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JURISDICTION : PHILIPPINES FOREIGN INVESTMENT LAW GUIDE 2026

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1. What are the main reasons foreign investors invest in your jurisdiction? (Please provide a brief introduction to your jurisdiction and some facts and figures related to foreign investment).

Also called the *gateway to Southeast Asia*, the Philippines is an archipelago of over 7,100 islands in the western Pacific Ocean. The Philippines is centrally and strategically located in the Southeast Asia region, and is surrounded by Malaysia, Indonesia, Vietnam, Taiwan, China, and Japan, which allows the country direct access to global sea routes and maritime traffic.

The country is abundant in natural resources: mineral deposits, including both metallic and non-metallic minerals, fishery and agricultural resources, and diverse flora and fauna. The Philippines also boasts of a young and fast-growing population. As of 2024, the Philippine Statistics Authority reported a population of almost 112 million, with a the largest age group being Filipinos aged 10 to 14 years old, closely followed by Filipinos aged 15 to 19 years old. The young population is composed of a skilled work force that is highly proficient in the English language and with relatively low labor costs.

The Philippine economy defied expectations in 2023, thriving despite global financial headwinds. It emerged as one of Asia's fastest-growing economies, a testament to its resilience and sound economic policies.

Inflation, a major concern in 2022, has slowed down from 8.1% to 3.9%, thanks to effective monetary and fiscal measures aimed at promoting a stable and efficient market. The country has also retained its investment grade rating, allowing it better access to foreign capital at favorable rates.

Infrastructure development, particularly in transportation, has been a cornerstone of the government's

agenda in recent years. It plans to invest a significant portion of its GDP (5% to 6%) annually towards infrastructure projects from 2022 to 2028. This commitment aims to modernize the country's infrastructure and boost economic competitiveness.

Furthermore, the 2018 Ease of Doing Business Act remains a key initiative to foster a more transparent and efficient government environment, facilitating economic activity and allowing for predictability in transactions with the government.

2. What foreign investment legislation is in place in your jurisdiction (e.g. Foreign Investment Law or Foreign Investment Catalogue)? Please provide a brief overview of such legislation.

The Philippines' chief legislation on foreign investments is the *Foreign Investments Act of 1991* (Republic Act No. 7042) (FIA). The FIA provides the basic guide for the entry of foreign investments into the country, allowing as much as 100% foreign participation in most enterprises, with the exception of areas of economic activity which are wholly or partially reserved for Philippine nationals under the Philippine constitution, special laws and the *Foreign Investments Negative List* (FINL).

In 2022, the FIA was amended to lessen restrictions on foreign investments and allowed foreign nationals to invest up to 100% equity in Micro and Small Domestic Market Enterprises (MSMEs) that are engaged in advanced technology, startup or startup enablers, and majority of its employees are Filipinos.

Incentives are available to foreign investors under certain laws depending on the activity to be conducted in the Philippines. The Fiscal Incentive Review Board on its own or through the various investment promotion agencies including the Board of Investments (BOI) and the Philippine Economic Zone Authority (PEZA), may grant fiscal and non-fiscal incentives for local and foreign enterprises engaged in certain activities. Regional or Area Headquarters (RHQ), Regional Operating Headquarters (ROHQ) and regional warehouses established by multinational corporations are also granted incentives under the *Omnibus Investments Code* (OIC). Enterprises locating and operating in certain special economic and freeport zones may likewise enjoy incentives as provided under special laws.

3. What restrictions are placed on foreign investment? Does this differ at local levels of government?

Restrictions on foreign investment include limitations on full foreign ownership of certain businesses (such as mass media, mining, fishing, public utilities), prohibition on foreign ownership of private lands, required minimum inward remittance of capital, and reciprocity with countries of origin of such foreign investment, among others.

The FIA provides for the formulation of the FINL, a shortlist of investment areas or activities which are open to foreign investors and/or reserved to Philippine nationals. The 13th FINL is available at the following link:

<https://www.officialgazette.gov.ph/2026/04/13/executive-order-no-113-s-2026/>

4. What are the most common business vehicles for foreign investors? How long do they take to be set up? What are the key requirements for the establishment and operation of these vehicles?

