

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 113

INTRODUCED BY REPRESENTATIVE PEDRO P. ROMUALDO

EXPLANATORY NOTE

This measure is a timely piece of legislation which will clothe the Bureau of Immigration with a renewed mandate to deliver world class immigration services that will promote the country's image in the international community as a safe tourist destination and a potential investment site. This bill will catapult the Bureau of Immigration as a government agency that concomitantly assumes the role of a gatekeeper and that of an agent of economic development. To attain this goal, this bill seeks to strengthen the organizational structure of the Bureau of Immigration by converting it into a commission with expanded jurisdiction and a streamlined powers and functions, thereby amending the archaic provisions of Commonwealth Act No. 613, a 1940 immigration statute.

This landmark legislation will ensure a vibrant, dynamic and more structured agency to be known as the "Commission on Immigration and Naturalization that will be tasked to perform a twin function – gatekeeper and economic agent. As a gate keeper, the new commission shall have the power to control and regulate the immigration of aliens in the country consistent with its duty to safeguard our borders, national security, national sovereignty and public safety. As an agent of economic development, the new commission will be tasked to develop effective mechanisms and procedures on immigration and naturalization that will foster investments through a vibrant tourism industry and higher government revenue. This twin-function reflects the demands of the present time.

House Bill No. 6568 will empower the Bureau of Immigration to simplify further its requirements for visa applications or visa extension and expedite its processing and issuance of visas, alien certificates of registration, and other travel documents. Indeed, an orderly and simplified procedures will streamline the duties and functions of their officials and employees, improve the delivery of services by the commission, provide convenience and satisfaction to the public in general and the foreigners in particular, and more importantly, reduce if not eliminate red tape which breeds graft and corruption. Consequently, more foreigners will be enticed to visit the country for tourism or to seek investment opportunities, and those residing in the Philippines will be motivated to report regularly to the immigration office and avail of the various immigration services of the commission.

Industry data shows that tourist arrivals in 2007 were estimated at 5.57 million compared to 5.25 million in 2006. We believe these figures will double if the commission will simplify further their immigration policies and procedures without neglect of its duty as a gatekeeper.

With the advent of globalization characterized by shrinking space and time

and disappearing political and economic borders, the country has not been exempted from the scourge of terrorism and other transnational and/or syndicated crimes such as drug trafficking, human smuggling and trafficking in person, and kidnapping, among others, that have likewise taken their toll in the economy. Local and foreign investors alike cannot be blamed of their capital flight as they have a second look in further investing in the country taking into consideration the peace and order situation. Hence, this bill will add credence to our fight against these nefarious criminal activities by allowing the Commission to strengthen further their existing procedures and policies on border control and management. This is the essence of a gatekeeper.

It was the Second Assembly of the Philippine Commonwealth that enacted the Philippine Immigration Act of 1940 on 22 January 1940 known as Commonwealth Act no. 613. It created the Bureau of Immigration under the administrative supervision of the Office of the President. Then, it later became an attached agency of the department of justice and was later returned to the administrative control of the Office of the President.

In 1941, the bureau was once again under the Department of Justice and in 1945, it was put under the supervision and control of the Department of Labor as part of the reorganization plan of the government. In 1948, the Bureau was again returned to the Department of Justice where it remains up to this time.

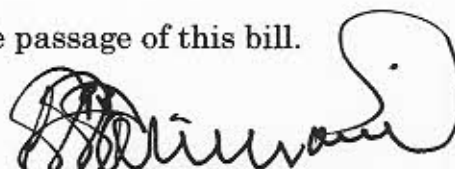
In 1972 as part of the reorganization plan, the Bureau of Immigration was named to Commission on Immigration and Deportation, a collegial body and performing both administrative and quasi-judicial functions. On July 25, 1987, President Corazon C. Aquino signed Executive Order No. 292 known as "The Administrative Code of 1987". The Commission on Immigration and Deportation was renamed as "Bureau of Immigration" and remained under the Department of Justice.

Sixty-nine (69) years after its creation, it is only now that we are giving this agency the preferential attention it deserves considering its dual functions and significant contributions in national development. It is only fitting that we provide the proposed commission with the renewed mandate to develop and execute sound policies and procedures that will professionalize the immigration service, foster tourism and foreign investment without sacrificing national security, national sovereignty and public safety, and enhance revenue collection for the government.

Under this bill, the proposed Commission shall be principally responsible for the administration and enforcement of immigration, alien registration, citizenship and administrative naturalization laws, and shall continue to be under the administrative supervision of the Department of Justice.

Due to lack of quorum on the last day of the session of Congress on June 4, 2010, the Bicameral Report on this measure was not ratified. It is hoped that this bill which passed the scrutiny of both the House of Representatives and Senate of the Philippines will become into law this 15th Congress.

