Australian Government
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Philippines Regulatory Fact Sheet

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1. Introduction

The purpose of Country Regulatory Fact Sheets is to provide up-to-date information on the regulatory and business requirements for establishing education and training services in overseas countries. The fact sheets contain publicly available information on a country's education, regulatory and business environments, together with contact details of agencies and authorities in those countries that have responsibility for administering those regulations.

Prospective offshore providers' are still advised to undertake their own investigations and due diligence when planning business in other countries; for example, references to laws and regulations must be independently checked for currency and applicability to an institution's particular circumstances. A summary of the Australian Transnational Quality Strategy for offshore education and training is attached to this fact sheet for your information.

General Country/Economy business fact sheets are available for most countries from the Department of Foreign Affairs and Trade website at www.dfat.gov.au/geo/fs.

2. The Philippines

2.1. Fast Facts

Official Name	Republic of the Philippines
Area	300,000 sq. km (115, 830 sq. miles) spread over 7,101 islands
Population	92.23 million (2009 census estimate)
Capital	Metropolitan Manila
Local Time	GMT + 8 hours
People	Filipinos are predominantly of Malay descent, although many have mixed ancestry such as Chinese and Spanish
Languages	Pilipino (derivative of Tagalog) and English are official languages, including some 150 more native languages, vernaculars, and dialects
Prevailing Religions	Roman Catholic (83%), Protestant Denominations (8%), Muslim (4.6%), Iglesia ni Cristo (2.3%)

2.2.   Country Overview

The Philippines is located in the heart of Southeast Asia (SEA), and it is the world's second largest archipelago. The country is divided into three major island groups of Luzon, Visayas, and Mindanao.
It has 17 regions, 79 provinces, 117 cities and 1, 501 municipalities, and 41,982 barangays (villages). According to World Bank data, the population of the Philippines was 93,260,798 in 2010[1]. Of this population, 83 percent are Catholic and 15 percent Muslim; the remainder of the population is Buddhist and other denominations. Manila, the capital, is located in Luzon, the largest and most populated island in the country. Almost half of the population, with the country's highest average
family income, resides in the National Capital Region (NCR), also called Metro Manila, and its outlying provinces. Manila is one of Asia's largest cities and is at the heart of the commercial, industrial, and political life of the country.

Pilipino and English are the two official languages in the Philippines. There are also various dialects spoken; for example, Tagalog, Cebuano, Waray, Ilocano, Bicolano, and Pampango. The Philippines
is the third largest English speaking country in the world.

Economic growth of the peso, the national currency of the Philippines, has averaged about 5 percent over the past ten years, and the economy is proving resilient against challenges such as the Global Financial Crisis (GFC), rising food and fuel prices, and the impact of El Nino. This is due in the most part to the strong dependence on low wage employment in agriculture and high electronics exports. The Philippines' major trading partners are the United States, the United Kingdom, Japan, Singapore, Saudi Arabia, China, and Taiwan. Significant national revenue is also derived from the remittances of overseas workers.

The Philippines is a republic with a presidential form of government with three branches: executive, legislative, and judiciary. The highest authority of the government is the president, who is elected for
a six-year term. The legislative branch of the government is bicameral in nature; it consists of the Senate and the House of the Representatives. The judicial branch consists of systems of courts and
is headed by a Supreme Court.

2.3.   Regional Overview

There are 17 regions in the Philippines:
- National Capital Region(NCR; Metro Manila)
- Cordillera Administrative Region(CAR)
- Ilocos Region (Region I)
- Cagayan Valley(Region II)
- Central Luzon (Region III)
- Calabarzon (Region IV-A)
- Mimaropa (Region IV-B)
- Bicol Region (Region V)
- Western Visayas(Region VI)
- Central Visayas (Region VII)
- Eastern Visayas (Region VIII)
- Zamboanga Peninsula (Region IX)
- Northern Mindanao (Region X)
- Davao Region(Region XI)
- Soccsksargen(Region XII)
- Caraga Region(Region XIII)
- Autonomous Region in Muslim Mindanao (ARMM)

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[1] http://data.worldbank.org/country/philippines

Regional Map of the Philippines
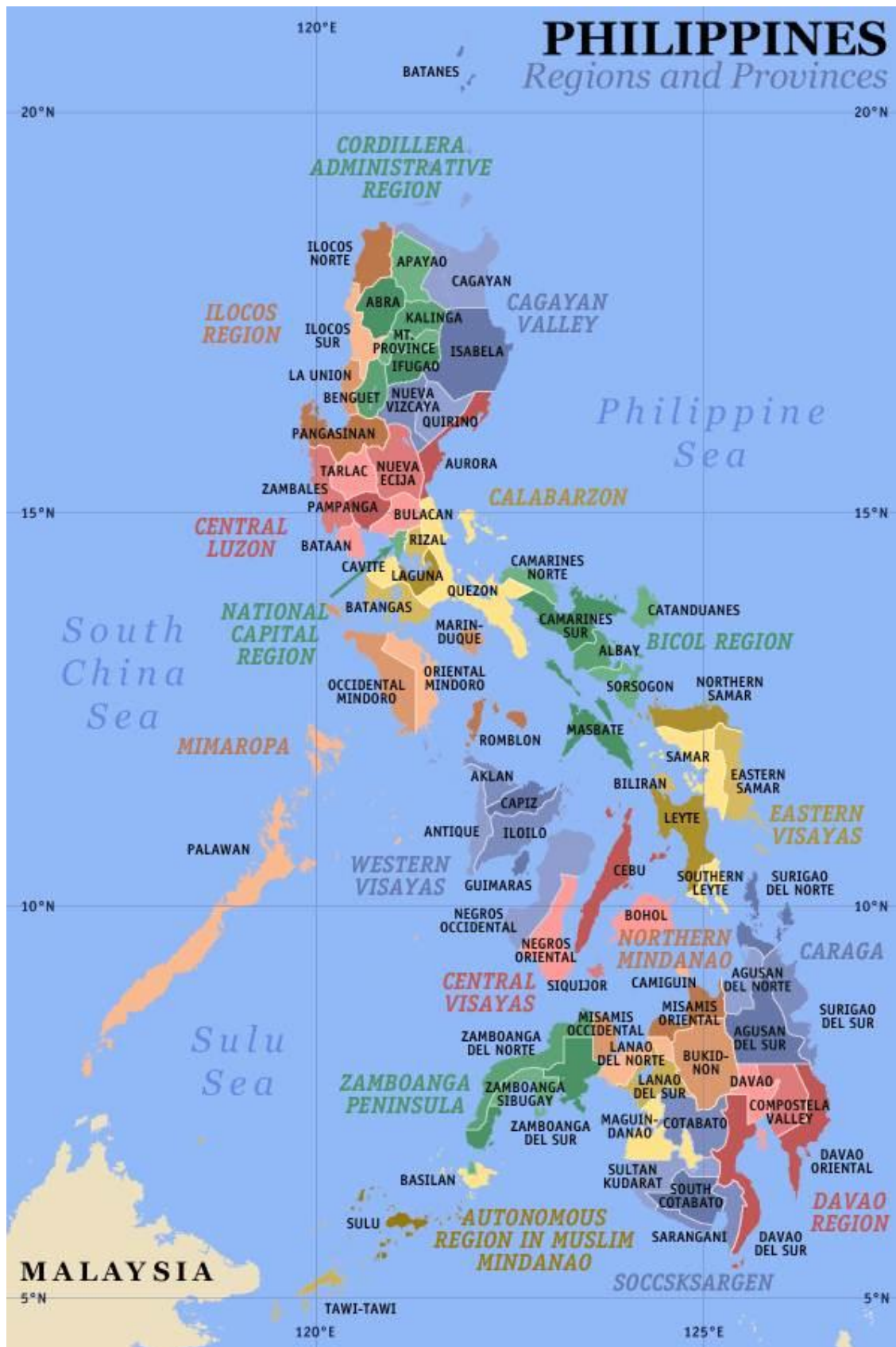
2.4.   Philippines Development Strategy, 2011-2016

The Philippine Development Plan (PDP) 2011–2016 provides the foundation for The Philippines to meet their goal of a rapid and sustainable growth generating employment, equalized development, and a reduction in poverty opportunities across all geographic areas. The PDP requires a Regional Council which manages each region and is responsible for each Regional Economic Development Plan.

The strategic development priorities for the PDP include:

- Improving transparency and accountability in governance
- Strengthening the macro economy
- Increasing the competiveness particularly in industry, services, agriculture, and fisheries sectors
- Accelerating infrastructure development
- Strengthening the financial sector and capital mobilisation
- Improving access to quality social services
- Enhancing peace and security
- Ensuring ecological integrity

Education and training is identified as a main driver of social development in the Philippines. Approximately 24 strategies have been developed to build capacity, quality, and access of education to support the growth of the economy and employment outcomes.

Some of these strategies include:

- Upgrading quality of Higher Education programs, including science and technology programs.
- Creating and sustaining groups of researchers in the priority industry areas, including healthcare.
- Increasing the quality of Technical and Vocational Education Training (TVET) programs.
- Improving the mismatch of learning skills outcomes to labor needs in regional areas.
- Creating a Transnational Education Strategy that focuses on programs and outcomes for Filipino workers offshore.
- Developing foreign provider's legislation, which opens access to international educational providers in the Philippines.
- Furthering development the Philippines National Quality Framework and pathways.

2.5.   Population and Student Enrolment

The population of the Philippines was 93,260,798 in 2010[2]. Population growth has declined steadily in the past 50 years, from an annual growth rate of 3.35% in 1960 to 1.68% in 2010.[3] Despite a slowing down of growth, the population is estimated to reach 128.11 million by 2030. The population is also projected to become older as the child-bearing rate continues to decline and survival rates of all age groups improve. By 2030, the 0-14 age group will comprise only 27 percent of the total population, a 6 percent decrease from 2010. [4]

The participation rate in elementary education remained slightly under 90 percent from 2006 to 2010, trending upwards. In contrast, the participation rate in secondary education was around 60 percent in the same time period, likewise trending upwards but with a slight dip in 2009. For the cohort that began elementary schooling in 2001:

- 76 out of 100 reached grade 4.
- 66 out of 100 graduated from elementary school.

