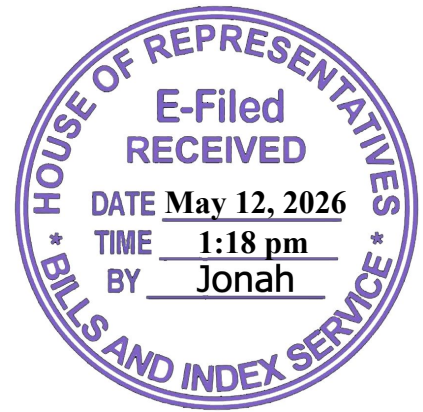


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
TWENTIETH CONGRESS
First Regular Session
House Bill No. 9210



Introduced by Representative
BRIAN POE, PhD, MNSA

AN ACT
INSTITUTIONALIZING A CREATIVE INDUSTRY PROCESSING LANE UNDER
THE EXISTING SPECIAL WORK PERMIT FRAMEWORK OF THE BUREAU OF
IMMIGRATION FOR FOREIGN NATIONALS ENGAGED IN SHORT-TERM
PROJECT-BASED CREATIVE WORK, PROVIDING SAFEGUARDS FOR
FILIPINO CREATIVE WORKERS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippine creative industry is increasingly connected to the global market. Film, television, advertising, fashion, live performance, animation, game development, digital media, and other creative sectors now regularly involve cross-border collaboration among Filipino and foreign artists, performers, models, directors, technical specialists, production professionals, and other creative workers.

Republic Act No. 11904, otherwise known as the Philippine Creative Industries Development Act, recognizes the importance of creative industries as drivers of economic growth, cultural identity, innovation, job generation, and global competitiveness. If the Philippines is to become a stronger creative production hub, its regulatory environment must allow legitimate international creative collaboration while protecting Filipino workers and ensuring compliance with Philippine law.

At present, foreign nationals who participate in short-term creative work may be required to navigate separate immigration, labor, and tax processes. The Bureau of Immigration already issues Special Work Permits for certain foreign artists, athletes, entertainers, performers, and related temporary engagements under its existing authority. However, these processes are not always sufficiently integrated, digital, sector-specific, or responsive to the realities of project-based creative work, where engagements may last only a few days, weeks, or months and may involve productions operating under strict timelines.

This measure does not seek to create a competing or duplicate permit outside the existing Bureau of Immigration framework. Rather, it institutionalizes a creative industry processing lane within the existing Special Work Permit system, with clearer statutory rules on inter-agency coordination, accredited sponsorship, tax compliance, labor safeguards, digital processing, and protection of Filipino creative workers.

The bill ensures that the Bureau of Immigration remains the primary issuing authority for the permit, while the Department of Labor and Employment retains its authority to determine whether Alien Employment Permit requirements, certificates of exclusion or exemption, or other labor-related safeguards apply. The Bureau of Internal Revenue is tasked to prescribe simplified tax compliance and withholding mechanisms, while the Department of Trade and Industry and relevant creative industry agencies assist in policy coordination and project validation. The National Privacy Commission is likewise included to ensure that digital processing and inter-agency data sharing comply with the Data Privacy Act of 2012.

The proposed framework is designed to prevent abuse. It prohibits the use of the processing lane to evade Alien Employment Permit requirements, avoid tax obligations, displace Filipino creative workers, simulate projects, or facilitate unauthorized work. It also requires accredited sponsors to assume responsibility for the foreign creative workers they endorse and to report completion, cancellation, extension, or material changes in the approved engagement.

By establishing a clear, streamlined, and safeguarded process for short-term project-based creative work, this bill supports the growth of the Philippine creative economy while upholding immigration control, labor protection, tax compliance, data privacy, and public accountability. It will help make the Philippines more attractive for legitimate international productions without weakening the rights, opportunities, and professional development of Filipino creative workers.

In view of the foregoing, the approval of this bill is earnestly sought.