Your support is highly enjoined for the passage of this bill.



PEDRO P. ROMUALDO

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**“THE PHILIPPINE IMMIGRATION
ACT OF 2010”**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

**TITLE I
GENERAL PROVISIONS**

Section 1. Title of the Act. — This Act shall be known as the "Philippine Immigration Act of 2010".

Section 2. Declaration of Policy. — In relation to other states, the Philippines shall give paramount consideration to national sovereignty, territorial integrity, national security, national interest, and the right to self-determination, as it adheres to the policy of peace, cooperation and amity with all nations. Toward this end, Philippine immigration policies, rules and regulations under this Act shall be applied and administered in the promotion of domestic and international interests of the Philippines, recognition of:

- (a) The admission of foreign nationals for the purpose of enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) The need for increased technological and scientific development;
- (c) Promotion of conditions for social welfare and economic security of the people;
- (d) Compliance with obligations and standards set by international law in the admission or exclusion of foreign nationals;

(e) Promoting international order and justice by denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal, and other nefarious activities;

(f) Modernization of structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and

(g) Professionalization of the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their development.

Section 3. Definition of Terms. — As used in this Act, the following terms are defined as follows:

(a) "Admission" refers to the process by which a foreigner arriving at a port of entry in the Philippines is allowed into the country by the immigration authorities;

(b) "Board" refers to the Board of Commissioners provided for in this Act;

(c) "Border Control Officer" refers to any person tasked to man the border control station under Section 26 of this Act;

(d) "Captain" refers to the master of a vessel or pilot of an aircraft;

(e) "Child" refers to a person below eighteen (18) years of age;

(f) "Citizen" refers to any person who is a citizen of the Philippines under Section 1, Article IV of the Constitution of the Republic of the Philippines;

(g) "Commission" refers to the Commission on Immigration;

(h) "Commissioner" and "Deputy Commissioner" refer to the Commissioner and the Deputy Commissioner of Immigration, respectively;

(i) "Commitment Order" refers to an order issued by the Commissioner under Section 7 © (2) of this Act that directs the detention of a foreigner after it has been determined that a probable cause exists and the person committed acts and/or omissions in violation of Philippine immigration laws, rules and regulations, or during the pendency of a deportation case against such foreigner: Provided, That such detention shall not exceed three (3) months, unless there exists other legal grounds for continued detention;

(j) "Consular officer" refers to any consular, diplomatic, or other officer of the Government of the Philippines who has been duly granted a consular commission for the purpose of issuing visas under this Act;

(k) "Entry" refers to the arrival of a foreigner into any designated port of entry in the Philippines from a place outside thereof. A foreigner having a lawful

permanent residence in the Philippines shall not be regarded as making an entry for the purpose of this Act if the foreigner proves that his/her departure to a place outside the Philippines was for a temporary or limited period, or his/her continued absence from the Philippines was occasioned by deportation proceedings, extradition, or other legal process;

(l) "Exclusion" refers to the act of Immigration Officers denying admission of a foreigner into the country on grounds provided for in this Act;

(m) "Foreigner" or "Foreign National" refers to any person not a citizen of the Philippines;

(n) "Hold Departure Order" refers to: (1) a directive that commands the Commissioner to prevent a foreigner from leaving the territorial jurisdiction of the Philippines in cases of grant of bail and recognizance pending implementation of Summary Deportation Order, or (2) an order implementing a directive from the President, the Senate, the House of Representatives, the Department of Justice (DOJ), Regional Trial Courts, Sandiganbayan, and appellate courts to prevent a person from leaving the Philippines to any place outside thereof;

(o) "Husband" and/or "Wife" refer to those regarded as such by the laws of the country of which they are nationals but shall not include husband or wife by reason of proxy or "picture marriage";

(p) "Immigrant" refers to any foreign national departing from any place outside the Philippines destined for the Philippines, other than a non-immigrant;

(q) "Immigration laws" refers to this Act and any other law presently existing or which may hereafter be enacted relating to movement of natural persons to and from the Philippines, and their exclusion, interception, deportation and repatriation;

(r) "Immigration Officer" refers to any person appointed under Section 28 of this Act or any employee of the Commission designated by the Commissioner to perform the powers, duties and functions of an Immigration Officer as specified under this Act;

(s) "Interception" refers to the act of Immigration Officers denying departure clearance to any person leaving the country on grounds provided for in this Act;

(t) "Non-immigrant" refers to any foreigner departing from any place outside the Philippines who is allowed entry and admission into the Philippines for a temporary or limited period of stay;