- 50 out of 100 finished high school.

Only a small percentage of high school graduates proceed to higher education. The gross enrolment rate at the tertiary level (TVET and higher education) in 2008 was 29 percent[5]. Technical Education and Skills Development Authority (TESDA) estimates that only 10 percent of high school graduates enroll in TVET while 23 percent go on to higher education.[6]

Number of Students across Education Sectors in the Philippines Education System

Education Sector		Public (%)	Private (%)	Total
Basic Education*				
	Kindergarten	1,224,173 (74%)	426,059 (26%)	1,650,232
	Elementary	13,019,145 (92%)	1,146,921 (8%)	14,166,066
	Secondary	5,580,236 (80%)	1,374,710 (20%)	6,954,946
TVET**				1,569,000
Higher Education ***		1,083,194 (39%)	1,687,771 (61%)	2,770,965

*AY 2010/1011 data
**2010 data
***AY 2009/2010 data
Sources: (Basic Education) DepEd, 2011a; (TVET) TESDA, 2011; (Higher Education) CHEd, 2010c

2.6.   Education Sector Funding Arrangements

Funding for public educational institutions is sourced through the national budget, as stipulated by The General Appropriations Act (GAA). The following administrative units are responsible for each educational sector in the Philippines and financed through the GAA:

The Department of Education (DepEd) is responsible for overseeing of Basic Education. Further information can be found in the section on Governance arrangements for Basic Education.

T**he Technical Education and Skills development Authority (TESDA)** was created to provide the legal framework for domestic TVET in the Philippines. Further information can be found in the section on Governance in TVET.

The Commission of Higher Education (CHEd) oversees all Higher Education Institutions (HEIs) and degree-granting post-secondary institutions domestically in the Philippines. CHEd is also responsible for overseeing and regulating all foreign providers active in the Philippines. Further information can be found in the sections on Governance in Higher Education and Transnational Regulatory Environment.

The GAA provides for maintenance and operating expenses of all the administrative units of Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA) and Commission on Higher Education (CHEd) including:

- Schools, training centers and Higher Education Institutions (HEIs).
- Salaries and benefits of regular employees.
- Purchase of land and construction of school buildings and classrooms.
- Procurement of textbooks and other instructional materials, school furniture, and computers and other educational technology.
- Creation of additional teaching and non-teaching staff positions.
- Professional development.

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[5] http://data.worldbank.org/country/Philippines
[6] http://www.tesda.gov.ph/uploads/file/Phil%20TVET%20system%20-%20syjuco.pdf

Additional public funding for basic education is provided through a Special Education Fund (SEF), derived from an additional 1 percent tax on real property. The SEF is collected by city and municipal governments and released to local school boards.

Supplementary funding for education institutions is raised from non-government organisations, the private sector, foreign governments, and multilateral organisations. Private educational institutions source their funding from tuition and other fees.

3. Education Sector Overview

3.1. Overview

There are three education sectors in the Philippines:

- Basic education
- Technical and vocational education and training (TVET)
- Higher education

Both public and private providers are involved across all the sectors. Overall the majority of public providers are within the Basic Education Sector with private providers dominating the TVET and Higher Education Sectors.

Number of education and training providers by sector

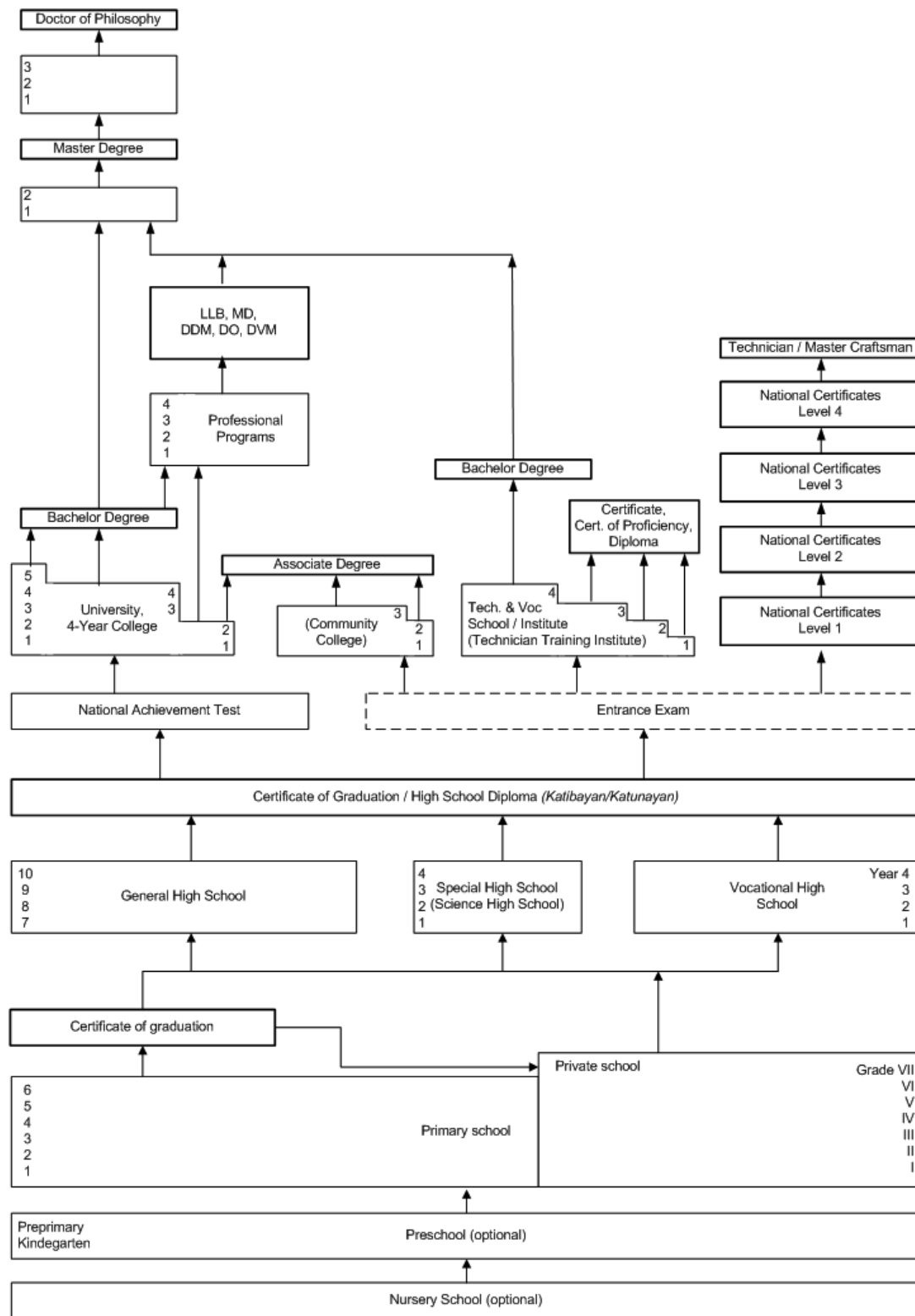| Sector	Basic Education*	TVET**	Higher Education***
Public Providers	45,619	452	607
Private Providers	13,295	4,045	1,573
Total Providers	58,914	4,497	2,180

*as of Nov 2011
**as of Dec 2011
***as of Aug 2010

The academic year runs from June to March. At the higher education level, the academic year is typically divided into two semesters, from June to October and from November to March, and a summer term from April to May.

Structure of the Philippines Education System[7]

3.2.   The Basic Education Sector

The Philippines basic education sector is comprised of three phases. These are:

- Pre-school Education
- Primary Education
- Secondary Education

Pre-school education is optional for children ages 3 to 5. It is offered through day care centers and kindergartens, both public (free, state-run) and private (fee-based). The gross enrollment rate in pre-school education was 21.54 in 2007.[8] Around 1.6 million children were enrolled in kindergarten in 2010[9] (DepEd, 2011a), although less than half of the grade 1 entrants in 2010 completed kindergarten.[10] In 2011, the Department of Education launched the Universal Kindergarten Education program, which aimed to make available free kindergarten education to five year old children all public schools. The Kindergarten Education Act was then passed in January 2012, making kindergarten mandatory and compulsory for entrance to Grade 1.

Primary education is compulsory for children beginning at age 6. It is comprised of 6 grade levels, although some (mostly private) schools offer a seventh grade. It is divided into two levels: elementary (grades 1 to 4) and intermediate (from grades 5 to 6/7).

Secondary (high school) education is not compulsory, but tuition is free in public schools. It comprises four year levels and combines general education with vocational and technical education and training.

In 2010, DepEd initiated reform of the basic education sector to enhance the curriculum and added 3 years to the cycle, making it a K+12 models. The new framework adopts a K-6-4-2 approach:, six years elementary education, four years junior high school, and two years senior high school. Implementation of this enhanced K+12 curriculums is set to begin in 2012/2013 for grade 1 entrants as well as junior high school entrants. The senior high school curriculum is expected to be offered by 2016/2017.[11]

3.2.1.   Enhanced K+12 Basic Education Program

The goals of the K+12 programs are to:

- Create a functional basic education system that will produce productive and responsible citizens equipped with the essential competencies and skills for both life-long learning and employment.
- Enhance and decongest the current curriculum.
- Develop an internationally recognized and comparable high school curriculum.

As low achievement rates in national and international standardised tests at both elementary and secondary levels are symptomatic of a persistent quality gap, K+12 curriculum reform recognises the urgent and critical need to enhance the quality of basic education in the Philippines, ensure that graduates achieve mastery of basic competencies, and are adequately prepared for the world of work and for higher education.

