ABSTRACT
The paper aims to identify the facilitating and deterring factors affecting the implementation of the ASEAN Mutual Recognition Arrangements (MRAs) in professional services encompassing engineering, nursing, architecture, surveying, medical, dental practice, and accountancy. Overall, the progress of MRA implementation in the Philippines has been slow. For all professions, the issue of enacting new rules and/or regulations has been difficult due to constitutional and other restrictions. Clear procedures and guidelines should be formulated for the implementation of the reciprocity provision. For temporary special permits, the law needs to be revised to allow complete borderless practice.

Facilitating factors affecting MRA implementation include the institutionalization of MRA implementation in the national government agenda along with awareness programs, close coordination between professional bodies and government, and projects to facilitate quality improvements in the practice of the professions and address sectoral issues. Important deterring factors affecting MRA implementation include absence of a comprehensive program to implement the MRAs; lack of comprehensive databases, research studies on best practices, and review of foreign reciprocity; and absence of a coordinating body.

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To move the implementation of the MRAs forward, there is a need to continue efforts to improve the process and create clear criteria for the labor market test and the skill shortage list. The paper also suggests the formulation of clear rules and guidelines in implementing the foreign reciprocity provision, strengthening the capacity of the Professional Regulation Commission as the central body coordinating the different MRA activities, and crafting of a comprehensive and strategic framework on MRA implementation.

**INTRODUCTION**

Since 1997, the Association of Southeast Asian Nations (ASEAN) has emphasized the need to liberalize trade in services through the adoption of the ASEAN Framework Agreement on Services (AFAS). The AFAS aims to substantially eliminate trade restrictions in services among member-countries and promote efficiency and competitiveness of ASEAN service suppliers. Aside from the main obligations of market access and national treatment, AFAS establishes general guidelines for mutual recognition, denial of benefits, dispute settlement, institutional mechanism, and other areas of cooperation in the services sector.

Similar to the General Agreement on Trade in Services (GATS), the AFAS adopts a “positive list or bottom-up” approach in service trade liberalization such that only sectors that are ready to liberalize are listed by the member-countries. For each sector or subsector on the positive list, commitments are made for market access and national treatment across each of the four modes of supply.

Services are traded through the following modes of supply whereby distinctions are made based on whether the service supplier, the consumer, or neither, moves from one country to another for the transaction to be effected (UN et al. 2002):

- **Mode 1 (Cross-border trade):** supply of a service from the territory of one member into that of another member, i.e., supplier and consumer interact across distance. Examples are correspondence courses, freight transport services, and telediagnosis.

- **Mode 2 (Consumption abroad):** consumption of a service by consumers of one member who have moved into the territory of the supplying member. Examples are tourist activities such as visits to museums and theaters, medical treatment of nonresident persons, language courses taken abroad, or ship repair abroad.

- **Mode 3 (Commercial presence):** services are provided by foreign suppliers that are commercially established in the territory of another member. Examples are medical services provided by a foreign-owned hospital,
courses in a foreign-owned school, and services supplied by a domestic branch or subsidiary of a foreign bank.

- **Mode 4 (Movement of natural persons):** services are supplied by foreign natural persons, either employed or self-employed, who currently stay in the territory of another member. Examples are short-term employment of foreign doctors or teachers, intracorporate staff transfers and, more generally, short-term employment of foreign staff in foreign affiliates, short-term employment of construction workers or paid domestic helpers.

Under the AFAS, ASEAN Member-States (AMS) may recognize the education or experience obtained, requirements met, and licenses or certifications granted in other AMS, for the purpose of licensing or certification of services suppliers.

Mutual recognition arrangement (MRA) is one of the more recent developments in ASEAN cooperation on trade in services. MRAs enable the qualifications of professional services suppliers to be mutually recognized by signatory member-states, thereby facilitating the movement of professional services providers in the ASEAN region. Currently, the Philippines has signed seven MRAs in the following professional services concluded under the ASEAN:

- Engineering services (9 December 2005)
- Nursing services (8 December 2006)
- Architecture (19 November 2007)
- Land surveying (19 November 2007)
- Medical practice (26 February 2009)
- Dental practice (26 February 2009)
- Accountancy (26 February 2009)

There are many challenges facing the MRA implementation in the country. Domestic laws and regulations need to be changed to align with and support the specific MRAs. The lack of budgetary support by lead stakeholders and the inadequate collaboration among the public and private sectors have also been cited as another constraint. Some professional organizations like the accountants have commenced bilateral negotiations with counterpart bodies, taking into account the various differences in educational system, legal framework, institutional mechanism, and socioeconomic conditions. Both the Professional Regulation Commission (PRC) and the Department of Labor and Employment (DOLE) are also in the process of putting policy measures in place to facilitate MRA implementation in the country.