(u) "Non-refoulement" refers to the principle of international law which prohibits the forced return of a refugee to the state or territory where his/her life or liberty would be entitled;

(v) "Passport" refers to a document issued by the Philippine government to its citizens and requesting other governments to allow its citizens to pass safely and freely, and in case of need to give him all lawful aid and protection;

(w) "Person" refers to natural and juridical person such as partnerships, corporations, companies, and associations;

(x) "Port of entry" refers to any port designated by competent authority in accordance with law through which a foreigner may apply to the immigration officer thereat for admission into the Philippines;

(y) "President" refers to the President of the Republic of the Philippines;

(z) "Refugee" refers to a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his/her nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country; or who, not having a nationality and being outside the country of his/her former habitual residence, is unable or, owing to such fear, is unwilling to return to it;

(aa) "Seaman," "Seafarer" or "Crewmember" refers to a person actually employed in the operation or service in any capacity on board a vessel;

(bb) "Secretary" refers to the Secretary of the Department of Justice;

(cc) "Stateless Person" refers to a person who is not considered a national by any state under its laws;

(dd) "Travel document" refers to a certification or identifying document containing the description and other personal circumstances of its bearer, issued for direct travel to and from the Philippines valid for short periods or a particular trip. It is issued only to persons whose claim to Philippine citizenship is doubtful or who fall under the category enumerated in Section 13 of Republic Act No. 8239, otherwise known as "The Philippine Passport Act of 1996.;

(ee) "Vessel" refers to all means of conveyances, whether aircraft or sea craft; and

(ff) "Visa" refers to an endorsement on a passport or any travel document issued by a Consular Officer abroad authorizing the holder thereof to proceed to a designated port of entry in the Philippines and there to apply for entry and admission under the status specified therein; or Immigration status granted and/or issued to foreigners by the Commissioner or the Board under this Act; and

(gg) "Watchlist Order" refers to an order issued by the Commissioner under Section 7 c) (4) of this Act that requires immigration personnel to monitor and/or prevent the departure of any person for a period of fifteen (15) days, extendible for another fifteen (15) days, and to notify concerned or law enforcement agencies, when his/her presence is required in criminal or legislative proceedings or he/she poses or may pose a threat to national security, public health or public safety.

TITLE II
COMMISSION ON IMMIGRATION
CHAPTER 1
THE COMMISSION

Section 4. Creation. — The Commission on Immigration is hereby created. It shall be principally responsible for the administration and enforcement of this Act, and the implementation of laws, rules, regulations or orders of any competent authority concerning the entry and admission into, stay in, and the departure from the Philippines of all persons. The Commission shall be under the general supervision of the Department of Justice.

Section 5. Composition and Qualification. — The Commission shall be administered by the Board headed by the Commissioner as chairperson, and four (4) Deputy Commissioners as members, all of whom shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age, and holders of a college degree and with proven capacity for administration: *Provided*, That the majority or three (3) members including the Chairperson of the Commission shall be members of the Philippine Bar in good standing for at least five (5) years.

CHAPTER 2
THE COMMISSIONER

Section 6. Appointment and Rank of the Commissioner. — The Commissioner shall be appointed by the President and shall the same rank, salary, and privileges of an Undersecretary of a Department.

Section 7. Powers and Functions of the Commissioner. — In addition to his duties as Chairperson of the Board of Commissioner, the Commissioner shall exercise the following powers and functions:

- (a) Supervise, direct and coordinate the overall operations of the Commission;
- (b) Appoint, and exercise control and supervision over, the officers and personnel of the Commission, subject to existing civil service laws, rules and regulations;
- (c) Issue (1) letter orders after determination of the existence of probable cause; (2) commitment or release orders; (3) warrant of deportation; (4) watchlist orders; (5) hold departure orders; (6) allow entry or departure orders; (7) blacklist orders; and (vii) orders implementing watchlist orders issued by the Department of Justice;
- (d) Delegate authority to subordinate officers and employees of the Commission, except with regard to powers and functions enumerated in the immediately preceding paragraph, which may be delegated only to the Associate Commissioners;
- (e) Act on applications for issuance and extension or on petitions for conversion, adjustment and amendment of visas;
- (f) Act on petitions for declaration of indigency;
- (g) Declare such control posts, landing places, airports or ports/points of entry or exit, whether limited or unlimited;
- (h) Increase, reduce or waive immigration fees, fines, penalties and other charges;
- (i) Participate as member of the Special Committee on Naturalization pursuant to Section 6 of Republic Act No. 9139 otherwise known as "The Administrative Naturalization Law of 2000";
- (j) Act on applications for retention or reacquisition of citizenship under Republic Act No. 9225 otherwise known as "Citizenship Retention and Re-acquisition Act of 2003";
- (k) Issue Certificate of Identification to foreigners who have obtained Filipino citizenship;
- (l) Issue letter orders and permits to carry firearms, ammunition and communications equipment to authorized immigration operatives for use in enforcement operations and in the execution of warrants: Provided, That such firearms are owned and issued by the Commission;
- (m) Inspect the documents, premises and records of persons covered by this Act;
- (n) Deputize any official or employee of the national government and local government units, including uniformed personnel of the Armed Forces of the Philippines, the Philippine National Police and the Philippine Coast Guard to

perform immigration duties and functions subject to the concurrence of the Board;