Common business vehicles are domestic stock corporations or branch offices. Multinational corporations may likewise establish a representative office, RHQ or ROHQ. These entities may be established thru registration with the Philippine Securities and Exchange Commission (SEC). The registration process may take about two to four weeks.

Domestic Corporation

Foreign investors may engage in business in the Philippines by organizing a domestic stock corporation as a local subsidiary. The subsidiary becomes a legally independent unit from its foreign parent company, governed exclusively by Philippine laws.

The formation of a domestic stock corporation requires it to have at least two but not more than 15 incorporators. There is no minimum capital stock required. For 100% foreign-owned domestic corporations, a minimum paid up capital of US\$200,000 is required if the corporation will engage in business as a domestic market enterprise.

One Person Corporation

Foreign investors may organize a one-person corporation (OPC) which serves the same purpose as a Domestic Corporation but only has a single stockholder and director. A foreign-owned OPC likewise requires a minimum paid-up capital of US\$200,000 if it engages in business as a domestic market enterprise.

Branch Office

A branch office does not have a juridical personality separate from its parent corporation and is thus not required to have its own board of directors and other corporate officers.

To obtain a branch license, the foreign corporation's head office must prove its legal existence in its country of origin, its financial soundness, and its authorization to set up a branch in the Philippines. The branch will need to appoint a resident agent in the Philippines.

Branch offices that will engage in domestic market enterprises are required to have and inwardly remit a minimum assigned capital of US\$200,000. Export-oriented branches, on the other hand, are generally required to have and inwardly remit to a minimum assigned capital of only Php5,000. Additionally, within 60 days after its registration, a branch office must deposit with the SEC securities with an actual market value of at least Php500,000.

Other Forms of Corporate Vehicles

- *Representative Office.* – A “representative office” or “liaison office” is a local office of a foreign corporation which deals directly with the clients of the parent company but does not derive income from the Philippines. It is fully subsidized by its head office and undertakes such activities as information dissemination, promotion of the company's products, as well as quality control of products. A representative office is required to have an initial minimum inward remittance in the amount of US\$30,000 to cover its operating expenses.
- *Regional Headquarters.* – RHQs are branch offices that serve as a supervisory, communication, and coordinating center for its head office, affiliates, subsidiaries, or branches in the Asia-Pacific region and other foreign markets. RHQs are neither allowed to derive any income from sources within the Philippines nor to participate in any manner in the management of any subsidiary or branch office it might have in the Philippines. RHQs are likewise restricted from soliciting or marketing goods and services whether on behalf of its affiliates or any other company.

RHQs are required to remit to the Philippines at least US\$50,000 or such amount as may be necessary to cover its operations.

- *Regional Operating Headquarters.* – A multinational company may register an ROHQ for the purpose of providing qualifying services to its affiliates, subsidiaries or branches in the Philippines, in the Asia-Pacific Region and in other foreign markets. These qualifying services include, among others, sourcing or procurement of raw materials, corporate finance advisory services, marketing control and sales promotion, training and personnel management, logistic services and data processing

Licensed ROHQs are required to remit to the Philippines such amount as may be necessary to cover its operations in the Philippines, which should not be less than US\$200,000.

RHQs and ROHQs are also granted fiscal and non-fiscal incentives under the OIC.

5. Under what circumstances are foreign investments subject to government approvals? What is the process and timeline for such approvals?

Depending on the type of activity to be undertaken in the Philippines, special licenses, clearances or permits may have to be secured in addition to the primary registration with the SEC. Some of the businesses that require special licenses include banks, insurance companies, financing and lending companies, securities brokerage, investment houses, hospitals, health maintenance organizations, and recruitment for overseas employment.

In addition, any enterprise seeking to avail itself of incentives under special laws must apply for registration with the relevant regulatory authority. For instance, for incentives under the OIC, registration must be secured with the BOI.

Process and timeline for approval of the registration depend on the respective rules and regulations of the relevant regulatory authority.

6. What sectors are heavily regulated or restricted in your jurisdiction, if any? Conversely, what are some of the more open or unrestricted sectors, if any?

Please refer to the replies under question (3), on the areas covered under the FINL that are reserved wholly or partially to Philippine nationals, and under question (5), on the business activities requiring special licenses and regulated under special laws in addition to the *Revised Corporation Code* governing business entities generally.

7. Are there any restrictions on doing business with certain countries or territories in your jurisdiction? (For example, sanctions).