This paper focuses on the movement of natural persons, particularly professional services, which is Mode 4 in the GATS. It primarily aims to identify the facilitating and deterring factors affecting the implementation of MRAs. To achieve this, a survey was carried out among seven professional bodies
representing each of the seven professions mentioned earlier. Additional data were gathered through a focus group discussion with representatives of the PRC and DOLE.

The second section discusses the legal framework on the practice of professions in the Philippines. The third section presents a review of the current status of MRA implementation in five professions, namely, engineering, nursing, architecture, medical practice, and dental practice. The results of the survey are presented in the fourth section. The last section summarizes the main findings and recommendations.

REGULATORY ENVIRONMENT
The Philippine Constitution and other legislations restrict the practice of professions to Filipino nationals. Article XII Sec. 14 of the Constitution states that the practice of all professions in the Philippines shall be limited to Filipino citizens, except in cases prescribed by law. Republic Act (RA) 5181 requires permanent residence (at least three years) and reciprocity\(^2\) to qualify for any examination or registration for the practice of any profession in the Philippines, provided that the practice of said professions is not limited by law to Filipino citizens.

RA 7041 (Foreign Investment Act of 1991 as amended by RA 8179) restricts the practice of the following professions to Filipino citizens: engineering, medicine and allied professions, accountancy, architecture, criminology, chemistry, customs brokerage, environmental planning, forestry, geology, interior design, landscape architecture, and law.

Professionals are regulated and screened by the PRC. RA 8981 (PRC Modernization Act of 2000) allows exceptions by allowing foreign professionals to work in the Philippines pursuant to foreign reciprocity provisions. Section 7J of RA 8981 states that upon recommendation of the concerned Professional Regulatory Board (PRB), the PRC may approve registration of and authorize issuance of certificate of registration/license and professional identification card, with or without examination, to a foreigner who is registered under the laws of his state/country and whose certificate of registration issued therein has not been suspended/revoked, provided that:

“a) Requirements for registration/licensing in said foreign state/country are substantially the same as those required/contemplated by laws of the Philippines and that the laws of such foreign state/country allow citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by subjects or citizens of such foreign country/state;

\(^2\) For foreigners, the country of which he is a subject or citizen permits Filipinos to practice their respective professions within its territories.
b) The Commission may, upon recommendation of the board concerned, authorize the issuance of a certification/license or special temporary permit to:

- Foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements.
- Consultants in foreign-funded, joint-venture, or foreign-assisted projects of the government.
- Employees of Philippine/foreign private firms/institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time.

c) Agencies/organizations/individuals whether public or private, who secure the services of a foreign professional for reasons aforementioned shall be responsible for securing a special permit from the PRC.”

Currently, the PRC is in the process of preparing the guidelines for the exceptions. Apart from RA 8981, the practice of profession is governed by Article 40 of the Labor Code, as amended. The latter states that “non-resident aliens may be admitted to the Philippines for the supply of service after a determination of non-availability of a person in the Philippines who is competent, able and willing at the time of application to perform the services for which the alien is desired.” In this respect, the law stipulates that the labor market test (LMT) is a prerequisite for legitimate alien employment in the country. Through this, the DOLE regulates the inflow of foreign workers. It is in-charge of alien employment registration and certification. In an interview with a DOLE official, it was pointed out that in practice, the LMT is liberally implemented. After the DOLE announces the application for an alien employment permit (AEP) in newspapers of general circulation and there are no contestations, the alien is granted a permit to work. Around 12,000 permits are granted each year and these are mostly for managerial positions.

Since 2001, the DOLE has been implementing measures for the simplification of requirements and procedures in the issuance of AEPs. Through DOLE Department Order No. 12, series of 2001, rigid requirements like the understudy training program and endorsements from other government agencies were removed from the requirements and process cycle time was reduced to seven working days. Department Order No. 120-12 issued on 29 February 2012 amending Department Order No 97-09 further removed rigidities in the application for AEP. Ocular and verification inspections were removed from the guidelines, the requirement of a copy of AEP in the application for renewal was deleted, derogatory record as basis

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3 The AEP is a permit issued to a nonresident alien or foreign national seeking admission to the Philippines for employment purposes after a determination of the non-availability of a Filipino citizen who is competent, able, and willing at the time of application to perform the services for which the alien is desired.
for denial and cancellation of AEP was changed to conviction of a criminal offense or fugitive from justice, and notarization of application form is no longer required. The process cycle time was further reduced to one day in the case of renewals and three days for new applications. The documentary requirements were reduced to only four, namely, application form, contract of employment or Appointment or Corporate Secretary’s certificate of election, whichever is applicable, mayor’s permit, and copy of passport with visa.