(o) Authorize and prescribe the forms and the amount of cash bonds for the provisional release of respondents in deportation proceedings;

(p) Impose reasonable fines and penalties for violation of immigration and alien registration laws in accordance with this Act and the guidelines adopted by the Commission;

(q) Provide an express lane for the rendition of services upon payment of prescribed fees by airlines/shipping companies or other persons served and to deposit in a government authorized depository bank all such fees received under a trust fund that may be made available for the payment of allowances to employees of the Commission subject to existing accounting and auditing rules and regulations;

(r) Accept donation of materials, equipment or technical services from any foreign government, international or domestic organization, to upgrade the efficiency and operations of the Commission;

(s) Submit to the President, and to Congress, annually or as may be directed, a report on: (1) the number and the status of foreigners in the Philippines; (2) foreigners admitted or granted change of status as permanent residents; (3) foreigners who have been excluded or deported from the Philippines; (4) estimated number of illegal foreigners in the Philippines in each calendar year and actions taken to arrest them; and (5) such other transactions of the Commission;

(t) Prepare and submit supplemental budget of the Commission for the consideration of the Department of Budget and Management;

(u) Prescribe such rules, regulations or other administrative issuances to carry out provisions of this Act;

(v) Prescribe the appropriate forms and bonds, reports, entries, and other papers in accordance with this Act; and

(w) Perform such other functions inherent to the Commission.

CHAPTER 3

THE DEPUTY COMMISSIONERS

Section 8. Appointment and Rank of Deputy Commissioners. — There shall be four (4) Deputy Commissioners who shall be appointed by the President. They shall have the rank, salary and privileges equal of an Assistant Secretary of a Department.

Section 9. Duties of Deputy Commissioners. — In addition to their duties as members of the Board, the Deputy Commissioners shall exercise additional powers, subject to the approval of and as may be assigned by the Board, in the following areas of concern as.

- (a) Deputy Commissioner for Administration, Finance, Planning, Legal and Information and Communications Technology;
- (b) Deputy Commissioner for Regional Operations, Registration, Immigration Regulation and Visa and Special Permit;
- (c) Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and Complaint and Prosecution; and
- (d) Deputy Commissioner for International Policies, Cooperation and Social Integration.

CHAPTER 4

THE BOARD OF COMMISSIONERS

Section 10. Powers and Functions of the Board. — The Board shall have the following powers and functions:

- (a) Decide on deportation cases;
- (b) Act on appeals or decisions promulgated by immigration hearing officers;
- (c) Act on applications or recommendations for revocation of immigration status;
- (d) Act on applications for recognition of Philippine citizenship by reason of birth or marriage;
- (e) Decide on applications for legalization of residence in accordance with law;
- (f) Prescribe and promulgate rules of proceedings before it;
- (g) Cite and punish for contempt any person in accordance with the Revised Rules of Court;
- (h) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public;
- (i) Formulate policies, directives, programs and projects of the Commission consistent with this Act; and

(j) Perform such other functions and powers as may be provided by existing laws, rules and regulations not inconsistent with any of the provisions of this Act and other existing laws.

Section 11. Decisions of the Board. — In all cases or proceedings before the Board, the decision of the majority shall prevail. Decisions of the Board shall become final and executory fifteen (15) days from receipt thereof. Only one (1) motion for reconsideration shall be filed with the Board.

Decisions in deportation cases may be appealed to the Office of the President, within fifteen (15) days from receipt thereof, whose decision shall be final and executory unless stayed by an order of the Court of Appeals. The appeal shall stay the execution of the decision appealed from unless the Board, in the interest of national security and/or public safety, directs its execution pending appeal.

Section 12. Period for Decision by the Board. — The Board of Commissioners shall decide deportation cases within thirty (30) days from the date they are submitted for decision or resolution.

Section 13. Meetings of the Board. — In all cases, the Board of Commissioners shall convene and act as a collegial body in all matters referred to in Section 10 of this Act. The Board shall meet at least once a week, or if necessary, twice a week. Members of the Board shall be notified accordingly and the presence of the Chairman and two (2) members shall constitute a quorum.