In the past five years, the mean percentage scores of Year 1 (grade 6) students in the National Achievement Test (NAT) have been below mastery level (75%), although it has steadily improved from 59.94 percent in 2006-2007 to 68.15 percent in 2010-2011.[12]

In the past ten years, the success of the education system at primary level has not extended into the secondary level. Student statistics indicate a significant inconsistency in Filipino student performance comparable with international trends. The Philippines ranked highly in the 2003 Trends in International Mathematics and Science Study (TIMSS): for Year 2 Math tests, it was placed 34th out of 38 countries and 43rd out of 46

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[8] http://www.adb.org/Documents/Working-Papers/2010/Economics-WP199.pdf
[9] http://www.deped.gov.ph/cpanel/uploads/issuanceImg/factsheet2011_Nov 16.xls
[10] http://www.deped.gov.ph/cpanel/uploads/issuanceImg/factsheet2011_Nov 16.xls
[11] http://www.deped.gov.ph/cpanel/uploads/issuanceImg/K12new.pdf
[12] http://www.deped.gov.ph/cpanel/uploads/issuanceImg/factsheet2011_Nov%2016.xls

countries in Year 2 science tests. In the Grade 4 TIMSS Science and Math tests, the Philippines ranked 23rd out of 25 countries. However, the trend of success does not translate into secondary education: in the 2008 TIMSS Advanced Math test for high school students, the Philippines scored the lowest among 10 participating countries.[13]

The quality gap is also evident in the mismatch between education and labor market requirements. The 2009 World Bank Philippines Skills Report shows that employers consider graduates lacking in critical thinking skills and, to a lesser extent, job-specific technical skills.[14]

Poor outcomes in the basic education sector are partly due to a congested curriculum. The Philippines has one of the shortest formal basic education cycles in the Asia Pacific, consisting of only 10 years and students do not receive enough instructional time. The New curriculum is designed in a way that requires 12 years for effective delivery.[15]

Apart from the issue of quality, the K+12 reforms effort also acknowledges two implications of an abbreviated basic education cycle; age and international recognition. Most students who complete basic education would be too young to enter the labor force (15-16 years old, where the legal age is 18), and may become unproductive or be vulnerable to labor exploitation. Those wanting to start a business cannot yet legally enter into a contract. Many Filipinos see higher education as the only pathway to advancement. On the other hand, most that enter college are ill-prepared and require remediation. Philippine graduates who wish to pursue higher education or practice their profession abroad may be deemed to have insufficient qualifications, particularly regarding international agreements on mutual recognition of degrees, such as the Washington Accord and the Bologna Accord.

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[13] http://www.deped.gov.ph/cpanel/uploads/issuanceImg/K12new.pdf
[14] http://data.worldbank.org/country/philippines
[15] http://www.deped.gov.ph/cpanel/uploads/issuanceImg/K12new.pdf

Proposed Implementation of the K+12 Education Structure in the Philippines[16]

SCHEMATIC IMPLEMENTATION PLAN OF K TO 12
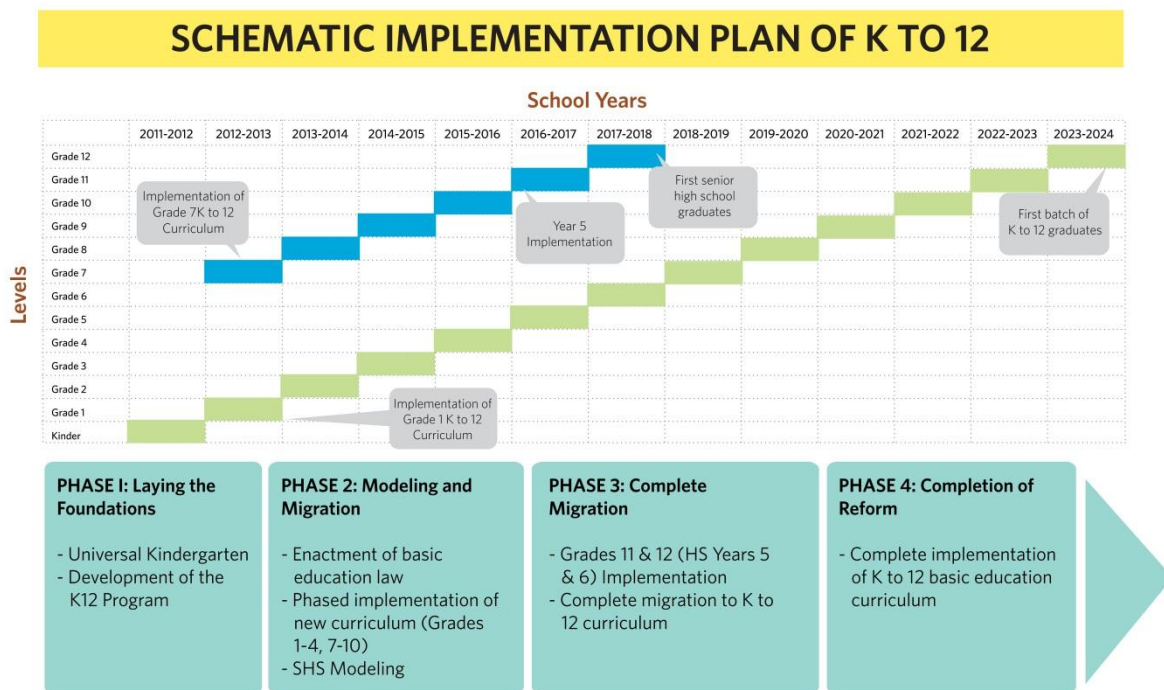
3.2.2.   Governance arrangements for Basic Education

The Constitution and Education Act of 1982 provides the legal framework for basic education. *The Governance of Basic Education Act of 2001* invests the Department of Education with the "authority, accountability and responsibility for ensuring access to, promoting equity in, and improving the quality of basic education."[17] It recognises school-based management as the lynchpin for good school governance and strengthens the leadership function of school heads. Division Offices are given supervisory authority over individual schools and are tasked to provide technical assistance particularly in the curricular and instructional areas. Regional Offices are assigned the principal function of quality assurance: approving the establishment of schools and learning centers, and monitoring and assessing regional learning outcomes. The Central Office is given overall policy and regulatory authority, specifically by setting national education policy, plans, standards, and guidelines.

The basic education sector is overseen by the Department of Education (DepEd), which is led by the Secretary of Education. The Department has:

- Five service units (Administrative Services, Financial and Management Service, Human Resource Development Service, Planning Service, and Technical Service).
- Three staff bureaus (Bureau of Elementary Education, Bureau of Secondary Education, and Bureau of Alternative Learning Systems), which provide assistance in formulating policies standards and programs related to curriculum and staff development.
- Six attached centers that provide technical and administrative support in various specialised fields, including the National Educational Testing and Research Center, the National Educators Academy of the Philippines, and the Instructional Materials Council Secretariat.

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[16] http://www.gov.ph/images/uploads/Schematic-Implementation-K12.jpg
[17] http://www.chanrobles.com/republicactno9155.html

At the sub-national level, DepEd has:

- 17 Regional Offices each headed by a Regional Director.
- 195 City and Municipal Division Offices each headed by a Schools Division Superintendent.
- 58,914 public and private schools and learning centers each headed by a principal, school head or teacher-in-charge.

Below is a summary table of the delegation of authority and set roles and responsibilities of each level of government in the Basic Education Sector.

National Gov't & DepEd Central Office	DepEd Regional Office	DepEd City or Municipal Division	Local Gov't
Policymaking, planning, standards-setting, regulation and quality assurance at the national level	Policymaking, planning, standards-setting, regulation and quality assurance at the regional level	Planning and ensuring standards-compliance	Building schools and other educational facilities
Financing the public education system	Developing and implementing regional programs	Supervising operations of schools and learning centers	Providing supplementary funding to local public schools and learning centres
Developing and implementing national programs	Approving establishment of schools and learning centers	Providing instructional support to schools and learning centers	Developing and implementing local education programs
	Providing technical assistance to Divisions	Developing and implementing division-level programs	

3.2.3. Regulatory controls for Basic Education

The requirements and procedures for establishment and operation are detailed in the 2010 Revised Manual of Regulations of Private Schools in Basic Education released by the DepEd as Order No.88, s2010 and amended through Orders No. 11 and No.24 s2011. These documents are available on the DepEd website (www.deped.gov.ph).

3.2.4. Quality Assurance in Basic Education

The DepEd central office is responsible for monitoring and evaluating national outcomes. It collects data on critical performance indicators such as participation rates, completion rates and dropout. It delegates responsibility for the overall quality assurance of schools to each DepEd Regional office. Individual schools are responsible for internal quality assurance; however, DepEd Division offices supervise this process. This process is the same for public and private schools. However, private schools must also gain recognition and authorisation for establishment and operation from the Regional DepEd.

Private schools must follow the general education curriculum set by the DepEd; however, schools may augment the core curriculum with additional subjects and/or additional time to suit the learners' needs and operational contexts. Any radical departure from the set curriculum requires the approval of the Secretary of Education.

### 3.2.5.	Accreditation for Basic Education

There are two types of accreditation in the Philippines; government accreditation and private accreditation.

All schools are required to be authorized by the Philippine government and operate to a minimum standard. However, a number of schools also undergo a voluntary private accreditation process. Only schools with government recognition may apply for private accreditation, and this establishes them as higher quality providers since the standards established by the accreditation agencies are higher than those established by the government. Accreditation may be obtained from the accrediting agencies under the Federation of Accrediting Agencies in the Philippines. These include the Philippines Accrediting Association of Schools, Colleges and Universities (PAASCU), The Philippines Association of Colleges and Universities Commission on Accreditation (PACU-COA), and the Association of Christian Schools and Colleges Accrediting Agency (ACSCAA). Further information on voluntary accreditation can be found in the section on Accreditation in TVET.

## 3.3.	Technical and Vocational Education and Training (TVET)

Post-secondary Technical and Vocational Education and Training (TVET) is intended for middle level learners. They are defined by Technical Education and Skills Development Authority (TESDA) as those who have acquired practical skills and knowledge through formal and non-formal education and training equivalent to at least a secondary education, and secondly, as skilled workers who have become highly competent in their trade or craft as attested by industry.[18]

TVET is aimed at enhancing employability, promoting livelihood development, up-skilling and re-skilling. TVET courses are available in a variety of fields and vary widely in duration, from short courses of less than a year to certificate programs of up to three years.