HON. BRIAN POE, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List

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FILIPINO CREATIVE WORKERS, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. — This Act shall be known as the “Special Creative Work Permit Act.”

SECTION 2. Declaration of Policy. — It is hereby declared the policy of the State to promote a globally competitive, inclusive, and well-regulated Philippine creative industry.

Consistent with Republic Act No. 11904, otherwise known as the Philippine Creative Industries Development Act, the State shall support the participation of the Philippines in international creative production, facilitate lawful and time-bound engagement of foreign creative talent and specialists, and ensure that such participation complements, and does not displace, Filipino creative workers.

The State shall likewise ensure that short-term creative industry engagements by foreign nationals comply with applicable immigration, labor, tax, public safety, child protection, anti-trafficking, and data privacy laws.

SECTION 3. Definition of Terms. — For purposes of this Act:

(a) Accredited Sponsor refers to a duly registered Philippine entity authorized under this Act and its implementing rules to endorse and assume responsibility for the project-based engagement of a Foreign Creative Worker. It may include production companies, advertising agencies, casting agencies, event producers, fashion houses, audiovisual companies, digital media companies, or other qualified creative industry entities directly responsible for the project.

(b) Creative Work refers to time-bound, project-specific artistic, performance, production, technical, or creative services directly connected with a film, television, audiovisual, advertising, fashion, live performance, animation, game development, digital media, or similar creative production, as may be further defined in the implementing rules, consistent with Republic Act No. 11904.

(c) Foreign Creative Worker refers to a foreign national engaged to perform Creative Work in the Philippines on a temporary, project-based, or engagement-specific basis.

(d) Project-Based Engagement refers to a temporary engagement tied to a specific creative production, event, campaign, performance, or creative output, which does not create regular, permanent, or continuing employment in the Philippines.

(e) Special Creative Work Permit or SCWP refers to the creative-industry classification, processing lane, or project-based category under the existing Special Work Permit framework of the Bureau of Immigration, authorizing a foreign national to undertake approved short-term Creative Work in the Philippines, subject to applicable immigration, labor, tax, public safety, and other safeguards under this Act and existing laws.

SECTION 4. Institutionalization of a Creative Industry Processing Lane under the Special Work Permit Framework. — There is hereby institutionalized a project-based creative industry processing lane within the existing Special Work Permit framework of the Bureau of Immigration for foreign nationals engaged in short-term Creative Work in the Philippines.

The SCWP shall not replace, repeal, or duplicate existing Special Work Permits issued by the Bureau of Immigration. It shall serve as a statutory classification and streamlined processing mechanism for creative-industry engagements covered by this Act.

The Bureau of Immigration shall remain the primary issuing authority for the SCWP. The Department of Labor and Employment, Bureau of Internal Revenue, Department of Trade and Industry, Film Development Council of the Philippines, National Privacy Commission, and other concerned agencies shall coordinate only for labor, tax, industry validation, data privacy, and compliance safeguards, as provided in this Act and its implementing rules.

The SCWP shall:

(a) authorize a Foreign Creative Worker to undertake the specific Creative Work covered by the approved application;

(b) be issued on a per-project, per-production, per-event, or per-engagement basis;

(c) be valid only for the period of the approved engagement, which shall not exceed six (6) months;

(d) not be used to authorize regular, permanent, or continuing employment in the Philippines;

(e) not exempt the foreign national, sponsor, Philippine producer, contracting entity, or payor from applicable tax obligations; and

(f) be without prejudice to applicable requirements under immigration laws, labor laws, public safety rules, child protection laws, anti-trafficking laws, data privacy laws, and other relevant laws.

Engagements exceeding six (6) months, or engagements creating regular, permanent, or continuing employment, shall be governed by the appropriate visa, work authorization, and employment permit requirements under existing laws and regulations.