For all professions, enacting new rules and/or regulations has been difficult due to constitutional and other restrictions. To help facilitate the country’s commitment under the ASEAN MRAs, the DOLE is in the process of preparing a positive list and identifying skills shortages. The positive list will contain a list of occupations that are hard to fill or with no available or only a few applicants for the position. According to DOLE, the positive list may include two professions from each of the priority areas of the ASEAN and will serve as signal for those occupations/sectors that the labor market test will not apply. The proposed positive list is based on the studies and consultations conducted by DOLE such as the 2010 Project JobsFit. The list of occupations with the qualification standards will be finalized after a consultation with the stakeholders within 2013.

**MRA IMPLEMENTATION STATUS**

The ASEAN MRA for each professional service has its own characteristics and uniqueness. The seven professional services can be grouped into three main categories based on patterns and mechanisms of MRA implementation. The first group consists of architecture and engineering services; the second group covers accounting and surveying; and the third group comprises of medical, dental, and nursing services. Given these differences in features and characteristics, the professional services have different MRA implementation mechanisms.

MRA implementation for the first group is more transparent with the registration mechanism handled by both the country of origin and the host country. The approval process to become an ASEAN Architect/Engineer is determined by an ASEAN-level council. For the second group, the MRA framework has been approved and another stage is still required to come up with an agreement, both for the bilateral and multilateral ones. For the third group, the MRA implementation mechanism (a registration mechanism) is relatively less

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4 Project JobsFit: The DOLE 2020 Vision is a nationwide research study that involved environmental scanning, information gathering, consultation, and ‘signaling’ activities aimed at identifying local and global industries that would drive employment growth, including the corresponding skills requirements, for the next 10 years. (Source: Interview with DOLE officials).

5 Based on the MRA Scoring System and MRA Survey Questionnaire used for the “ASEAN MRA Scorecard Philippines”, a project of the Economic Research Institute for ASEAN and East Asia (ERIA) in 2011.
systematic than the first group due to the absence of an approval process set by an ASEAN-level council and which eventually hinders the progress of its MRA implementation.

Table 1 summarizes the scores measuring the progress of MRA implementation for each of the five professions covered by the 2011 ERIA survey (see footnote 5). Representatives from the five professions (engineering, medical, dental, nursing, and architecture) were interviewed in the 2011 ERIA perception survey.

The scores were weighted based on the stages of MRA implementation in the country including the preparation of MRA implementation institutions and regulatory environment. The scoring system does not include accounting and surveying because the agreement of both services is limited to the framework of the MRA. Appendix 1 contains an outline of the major areas covered by the survey.

The overall weighted score shows that the implementation of MRAs in the country has been rather slow. Architecture and engineering are at the same level. Both have complied with the submission of official notification of participation. Some slight differences are noted in terms of the progress of setting

Table 1. Philippine scorecard for MRAs on architecture, engineering, medical, dental, and nursing professions

<table>
<thead>
<tr>
<th>Professions</th>
<th>Score</th>
<th>Weight</th>
<th>Weighted Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architecture</td>
<td>MRA implementation ASEAN member-state level</td>
<td>0.55</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>Regulatory environment</td>
<td>0.5</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>Overall national</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engineering</td>
<td>MRA implementation ASEAN member-state level</td>
<td>0.55</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>Regulatory environment</td>
<td>0.1</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>Overall national</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical</td>
<td>Regulatory environment</td>
<td>0.45</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Overall national</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dental</td>
<td>Regulatory environment</td>
<td>0.4</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Overall national</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing</td>
<td>Regulatory environment</td>
<td>0.5</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Overall national</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: ERIA Perception Survey
up a Monitoring Committee (MC). In engineering, the MC has already been set up; in architecture, the process is still ongoing. In terms of the Assessment Statement preparation, submission, and approval, the Assessment Statement in architecture has already been submitted and waiting for approval. In engineering, the Assessment Statement is still being prepared.

In terms of regulatory environment preparation, the professions are almost at the same stage, except in engineering which has lagged behind. For all professions, the issue of enacting new rules and/or regulations has been difficult due to constitutional and other restrictions. Most have collected and reviewed rules and regulations, carried out public information dissemination activities, translated domestic regulations in English, and developed websites for MRA-related information. In engineering, only the translation of domestic regulations in English has been implemented so far.