The competency-based TVET qualifications framework includes four levels of certification. A learner who attains all of the competencies at a particular qualification level receives a National Certificate from TESDA. A learner who falls short of national qualification may be given a Certificate of Competency for a particular competency.[19]

TVET programs in the Philippines include:

- Formal school-based programs provided by accredited public and private schools, colleges, institutes and training centers and offering one- to three-year courses (certificate, diploma and advanced diploma).
- Non-formal center-based provision of short courses at public and private regional, provincial and specialised training centers.
- Non-formal, community-based training for enterprise development designed especially for poor and marginalised groups, usually conducted in partnership with local governments and NGOs.
- Enterprise-based training implemented within private companies, which include apprenticeships, learner ships (courses not covered by an apprenticeship and employ on the job learning), and dual training programs.

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[18] http://www.tesda.gov.ph/uploads/File/LMIR2011/nov/NTESDPFinal asofSept29_1_pg1-40.pdf
[19] http://www.tesda.gov.ph/uploads/file/Phil TVET system - syjuco.pd
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The Philippines has a ladderised education system. First implemented in 2006 by TESDA and CHEd, these systemised programs aim to create a more seamless interface between TVET and higher education. With this ladderisation scheme, TVET qualifications have been embedded in selected bachelor's degree programs. TVET graduates and workers with full National Certificate Qualification may use their qualification as a pathway towards obtaining a degree. College students may also receive certification for TVET qualifications embedded in their degree programs.[20]

During 2011, TVET provision was dominated by private institutions, which accounted for 90% or 4,045 out of 4,497 registered TVET providers in 2011.[21] According to TESDA in 2010, 730 higher education institutions (HEIs) were offering laddered degree programs in 8 priority disciplines:

- Agriculture and Fisheries
- Health and Medical Services
- Information and Communication Technology
- Maritime Education
- Tourism/Hotel and Restaurant Management
- Criminology
- Teacher Education
- Engineering[22]

3.3.1. Governance in TVET

The Technical Education and Skills Development Act of 1994 created TESDA to provide the legal framework for TVET in the Philippines. The Act provides for the establishment of national trade skills standards by TESDA-accredited industry committees as well as the development of a national certification and accreditation system in cooperation with private industry groups, trade association and local governments. The power to issue national skills certification is vested in TESDA. (RP, 1994)

A Board of Directors managed by a secretariat provides leadership to TESDA. The Board of Directors is the highest TVET policy-making body in the Philippines. It is chaired by the Department of Labor and Employment and co-chaired by DepEd and the Department of Trade and Industry. Board members include representatives of:

- TESDA Secretariat
- CHEd
- Department of Interior and Local Government
- Department of Science and Technology
- Department of Agriculture
- Industry and labor representatives
- Employers
- Private TVET institutions

TESDA has 17 Regional, 79 Provincial and 6 District Offices, each headed by a Regional, Provincial and District Director, respectively. It operates 121 technology institutions that deliver formal and non-formal TVET programs; 15 Regional Training Centers, 45 Provincial Training Centers, 57 TESDA-administered schools and 4 specialised training centers. (TESDA, 2006)

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[20] Advice received from TESDA 2012
[21] http://www.tesda.gov.ph/uploads/File/LMIR2011/nov/NTESDPFinal asofSept29_1_pg1-40.pdf
[22] http://www.tesda.gov.ph/uploads/File/LMIR2011/nov/NTESDPFinal asofSept29_1_pg1-40.pdf

Below is a summary table of the delegation of authority and set roles and responsibilities of each level of government.

National Gov't and TESDA Central Office	TESDA Regional Office	TESDA Provincial Office	Local Gov't
Policymaking, planning, standards-setting, regulation and quality assurance of all TVET programs	Supervising, coordinating and integrating TVET programs in the region	Providing technical assistance particularly to local government units for effective TVET provision at local levels	Establishing, financing and administering local colleges and universities
Developing and implementing programs to support TVET provision	Developing and implementing regional TVET programs	Developing and implementing local TVET programs	Implementing community-based TVET programs
Approving accreditation of TVET programs	Approving registration of TVET programs	Facilitating mandatory registration of TVET programs	
	Facilitating accreditation of TVET programs		

3.3.2. Regulatory Controls for TVET

The regulatory controls for TVET are divided between CHEd, DepEd and TESDA:

- CHEd regulates degree granting post secondary institutions and Higher Education institutions offering TVET programs
- DepEd regulates Schools offering TVET programs
- TESDA regulates programs only

Further information on registration and institutional accreditation can be found in the Basic Education Section for schools wishing the offer TVET qualifications and in the Higher Education Section for Higher Education Institutions offering TVET programs.

3.3.3. Registration of TVET programs

In addition to institutional recognition through the DepEd or CHEd, all TVET programs that are fee-charging and open to the public must be registered with TESDA. The registration process involves a compliance audit of the minimum requirements for curricular programs, faculty and staff qualifications, physical sites and facilities, tools, equipment, supplies and materials all of these requirements are prescribed in the Training Regulations. Applications for registration must be submitted to the TESDA Provincial Office concerned, which will then evaluate the application and, if all requirements are met, endorse it to the Regional Office. The Regional Office then issues a Certificate of Program Registration. Institutions that operate TVET programs without prior authorisation from TESDA are subject to penalties (fines and imprisonment) as prescribed by law.

While TESDA does not have a published manual of regulations, key information about program registration and accreditation, training regulations in the various fields, and competency assessment and certification may be found on its website (www.tesda.gov.ph).

3.3.4. Philippines' TVET Qualification and Certification System

TESDA also manages a competency assessment and certification. It conducts assessments and certification for all qualifications with promulgated training regulations. Assessment is conducted at TESDA Regional and Provincial Offices, assessment centers at TESDA-supervised TVET institutions, and private TESDA-accredited assessment centers.

The system recognises individual prior learning through work experience or non-formal education. There are four levels of certification (National Certificate I to IV) based on the industry-prescribed competency standards contained in the Training Regulations. Those who demonstrate competency in all the units of competency constituting that level are issued a National Certificate for that qualification level while competency in some but not all constituent units leads to a Certificate of Competency. There is no time limit for obtaining certification; however, certification is mandatory for graduates of registered TVET programs covered by Training Regulations.

Assessment methods include a written test, observation with oral questioning, interview, third party reporting, and portfolio assessment.

3.3.5. Competency Standards

TESDA has developed competency standards for critical jobs and occupations in priority industry sectors and has promulgated training regulations based on these standards. TESDA maintains registers on approved programs and on certified workers in various occupations on its website.

3.3.6. Quality Assurance in TVET

Quality assurance in TVET is accomplished through TESDA systems for registration, accreditation and certification. Institutions running TVET programs are expected to conduct internal quality audits. In addition to the formal recognition and registration process, which sets minimum standards, providers may also apply for accreditation.

3.3.7. Accreditation in TVET

There are two types of accreditation in the Philippines – government and private accreditation. Government accreditation is for public institutions through CHEd and is described in more detail in the Higher Education Section. Accreditation for TVET programs is conducted through TESDA.

TESDA Regional Office conduct a self-assessment process along several criteria; leadership, strategy, policy and planning, processes, products and services, and organisational performance. Accreditation leads to Philippine TVET Quality Awards at four levels: Bronze Award for Commitment, Silver Award for Mastery, Gold Award for Proficiency and Platinum Award for Excellence.

Upon application of an institution for program accreditation, the Regional Office organises a team of assessors to validate submissions and make recommendations to the TESDA Central Office. The Central Office convenes a Board of Judges who makes the final decision.

Only Higher Education Institutions and Colleges with government recognition may apply for private accreditation, and this establishes them as higher quality providers since the standards established by the accreditation agencies are higher than those established by the government. Accreditation may be obtained from the accrediting agencies under the Federation of Accrediting Agencies in the Philippines. These include the Philippines Accrediting Association of Schools, Colleges and Universities (PAASCU), The Philippines Association of Colleges and Universities Commission on Accreditation (PACU-COA), and the Association of

Christian Schools and Colleges Accrediting Agency (ACSCAA). Further information on voluntary accreditation can be found in Section 3.24.

3.4.   Higher Education

Higher education is offered at the undergraduate (pre-baccalaureate and baccalaureate) and graduate (master and doctoral) levels. Pre-baccalaureate programs involve one to two years of study, leading to an associate degree/certificate or diploma. Most baccalaureate programs that award bachelor's degrees are 4-year courses. Engineering, architecture and technology degrees take 5 years to complete, while medicine and related programs require 6 years of study. Post-graduate diplomas or certificates require 1 to 2 years of study; master's degrees, 2 to 3 years; doctoral degrees, a minimum of 3 years.

3.4.1.   Governance in Higher Education

Higher education institutions (HEI) and degree-granting post-secondary institutions are the purview of the Commission on Higher Education (CHEd). The work of CHEd is in accordance with constitutional provisions on education, the *Education Act of 1982*, and the *Higher Education Act of 1994*.

The Education Act of 1982, on the establishment and maintenance of an integrated system of education stipulates that tertiary education institutions, must:

- Provide a general education program that will promote national identity, cultural consciousness, moral integrity and spiritual vigor.
- Train the nation's manpower in the skills required for national development.
- Develop the professions that will provide leadership for the nation.
- Advance knowledge through research work and apply new knowledge for improving the quality of human life and responding effectively to changing societal needs and conditions.

The Higher Education Act of 1994 created the Commission on Higher Education and vests in it the power to set policies, standards and guidelines for the creation of new higher education programs and institutions, or the conversion or elevation of schools to institutions of higher learning. It also guarantees the exercise of academic and curricular freedom by HEIs, while allowing CHEd to set minimum unit requirements for specific academic programs, general education distribution requirements, and requirements for specific professional subjects as stipulated by various licensing entities.

Below is a summary table of the delegation of authority and set roles and responsibilities of each level of government.