There are no restrictions on doing business under Philippine laws that are applicable only to certain countries or territories. The Philippines currently does not have a sanctions regime (financial or economic) in place.

8. What grants or incentives are on offer to foreign investors, if any?

Incentives available to foreign investors include those that qualify for registration with Investment Promotion Agencies (IPAs). IPAs are government entities in charge of promoting investments, granting and administering tax and non-tax incentives, and overseeing the operations of the different economic zones and freeports in accordance with their respective special laws. These include the following:

- *Board of Investments* – Pursuant to the Omnibus Investment Code, local and foreign enterprises engaged in activities included in the Investment Priorities Plan (IPP) may register with the BOI. The most recent IPP (which took effect on June 17, 2026) may be accessed at the following link:

<https://www.officialgazette.gov.ph/2026/05/21/memorandum-order-no-47-s-2026/>

- *Philippine Economize Zone Authority* – Pursuant to the Special Economic Zone Act of 1995, the PEZA is charged with the registration of and grant of incentives to investors in export-oriented manufacturing and service facilities inside selected areas throughout the country proclaimed as special economic zones (“ecozones”).
- *Regional Board of Investments of the Autonomous Region in Muslim Mindanao* – Pursuant to the *Muslim Mindanao Autonomy Act No. 242*, the Regional Board is tasked with the promotion of investments within the Autonomous Region in Muslim Mindanao.
- Other IPAs, pursuant to special laws creating ecozones.

Please see our related discussion under question (9).

Registered business entities (RBEs) with IPAs may be granted the following fiscal incentives:

- Income tax holidays (ITH) of four to seven years
- Special Corporate Income Tax (SCIT) of 5%, after the lapse of the ITH period
- Enhanced deductions, including depreciation allowance for qualified capital expenditures, additional deductions for labor expense, research and development expense, training expense, domestic input expense, and power expense
- Enhanced Net Operating Loss Carry-Over;
- Duty exemption on importation of capital equipment, raw materials, spare parts, or accessories
- Exemption from value added tax (VAT) on importation, and VAT zero-rating on local purchases

The following non-fiscal incentives are likewise available under the relevant special laws administered by the IPAs:

- Simplified customs procedures for the importation of equipment, spare parts, raw materials and supplies, and exports of processed products

- Unrestricted use of consigned machinery, equipment and spare parts
- Employment of foreign nationals in supervisory, technical or advisory positions for a period not exceeding five years from its registration
- Access by registered export-oriented enterprises to bonded manufacturing/ trading system

9. Are there any free trade, special economic or industrial zones in your jurisdiction and what are their requirements?

Special Economic Zone Act of 1995

The law, implemented by the PEZA, provides for the creation of special ecozones, where enterprises may locate and register with the PEZA to avail of fiscal and non-fiscal incentives.

Bases Conversion Development Act of 1992

The *Bases Conversion and Development Act of 1992* (RA No. 7227) created the Subic Bay Metropolitan Authority (SBMA) and the Bases Conversions Development Authority (BCDA). SBMA has jurisdiction over the Subic Special Economic Zone and the Subic Freeport Zone. BCDA, in turn, has implementing arms over its subsidiaries such as John Hay Management Corporation for the John Hay Special Economic Zone (located at Baguio City), Poro Point Management Corporation for the Poro Point Freeport Zone (PPFZ) (located at Poro Point, San Fernando City, La Union), and the Clark Development Corporation (CDC) for the Clark Freeport Zone.

Other ecozones created under various special laws include the Zamboanga City Special Economic Zone (located in San Ramon, Zamboanga City), the PHIVIDEC Industrial Estates (located in the municipalities of Tagaloan and Villanueva, Misamis Oriental), the Aurora Special Economic Zone (located in the municipality of Casiguran, Aurora), the Cagayan Special Economic Zone and Freeport (located in Cagayan Province), the Freeport Area of Bataan (located in Bataan Province), and.

Tourism Act of 1999

The *Tourism Act of 1999* (RA No. 9593) created the Tourism Infrastructure and Enterprises Zone Authority (TIEZA) and provided for the creation of Tourism Enterprise Zones.

10. What are the main taxes that could apply to foreign investors in your jurisdiction? (For example, Personal Income Tax, Corporation Tax, Value Added Tax and Social Security Payments).