SURVEY RESULTS: FACILITATING AND DETERRING FACTORS AFFECTING MRA IMPLEMENTATION

A perception survey and a focus group discussion (FGD) were conducted to assess the factors affecting the implementation of the MRAs. Representatives from each profession (engineering, architecture, accountancy, surveying, medical, dental, and nursing) were interviewed for the perception survey. The same representatives were invited to attend the FGD to further examine and understand the facilitating and deterring factors.

Engineering

There are separate legislations for each engineering field in the country. These consist of the Philippine Agricultural Engineering Act of 1998; RA 544 as amended by RA 1582 (An Act to Regulate the Practice of Civil Engineering in the Philippines); Presidential Decree (PD) 1570 (Regulating the Practice of Aeronautical Engineering in the Philippines); RA 318 (An Act to Regulate the Practice of Chemical Engineering in the Philippines, and for other purposes); RA 7920 (New Electrical Engineering Law; An Act Providing for a More Responsive and Comprehensive Regulation for the Practice, Licensing, and Registration of Electrical Engineers and Electricians); RA 495 (An Act Regulating the Practice of Mechanical Engineering in the Philippines); PD 1536 (Metallurgical Engineering Law); RA 4565 (An Act to Regulate the Practice of Naval Architecture and Marine Engineering in the Philippines); and RA 1364 (An Act to Regulate the Practice of Sanitary Engineering in the Philippines).

Table 2 summarizes the respondents’ responses on the facilitating and deterring factors affecting MRA implementation in engineering. Results indicate that while the specialized regulations for each engineering field provide focus
and efficient implementation, they have also served as a deterring factor due to overlapping scope of services defined in different regulations. Given the difficulties of arriving at a common interpretation, court cases are sometimes filed to resolve the issue and to interpret the regulatory laws in question. This often slows down the process of MRA implementation. Unless clear guidelines are defined and formulated at the domestic level, it would be difficult to implement the MRA and link it with the process at the regional level.

Architecture
At the national level, the law that allows the issuance of a temporary special permit to foreign architects to practice in the Philippines is seen as a facilitating factor in MRA implementation. This is consistent with regulations in other ASEAN member-states where a foreign architect is also required to work in collaboration with a locally registered architect. The deterring factors identified include the absence of a comprehensive program to implement the MRA and procedures and guidelines in reciprocity. In addition, although a temporary special permit is allowed, the law still needs to be revised to enable complete borderless practice by foreign architects.

In terms of implementation at the national level, one facilitating factor identified is the submission of the Assessment Statement, although it still needs to be revised (Table 3). Problems concerning the composition of the Monitoring Committee were perceived as a deterring factor. With respect to the implementation process at the regional level, one facilitating factor is the gathering of information on licensing and registration requirements in each ASEAN member-state. Several deterring factors have been identified such as the different levels of competencies among the ASEAN member-states due to differences in curriculum, different

Table 2. Summary of facilitating and deterring factors in the engineering profession

<table>
<thead>
<tr>
<th></th>
<th>Facilitating</th>
<th>Deterring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory environment at the national level</td>
<td>- The Philippines has different fields of engineering specialization and each has its own regulations; more focus in each field</td>
<td>- Each field of engineering trade has its own distinct and separate interests; this sometimes leads to conflicts of interest and overlaps in practices.</td>
</tr>
<tr>
<td>Implementation process at the national level</td>
<td>Same as above</td>
<td>Same as above</td>
</tr>
<tr>
<td>Implementation process at the regional level</td>
<td>Same as above</td>
<td>- Clear guidelines necessary to come up with a seamless process, system, and mechanism at the regional level.</td>
</tr>
</tbody>
</table>

Source: Author’s compilation based on the survey responses
Table 3. Summary of facilitating and deterring factors in the architecture profession

<table>
<thead>
<tr>
<th></th>
<th>Facilitating</th>
<th>Deterring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory environment at the national level</td>
<td>- Temporary special permit to foreign architects is consistent with other AMSs; all foreign architects must work in collaboration with a local registered architect</td>
<td>- Comprehensive program needed to address MRA implementation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Reciprocity: absence of procedures/guidelines</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Temporary special permit: law needs to be revised for complete borderless practice</td>
</tr>
<tr>
<td>Implementation process at the national level</td>
<td>- Assessment Statement: submitted but needs to be revised</td>
<td>- Problems in the composition of the Monitoring Committee</td>
</tr>
<tr>
<td>Implementation process at the regional level</td>
<td>- Surveys conducted to compare licensing and registration requirements in each AMS</td>
<td>- Different levels of competencies among AMSs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Different requirements for licensures</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Language is biggest barrier</td>
</tr>
</tbody>
</table>

Source: Author's compilation based on the survey responses

requirements for licensure examination, and language barrier especially in Thailand, Cambodia, and Lao PDR where English is not the medium of instruction and where drawings use the vernacular text.

