

**MEMORANDUM OF AGREEMENT
ON THE HANDLING OF TOUR GROUPS FROM THE
PEOPLE'S REPUBLIC OF CHINA AND ITS
SPECIAL ADMINISTRATIVE REGIONS**

KNOW ALL MEN BY THESE PRESENTS:

The **DEPARTMENT OF FOREIGN AFFAIRS**, with office address at DFA Building, 2330 Roxas Blvd., Pasay City, represented by SECRETARY ALBERT F. DEL ROSARIO, hereinafter referred to as the "DFA";

The **DEPARTMENT OF JUSTICE**, with office address at Padre Faura Street, Ermita, Manila, represented by SECRETARY LEILA M. DE LIMA, hereinafter referred to as the "DOJ";

The **DEPARTMENT OF TOURISM**, with office address at No. 351, The New DOT Building, Sen. Gil Puyat Avenue, Makati City, represented by Secretary RAMON R. JIMENEZ, JR., hereinafter referred to as the "DOT";

-and-

The **BUREAU OF IMMIGRATION**, with office address at the BI Building, Magallanes Drive, Intramuros, Manila, represented by Commissioner SIEGFRED B. MISON, hereinafter referred to as the "BI".

The DFA, DOJ, DOT and BI shall be hereinafter collectively referred to as "PARTIES".

WITNESSETH THAT:

WHEREAS, the DFA, through the Philippine Foreign Service Posts, is authorized to issue Temporary Visitor's 9(a) visa of the Philippine Immigration Act of 1940, as amended;

WHEREAS, the DOJ is the government agency authorized by the President under Administrative Order No. 142 to act on immigration matters, including waiver of visas and admission of aliens;

WHEREAS, the DOT is the primary planning, programming, coordinating, implementing and regulatory government agency in the development and promotion of the tourism industry, both domestic and international, in coordination with attached agencies and other government instrumentalities;

WHEREAS, the BI is the principal government agency responsible for controlling and regulating the entry, stay, and exit of foreign nationals in the country and, pursuant to the Philippine Immigration Act of 1940, is authorized to admit foreign nationals departing from any place outside the Philippines for business, pleasure, or health;

WHEREAS, the DOT, DFA and BI entered into a Memorandum of Agreement on 15 June 2000, and its amendment on 30 August 2001 in order to promote Philippine tourism in

the Peoples' Republic of China (PROC) and manage the arrival of Chinese tour groups and individuals;

WHEREAS, the MOA has had significant impact on increasing tourist arrivals from People's Republic of China (PROC), including its Special Administrative Regions (SARs), namely Hong Kong and Macau;

WHEREAS, the Philippine Government aims to increase foreign tourist arrivals through proper implementation of this MOA;

WHEREAS, there is a need to further enhance the effectiveness and relevance of the MOA by conducting a thorough review of its provisions and introducing changes that will ensure the competitiveness of the Philippines in the global tourism market while continuing to uphold border security;

NOW THEREFORE, for and in consideration of the foregoing premises, the parties hereby agree as follows:

I. COVERAGE

This MOA shall apply to DOT-accredited tour operators handling tour groups from the People's Republic of China (PROC), including its Special Administrative Regions (SARs), namely Hong Kong and Macau.

Individuals applying through accredited tour operators shall not be covered by this MOA.

II. DEFINITION OF TERMS

For purposes of this MOA, the following terms are hereby defined.

1. **Accreditation** shall refer to a certification issued by the DOT after a determination that the tourism enterprise complied with the minimum standards for the operation of tourism facilities and services;
2. **Affidavit of Guarantee** shall mean an affidavit submitted to the DOT by the president / general manager of a tour operator stating that the said tour operator shall be held liable should any member of its tour group from the PROC fail to leave the Philippines with the group and that the tour operator shall be held accountable for administrative fines and other sanctions as may be imposed, as well as expenses that may be incurred in the repatriation of the said member;
3. **Cooperation Agreement** refers to an agreement between the Philippine tour operator accredited by the DOT and the Chinese travel agency accredited by the China National Tourism Administration (CNTA), the validity of which should not be more than three years, establishing a formal relationship promoting the Philippines as a tour destination and managing the tour arrangements, following the template prescribed in "Annex A";

4. **Inbound Tour** shall mean a tour of groups to the Philippines.
5. **Letter of Endorsement** shall refer to an endorsement by the DOT to the DFA stating that a Philippine tour operator is authorized to accept foreign tour groups from PROC. A letter of endorsement will convey the authenticated Cooperation Agreement and the Affidavit of Guarantee, among other documents. The Letter of Endorsement shall have a validity of six (6) months from the date of issuance but shall in no case exceed the validity period of the DOT Accreditation.
6. **Letter of Guarantee** shall mean a letter addressed to Philippine Foreign Service Posts in PROC by the president / general manager of the Philippine tour operator conveying the same contents of an Affidavit of Guarantee with a list indicating the names of the tour group members;
7. **Recognition** pertains to the permission granted by the DFA to CNTA-accredited travel agencies in PROC to transact visa applications at Philippine Foreign Service Posts;
8. **Tour Groups** shall refer to groups handled by DOT-accredited tour operators, and whose members follow a specific itinerary, and arrive and depart at the same time. A tour group shall have a minimum of three (3) members;
9. **Tour Operator** shall mean any person or tourism enterprise engaged in the business of inbound and/or local tour operation such as making online reservations, arranging and booking for transportation and accommodation, organizing and/or conducting tours for a fee, commission, or any form of remuneration.