Tax on Corporations

For tax purposes, corporations are classified as: (1) “domestic corporations”, those organized in the Philippines; or (2) “foreign corporations” (corporations which are not domestic), and which may be “resident foreign corporations” (foreign corporations engaged in business in the Philippines), or “nonresident foreign corporations” (foreign corporations not engaged in business in the Philippines). A domestic corporation is taxable on all income derived from sources within and outside the Philippines; while a foreign corporation, whether or not engaged in business in the Philippines, is taxable only on income derived from within the Philippine.

The following internal revenue taxes are generally applicable to domestic corporations and to resident foreign corporations (such as a Philippine branch of a foreign corporation):

Applicable Tax	Domestic Corporation (on income from within and without the Philippines)
Regular Corporate Income Tax (RCIT)	25% on the net taxable income (gross income less allowable deductions)
	20% for domestic corporations with net taxable income not exceeding Php5 million and with total assets not exceeding Php100 million, excluding land on which the particular business entity’s office, plant, and equipment are situated
Minimum Corporate Income Tax (MCIT)	Beginning on the fourth taxable year following the commencement of business operations, if taxable income is zero or negative, or where MCIT is greater than RCIT, 2% on the gross income, except income exempt from income tax and income subject to final withholding tax
Tax on Passive Income	▪ 20% final tax on interest on currency bank deposit and yield or any other monetary benefit from deposit substitutes, trust funds and similar arrangements, and royalties ▪ Exempt from final tax - interest income derived from a depository bank under the expanded foreign currency system from foreign currency transactions with nonresidents, offshore banking

Applicable Tax	Domestic Corporation (on income from within and without the Philippines)
	units in the Philippines, local commercial banks including branches of foreign banks that may be authorized by the BSP to transact business with foreign currency deposit system units and other depositary banks under the expanded foreign currency deposit system 10% final tax on income derived by a depositary bank under the expanded foreign currency deposit system from foreign currency transactions with residents 0.1% stock transaction tax on the sale of shares of stock traded in the stock exchange
Tax on Branch Profits Remittances	15% tax on profits remitted by a branch to its head office
Tax on Intercompany Dividends	Exempt
Capital Gains Tax	6% final tax on the gain presumed to have been realized on the sale, exchange or disposition of lands and/or buildings not actually used in business 15% final tax on net capital gains from the sale of shares of stock not traded in the stock exchange
Value-Added Tax	12% VAT on gross sales or receipts
Withholding Taxes	5% creditable withholding tax on payments of real property rental fees 5%-10% creditable withholding tax on payments of commissions of independent and/or exclusive sales representatives and marketing agents 0%-35% withholding tax on payment of compensation and other income payable to employees 1% and 2% creditable withholding tax on payments made by top withholding agents (e.g.,

Applicable Tax	Domestic Corporation (on income from within and without the Philippines)
	large taxpayers, top 20,000 private corporations or top 5,000 individuals) to their local/resident suppliers of goods and services, respectively, whether individuals or corporations

Nonresident foreign corporations are, in general, subject to a final tax of 25% on gross income received during each taxable year from all sources within the Philippines such as interests, dividends, rents, royalties, salaries, premiums, gains, etc.

Tax on Individuals

Individuals are classified for tax purposes as: (a) citizens, (b) nonresident citizens, or (c) alien individuals, who may either be a resident alien or nonresident alien. An alien individual, whether a resident or not of the Philippines, is taxable only on income derived from Philippine sources.

Income of citizens, resident aliens and nonresident aliens engaged in business in the Philippines is taxed at progressive rates ranging from exempt to 35%. Cash and/or property dividends received by these taxpayers are subject to a 10% final tax.

For nonresident aliens not engaged in business in the Philippines, income tax is at 25% of income (interest, dividends, rents, salaries, etc.).

Other Imposts

Other imposts and taxes imposed by the government in addition to the above are as follows:

- Importations are generally subject to customs duties. Anti-dumping duty, countervailing duty, marking duty, and discriminating duty may likewise be due under special circumstances;
- Local government units impose business taxes based on gross sales or receipts; and
- Real property taxes on lands, buildings and other improvements thereon.

11. What are some of the employment regulations in your jurisdiction that foreign investors should be aware of? Is it possible to secure residency permits or work visas for foreign nationals under investment?