Accountancy
The practice of accountancy in the Philippines is covered under RA 9298, also known as the Philippine Accountancy Act of 2004. The act contains a provision on foreign reciprocity allowing citizens of foreign countries to practice accountancy in the Philippines in accordance with the provisions of existing laws and international treaty obligations including mutual recognition agreement entered into by the Philippine government with other countries. The act limits the practice of accountancy to Filipino citizens and shall not allow a person who is not a citizen of the Philippines unless he/she can prove that specific provision of law in the country of which he/she is a citizen admits citizens of the Philippines to the practice of the same profession without restriction. A special or temporary permit may be issued by the Professional Regulatory Board of Accountancy subject to the approval of the PRC for the following persons (RA 9298):

- “A foreign-certified public accountant called for consultation or for specific purpose which, in the judgment of the Board, is essential for the development of the country: Provided, That his/her practice shall be limited only for the particular work that he/she is being engaged: Provided, further, That there is no Filipino certified public accountant qualified for such consultation or specific purposes;
A foreign-certified public accountant engaged as a professor, lecturer, or critic in fields essential to accountancy education in the Philippines and his/her engagement is confined to teaching only; and

A foreign-certified public accountant who is an internationally recognized expert or with specialization in any branch of accountancy and his/her service is essential for the advancement of accountancy in the Philippines."

As indicated in the provisions, the law allows reciprocity but also limits the practice to Filipino citizens only; the Philippine Accountancy Act of 2004 is thus seen both as a facilitating and a deterring factor.

Another deterring factor identified is the piecemeal approach of national government agencies that leads to the absence of a comprehensive framework and operational direction (Table 4). Other factors cited include the disconnect between national government agencies involved in negotiations and professional regulatory bodies and the weak coordination among national government agencies in policymaking, information gathering, dissemination, and advocacy efforts. On the part of professional groups, there is no initiative to include MRAs as a priority

Table 4. Summary of facilitating and deterring factors in the accountancy profession

<table>
<thead>
<tr>
<th>Regulatory environment at the national level</th>
<th>Facilitating</th>
<th>Deterring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreign Reciprocity provision in the Philippine Accountancy Act of 2004 (RA 9298)</td>
<td>- Inclusion in the national government agenda or thrust</td>
<td>- Lack of initiatives among professional groups as MRA is not a priority of professional sectors</td>
</tr>
<tr>
<td>- Limitations in the practice of profession of persons who are not citizens of the Philippines as provided for in the Foreign Reciprocity section of the Accountancy Act</td>
<td>- Lack of initiatives among professional regulatory boards and professional organizations and associations to interact with foreign counterparts</td>
<td></td>
</tr>
<tr>
<td>- Piecemeal approach of national government agencies leading the establishment of national systems and mechanism</td>
<td>- Disconnect among national government agencies in policymaking, information gathering, dissemination, and advocacy efforts</td>
<td></td>
</tr>
<tr>
<td>- Disconnect between national government agencies involved in negotiations and professional regulatory bodies in-charge of the technical attributes of the profession</td>
<td>- Top-management-focused policies in national government agencies</td>
<td></td>
</tr>
<tr>
<td>Implementation process at the national level</td>
<td>- Foreign Reciprocity provision in the Philippine Accountancy Act of 2004 (RA 9298)</td>
<td>- Limited opportunities for professional regulatory boards and professional organizations and associations to interact with foreign counterparts</td>
</tr>
<tr>
<td>Implementation process at the regional level</td>
<td>- Inclusion in the national government agenda or thrust</td>
<td>- Lack of initiatives among professional groups as MRA is not a priority of professional sectors</td>
</tr>
</tbody>
</table>

Source: Author’s compilation based on the survey responses
area among professional organizations. One facilitating factor at the national level identified is the inclusion of MRA implementation in the national government agenda.

At the regional level, the limited opportunities for professional regulatory boards to interact with foreign counterparts were mentioned as a deterring factor affecting MRA implementation. Lack of information and insufficient knowledge about the progress of MRA implementation in other countries tend to slow down the process. More networking activities can help promote knowledge sharing among the different countries in the region.

Surveying
In the Philippines, surveying is under the practice of geodetic engineering. One deterring factor identified in terms of regulatory environment at the national level is the current Philippine legislation that limits the exercise of profession to Filipino citizens. This is embodied under the 1987 Constitution as well as RA 8560 (An Act Regulating the Practice of Geodetic Engineering in the Philippines) as amended. RA 8560 governs the practice of geodetic engineering profession. It also provides foreign reciprocity but only to a country that also allows Filipino geodetic engineers to practice within its territory. RA 8560 (Section 26, Article V) states: “No foreign Geodetic Engineer shall be issued a temporary license to practice the Geodetic Engineering profession or consultancy thereof or be entitled to any of the rights and privileges under this Act unless the country of which he is a subject or citizen specifically permits Filipino Geodetic Engineers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.”