SECTION 5. Non-Duplication with Existing Special Work Permits. — Nothing in this Act shall be construed to require a foreign national to secure both an SCWP and another Special Work Permit from the Bureau of Immigration for the same project, production, event, or engagement.

Where an engagement is already covered by an existing Bureau of Immigration Special Work Permit category, the SCWP shall operate as the applicable creative-industry processing classification for purposes of streamlined filing, inter-agency coordination, tax compliance, sponsor accountability, and digital monitoring.

In case of overlap between this Act and existing Bureau of Immigration rules on Special Work Permits, the implementing agencies shall harmonize the applicable requirements and shall avoid duplicate documentary submissions, duplicate fees, or multiple permits for the same engagement.

SECTION 6. Relationship with Alien Employment Permit and Labor Rules. — Nothing in this Act shall be construed to repeal, amend, or diminish the authority of the Department of Labor and Employment under the Labor Code of the Philippines and its implementing rules on the employment of foreign nationals.

Where the engagement of a Foreign Creative Worker creates an employer-employee relationship, or otherwise falls within the coverage of Alien Employment Permit rules, the applicable DOLE requirements shall be complied with.

The implementing rules shall provide a clear mechanism for determining whether a covered engagement requires an Alien Employment Permit, a certificate of exclusion or exemption, or other DOLE clearance, taking into account the duration, nature of engagement, degree of control, compensation arrangement, and whether the work is temporary and project-specific.

SECTION 7. Eligibility and Requirements. — A Foreign Creative Worker may be granted an SCWP upon submission of the following:

- (a) proof of valid passport and lawful temporary admission or authorized stay in the Philippines;
- (b) project contract, engagement letter, call sheet, production brief, or equivalent document showing the nature, duration, location, and scope of the Creative Work;
- (c) endorsement and undertaking by an Accredited Sponsor;
- (d) certification that the engagement is temporary, project-based, and limited to the approved creative activity;
- (e) certification by the Accredited Sponsor that the engagement will not displace Filipino workers performing substantially similar work;
- (f) proof of tax compliance mechanism, including withholding arrangement where applicable;
- (g) proof of compliance with applicable public safety, child protection, anti-trafficking, and labor standards requirements, where relevant; and
- (h) such other requirements as may be prescribed in the implementing rules.

SECTION 8. Accreditation of Sponsors. — Only Accredited Sponsors may endorse applications for SCWP.

To qualify for accreditation, a sponsor must:

- (a) be duly registered and authorized to do business in the Philippines;
- (b) be engaged in, or directly responsible for, the creative project, production, event, campaign, or engagement for which the foreign national is sought to be engaged;
- (c) be compliant with tax, labor, immigration, and business registration requirements;
- (d) have no final and executory finding of serious immigration, labor, tax, trafficking, child protection, or data privacy violation within the period prescribed in the implementing rules;
- (e) undertake to ensure that the Foreign Creative Worker performs only the approved engagement;
- (f) undertake to ensure compliance with applicable tax withholding and reporting obligations; and
- (g) undertake to report completion, cancellation, extension, or material change in the approved engagement.

Industry associations may assist in verification or endorsement only when authorized under the implementing rules, but shall not act as sponsor unless directly responsible for the covered project or engagement.

SECTION 9. Responsibilities and Liability of Accredited Sponsors. — Accredited Sponsors shall be responsible for ensuring that the Foreign Creative Worker complies with the conditions of the SCWP.

They shall be solidarily liable with the Foreign Creative Worker for unpaid permit fees, administrative fines, and tax withholding obligations arising from the sponsored engagement, without prejudice to criminal, immigration, labor, tax, data privacy, or civil liability under existing laws.

An Accredited Sponsor found, after notice and opportunity to be heard, to have facilitated unauthorized work, misrepresentation, tax evasion, labor displacement, trafficking, unlawful processing of personal data, or other violations may be subject to administrative fines, suspension, revocation of accreditation, blacklisting, and other penalties under existing laws.