Section 14. Board Secretary. — That Board shall be assisted by a Board Secretary who shall be appointed by the Commissioner. He must be a member of the Philippine Bar in good standing for at least three (3) years prior to his/her designation. He/she shall keep a docket book for deportation cases, applications for revocation of immigration status, applications for recognition of Philippine citizenship by reason of birth, marriage, applications for legalization of residence and applications for refugee status.

CHAPTER 5.

THE EXECUTIVE DIRECTOR

Section 15. Appointment; Tenure; Rank. — There shall be an Executive Director of the Commission who shall be appointed by the Secretary

upon the recommendation of the Commissioner, and whose term shall be co-terminous with the Commissioner. He/She must be a natural born citizen of the Philippines, at least thirty (30) years of age and a member of the Philippine Bar in good standing for at least five (5) years prior to his appointment.

Section 16. Powers and Duties. – The Executive Director shall:

- (a) Advise and assist the Commissioner in the formulation and implementation of the objectives, policies, plans and programs of the Commission;
- (b) Oversee all the operational activities of the Commission;
- (c) Coordinate the programs and projects of the Commission and be responsible for its economical, efficient and effective administration;
- (d) Administer oaths in connection with all matters relating to the business of the Commission; and
- (e) Perform such other duties as may be assigned by the Commissioner.

CHAPTER 6

THE BOARD OF SPECIAL INQUIRY

Section 17. Constitution of Boards of Special Inquiry. — There shall be constituted as many Boards of Special Inquiry as required in the exigency of service but not more than twelve (12). Each Board shall be composed of a Chairperson and two (2) members. The Board shall be designated according to their areas of specialization to be determined by the Board.

Section 18. Appointment and Qualification of the Chairpersons and Members of the Boards of Special Inquiry. — The Chairpersons and members of the Boards of Special Inquiry shall be appointed by the Commissioner, all of whom shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing, and engaged in the practice of law for at least three (3) years. They shall hold office during good behavior unless sooner removed for cause.

Section 19. Powers and Functions of the Boards of Special Inquiry.

— The Boards of Special Inquiry shall:

- (a) Administer oaths;
- (b) Cite and punish for contempt in accordance with the pertinent provisions of the Revised Rules of Court;
- (c) Issue *subpoena duces tecum* and subpoena to witnesses to appear in a case being heard by the Board of Special Inquiry;
- (d) Recommend to the Board the imposition, waiver or reduction of fees, fines, penalties, and other charges subject to existing laws, rules and regulations;
- (e) Exercise exclusive original authority to hear and recommend to the Board for final resolution of the following cases:
 - (1.) Deportation;
 - (2.) Applications for revocation of immigration status;
 - (3.) Applications for recognition of Philippine citizenship by reason of birth or marriage;
 - (4.) Applications for legalization of residence in accordance with law;
 - (5.) Application for issuance of visa for stateless person; and
- (f) Perform such other functions and duties as may be directed by the Commissioner.

Section 20. Proceedings Before the Boards of Special Inquiry. —

The proceedings before the Boards of Special Inquiry shall be public and recorded. In all cases, the Boards of Special Inquiry shall meet and act as a collegial body. Only members of the Philippine Bar in good standing shall appear for and in behalf of any party before the Boards of Special Inquiry.

Section 21. Resolutions of the Boards of Special Inquiry. — Cases before the Boards of Special Inquiry shall be resolved within five (5) working days from the date the same are submitted for resolution. Said resolution shall be submitted immediately to the Board for action.

CHAPTER 7

DIVISIONS OF THE COMMISSION

Section 22. Divisions and Other Operating Offices of the Commission. — The Commission shall have the following divisions and other operating offices, namely: (1) Administrative; (2) Finance; (3)

Information and Communications Technology; (4) Planning and Research Department; (5) International Policies and Cooperation; (6) Social Integration; (7) Intelligence; (8) Law Enforcement; (9) Anti-Fraud; (10) Legal; (11) Immigration Regulation; (12) Registration; (13) Visa and Special Permit; (14) Complaint and Prosecution; (15) Internal Audit Office; and (16) National Operations Center;.

Section 23. Heads of the Divisions and Other Operating Offices. —

Each Division and other operating office shall be headed by a Director to be appointed by the Secretary upon the recommendation of the Commissioner: *Provided, however,* That the Directors for Legal and the Division for Complaint and Prosecution shall be members of the Philippine Bar in good standing, and must have been engaged in the practice of law for at least five (5) years. The Director for Finance Division shall be a Certified Public Accountant in good standing and must have been engaged in the practice of Accountancy for at least five (5) years.