National Gov't & CHEd Central Office	CHEd Regional Office	Local Gov't
Policymaking, planning, standards-setting, regulation and quality assurance at the national level	Carrying out the functions of CHEd in the region	Establishing, financing and administering local colleges and universities
Financing state colleges and universities	Facilitating approval of establishment of HEIs	
Developing and implementing national programs		

3.4.2.   Regulations in Higher Education

To receive or retain university status, both public and private HEIs must offer at least six undergraduate courses (a 4-year liberal arts course, a 4-year basic science/mathematics course, a 4 year social sciences course, and a minimum of three professional courses) and at least two graduate courses leading to doctorate degrees. Standards pertain to accreditation of programs, quality of instruction, research, outreach program, faculty complement, site and buildings, and library, laboratory and other facilities and equipment. However, CHED is currently deliberating the revamp of the classification of HEIs to make criteria more stringent, particularly for the conferment of university status.

All HEIs must comply with the policies, standards and guidelines set by CHEd, including those pertaining to curriculum (learning outcomes and minimum unit requirements), program of study, course specifications, faculty, and learning resources and support structures.

CHEd may confer the status of Center of Excellence (CoE) to HEIs that meet the standards set for instructional quality, research and publication, outreach programs and institutional linkages, and other institutional qualifications. CoEs are expected to lead the development of the discipline locally, regionally, and nationally. CHEd also identifies Centers of Development (CoD, applying a lower test than to COEs. CoEs and CoDs are eligible for substantial funding assistance from CHEd.

CHEd can also award autonomous and deregulated status to private HEIs that meet three general criteria.

- Long tradition of integrity and untarnished reputation
- Commitment to excellence
- Sustainability and viability of operations

The benefits of autonomy and deregulation include an exemption from regular CHEd monitoring, the freedom to determine and prescribe its curricular programs, and authorisation for CHEd grants and financial incentives. Autonomous private HEIs are allowed additionally to offer new courses, establish new campuses or branches, and offer extensions classes and distance education without need for prior authorisation from CHEd.

In 2001, CHEd commenced a major review of its policies and programs. It has issued a moratorium on the opening of new undergraduate and graduate programs in Business Administration, Nursing, Teacher Education, Hotel and Restaurant Management, and Information Technology, while a moratorium on Maritime Education, issued in 2009, remains in effect. There is over supply in these areas of study, weakening the quality of the course and causing a training-to-industry mismatch. CHEd has also suspended the awarding of autonomous/deregulated status to private HEIs.

3.4.3.   Quality Assurance for Higher Education Institutions

HEIs are expected to conduct internal quality assurance checks. The common key features of internal quality assurance processes are:

- A regulatory framework covering admission, retention, assessment, and graduation requirements.
- Processes related to the approval of new degree programs, annual performance reports, mechanisms for monitoring instruction, research and extension work, and the involvement of external evaluators. (Defensor, undated)

External quality assurance activities are undertaken by CHEd or, in the case of accreditation, by recognised private agencies as listed above.

IQuAME and other CHEd quality assurance programs are currently under review and have been suspended without a timeframe from their reinstatement. Nonetheless, the conventional functions
of CHEd for quality assurance in HEIs are:

- Conducting international benchmarking periodically.
- Reviewing and updating the policies, standards and guidelines of the minimum requirements for licensing academic programs.

The outcomes of the programs, processes and services of HEIs are evaluated through a mechanism called Institutional Quality Assurance through Monitoring and Evaluation (IQuAME). This focuses on the quality of teaching and learning and its supporting systems and processes, such as governance and management, student support services, community relations, and resource management.
(CHEd, 2011)

3.4.4.   Accreditation of HEI's

There are two types of accreditation in the Philippines; government accreditation and private accreditation.

Government accreditation is provided for different HEI's depending on whether they are public
or private institutions:

- State Universities and colleges are authorised by virtue of their respective charters.
- CHEd supervised institutions and local universities and colleges (public institutions) are also allowed to confer degrees.
- Private HEIs are authorised to confer degrees only when they have gained recognition or a permit to do so from CHEd.

Private accreditation is voluntary; however, HEIs that attain standards above the minimum set for government recognition are encouraged to obtain accreditation from The Federation of Accrediting Agencies in the Philippines, whose members may change over time:

- The Philippine Accrediting Association of Schools, Colleges and Universities (PAASCU)
- The Philippine Association of Colleges and Universities Commission on Accreditation (PACU-COA)
- The Association of Christian Schools, Colleges and Universities Accrediting Agency, Inc. (ACSCU-AAI)
- The Technical Vocational Education Accrediting Agency of the Philippines (TVEAAP)

CHEd provides incentives and higher degrees of autonomy to HEIs with private accreditation, creating a status of education excellence in the Philippines.

The private accreditation process includes a four step process:

- Step One - Institutional self- survey or self-evaluation
- Step Two - Preliminary visit (four to six months after the start of self-survey)
- Step Three - Formal survey visit (a minimum of six months after preliminary visit)
- Step Four - Decision by governing board of accrediting agency

There are four levels of accreditation plus a pre-Level I Candidate status. The capabilities of HEIs are evaluated in several areas including instruction, community outreach, research, faculty development, the performance of their graduates in licensure examination when applicable, linkages with other institutions, library and other learning resource facilities, and quality assurance mechanisms.

Accreditation Levels I to III confer the HEIs with increasing administrative, financial and curricular freedom from CHEd oversight. Non-stock HEIs are entitled to prioritisation in government funding assistance, on condition of compliance with the minimum requirements and guidelines and the reporting of their activities to CHEd. Level IV confers full autonomy to the HEI, including the authority to offer new distance education programs without prior approval from CHEd.

Accreditation levels and the benefits/incentives from CHEd for each level are described below:

Accreditation Level	Description	CHEd Benefits
Level 1 applicant status	Programs, which have undergone a preliminary survey visit and are certified by the FAAP as being capable of acquiring accredited status within 2 years.	Partial administrative deregulation.
Level II accredited status	Programs which have been granted accredited status and been certified by any member agencies of the FAAP.	Full administrative deregulation. Partial financial deregulation (setting tuition and other fees) Partial curricular authority. Authority to graduate students without prior CHEd authority. Priority funding assistance. Priority for government subsidy in faculty development. The right to use "ACCREDITED" in marketing. Limited CHEd inspection, visitation and supervision.
Level III accredited status	Programs which have been reaccredited and met additional requirements based on criteria set by the FAAP.	Benefits of Level II accreditation. Full curricular authority.
Level IV accredited status	Institutions, which have distinguished themselves in a broad area of academic disciplines and are comparable to international universities.	Benefits of Level III accreditation. Award of grants/subsidies from CHEd's Higher Education Development Fund. Grant of charter of full autonomy.

4. Trends in International Education

Market research commissioned by the British Council in 2010 suggests that more than 21,000 Filipinos have interest and financial capability to study abroad. Currently, the US is the top provider of offshore education to Filipinos, while Australia and the UK are also preferred destinations.[23]

4.1. Inbound Students to Australia

From a very low base, inbound student to Australia from the Philippines have increased significantly between 2002 and 2011.

Inbound Filipino students to Australia - Sum of DATA YTD Commencements by Sector (2002–2012)

Sector	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Higher Education	116	110	122	149	171	154	214	293	380	566	598
VET	73	64	80	128	194	277	417	669	724	978	1,248
Schools	22	18	19	18	18	17	18	29	30	31	25
ELICOS	6	7	14	27	31	30	103	113	84	113	137
Other (Non-Award Courses, Enabling Courses)	17	13	13	13	10	12	13	28	26	60	104
Grand Total	234	212	248	335	424	490	765	1,132	1,244	1,748	2,112

AEI Data as at July 2012

4.2. International Education in the Philippines

During the 1980's, the Philippines government started proactively promoting the Philippines as a center of excellence in education in the Asia Pacific Region. EXECUTIVE ORDER NO. 285, September 04, 2000 amended the guidelines governing the entry and stay of foreign students in the Philippines and the establishment of an inter-agency committee on foreign students for the purpose of legislating the conditions of Philippine education organisations accepting international students.

According to the Philippine Bureau of Immigration in 2011, approximately 26 000 international students were enrolled in Philippines educational institutions. Almost half of these students were from South Korea, while China and Iran also send a significant number of students to the 104 educational institutions nationwide accredited by the Bureau of Immigration. The majority, about 17,000, has come to the Philippines for higher education. The rest have enrolled in elementary or secondary school, or in short term language courses. Only accredited universities, colleges, schools and language centers are authorised to accept international enrollments.

Only schools with programs accredited by the Federation of Accrediting Agencies of the Philippines (FAAP) or with the equivalent accreditation by the Commission on Higher Education (CHED) and the Bureau of Immigration (BI) shall be authorised by the Commission to admit foreign students.[24]

4.3.   Opportunities for International Cooperation

As an education hub for the Asia Pacific there are numerous opportunities in the Philippines
for partnering, pathway arrangements, twinning and articulation programs, offshore delivery of
Australian qualifications and exchanges with Philippine Higher Education providers. CHEd is the
main government department responsible for international cooperation and collaboration and the activities of
foreign education providers in the Philippines.

It should be noted that although TESDA is responsible for TVET in the Philippines CHEd is responsible for **all**
foreign providers in the Philippines. In the following section reference to Foreign Higher Education Institutions
(FHEI) relate to VET, higher education providers and universities.

Whilst a number of Australian providers have successfully established operations and partnerships
in the Philippines there are a number of challenges in operating in the market. These include:

- High level of involvement by the Philippines government in international engagement partnerships. For
  most partnership models, permission and recognition is required through CHEd.
- Sources have advised that when seeking appropriate approval to operate a transnational program in the
  Philippines, CHEd prefers to liaise directly with the Philippines partner.
- Programs offered in the Philippines must comply with CHEd program thresholds (these are available to
  view on the CHEd website and are published as CHEd Memorandum of Orders (CMO). Consideration needs
  to be given to fulfilling CHEd requirements in addition to Australian Qualifications Framework (AQF) and
  Australian Quality Training Framework (AQTF) requirements if offering Australian qualifications.
- Restrictions on wholly owned foreign enterprises. Current constitutional regulations required private
  enterprises to have a 60/40 Philippine/foreign stake. There are exceptions to this. For example in Free
  Trade Zones there are provisions for 100% ownership. However CHEd has advised these are not extended
  to educational services at the time of writing this report.
- Strategic alignment. Ingrained in the Philippine Economic Development Plan TNE is a specific educational
  strategy focusing on programs and outcomes for Filipino workers offshore. For many Filipino educational
  institutions this might be a high on their strategic objective in establishing the partnership.