In terms of deterring factors affecting the implementation process at the national level, the survey results cited differences in curriculum and training among the AMSs and only the Indonesian system is similar to the Philippine system (Table 5). This implies that only Indonesian geodetic engineers may be recognized in the Philippines on the ground of reciprocity as provided for in RA 8560 as amended.

Medical
At the national level, a facilitating factor identified in the survey is the presence of pending bills at the House of Representatives and the Senate to amend the Medical Act of 1959 that covers the practice of medical profession in the Philippines (Table 6). The Board of Medicine has proposed the inclusion of a provision that would allow foreign citizens to practice in the Philippines for as long as there is an MRA entered into by the Philippines and the country of origin. However, a deterring factor is the very long process of the deliberations at the House and the Senate. The bills have been pending since year 2000.
In terms of implementation at the national level, the survey indicates one facilitating factor—the presence of the National Regulatory Body and medical organizations that make implementation process more orderly. One deterring factor is the absence of a coordinating body that would provide the necessary information on what the MRA is and its objectives, mechanics, and implications on the sector, the economy, and the country in general.

In terms of implementation at the regional level, deterring factors cited include the absence of an existing mechanism aimed at the implementation of the MRA and lack of knowledge among medical practitioners on the MRA that may delay its implementation.

**Dental**

One facilitating factor in terms of regulatory environment at the national level is that requirements such as qualifications, domestic laws and regulations, core competencies, and list of recognized training institutions were already submitted (Table 7). A deterring factor identified is the need to revise existing regulations for full conformity with the regional agreement, which may take quite some time to accomplish.
In terms of implementation at the national level, the conduct of awareness programs to disseminate information, lectures, and seminars along with MRA meetings with government agencies was cited as a facilitating factor. Some deterring factors mentioned include the following: the ASEAN Joint Coordinating Committee on Dental Practitioners (AJCCD) Secretariat has not yet been set up; website has not yet been created; MRA mechanisms and procedures have not yet been discussed; MRA meetings are not conducted regularly; AJCCD representatives change every year; and inadequate funding for MRA activities.

In terms of implementation at the regional level, one facilitating factor is the preparation of the criteria on the roadmap for implementation of the ASEAN MRA on healthcare MRAs. Deterring factors identified are the following: absence of regular updates on the ASEAN MRA from the ASEAN Secretariat as well as from the AJCCD Chairman; AJCCD Secretariat at the regional level has not been established yet; and MRA mechanism and procedure to mutually recognize and accept foreign dentists have not yet been discussed.

Nursing
In terms of regulatory environment at the national level, facilitating factors include the support provided by government agencies like PRC, DOLE, and Department of Health (DOH) to facilitate understanding and dissemination of MRA information and the construction of the Board of Nursing website linked to the ASEAN Secretariat that contains all the necessary information such as domestic laws and processes (Table 8). Deterring factors include the absence of
In terms of implementation process at the national level, one facilitating factor cited is the carrying out of various projects by the Board of Nursing to facilitate improvements in the quality of nursing practice. These projects include activities to ensure quality, integrity, and credibility of the Nursing Licensure examination; revision of the Philippine Nursing Law to incorporate provisions for facilitating the implementation of the MRA; revision of the nursing core competency standards; continuing professional education for nurses; and presence of the Nursing Profession Roadmap. Meanwhile, deterring factors include issues affecting nursing standards in education and services such as declining performance in licensure examination, hiring of nurses based on contractual and job order scheme, decline in enrollment due to limited job opportunities, and proliferation of nursing schools.

In terms of implementation process at the regional level, facilitating factors include willingness of some AMSs like the Philippines to share best practices, mechanisms in place for coordination among the AMSs in the ASEAN Joint Commission on Nursing (AJCCN), and many AMSs have identified permanent representatives to the AJCCN. Deterring factors include slow response and lack of commitment of some AMSs to AJCCN agreements, limited resources for capacity building and study tours, differences in basic nursing programs and competencies, and weak regulatory process to maintain or enforce standards as agreed in the AJCCN.