The Labor Code of the Philippines is the primary governing law in the Philippines covering employment standards and the legal framework for negotiating, adjusting and administering those standards and other incidents of employment.

Some Key Labor Standards

- *Working Hours* – Eight hours normal working day, with 60 minutes time off for regular meals (which is not compensable).
- *Overtime Work* – Work rendered after the normal eight hours of work shall be paid an overtime rate.
- *Night-Shift Differential Pay* – A night shift differential of not less than 10% of the regular wage shall be paid for each hour of work performed between 10:00 p.m. and 6:00 a.m.
- *Weekly Rest Period* – Rest period of not less than 24 consecutive hours after every six consecutive normal workdays.
- *Service Incentive Leave* – An employee who has rendered at least one year of service is entitled to a yearly service incentive leave of five days with pay.
- *Minimum Wage* – Minimum wages are set by law or the Regional Wage Boards.
- *13th Month Pay* – Every employee is entitled to a 13th month pay, which shall be at least 1/12 of the basic salary earned within a calendar year.
- *Retirement Pay* – The minimum retirement pay of ½ month salary for every year of service is payable to employees who have served at least five years of service upon compulsory retirement at the age of 65 or upon optional retirement at 60 or more but not 65.
- *Paid Time-Off* – Female employees are entitled to maternity leave of at least 105 days. The father of a newborn baby is allowed to go on paid leave for seven days. In addition to the foregoing, solo parents are granted paid leave of not more than seven working days.

Security of Tenure

The right to security of tenure is enshrined in Philippine law. Following this principle, an employer may not terminate the services of an employee except for just or authorized causes provided under the law and subject to compliance with procedural due process.

Entry and Work Requirements (Immigration)

A foreign national, who is not a “restricted” national, may enter the Philippines without obtaining an entry business visa from the Philippine Embassy or the Consulate from the country of origin or residence. Upon arrival in the Philippines, the foreign national will be granted a 9(a) visa valid for a short period up to 59 days from arrival, depending on his nationality. If the foreigner is a “restricted” national, he must obtain a 9(a) visa from the Philippine Embassy or Consulate in his country of origin or residence before entering the country.

In the event that the foreign national will be working in the Philippines, the foreign national, through a Philippine employer, is required, as a general rule, to first secure an alien employment permit and the appropriate work or special resident visa.

- *Prearranged Employment or 9(g) Visa* – This is available to a foreign national proceeding to the Philippines for a prearranged employment in a Philippine entity.
- *Treaty Trader’s / Investor or 9(d) Visa* – Foreign national businessmen may be admitted as nonimmigrants for their entry into the Philippines to develop and direct the operations of an enterprise in which he has invested a substantial amount of capital.
- *Special Investor’s Resident Visa (SIRV)* – This entitles the holder to reside in the Philippines for an indefinite period as long as the required qualifications and investments are maintained. The SIRV program requires investors to remit at least US\$75,000 into the country and invest the same in viable economic activities pursuant to the OIC.
- *Special Non-immigrant Visa* – This may be issued upon approval of the Secretary of Justice for public interest or policy considerations. Foreign nationals employed by enterprises registered with the PEZA and BOI may apply for this type of visa.

12. Can foreign investors acquire real property and land in your jurisdiction? Are there any restrictions or limitations?

Ownership of private lands is limited to citizens of the Philippines or to corporations that are 60% owned by Philippine citizens. Foreign ownership of private lands is, except in cases of hereditary succession, limited only to the foreign national's 40% interest in a landholding company.

Foreign investors may, however, own condominium units in condominium projects where title to the common areas are held by a corporation, provided that the total foreign interest in the condominium project does not exceed 40%.

Foreign investors may also enter in to long-term leases over private lands for up to 75 years. Under the *Investor's Lease Act* (R.A. No. 7692), lease agreements may be entered into with Filipino landowners for the establishment of industrial estates, factories, assembly or processing plants, agro-industrial enterprises, land development for industrial, or commercial use, tourism, and other similar priority productive endeavors. The lease period is for 50 years, renewable once for another 25 years.