4.4.   Transnational Regulatory Environment

Since 2000, CHEd has embarked on a strategy of internationalization of higher education. As part
of this strategy a number of policy issuances and funding support were initiated to encourage and promote
academic linkages and the active participation of CHEd in transnational education.

The CHEd Strategic Plan 2011-2016 highlights the continued importance of this internationalisation strategy by
specifically outlining their participation in international and regional networking.

The policies enacted to support this strategy and their objectives are detailed below:

Topic	CHEd Memorandum Order	Collaboration Model
Policies on Transnational Education	Memorandum Order (CMO), No. 01 Series 2000: Subject: Policies and Guidelines in the Implementation of International Linkages and Twinning Programs[25]	Consortium of three or more countries. Student and staff exchanges. Collaboration through scholarships. All general partnership arrangements or MoU's. Twinning programs. Capacity Building collaborations.
	Memorandum Order (CMO), No.02 Series of 2008: Subject: Policies, standards and Guidelines (PSG) on Transnational Education (TNE)[26]	Related to TNE models (offering distance education, face to face learning and blended learning) including: Equal Partnerships Franchising Branch Campuses No commercial presence

Transnational Education models in the Philippines fall into four categories and are covered by two main CHEd Memorandum Orders (CMOs) including:

- Twinning and international linkages.
- Dual qualifications offered jointly by a Philippines HEI and Foreign HEI (FHEI) in the Philippines.
- Franchise models where the foreign provider offers a program through a Philippines HEI.
- Branch Campuses.

4.4.1.   Twinning and International Linkages

Under the twinning arrangement, academic linkages between reputable Philippine and overseas institutions are encouraged. The following twinning models and arrangements between Philippine educational institutions and overseas institutions are permitted by CHEd under certain conditions, as stipulated by CHEd in CMO No. 01 Series of 2000:

- Consortiums involving institutions from three countries or more.
- Twinning arrangements where a Philippine institution and overseas institution jointly manage a program leading to the opportunity for students to be issued with an international qualification.
- Any international partnerships or linkages involving:

    o   Faculty and expert exchange
    o   student exchange
    o   fellowships
    o   collaborative Research
    o   curriculum Enhancement
    o   library or Laboratory Enrichment
    o   cultural Exchange.

The remaining models of transnational arrangements for Foreign Higher Education Institutions (FHEIs) to offer educational services via face to face, blended learning or distance education in the Philippines are permitted by CHEd under certain conditions stipulated in CMO No. 02 Series 2008.

The policies, standards and Guidelines (PSG) on Transnational Education (TNE) provide the guidelines for establishing the Transnational Education Models of Education. The CMO describes the following models as three possible transnational education arrangements.

4.4.2.   Dual Programs (Equal Partnership)

The equal partnership model (established by CHEd in CMO No:02 Series 2008) involves the local HEI and Foreign HEI (FHEI) sharing management of the transnational program, both issuing credit and conferring the degrees. This form of TNE can be delivered either through distance learning, face to face education, and blended learning involving both face to face and distance education models of delivery.

4.4.3.   Branch Campus of a FHEI

The branch campus model (established by CHEd in CMO No: 02 Series 2008) allows the FHEI to offer and award the foreign degree and credit through an established branch campus in the Philippines.

Establishing a branch campus requires a commercial enterprise or presence in the Philippines as well as adherence to both Philippines laws on constitutional ownership and CHED policies, standards and guidelines for the disciplines. Current regulation stipulates at least 60 percent Filipino ownership of such foreign enterprises. Branches that are wholly foreign-owned entities under Philippine investment and tax laws cannot be established in the Philippines in the education sector.

Regulatory requirements for commercial entities in the Philippines include:

- Private HEIs must have a Board of Trustees or Directors with between 5 to 15 members.
- Control and authority of the private HEI, other than those established by religious groups and mission boards, must be vested in Filipino citizens.
- Board heads must possess a master's degree or a professional license that requires at least a bachelor's degree.
- All private HEIs must have a governing board that functions for general supervision, exclusive control and direction of all funds, and consistent CHEd policies, regulations and practices.

Regulatory requirements for private HEIs are contained in the Manual of Regulations for Private Higher Education Institutions 2008 issued by CHEd. The Manual and Orders are available on the CHEd website.

4.4.4. Franchise Arrangement

As stipulated by CHEd in CMO No: 02 Series 2008, programs are offered by a FHEI through a franchise agreement with a local Philippines provider, where the FHEI grants credit and confers the degree.

4.5. Registration and Licensing

The registration and licensing procedure for the provision of models described above is as follows:

- Completion of the appropriate application forms and submission to the CHEd's Office of Programs and Standards (OPS) through the Regional Office, under whose jurisdiction the service will be operated.
- Application form supplementary documentation of the description of the services to be provided, a copy of any agreement or contract entered into by the partners, a copy of a due diligence report on the partners and, if face-to-face instruction will be involved, proof of compliance with CHEDs discipline-specific requirements for facilities.
- A due diligence report covers areas of consideration listed in the CHEd Memorandum Order on Transnational Education, while discipline-specific requirements may be found in various Memorandum Orders that are available on the CHEd website.
- Documents executed or issued outside of the Philippines must be authenticated by the partners with the Philippine Embassy or Consulate serving in the place of origin of the FHEI.
- Evaluation of the application is considered jointly by a Technical Panel for Distance Education and the Technical Panels for the disciplines involved, under the auspices of the OPS. These panels will also interview representatives of the partner institutions and conduct an inspection, as appropriate.
- The OPS will submit its recommendation to the Commission en Banc, which will make the final determination. If favorable, the CHEd Central Office will issue a license to operate. It will also publicise online and through other media the issuance of this license as well as information on the legal status of the institutions involved. Partners cannot advertise their services before they are granted a license.

Further information on regulations pertaining to establishing a commercial entity is detailed in the following section, 5.3.

4.6.   Transnational Education - Overview of requirements

- Foreign Providers who wish to operate in the country must have a Philippine HEI as a partner. The only exception to this rule is when the foreign provider delivers the education service entirely at a distance and grants the credit or degree autonomously.
- Vocational education and training, higher education providers and universities all fall under the auspices of CHEd in the Philippines.
- Only FHEIs recognized by the government of their country of origin and accredited by a recognised accrediting body may offer higher education or auxiliary services (e.g., promotion, recruitment of students, admission).
- This Philippine HEI partner in a transnational arrangement with a foreign provider must be recognised by CHEd and have at least Level II accreditation. If the program or service involves distance education, then the partner must have at least Level III accreditation.
- The FHEI and the Philippine HEI partner must seek prior approval from CHEd to offer education or auxiliary services. If the Philippine HEI requires students to earn more than 25% of the total units in a program from a partner FHEI, this must likewise be CHEd-approved.
- The FHEI program must meet the accreditation requirements (as for HEI). These are available for most programs as CMO's through the CHEd website.
- The Philippine HEI partner must also register the intended expansion of their services with the Securities and Exchange Commission to include those to be conducted with the FHEI.
- An FHEI wishing to establish a branch in the Philippines with the Philippine HEI partner must further comply with the same laws, rules, policies and regulations that govern private Philippine HEIs.
- The FHEI and the Philippine HEI partner must undertake internal quality assurance reviews and cooperate with external audits conducted by CHEd and other local or international audit and accreditation bodies.
- The FHEI and the Philippine HEI must establish a TNE steering committee to managing the implementation of the program.
- The Philippine HEI must submit a regular report to CHEd on the status of the transnational program.

5. Business and Financial Requirements Relating to Education Services

5.1. Foreign Investment

The Foreign Investment Act of 1991 identifies a number of areas of activities, including education that comprises the Foreign Investment Negative List (FINL). Foreign ownership in the areas included in the FINL is limited because of constitutional or national interest reasons. Thus, the legally prescribed form for foreign investment in education is the corporation, which readily accommodates the requisite Filipino ownership.

The requirements and obligations pertaining to corporations, taxation, financial management, and employment are quite complex and require detailed attention. Primers on these and other related concerns may be found on the websites of the Bureau of Investments website (http://www.boi.gov.ph/pdf/primer.pdf) and Price Waterhouse Coopers (http://www.pwc.com/ph/en/publications/doing-business-in-the-philippines.jhtml).

5.2. Visa Immigration Requirements

These requirements are important to note if your academic or management personnel are required to work in the Philippines whilst setting up the transnational arrangement.

According to the Philippine Immigration Act, a foreigner coming to the Philippines for employment for more than six months should obtain a non-immigrant, pre-arranged employee's visa (Visa type 9g) before arriving in the country. Foreigners who come to the Philippines as visiting, exchange or adjunct professors under formal agreements between FHEIs and Philippine HEIs or between the foreign government and the Philippine government, do not need to obtain an Alien Employment Permit (AEP), provided that the exemption is on a reciprocal basis. [27]

The prospective employer in the Philippines must petition the Department of Labor and Employment (DOLE) on behalf of the foreign worker. The employer must attest that s/he exerted all efforts to locate an employee locally but failed to find a suitable and competent person to render the service. The employer must further prove that the foreign worker's service will be in the public interest. If the petition is approved, DOLE issues an AEP and forwards this and the application for a visa to the Bureau of Immigration (BI). The AEP is valid for one to five years, or as specified in the employment contract, whichever is shorter. Once approved by BI, the visa is issued through the Department of Foreign Affairs at the Philippine Embassy or Consulate in the foreigner's country of origin.

Foreign teachers (and members of other professions that are regulated in the Philippines) must be licensed to practice in the country. They must submit their qualifications to the Professional Regulation Commission (PRC) for review, which if favorable, will make them eligible to take the licensure examination. Only after they have passed this exam will they be given a permit to practice by the PRC, renewable every three years.

