Apostille Certification issued by the foreign competent

authority responsible for the implementation of the Apostille Convention will be sufficient. The document must be accompanied by an official English translation, if applicable.

Section 4. Validity of the STP – The STP shall be valid for one (1) year upon issuance thereto and may be renewed within thirty (30) days prior to its expiration subject to the compliance of the requirements for the renewal up to a maximum period of two (2) years only.

Section 5. Application for Renewal of STP – In addition to the documentary requirements mentioned in Section 3 of these implementing guidelines, the foreign national shall submit the following documentary requirements:

5.1 A report detailing the undertakings/accomplishments of the applicant Foreign Real Estate Professional for his/her previous STP as attested by the Filipino licensed Real Estate Professional counterpart;

5.2 Proof of Income Tax Payment;

5.3 Proof of attendance in the CPD Programs/Courses of the Foreign Real Estate Professional as required in the existing guidelines;

5.4 Other requirements as may be prescribed by the Board.

RULE III MISCELLANEOUS PROVISIONS

Section 6. Maximum Foreign Real Estate Professionals counterpart. - The accredited practicing Filipino Real Estate Professional (REC, REA, or REB) shall be allowed to have a maximum of five (5) Foreign Real Estate Professional counterpart per profession/discipline to be able to perform or implement the terms of reference in the Memorandum of Agreement they signed and for proper monitoring thereof.

Section 7. Official Roster of Foreign Real Estate Professionals – A Roster of Foreign Real Estate Professionals shall be regularly prepared and updated by the International Affairs Office every two (2) months and copy thereof shall be furnished to the Board for information, dissemination to the real estate professionals and for appropriate action.

Section 8. Fraud Relating to the Issuance of the Special/Temporary Permit – Fraudulent acts relating to the Issuance of the STP like: Falsification on foreign applicant qualification, documentary requirements and other vital information for the issuance thereof shall automatically deny or disapproved the application and the Real Estate Professional involved thereat shall be subjected to an administrative sanction of suspension of at least two (2) years or revocation of Certificate of Registration and PIC without prejudice to the provisions of the Revised Penal Code and other applicable laws.

In addition, any government officials or employees who is a party to any fraudulent act relating to the above application shall be subjected to administrative penalties that may be imposed under the anti-graft laws, the Administrative Code and the Code of Conduct of Public Officials and Employees.

Section 9. Separability Clause – If any part or provision of this Guidelines is declared invalid or unconstitutional or repealed, other provisions not affected shall remain in full force and effect.

Section 10. Repealing Clause – All resolutions, orders, circulars, issuances and parts thereof which are inconsistent with this resolution are hereby repealed or modified accordingly.

Section 11. Effectivity -This Resolution shall take effect immediately after its full and complete publication in the Official Gazette or in any major newspaper of general circulation.

Let a copy hereof be furnished to the Office of the National Administrative Register, Department of Labor and Employment, Bureau of Immigration, and all Real Estate Professional Associations/Organizations for information.

Done this 13th of April, 2021 at Manila City, Philippines


OFELIA C. BINAG
Chairman


RAFAEL M. FAJARDO
Member


PILAR M. TORRES-BANAAG
Member


JOSE ARNOLD M. TAN
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Attested by:

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APPROVED BY:

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Professional Regulation Commission
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