SECTION 10. Protection of Filipino Creative Workers. — The implementation of this Act shall be guided by the policy that foreign creative participation must complement, and not displace, Filipino creative workers.

For this purpose, the implementing rules may require, where appropriate:

- (a) certification that the foreign national's engagement is necessary for the specific project;
- (b) engagement of Filipino counterparts, crew, apprentices, understudies, or technical personnel;
- (c) skills transfer, mentoring, or production collaboration arrangements;
- (d) reporting of Filipino workers engaged in the same production or project; and
- (e) safeguards against the use of SCWP to avoid regular employment, wage, labor standards, or social protection obligations.

Nothing in this Act shall authorize any engagement prohibited by the Constitution, nationality restrictions, professional regulation laws, labor laws, child protection laws, anti-trafficking laws, data privacy laws, or other applicable laws.

SECTION 11. Compensation and Taxation. — A Foreign Creative Worker holding an SCWP may receive lawful compensation for services rendered in the Philippines, subject to applicable Philippine tax laws.

The Accredited Sponsor, Philippine producer, contracting entity, or payor shall act as withholding agent for Philippine-sourced income paid to the Foreign Creative Worker, unless otherwise provided by the Bureau of Internal Revenue.

The Bureau of Internal Revenue shall prescribe simplified procedures for tax registration, withholding, reporting, and proof of tax compliance for covered short-term creative engagements.

Proof of tax compliance may be required for renewal, extension, repeat engagement, or continued accreditation of the sponsor.

SECTION 12. Inter-Agency Coordination. — The following agencies shall jointly promulgate rules and guidelines for the effective implementation of this Act:

- (a) Bureau of Immigration;
- (b) Department of Labor and Employment;
- (c) Bureau of Internal Revenue;
- (d) Department of Trade and Industry, through the appropriate office or mechanism for creative industries development;
- (e) Film Development Council of the Philippines, for film, audiovisual, and related productions;
- (f) National Privacy Commission, for data privacy and data-sharing safeguards; and
- (g) such other agencies as may be necessary.

The guidelines shall include standardized procedures, documentary requirements, processing timelines, sponsor accreditation rules, tax compliance mechanisms, labor safeguards, appeal procedures, and data-sharing protocols.

SECTION 13. Digital Processing System. — The implementing agencies shall establish an integrated online application, monitoring, and verification system for SCWP applications.

The system shall provide for:

- (a) online filing and tracking of applications;
- (b) standardized documentary submission;
- (c) inter-agency verification;
- (d) electronic issuance of permits, notices, and certifications;
- (e) reporting of completion, cancellation, extension, or change in engagement;
- (f) compliance monitoring; and
- (g) secure data-sharing among implementing agencies.

The digital processing system shall comply with Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012, including purpose limitation, data minimization, access controls, retention periods, security safeguards, and lawful data-sharing arrangements.

SECTION 14. Fast-Track Processing. — A fast-track processing mechanism may be adopted for time-sensitive productions, events, shoots, performances, or other creative engagements, subject to safeguards against abuse.

The implementing rules shall prescribe the conditions, timelines, requirements, and additional accountability measures for fast-track processing.

Fast-track processing shall not dispense with immigration, labor, tax, public safety, anti-trafficking, child protection, or data privacy requirements.

SECTION 15. Fees. — The SCWP shall be subject to fixed, reasonable, and transparent fees to be determined by the implementing agencies, taking into account administrative costs, digital processing costs, and the objective of encouraging lawful compliance.

The schedule of fees shall be published and periodically reviewed.

No additional fees, charges, or exactions shall be imposed except as authorized by law or duly issued regulation.