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[27] http://www.philembassy.org.au/images/visa/mploy_visa_req.pdf

5.3.   Business Registration Process

If your model involves the establishment of a branch campus, the steps involved in establishing an educational corporation are:

- Verify and reserve the company name with the Securities and Exchange Commission.
- Deposit paid-up capital in the Authorised Agent Bank (AAB) and obtain bank certificate of deposit
- notarise articles of incorporation and treasurer's affidavit at the notary or, if executed outside the Philippines, at the concerned Philippine diplomatic post.
- Register the company with the SEC and receive pre-registered Taxpayer Identification Number (TIN). Note that SEC registration for educational institutions requires the endorsement of DepEd or CHEd.
- Obtain a clearance from the barangay (village) where your principal office is located.
- Pay the annual community tax and obtain the community tax certificate from the concerned Municipal/City Treasurer's Office.
- Obtain a business permit to operate from the Municipal/City Business Permits and Licenses Office.
- Buy special books of account at bookstore.
- Apply for Certificate of Registration and TIN at the Bureau of Internal Revenue (BIR).
- Pay the registration fee and documentary stamp taxes at the AAB.
- Obtain the authority to print receipts and invoices from the BIR.
- Have receipts and invoices printed clearly showing the company name and TIN.
- Have books of accounts and Printer's Certificate of Delivery stamped by the BIR.
- Register with the Social Security System (SSS).
- Register with the Philippine Health Insurance Company (PhilHealth).
- Register with the Home Development Mutual Fund (Pag-Ibig Fund).

5.4.   Related Business Legislation

5.4.1.   Taxation

Domestic corporations are taxed on worldwide income. Corporate profits are subject to classical taxation; income is taxed when earned by a corporation and again in the hands of the shareholders on distribution. The corporate tax rate for active business income is 30%, while passive income generates varying fixed rates of tax, collected at source as withholding tax[28].

Private, non-profit educational institutions are exempt from taxes on:

- All revenues and assets used actually, directly, and exclusively for educational purposes.
- Assets used in the operation of canteens and bookstores owned and operated as an ancillary service by the educational institution and located on campus.
- Interest from currency bank deposits and yields from substitute instruments used for educational purposes, subject to documentation and reporting requirements. The exemption, however, does not cover withholding taxes.
- Income from services performed by an alien outside the Philippines, even if in the interest of a employer with Philippine residency.
- Both stock and non-stock private educational institutions recognised by CHEd and DepEd are exempt from value-added tax.

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[28] http://www.pwc.com/ph/en/publications/doing-business-in-the-philippines.jhtml

Conversely, private, non-profit educational institutions are not exempt from taxes on:

- Activities involving the sale of goods and services.
- Activities not substantially related to the performance of their function as educational institutions, e.g., rent from buildings or premises.

Private educational institutions are given the option to:

- Deduct expenditures otherwise considered as capital outlays of depreciable assets incurred during the taxable year for the expansion of school facilities.
- Deduct allowance for depreciation thereof.

Depending on the treaty policy of the investor's home country, Philippines' investors can be relieved with exemption from or credit for double taxation by way of the [tax] treaties that operate across borders which allows investors to be entitled to an additional "tax sparing credit" in their residential region.

5.4.2.   Dividend rates

- Dividends received by a nonresident alien from a domestic corporation are generally subject to 25% tax. However, if the individual is present in the Philippines for more than 180 days in a calendar year, or is engaged in trade or business within the Philippines, the rate is reduced to 20%.
- Dividends received by a nonresident foreign corporation from a domestic corporation are subject to withholding tax of 15% or 30%. If the home country exempts the dividend from tax, or allows a 15% or greater credit for the underlying taxes in the Philippines, the rate will be 15%. Otherwise, 30% tax will be imposed.
- The rate of tax on dividends received by a nonresident foreign corporation or an alien may be reduced under a relevant tax treaty."

5.4.3.   Capital Gains

When not traded through the facilities of the Philippine Stock Exchange, the initial 100,000PHP of capital gains from the selling of stocks and shares in domestic corporations - for both individual and corporate shareholders - will be taxed at 15%, and excesses of the initial amount are taxed at 10%. This is contrary to trade performed through the Philippine Stock Exchange, which charges a percentage tax on the final selling price equivalent to 0.5%.

5.4.4.   Repatriation of Funds

There are currently no existing restrictions on the repatriation of funds, including sales or divestment proceeds, profits, dividends, royalties, loan payments and liquidation. However, prior registration with the Central Bank of the Philippines is required if the foreign currency needed to service the repatriation will be sourced from the banking system.[29]

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[29] http://www.pwc.com/ph/en/publications/doing-business-in-the-philippines.jhtml

6. Transnational Education Checklist (Philippines)

Below is a checklist to be used as a general guide when considering establishing a transnational education program in the Philippines. This can be used with other resources available to Australian Education Providers in establishing, managing and monitoring TNE programs:

Market Research	
• What are the education trends in Philippines?	
• What region of the Philippines are you targeting?	
• Who are the main stakeholders: government, educational, private, peak bodies and industry?	
• Who are your main competitors? Local and international	
• What are the main labor trends in market?	
The Partner	
• Who is the potential partner and how are they catagorised in the Philippines? Private higher educational provider, public higher education provider, university, private enterprise, vocational college?	
• What government accreditations does the partner hold?	
• What private accreditations does the partner hold?	
• What is the partners experience in international collaborations? Are all government approvals in place for those internal collaborations?	
• Is the Rector, President, Vice President, or CEO directly involved in the negotiation of the collaboration?	
Partnership	
• What is the main partnership objective for the Australian provider and the Philippine partner? Do they align?	
• Has sufficient due diligence been conducted and necessary documents been recorded, exchanged and analysed?	
• Have exit strategies been clearly articulated in the partnership agreement	
The Model	
• Which TNE model will be used? Which Philippine CMO does this fall under?	
• What accreditation, registration, approvals and commercial licenses are required to operate the model in the Philippines?	
• What accreditation, registration, approvals are required to operate the model from Australia?	
The Program	
• Which program or suite of programs will be offered?	
• Has the program been mapped against CMO program requirements?	
• What are the Philippines' partners responsible for in delivering the program?	
• What is the Australian partner responsible for in delivering the program?	

The Financials		
• Who will set the program fees?		
• Do the program fees require approval from CHEd?		
• Has financial modeling been completed based on three scenarios (optimistic, targeted and pessimistic student targets)?		
• How will income and expenses be split?		
• How will the money be remitted to Australia?		
• Are there any Philippine tax implications? What are the Australian tax implications for operating offshore?		
Approvals and Accreditation		
• What government approvals are required? (Philippines/Australian)		
• What are the timelines for accreditation and approvals?		
• What if approval is not gained?		
Implementation		
• Has a TNE Steering Committee been established?		
• Have responsibilities been allocated?		
• Has a policies and procedures document been written?		
Monitoring and Review		
• How often will the program be reviewed internally?		
• Are there sufficient quality assurance systems in place?		
• Are there systems in place for continuing improvement?		

7. Transnational Education Quality Strategy

Transnational Quality Strategy
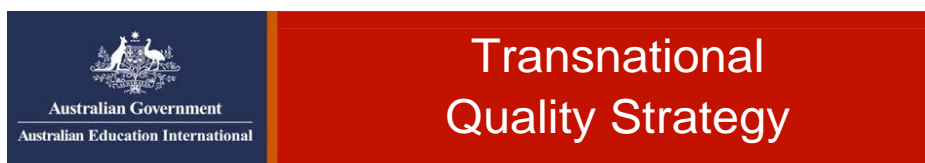
Australia is committed to ensuring the high quality and integrity of Australian education and training, regardless of the location in which it is delivered

Australian Education: Engaging the World

International engagement has been an important aspect of Australian education and training for many decades, and the delivery of Australian courses and qualifications to international students has grown significantly in recent years. Quality education and training plays a key role in building the long-lasting friendships, business and cultural relationships that develop between students, staff and community members. International engagement through education fosters positive outcomes at both an individual and national level, and makes an immense contribution to building constructive and positive social, cultural, intellectual and economic ties between countries.

The delivery transnationally of Australian education and training that is recognized as equivalent to that delivered within Australia is vital for Australia's international reputation.

On 17 November 2005, Ministers of Education and Training across Australia agreed a Transnational Quality Strategy framework which will protect and promote the quality of our education and training delivered in other countries. Governments agreed to work together with industry representatives and in consultation with the Australian Universities Quality Agency and the National Quality Council to further refine the strategy and develop implementation details. Ministers of Education will consider progress at their next meeting in mid-2006.

The Transnational Quality Strategy

The Strategy aims to promote quality in the transnational provision of Australian education and training. It comprises an integrated approach which includes a goal, definition and principles; and three key areas for action which will build upon existing arrangements. Ministers have stressed that actions be efficient and cost-effective.

Goal

The Transnational Quality Strategy aims to assure the quality of Australia's transnational education and training to contribute to sustainable growth in the benefits derived from delivering education and training to international students transnationally.

Definition

Australian transnational education and training, also known as offshore or cross-border education and training, refers to the:

- marketing;
- enrolment processes, and
- delivery and/or assessment

of programs/courses in a country other than Australia by an Australian-approved provider, where delivery includes a face-to-face component. The education and/or training activity may lead to an Australian qualification or may be a non-award course, but in either case an Australian-approved provider is associated with the education/training activity.

Principles

1. Australia's quality assurance arrangements should be **well understood** and **well regarded** internationally;

2. Providers and consumers should be able to clearly understand the **accountabilities** in the delivery and quality assurance of transnational education and training;

3. Quality assurance functions should be **effective and efficient**; and

4. Courses/programs delivered within Australia and transnationally should be **equivalent** in the standard of delivery and outcomes of the course, as determined under nationally recognised quality assurance arrangements.

Key Areas for Action

The Strategy focuses action in three areas:

Better **communication** and promotion of Australia's quality arrangements to all stakeholders, within Australia and internationally;

Increased access to **data and information** about Australia's transnational education and training; and

A **strengthened national quality framework**, in order to ensure the quality of Australian education and training delivered transnationally.

The diagrammatic representation of the Strategy (below) indicates the types of initiatives which will be developed to address these areas for action.