### Table 8. Summary of facilitating and deterring factors in the nursing profession

<table>
<thead>
<tr>
<th>Regulatory environment at the national level</th>
<th>Facilitating</th>
<th>Deterring</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Support from government: PRC, DOLE, and DOH to facilitate understanding and dissemination of the MRA</td>
<td>- Lack of a comprehensive nursing database, research studies on best practices, and review of reciprocity agreements</td>
<td></td>
</tr>
<tr>
<td>- Website linked to ASEAN Secretariat provides all necessary information</td>
<td>- Limited funds for capacity building of personnel and carrying out of research studies</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implementation process at the national level</th>
<th>Facilitating</th>
<th>Deterring</th>
</tr>
</thead>
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<td>- Board of Nursing carrying out various projects to facilitate improvement in the quality of nursing practice</td>
<td>- Issues concerning nursing standards in education and services: declining performance in licensure examination, hiring of nurses based on contractual and job order scheme, decline in enrollment due to limited job opportunities, proliferation of nursing schools</td>
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<tr>
<th>Implementation process at the regional level</th>
<th>Facilitating</th>
<th>Deterring</th>
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<tr>
<td>- Willingness of some AMSs like Philippines to share best practices</td>
<td>- Slow response and lack of commitment of some AMSs to AJCCN agreements</td>
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<td>- Mechanisms in place for coordination among the AMSs in the AJCCN</td>
<td>- Limited resources for capacity building and study tours</td>
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<td>- Many AMSs have identified permanent representatives to the AJCCN</td>
<td>- Differences in basic nursing programs and competencies</td>
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<td></td>
<td>- Weak regulatory process to maintain or enforce standards as agreed in the AJCCN</td>
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Source: Author’s compilation based on the survey responses

A comprehensive nursing database, research studies on best practices on nursing education and service, and review of reciprocity agreements, and limited funds for conducting capacity building of personnel and research studies.
Coordinating Committee on Nursing (AJCCN), and many AMSs have identified permanent representatives to the AJCCN. Deterring factors are the slow response and lack of commitment of some AMSs to AJCCN agreements, limited resources for capacity building, differences in basic nursing programs and competencies, and weak regulatory process to maintain or enforce standards agreed in the AJCCN.

CONCLUSIONS AND RECOMMENDATIONS
The Philippines has signed MRAs in engineering, nursing, architecture, surveying, medical, dental practice, and accountancy. Due to the fundamental legal constraints in the Philippine Constitution, the practice of professions is restricted to Filipino nationals. Exceptions are allowed in cases of foreign reciprocity. Despite this, the issue of enacting new rules and/or regulations for all professions has been difficult due to constitutional and other restrictions. In terms of reciprocity provision, there are no clear procedures and guidelines in place and in the case of temporary special permits, the law still needs to be revised to allow complete borderless practice. The initial ERIA survey under the AEC Scorecard Project (Aldaba et al. 2011) showed the slow progress of MRA implementation in the Philippines.

The present survey further examined the facilitating and deterring factors affecting the implementation rate. At the national level, facilitating factors cited include MRA implementation as part of the national government agenda, awareness programs, close coordination with the government, and projects to facilitate improvements in the quality of practice and address sector issues. Deterring factors include absence of a comprehensive program to implement the MRAs and absence of comprehensive databases, research studies on best practices, review of foreign reciprocity, and a coordinating body that would provide the necessary information on the MRAs, their objectives, mechanics, and implications. There is also weak coordination between national government agencies involved in negotiations and professional regulatory bodies and among national government agencies in policymaking, information gathering, dissemination, and advocacy efforts.

At the regional level, facilitating factors include willingness to share best practices among the AMSs and the presence of mechanisms for coordination among AMSs. Several deterring factors have been identified such as the different levels of competencies among the ASEAN member-states due to differences in curriculum; different requirements for licensure examination; language barrier; limited resources for capacity building; and weak regulatory process to maintain or enforce agreed standards.

To move the implementation of the MRAs forward, the following measures are recommended:
Continue to implement measures to improve the process and create clear criteria for the LMT and the skill shortage list or positive list of occupations that are difficult to fill. The positive list is important because it provides not only information on skill shortages to help the government in its education and training policy, but the list of occupational shortages can also serve as input to policy discussion in AFAS (Stahl 2011).

At the regional level, pursue the development of a common list of occupations and/or sectors where LMTs can be abandoned.

Formulate clear rules and guidelines in implementing the foreign reciprocity provision.

Address sectoral concerns particularly the conflicting regulations in engineering and standards and quality issues in nursing.

Strengthen the capacity of PRC as the central body coordinating the different MRA activities to enable it to effectively perform its policymaking, information gathering, dissemination, and advocacy efforts.

Formulate a comprehensive and strategic framework on MRA implementation containing in-depth analyses of the impact of MRA implementation by sector (cost and benefit analyses); a package of policy reforms and programs to facilitate the MRA implementation process; a strategy for information dissemination, constituency building, networking, and advocacy; adjustment alternatives and capacity-building initiatives in the transition period; and a strategy for resource mobilization to finance adjustments during the transition.

