



Republic of the Philippines
Department of Finance
INSURANCE COMMISSION
1071 United Nations Avenue
Manila



Legal Opinion (L.O.) No.	10-2018-13
Date:	July 23, 2018

MR. JUAN GIDEON JOSUA ROSSOUW ENGELBRECHT

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boere_bra@hotmail.com

SUBJECT: **Determining the Qualification of a
Foreign National with Pending
Application for a Refugee Status to
Undertake the Insurance Agent's
Examination**

Dear Mr. Engelbrecht:

This is in response to your letter dated 13 April 2018 requesting approval for the use of a Special Working Permit ("SWP") in lieu of the Alien Certificate of Registration ("ACR") required as a supporting document in the application for an insurance agent's license of an alien.

Based on your letter, the Bureau of Immigration ("BI") issued a SWP dated on 27 March 2018 granting you authority to work as insurance advisor for Sun Life of Canada (Philippines), Inc. ("Sun Life Insurance") for a period of 6 months pending approval of your application for a refugee status.

Under Insurance Memorandum Circular No. 3-93 entitled "Licensing of Insurance Agents and General Agents" dated 28 June 1993, one of the qualifications of an applicant to be issued with a license to act as insurance agent is that one must be a resident of the Philippines. Thus, this Commission requires an applicant who is a foreigner to indicate in his/her application form the serial number, date and place of issuance of an ACR and Immigrant Certificate of Residence ("ICR").

An SWP is a work permit issued by the BI allowing foreign nationals to work for short term temporary assignments/employment with an initial validity period of three (3) months from the date of issuance and subject to extension for another three (3) months.

Based on the foregoing, an SWP is one of the requirement to allow a foreign national to engage in gainful employment from to six months. Thus, it is the opinion of this Commission that, for purposes of determining compliance with the residency qualification of an applicant for an insurance agent's license, a SWP cannot be considered as a substitute for ACR and ICR.

However, in your case, you have stated that you have a pending application for refugee status under the terms of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol Relating to the Status of Refugees.

Based on the Certification of Pending Application issued by the Department of Justice ("DOJ"), you are entitled to protection from forcible return to a country where you can face threat to life or freedom, or violation of human rights.

Under Paragraph 2 of Section 15 Rule II of Department Circular No. 058 Series 2012 of the DOJ, one of the benefits of the recognition of an application as a refugee is the right to residence.

Considering the foregoing, this Commission hereby allows you to apply for a license to take the insurance agent's examination subject to the following:

- a. submission of complete documentary requirements for application to act as an insurance agent;
- b. in lieu of ACR and ICR, updated SWP; and
- c. understanding that you will inform this Commission on the outcome of your application for refugee visa.

Based on the documents presented, the Certification of Pending Application issued by the Department of Justice relative to your status as a refugee and the SWP issued by the BI allows you temporary protection from forcible return to your country and likewise permits you to work as an insurance advisor for Sun Life Insurance.

Please be advised that your authority to act as an insurance agent will be valid only up to the period stated in the SWP. Thus, you are required to furnish this Commission a copy of your updated or renewed SWP for your continued authority to act as an insurance agent.

Since the normal period for the validity of an insurance agent's license is three (3) years, beginning from the formal application by the insurance company of the person who passed the agent's examination for licensing as an insurance agent, this Commission will temporarily allow you to forego the need to repeatedly pay a renewal fee for a period of

three (3) years every time you will apply for the renewal of your insurance agent's license, which as previously stated, is concurrently valid to the period stated in the SWP.

Lastly, this approval is without prejudice to the determination of the DOJ on your application for refugee status.

For your information and guidance.

Very truly yours,

DENNIS B. FUNA
Insurance Commissioner