Section 24. Duties and Functions of the Divisions and Other Operating Offices. — The different Divisions and other operating offices of the Commission shall operate in accordance with their respective duties and functions as defined by the Commissioner, subject to the requirements of efficiency, economy, transparency, accountability and effectiveness, and pertinent budget, accounting, auditing, and civil service laws, rules and regulations.

CHAPTER 8

REGIONAL OFFICES

Section 25. Field Offices of the Commission. — The Commission shall operate and maintain a Regional Immigration Office in each of the administrative regions including the National Capital Region:

The Regional Immigration Offices of the Commission shall be headed by a Regional Immigration Officer, all of whom shall be appointed by the Secretary upon the recommendation of the Commissioner.

Section 26. Border Control Stations. — There shall be established Border Control Stations which shall be manned by Border Control Officers

appointed by the Commissioner. The Border Control Stations shall be placed in specific areas in the Philippines which shall be determined by the Board. Their duties and responsibilities shall be determined by the Commissioner.

Section 27. Changes in the Composition, Distribution of Assignment of Regional Offices. — The Commissioner may make changes in the composition, distribution and assignment of Regional offices, as well as its personnel, based on the demographics of Philippines' foreigner population and as the exigency of the service requires.

Section 28. Immigration Officers. — The position of Immigration Officer is hereby created. No person shall be appointed to the said position unless he/she is a holder of a bachelor's degree holder and a first grade civil service eligible. The Immigration Officers shall perform the following duties:

(a) Examine, with the assistance and advice of medical authorities in appropriate cases, foreigners at the port of entry concerning their admissibility to enter and their qualifications to remain in the Philippines;

(b) Exclude foreign nationals not properly documented, and to admit foreign nationals complying with the applicable provisions of immigration and related laws;

(c) Administer oaths in connection with the performance of their duties;

(d) Search for foreign nationals or any vessel believed to be used to illegally bring foreign nationals into the Philippines, and to arrest without warrant any foreigner who in his presence or view is entering or is about to enter the Philippines in violation of immigration and related laws, rules and regulations;

(e) Act as control officer with authority to prevent the departure of passengers not complying with departure requirements; and

(f) Perform such other functions as may be assigned by the Commissioner from time to time consistent with this Act.

Section 29. Designation of Employees. — The Commissioner may designate, in accordance with civil service laws, rules and regulations, any competent and qualified employee of the Commission, to act as Immigration Officer; or assign any employee to other offices within the Commission and/or assign him/her additional or other duties as the best interest or exigency of the service may require.

Section 30. Assignment of Employees to do Overtime Work. — The Commissioner may assign immigration employees to do overtime work or services pursuant to rules and regulations to be prescribed and at rates fixed by the Commissioner when the work or service to be rendered is to be paid by the airline, shipping companies or other persons served.

Section 31. Deployment of Immigration Personnel Abroad. — Within ninety (90) days from the effectivity of this Act, the Department of Foreign Affairs and the Commission shall enter into a Memorandum of Agreement pertinent to the assignment and deployment of immigration personnel to select consular posts abroad who shall perform immigration duties, except diplomatic and consular functions.

Section 32. Manning Levels. — On the average, the manning levels of immigration officers of the Commission nationwide shall be in accordance with the number of arrivals in each port of entry as determined by the Board: Provided That the number of employees, as provided in the staffing pattern in accordance with Section 130 of the Act, shall not be decreased.

TITLE III IMMIGRATION

CHAPTER 1

NON-IMMIGRANTS

Section 33. Categories of Non-immigrants and Types of Visa Issued. — Foreign nationals departing from any place outside the Philippines who are otherwise admissible and who qualify under any one of the following categories may be admitted as non-immigrants:

(a) Temporary visitors (A Visas) — visitors coming to the Philippines for a temporary period for reasons of business, pleasure or health:

1. Business (A-1 visa) — Temporary visitors engaged in activities of a commercial or professional nature for a foreign employer or for themselves that will not result in gainful employment in the Philippines. As used herein, the term "business" refers to conventions, conferences, consultations and other legitimate activities of a commercial or a professional nature, but does not include local employment or labor for hire;

2. Pleasure (A-2 visa) — Temporary visitors who stay in the Philippines for holiday, including sightseeing, recreation or visiting relatives; and
3. Health (A-3 visa) — Temporary visitors who stay in the Philippines to avail of medical treatment.

(b) Transit Persons (B Visa) – Persons passing through the Philippines solely for a “stop over” who have confirmed connecting flight to another country or passengers in immediate and continuous transit to a destination outside the Philippines;

(c) Crew members (C Visa) - Members of the crew of vessels required for the normal operation and servicing of the vessels, who come to the Philippines temporarily as part of their jobs either arriving with or coming to join the vessels;

(d) Treaty Traders (D-1 Visa) & Treaty Investors (D-2 Visa) - Citizens and their family members from a country that has a trade treaty with the Philippines and coming to work in the Philippines for either a company they own or one that is at least fifty percent (50%) owned by other nationals of their home country and which company is engaged in substantial trade between the Philippines and their home country shall be granted a D-1 visa.