Benefits of the Strategy

The Strategy will play a major role in

►Enabling prospective students, their families, overseas governments and other stakeholders to make informed decisions about the nature and quality of Australian transnational education and training;

►Protecting and strengthening the reputations of bona fide Australian education and training providers, and by association the Australian system as a whole;

►Supporting providers and consumers by ensuring fair, independent and objective arrangements for verifying the quality of transnational programs;

►Promoting good practice in delivering high quality transnational education and training;

►Providing assurance that qualifications and courses delivered transnationally are comparable to those delivered within Australia, both in outcome and standard of delivery;

►Strengthening Australia's relations with other governments;

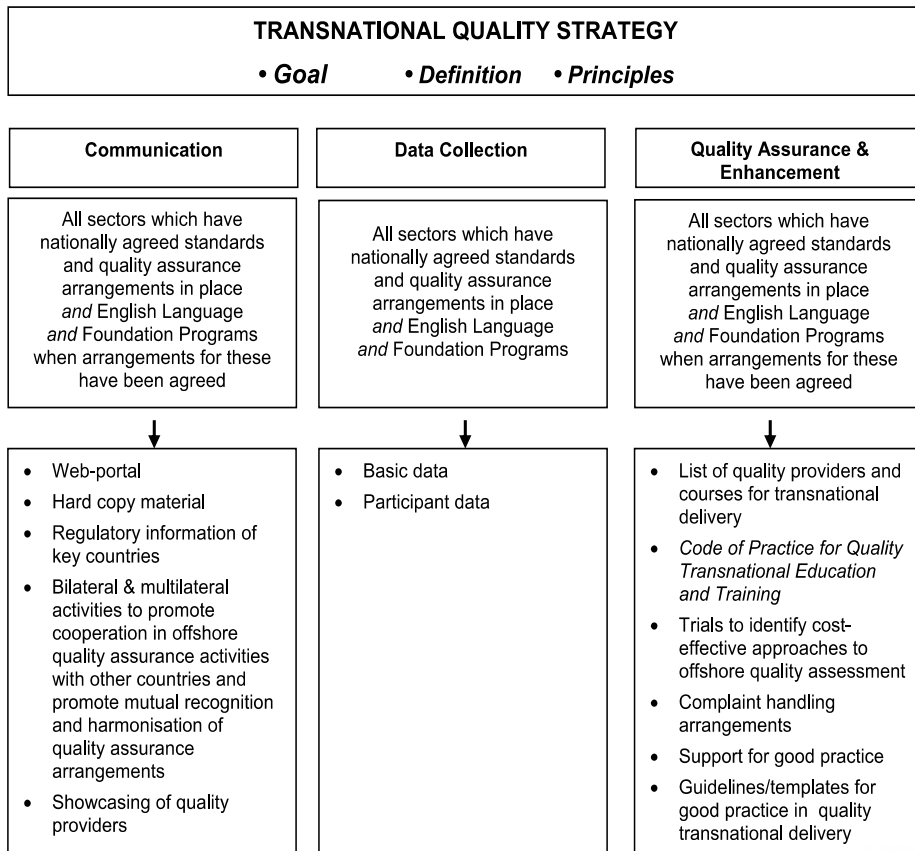►Positioning Australia as the provider of choice for international education and training; and

►Protecting an important and growing export industry.

►The Strategy encompasses higher education, vocational and technical education and schools education. It will also accommodate English language courses and Foundation Programs when national quality standards and assurance arrangements are finalised.

Implementation of the Strategy

The Strategy will be refined and implemented through a Working Group of Australian, State and Territory government officials and industry, in consultation with the Australian Universities Quality Agency and the National Quality Council.

The Australian Government will fund initial actions in the strategy over the next 18 months including the development of the web portal and hard copy material, development and conduct of a pilot data collection, the trialling of more cost-effective offshore auditing, and establishing and maintaining a list of quality providers.

TRANSNATIONAL QUALITY STRATEGY
• *Goal*   • *Definition*   • *Principles*

Communication	Data Collection	Quality Assurance & Enhancement
All sectors which have nationally agreed standards and quality assurance arrangements in place *and* English Language *and* Foundation Programs when arrangements for these have been agreed	All sectors which have nationally agreed standards and quality assurance arrangements in place *and* English Language *and* Foundation Programs	All sectors which have nationally agreed standards and quality assurance arrangements in place *and* English Language *and* Foundation Programs when arrangements for these have been agreed
↓	↓	↓
• Web-portal • Hard copy material • Regulatory information of key countries • Bilateral & multilateral activities to promote cooperation in offshore quality assurance activities with other countries and promote mutual recognition and harmonisation of quality assurance arrangements • Showcasing of quality providers	• Basic data • Participant data	• List of quality providers and courses for transnational delivery • *Code of Practice for Quality Transnational Education and Training* • Trials to identify cost-effective approaches to offshore quality assessment • Complaint handling arrangements • Support for good practice • Guidelines/templates for good practice in quality transnational delivery

8. Cultural Considerations and Resources

8.1.   Doing Business Tips

Filipinos are casual, positive and hospitable. The following points many assist you in your dealings with Filipinos.

- Filipinos normally use two forms of address/names. Their 'full name' is used for official business transactions such as signing of contracts while their 'nickname' is the one that is usually seen on their business card and the name that they prefer other people to address them during a conversation.
- During first time meetings it is recommended to address the Filipino person by using their surname and title (eg. 'Secretary Cruz' or 'Director Mendoza') as a sign of respect. After the initial meeting, titles can generally be disregarded in conversation, but it is preferable to use them in correspondence.
- Filipinos are relaxed about time. Meetings and appointments often begin late. Foreigners are supposed to be on time.
- A personal introduction by a mutual friend or business associate makes business arrangements much smoother.
- Establishing a personal relationship is important to the success of a business relationship. Trust and loyalty are central to developing relationships. Insincerity is easily detected and can ruin the relationship.
- Casual conversation may precede business discussions during meetings.
- Suits are recommended for business meetings and for more formal occasions, a dinner jacket and tie are suitable.
- Gifts are not expected, but are appreciated. You may want to bring a small gift to your first meeting. Gifts are not opened in the giver's presence. Thank the giver and set it aside.

8.2.   Additional references

Title	Source	URL
Doing Business in the Philippines	Austrade	http://www.austrade.gov.au/Doing-business-in-the-Philippines/default.aspx
Smart Traveller	DFAT	http://www.smartraveller.gov.au/zw-cgi/view/Advice/Philippines
Doing Business in the Philippines 2011	Baker and McKenzie	http://www.bakermckenzie.com/BKDBIPhilippines11/
Doing Business in the Philippines 2011	The World Bank	http://www.doingbusiness.org/reports/subnational-reports/philippines
Culture Shock! Philippines: A Survival Guide to Customs and Etiquette	ALFREDO ROCES and GRACE ROCES	Available for purchase

9. Key Contacts/Other Agencies

9.1.   Regulatory Agencies

Agency	URL

Commission on Higher Education (CHEd)	http://www.ched.gov.ph
Technical Education and Skills Development Authority (TESDA)	http://www.tesda.gov.ph
Department of Education (DepEd)	http://www.deped.gov.ph
Professional Regulation Commission (PRC)	http://www.prc.gov.ph
Securities and Exchange Commission (SEC)	http://www.sec.gov.ph
Department of Trade and Industry (DTI)	http://www.dti.gov.ph
Board of Investments (BOI)	http://www.boi.gov.ph
Philippine Economic Zone Authority (PEZA)	http://www.peza.gov.ph
Department of Labor and Employment (doe)	http://www.dole.gov.ph
Bureau of Immigration (BI)	http://www.immigration.gov.ph
Bureau of Internal Revenue (BIR)	http://www.bir.gov.ph
Department of the Interior and Local Government (DILG)	http://www.dilg.gov.ph
Autonomous Region in Muslim Mindanao (ARMM)	http://www.armm.gov.ph

Agency	URL
Social Security System	http://www.sss.gov.ph
Philippine Health Insurance Corporation	http://www.philhealth.gov.ph
Home Development Mutual Fund	http://www.pagibigfund.gov.ph
Australian Embassy in the Philippines	http://www.australia.com.ph
Philippine Embassy in Australia	http://www.philembassy.org.au

9.2. Quality Assurance Mechanism by Sector

Sector/s	Agency	URL
Higher Education	Commission of Higher Education (CHEd)	http://www.ched.gov.ph
TVET	Technical Education and Skills Development Authority (TESDA)	http://www.tesda.gov.ph
	Technical Vocational Education Accrediting Agency of the Philippines (TVEAAP)	
Basic Education	Department of Education (DepEd)	http://www.deped.gov.ph
International Education	Commission of Higher Education (CHEd)	http://www.ched.gov.ph
All sectors	Philippine Association of Colleges and Universities - Commission on Accreditation (PACU-COA)	http://www.pacucoa.ph
	Philippine Accrediting Association of Schools, Colleges and Universities (PAASCU)	http://www.paascu.org.ph
	Association of Christian Schools, Colleges and Universities Accrediting Agency (ACSCAA)	

9.3.   Key Industry Associates, Peak Bodies and Contacts

Association/Peak Bodies	Description	URL
Philippine Association of State Colleges and Universities (PASCU)	National association of public HEIs	http://www.pascu.org
Philippine Association of Colleges and Universities (PACU)	National association of private HEIs	http://www.pacu.org.ph
Philippine Association of Private Schools, Colleges and Universities (PAPSCU)	National association of private educational institutions	
Association of Christian Schools, Colleges and Universities (ACSCU)	National association of private non-stock, non-profit educational institutions affiliated with Christian churches or denominations	
Catholic Educational Association of the Philippines (CEAP)	National association of Catholic educational institutions in the Philippines	http://www.ceap.org
Technical Vocational School Associations of the Philippines (TEVSAPHIL)	National association of regional, provincial and district associations of private TVET providers	http://www.tevsaphil.yolasite.com
Mindanao TVET Association	Association of TVET providers in Mindanao	http://www.mintvet.org
Coordinating Council of Private Educational Associations (COCOPEA)	National association of private educational associations	

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