13. Are there any processes in your jurisdiction that can block foreign investment under specific circumstances?

A license to do business must be secured from the SEC, and special licenses (depending on the nature of activity) from the relevant regulatory body, must be secured. Application for license or permits may be denied for failure to comply with rules and regulations and applicable law (including the FINL). The practice of certain professions by foreign nationals may be allowed, subject to reciprocity.

Anti-Trust

The *Philippine Competition Act* requires parties to a merger or acquisition to notify the Philippine Competition Commission (PCC) at least 30 days before the execution of definitive agreements relating to the transaction where the following thresholds are met: (a) the annual turnover in, into, or from the Philippines, or value of the assets in the Philippines of the ultimate parent entity of at least one of the acquiring or acquired entities, including that of all entities that it controls exceeds Php9.1 billion; and (b) the value of the transaction exceeds Php3.8 billion. The notification thresholds are subject to recalibration by the PCC from time to time and the current thresholds have been in effect beginning March 1, 2026.

Parties covered by the compulsory notification requirement are prohibited from consummating and implementing their agreements until the transaction is deemed approved by the PCC or the PCC issues a "no objection" or "no further action" decision on the matter. An agreement consummated in violation of the compulsory notification requirement shall be considered void and will subject the parties to an administrative fine of 1% to 5% of the value of the transaction.

14. What foreign currency or exchange controls should foreign investors be aware of?

Inward foreign investments (in cash or in kind) need not be registered with the *Bangko Sentral ng Pilipinas* (BSP), unless the foreign exchange needed to service the repatriation of capital and the remittance of dividends and profits shall be purchased from the banking system. For registration purposes, foreign currency cash remittances need not be converted to pesos.

Investments in the form of foreign loans (loans from offshore sources or foreign currency loans from resident banks), on the other hand, generally require prior approval of and registration with the BSP, if these will be serviced with foreign exchange to be sourced from the banking system. BSP regulates foreign/foreign currency loans to ensure that the principal and interest thereon can be serviced in an orderly manner and with due regard to the economy's overall debt servicing capacity.

15. Are there any restrictions, approval requirements or potential penalties if a foreign investor withdraws their investment in your jurisdiction?

There is generally no restriction on withdrawal of foreign investments in the Philippines. Foreign direct investments registered with the BSP may be fully repatriated using foreign exchange purchased from the Philippine banking system.

16. What contract enforcement and investor protection mechanisms are in place in your jurisdiction, if any?

Philippine law treats foreign investors in the same way as their domestic counterparts. Hence, the remedies under Philippine general laws on contract enforcement and on stakeholder protection are likewise available to foreign investors. However, foreign corporations engaging in business in the Philippines without the required license will not be allowed to institute or maintain any action or proceeding before any court or administrative body in the Philippines.

The OIC likewise provides for basic rights and guarantees to which all investors and registered enterprises are entitled which includes: (a) the basic rights and guarantee provided in the Constitution; (b) the right to repatriation of investments and remittance of earnings; (c) freedom from expropriation; and (d) protection from requisition of investment.

The foregoing protections are further provided in investment treaties entered into by the Philippines with other states.

17. Does your jurisdiction have any bilateral or multilateral investment protection treaties with Asia-Pacific jurisdictions that are commonly used for investing into the country?

The Philippines is a party to bilateral investment treaties with 37 countries or entities, including those with China, India, Korea, Taiwan, Thailand and Vietnam. These treaties similarly provide for the promotion, encouragement and admission of investments in each other's areas; fair and equitable treatment of foreign investments and full protection and security, no less favorable than that accorded to its own investors; freedom from expropriation; and guarantee of transfer of profits, earnings and repatriation.

The Philippines is also a founding member of the Association of Southeast Asian Nations (ASEAN). Other member countries of the ASEAN are Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Singapore, Thailand and Vietnam. Under the *ASEAN Comprehensive Investment Agreement* entered into force on March 29, 2012, the member states declared their cooperation to create a free and open investment environment through the consolidation and expansion of existing agreements between the ASEAN member countries.

The Philippines is also a signatory to the Regional Comprehensive Economic Partnership (RCEP) trade agreement. The RCEP is expected to reduce tariffs on imports among the signatories and establish common set of trade rules for non-traditional areas such as e-commerce, trade, and intellectual property.

18. What intellectual property rights protections are available in your jurisdiction to foreign investors?

Protection of intellectual property (IP) rights in the Philippines is codified under the Intellectual Property Code of the Philippines (IPC), implemented by the Intellectual Property Office (IPO). The IPC was enacted pursuant to the Philippines' commitment under the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS).