III. DUTIES AND RESPONSIBILITIES

The DFA shall:

1. Through its Foreign Service Posts, provide information on foreign travel agencies in PROC, duly authorized to handle outbound tours to the Philippines;
2. Through its Foreign Service Posts, authenticate the Cooperation Agreement;
3. Through its Foreign Service Posts, recognize Chinese travel agencies accredited by CNTA and which have entered into a Cooperation Agreement with a Philippine tour operator endorsed by the DOT, by accepting visa applications for tour group members;
4. Through its Foreign Service Posts, require the submission of a Letter of Guarantee from the DOT-accredited tour operator for every tour group that will visit the Philippines;
5. Through its Foreign Service Posts, indicate the name of both the CNTA-accredited travel agency and the DOT-accredited tour operator in the approved visas of the tour groups.

6. Through the Office of Consular Affairs and in coordination with the DOT, maintain a centralized database of CNTA-accredited travel agencies and DOT-accredited tour operators as well as information of foreign nationals granted visas as tour group members, which shall likewise be made available to all Parties of this MOA; and
7. Through the Office of Consular Affairs and its Foreign Service Posts, cause the revocation of the recognition of CNTA-accredited travel agencies for violation or non-compliance with rules and regulations issued in implementation of this MOA.

The DOJ shall:

1. Conduct investigation, upon referral or endorsement by any party to the MOA, of any violation to this MOA and such rules and regulations issued pursuant thereto; and
2. Submit the result of the investigation for the appropriate action of the inter-agency committee.

The DOT shall:

1. Accredit such persons, or any tourism enterprise which will engage in inbound tour operation pursuant to its Rules and Regulations governing Travel and Tour Services;
2. Issue a Letter of Endorsement to the DFA for any tour operator intending to transact business with travel agencies based in PROC, provided that the local tour operator is accredited by DOT and the Chinese travel agency is duly accredited by CNTA and that both should remain to be of good standing; and
3. Revoke or suspend the DOT-accreditation of any tour operator found in violation of the provisions of DOT rules and regulations governing the operations and accreditation of tour operators and this MOA, including all issuances issued pursuant thereto.

The BI shall:

1. Allow the entry of tour groups from PROC processed pursuant to this MOA;
2. Prohibit the visa extension or conversion of any tour group member; and
3. Cause the exclusion of tour group members who fail to comply with entry requirements, or their deportation for violation of the terms and conditions of their stay, without prejudice to the imposition of other applicable penalties under Philippine laws against the tour group members and their sponsor local tour operators.

IV. INTER-AGENCY MONITORING

There shall be an inter-agency meeting at least twice a year among the parties to monitor and assess the implementation of this MOA and any rules and regulations issued pursuant thereto.

The PARTIES shall issue a Joint Circular to implement the provisions of this MOA.

V. SUPERCESSION CLAUSE

This MOA supersedes the Memorandum of Agreement on the Accreditation of Philippine Tour Operators Handling Tour Groups from the People's Republic of China dated 15 June 2000 and its amendment dated 30 August 2001, and their implementing rules and regulations.

VI. EFFECTIVITY

This MOA shall take effect after publication of the Joint Circular referred to above.

IN WITNESS WHEREOF, the PARTIES hereto have set their hands this 26th day of January in Makati City, Philippines

DEPARTMENT OF FOREIGN AFFAIRS

By



ALBERT F. DEL ROSARIO
Secretary

DEPARTMENT OF JUSTICE

By



LEILA M. DE LIMA
Secretary

DEPARTMENT OF TOURISM

BUREAU OF IMMIGRATION


By

By


RAMON R. JIMENEZ, JR.
Secretary


SIEGFRED B. MISON
Commissioner

SIGNED IN THE PRESENCE OF:



ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)

CITY OF MAKATI) S.S.

6th BEFORE ME, a Notary Public in and for Makati, Philippines, this
day of March 2015 personally appeared:

| Name | TIN/GSIS/SSS/Passport /Driver's License/Voter's I.D. No. | Date & Place Issued |
|-----------------------|--|---------------------------------|
| ALBERT F. DEL ROSARIO | DE0010282 | 14 JUNE 2014 DFA, MANILA |
| LEILA M. DE LIMA | DE0000007 | 26 NOVEMBER 2010 DFA, MANILA |

RAMON R. JIMENEZ, JR.

Passport
DE000306

05-31-13
DFA Manila

SIEGFRED B. MISON

N/c - 83 - 033151

14 May 2014
Manila City

all known to me and to me known to be the same persons who executed the foregoing Joint Memorandum of Agreement and they acknowledged to me that the same are their free and voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the date and at the place first above written.

[Signature]
NOTARY PUBLIC

Doc No. 230;

Page No. 46;

Book No. IV;

Series of 2015