Citizens and their family members of a country that has an investor treaty with the Philippines and coming to work in the Philippines for a business they own or one that is at least fifty percent (50%) owned by other nationals of their home country and which business is supported by a substantial investment from nationals of their home country shall be granted a D-2 visa;

(e) Accredited Foreign Government Officials, Their Families and Attendants (E Visas) – Foreign government officials, their families and attendants coming to the country for official purpose, pursuant to international conventions and bilateral agreements, shall be granted E Visas divided into three (3) types, namely:

1. Persons entitled to E-1 Visa – The E-1 Visa shall be issued to persons enjoying diplomatic immunities and privileges, particularly the following classes of foreign nationals:
 - a. Heads of the State and Heads of Government and their personal representatives;
 - b. Members of reigning royal families recognized by the Philippine Government;

- c. Governors-general, Governors, and High Commissioners of dependent territories and their personal representatives;
 - d. Cabinet ministers and their deputies and officials with cabinet rank of ministers;
 - e. Presiding officers of national legislative bodies;
 - f. Justices of the highest national judicial bodies;
 - g. Diplomats and career consular officials;
 - h. Diplomatic couriers regularly and professionally employed as such;
 - i. Military, naval, air and other attaches' assigned to a diplomatic mission;
 - j. All members of official *ad hoc* missions of a diplomatic character;
 - k. Representatives of international organizations who have diplomatic status and bearing diplomatic passports issued by their governments;
 - l. Officials of international organizations bearing diplomatic passports when traveling on official business;
 - m. Members of delegations proceeding to or from an international conference of an official or diplomatic nature;
 - n. Accompanying spouses and unmarried minor children of foreigners within the abovementioned categories; and
 - o. Such other officials going to the Philippines on diplomatic missions.
2. Persons entitled to E-2 Visa - The E-2 visa shall be issued to any other person not included in the foregoing list, who is an officer of a foreign government recognized by the Philippines, is a national of the country whose government he represents, and is proceeding to the Philippines in connection with official business for his/her government.

This category includes, *inter alia*, the members of the staff of an embassy or consulate, the staff of international organizations, and official students or participants in programs under the auspices of the Philippine Government or recognized international institutions.

The family members of the abovementioned persons shall also be issued E-2 Visa.

3. Persons entitled to E-3 Visa - The E-3 Visa shall be issued to the members of the household, the attendants, servants and employees of persons to whom E-1 and E-2 visas have been granted;

(f) Students (F Visa) - Foreign students having means sufficient for their support and education in the Philippines who seek to enter the Philippines temporarily for the sole purpose of taking up a course of study higher than high school at a university/seminary, academy or college accredited for such foreign students by the Commission on Higher Education. Their collaboration shall include the monitoring of the status of activities of such foreign students in the Philippines;

(g) Prearranged Employment (G Visa) - Foreign nationals coming to the Philippines on prearranged employment, including their family members accompanying or following to join them within the period of their employment. This category includes intra-company transferees, professionals, performing artists, athletes, and cultural exchange workers under a work exchange program;

(h) Religious Workers (H Visa) - Duly ordained or professional missionaries and religious ministers including members of their family coming to the Philippines to join a religious congregation or denomination duly registered with the Securities and Exchange Commission, upon invitation, sponsorship or guarantee of such religious congregation or denomination, solely for the purpose of propagating, teaching and disseminating their faith or religion;

(i) Representatives of International Organizations and Government Agencies (I Visa) - Officials, principal representatives and foreign workers of accredited international organizations as well as missions, including their family members, staff and servants. The term "accredited international organization" includes any public international organization in the activities of which the Philippines participates pursuant to any treaty or under the authority of any act of the Congress of the Philippines authorizing such participation or making an appropriation for such participation and such other international organizations, institutions, agencies, programs, foundations and entities which are recognized by the government of the Republic of the Philippines, including those existing and already recognized as such at the time of the effectivity of this Act. The term "staff" includes the employees of persons to whom the E-3 visa has been granted;

(j) Media Workers (J Visa) - Foreign media personnel or correspondents, duly accredited by the government agency concerned, who are bona fide representatives of a foreign press, radio, satellite, television, film, or

other information media, and are coming to the Philippines solely to engage in gathering information principally for dissemination abroad, including their family members accompanying or following to join them during the period of the assignment in the Philippines;