Among the IP rights protected under the IPC are the following:

- *Patents* – Patentable inventions are granted protection for a term of 20 years from the filing date of the application for registration with the IPO. The IPC follows the first-to-file rule, in that the right to a patent shall belong to the person who first files an application for registration.
- *Trademarks, Service Marks and Trade Names* – Rights to a mark are acquired through registration with the IPO. However, priority right is given to a foreign national who previously filed an application for registration of the same mark in other countries. A certificate of registration shall remain in force for ten years.

- *Copyright* – Literary and artistic works, and certain derivative works, are copyrightable under the IPC. The rights of an author shall last during his lifetime and for 50 years after his death.

The IPC likewise provides for the requirements of "technology transfer arrangements" (TTAs). TTAs refer to contracts involving the transfer of systematic knowledge for product manufacturing, the application of a process, or rendering of service, including management contracts. Transfer, assignment or licensing of IP rights is also considered a TTA. TTAs shall not include certain provisions which are deemed to have an adverse effect on competition and trade, and shall include mandatory provisions relating to governing law, continued access to improvements, arbitration, and responsibility for taxes. TTAs which do not conform with the IPC requirements shall be unenforceable, unless approved and registered with the IPO.

19. Are there any environmental policies and regulations that (potential) foreign investors should be aware of prior to or throughout the investment process in your jurisdiction?

Significant Philippine environmental laws currently in force, and implemented by the Department of Environment and Natural Resources, are:

- The *Ecological Solid Waste Management Act of 2000* (R.A. No. 9003), providing for the government's program on ecological solid waste management (management of control, transfer, transport, processing and disposal of solid waste) and the institutional mechanism for its implementation
- The *Philippine Clean Water Act of 2004* (R.A. No. 9275), providing for a comprehensive water quality management in all water bodies, but primarily applying to the abatement and control of pollution from land based sources
- The *Philippine Clean Air Act of 1999* (R.A. No. 8749), providing for a comprehensive air pollution control policy for the prevention and abatement of air pollution
- The *Toxic Substances, Hazardous and Nuclear Waste Control Act of 1990* (R.A. No. 6969), providing for the regulations on importation, manufacture, processing, handling, storage, transportation, sale, distribution, use and disposal of all unregulated chemical substances and mixtures
- The Presidential Decree No. 1586, establishing the Environmental Impact Statement (EIS) System. The EIS System requires entities to first secure an Environmental Compliance Certificate before it can undertake certain projects or activities considered environmentally critical.

20. Are there any government agencies or non-governmental bodies that (potential) foreign investors can turn to for more information on investment in your jurisdiction?

Foreign investors may reach out to the following:

- BOI, the lead government agency responsible for the promotion of investments in the Philippines:

**Board of Investments
Investment Assistance Center (IAC)**
Ground Floor Industry and Investments Bldg.
385 Sen. Gil Puyat Ave., Makati City, Philippines
TL. 8683.3512 / 8895.3989
<https://boi.gov.ph/contact-us/>

- FIRB, for more information on available incentives:

Fiscal Incentives Review Board
8th Flr., EDPC Bldg., BSP Complex,
Roxas Boulevard, Manila 1004
TL. 5317.6363
<https://firb.gov.ph/>

- SEC, for more information on company formation at:

Securities and Exchange Commission
7907 Makati Avenue, Salcedo Village,
Bel-Air, Makati City, Philippines
<http://www.sec.gov.ph/>

21. Have there been any recent proposals for reforms or regulatory changes that will impact foreign investment in your jurisdiction?

There is currently an initiative for a charter change or an amendment of the 1987 Philippine Constitution. The amendments are proposed to be made to the economic provisions of the Constitution, particularly Articles XII (*National Patrimony and Economy*), XIV (*Education Science and Technology, Arts, Culture and Sports*), and XVI (*General Provisions*). According to Congress, they intend to further liberalize public utilities, advertising and educational institutions.

22. Are there any other features regarding foreign investment in your jurisdiction or in Asia that you wish to highlight?

The salient features of the Philippines regulatory framework on foreign investments are discussed under the replies to the preceding questions.

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Labor and Employment	Immigration

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