Conduct more impact studies on the implications of the MRA implementation.

Carry out more information dissemination and awareness campaigns on MRAs.

Conduct more capacity-building training programs both for the government and sectoral representatives.

Increase funding for capacity building, coordination and networking, and grants for conducting studies and generating consistent and readily available statistics for the government and the private sector.

Encourage sustained sharing of best practices in basic education, core competency development, and implementation of code of ethics through collaborative conferences, research, and exchange visits.

At the regional level, develop a common formula for determining competencies and credentials among ASEAN member-states and adoption of the same by the AMS.
Appendix 1. MRA implementation process in the ASEAN

Architectural

A. MRA implementation process in ASEAN member-states (40%)
1. Submit official notification of participation.
2. Set up the Monitoring Committee (MC).
3. Prepare, submit, and get approval for the member-state’s Assessment Statement to the AAC.
4. Screen the domestic applicants (by MC) for submission to the AAC.
5. Obtain approval for the member-state’s applicants by the AAC.
6. Establish a system to authorize foreign ASEAN Architects as Registered Foreign Architects (RFAs) by Professional Regulatory Authority (PRA)

B. Regulatory environment (40%)
1. Prepare rules and regulation to enable the implementation of MRA.
   a. Collect rules and regulations that are related directly and/or indirectly to the architectural services.
   b. Review and revise rules and regulations to make sure that they comply with and/or do not contradict regional arrangement.
   c. Enact new rules and/or regulations.
2. Undertake road shows and/or other forms of public outreach activities to disseminate information on the MRA.
3. Translate domestic regulations into the English language for public outreach purpose.
4. Develop national websites for dissemination of MRA-related information.

Engineering

A. MRA implementation process in ASEAN member-states (40%)
1. Submit official notification of participation.
2. Set up the Monitoring Committee (MC).
3. Prepare, submit, and get approval for the member-states’ Assessment Statement to the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC).
4. Screen the domestic applicants (by MC) for submission to the ACPECC.
5. Obtain approval for the member-state’s applicants by the ACPECC.
6. Establish a system to authorize foreign ASEAN Chartered Professional Engineer (ACPE) as Registered Foreign Chartered Professional Engineers (RFCPEs) by Professional Regulatory Authority (PRA).

B. Regulatory environment (40%)
1. Prepare rules and regulation to enable the implementation of MRA.
   a. Collect rules and regulations that are related directly and/or indirectly to the architectural services.
Appendix 1. (Cont’d.)

b. Review and revise rules and regulations to make sure that they comply with and/or do not contradict regional arrangement.

c. Enact new rules and/or regulations.

2. Undertake road shows and/or other forms of public outreach activities to disseminate information on the MRA.

3. Translate domestic regulations into the English language for public outreach purpose.

4. Develop national websites for dissemination of MRA-related information.

Medical practitioners

Regulatory environment (50%)

1. Prepare rules and regulation to enable the implementation of MRA.

   a. Collect rules and regulations that are related directly and/or indirectly to the architectural services.

   b. Review and revise rules and regulations to make sure that they comply with and/or do not contradict regional arrangement.

   c. Enact new rules and/or regulations.

2. Undertake road shows and/or other forms of public outreach activities to disseminate information on the MRA.

3. Translate domestic regulations into the English language for public outreach purpose.

4. Develop national websites for dissemination of MRA-related information.

Dental

Regulatory environment (50%)

1. Prepare rules and regulation to enable the implementation of MRA.

   a. Collect rules and regulations that are related directly and/or indirectly to the architectural services.

   b. Review and revise rules and regulations to make sure that they comply with and/or do not contradict regional arrangement.

   c. Enact new rules and/or regulations.

2. Undertake road shows and/or other forms of public outreach activities to disseminate information on the MRA.

3. Translate domestic regulations into the English language for public outreach purpose.

4. Develop national websites for dissemination of MRA-related information.

Nursing

Regulatory environment (50%)

1. Prepare rules and regulation to enable the implementation of MRA.
Appendix 1. (Cont’d.)

a. Collect rules and regulations that are related directly and/or indirectly to the architectural services.
b. Review and revise rules and regulations to make sure that they comply with and/or do not contradict regional arrangement.
c. Enact new rules and/or regulations.

2. Undertake road shows and/or other forms of public outreach activities to disseminate information on the MRA.

3. Translate domestic regulations into the English language for public outreach purpose.

4. Develop national websites for dissemination of MRA-related information.

Note: Numbers in parentheses are weights used in calculating weighted average scores; refer to Table 1.

REFERENCES