SECTION 16. Prohibited Acts. — The following acts are prohibited:

(a) engaging in Creative Work in the Philippines without the required SCWP or other appropriate visa, permit, or work authorization;

(b) performing work outside the scope, period, location, project, or engagement approved under the SCWP;

(c) using the SCWP to evade Alien Employment Permit requirements, labor standards, tax obligations, or immigration rules;

(d) submitting false, fraudulent, or misleading documents or statements;

(e) sponsoring a foreign national for a fictitious, simulated, or non-existent project;

(f) allowing a Foreign Creative Worker to perform work for an entity, project, or engagement not covered by the approved permit;

(g) failure to withhold, remit, or report taxes required by law;

(h) facilitating trafficking in persons, illegal recruitment, child exploitation, or other unlawful activities under the guise of Creative Work; and

(i) unauthorized disclosure, misuse, or unlawful processing of personal data obtained under this Act.

SECTION 17. Penalties. — A Foreign Creative Worker who violates the terms of the SCWP shall be subject to cancellation of permit, administrative fines, deportation proceedings, blacklisting, or other penalties under existing immigration, labor, tax, and criminal laws.

An Accredited Sponsor that violates this Act shall, after notice and opportunity to be heard, be subject to any or all of the following:

(a) administrative fine of not less than Fifty Thousand Pesos (Php 50,000.00) but not more than Five Hundred Thousand Pesos (Php 500,000.00) per violation;

(b) suspension or revocation of accreditation;

(c) disqualification from sponsoring future applications;

(d) blacklisting, where warranted;

(e) payment of unpaid taxes, fees, penalties, and surcharges; and

(f) referral for criminal, labor, immigration, tax, data privacy, trafficking, child protection, or other appropriate proceedings.

The penalties under this Act shall be without prejudice to liabilities under Commonwealth Act No. 613, as amended, otherwise known as the Philippine Immigration Act of 1940; the Labor Code of the Philippines; the National Internal Revenue Code, as amended; Republic Act No. 10173; Republic Act No. 9208, as amended; Republic Act No. 7610; and other applicable laws.

SECTION 18. Appeals and Due Process. — No application shall be denied, and no accreditation shall be suspended, revoked, or blacklisted, without notice and opportunity to be heard, except in urgent cases involving fraud, national security, trafficking, child protection, serious immigration violations, serious data privacy breach, or clear risk of flight, subject to immediate post-action review.

The implementing rules shall prescribe the procedure for appeal, reconsideration, and administrative review of adverse actions under this Act.

SECTION 19. Congressional Oversight and Reporting. — The Bureau of Immigration, Department of Labor and Employment, Bureau of Internal Revenue, Department of Trade and Industry, and other implementing agencies shall submit an annual report to Congress on the implementation of this Act.

The report shall include:

(a) number of SCWP applications received, approved, denied, extended, and cancelled;

(b) countries of origin and creative sectors covered;

(c) number and type of Accredited Sponsors;

- (d) processing times;
- (e) tax compliance data, in aggregate form;
- (f) violations and enforcement actions;
- (g) safeguards implemented for Filipino creative workers; and
- (h) recommendations for policy, regulatory, or administrative improvements.

The report shall not disclose personal or commercially sensitive information except as authorized by law.

SECTION 20. Implementing Rules and Regulations. — Within ninety (90) days from the effectivity of this Act, the Bureau of Immigration, Department of Labor and Employment, Bureau of Internal Revenue, Department of Trade and Industry, Film Development Council of the Philippines, and National Privacy Commission shall jointly promulgate the implementing rules and regulations necessary to carry out this Act.

The agencies shall consult representatives of Filipino creative workers, production companies, advertising agencies, performers, models, film and audiovisual producers, digital media companies, labor groups, tax experts, and other relevant stakeholders.

SECTION 21. Separability Clause. — If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 22. Repealing Clause. — All laws, decrees, executive orders, issuances, rules, and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

Nothing in this Act shall be construed to repeal or diminish existing immigration, labor, tax, data privacy, anti-trafficking, child protection, or public safety laws, except to the extent expressly provided herein.

SECTION 23. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,


HON. BRIAN POE, PhD, MNSA
Representative
FPJ Panday Bayanihan Party-List