(k) Exchange Visitors (K Visa) - Foreign nationals entering the Philippines to teach, study, observe, conduct research or receive training in a specific Exchange Visitor Program duly approved by the Philippine Government;

(l) Refugees (L-1 Visa) & Stateless Persons (L-2 Visa) - Refugees as defined in Section 3(x) hereof shall be issued L-1 Visa. Stateless persons, whose admission for humanitarian reasons and not inimical to public interest has been approved by the Commissioner or the President in such cases and under such conditions as he/she may prescribe, shall be issued L-2 Visa; and

(m) Special Non-Immigrants (M Visas) - Such other foreign nationals including their family members who may be admitted as non-immigrants under special laws or foreign nationals not otherwise provided for by this Act who are coming for temporary periods only, and whose admission is authorized by the Commissioner or the President in the interest of the public or for humanitarian considerations and under such conditions as he/she may prescribe.

Sec. 33-A Visa Policy. – The policies governing the issuance, extension, renewal and conversion of visas referred to in the Section 33 hereof shall be jointly formulated by the Commission and the Department of Foreign Affairs and when appropriate, the Commission and the Department of Foreign Affairs shall consult with the concerned government agencies or offices relative thereto.

CHAPTER 2

IMMIGRANTS

Section 34. Quota Immigrants. — Subject to conditions set forth in this Act, there may be admitted into the Philippines, immigrants, termed "*quota immigrants*", not to exceed two hundred (200) of any one nationality based on immigration reciprocity for any one calendar year, and upon allotment by the Commissioner of the corresponding quota number. In the allotment of quota numbers, the following order of preference shall be observed:

(a) First Preference - those whose service and qualifications show high educational attainment, technical training, specialized experience, or exceptional ability in the sciences, arts, professions, or business as would reasonably enhance and contribute substantial benefits prospectively to the

national economy, or cultural or educational interests or welfare of the Philippines, including their family members, accompanying or following to join them, who shall likewise be allotted individual quota numbers;

(b) Second Preference - Parents of a naturalized Philippine citizen;

(c) Third Preference - Spouses or minor children of foreign nationals who are lawful permanent residents of the Philippines; and

(d) Fourth Preference - Parents of foreign nationals who are lawful permanent residents of the Philippines.

Section 35. Allotment of Quota. — The Commissioner shall, with respect to the first preference, allot not more than fifty percent (50%) of the annual quota allotment up to the end of June each year: *Provided, however,* That if the fifty percent (50%) is not utilized by the first preference, the balance thereof shall be given to the second and third preferences in accordance with Section 34 of this Act. Any unused quota allotment for a calendar year cannot be carried over and utilized for the ensuing calendar year.

Section 36. Basis in Determination of Quota Allotment. — The nationality of an immigrant whose admission is subject to the numerical limitation imposed by Section 34 of this Act shall be that of the country of which the immigrant is a national or a citizen. The nationality of an immigrant possessing dual nationality may be that of either of the two countries regarding him as a national or citizen if he applies for a visa in a third country. If he/she applies for a visa within one of the two countries regarding him/her as a national or citizen, his nationality shall be that of the country in which he/she shall file his/her application for a visa to enter the Philippines.

Section 37. Non-Quota Immigrants. — The following immigrants, termed "*non-quota immigrants*", may be admitted without regard to numerical limitation and immigration reciprocity:

(a) The spouse of a Philippine citizen: *Provided, however,* That the abandonment and failure to give support by the foreign spouse to his Filipino wife and family, legal separation, or termination of the marital status by annulment, declaration of nullity of marriage or divorce where the cause is attributable to the foreign spouse, shall constitute grounds for cancellation of the immigrant visa issued to the foreign spouse;

(b) A person of Filipino descent regardless of generation;

(c) A child born to a foreign mother during her temporary visit abroad, the mother being a lawful permanent resident of the Philippines, if accompanied by or coming to join the mother who applies for admission within five (5) years from the birth of the child;

(d) A child born subsequent to the issuance of the immigrant visa of the accompanying parent, the visa not having expired or revoked;

(e) A foreign national who had been previously lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines; and

(f) A natural born citizen who becomes a naturalized citizen of a foreign country, and is returning to the Philippines for permanent residence therein, including his/her spouse and minor children accompanying or following to join him/her, except the one who has re-acquired or retained his/her Philippine citizenship pursuant to Republic Act No. 9225.

Section 38. Status of Children Born to Foreign Nationals. — (a) A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident. (b) A child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless he/she reaches the age of eighteen (18) years while continuously residing in the country, in which case he/she may apply for naturalization under existing laws or for an appropriate visa.

CHAPTER 3

ADJUSTMENT OF STATUS

Section 39. Conditions for Adjustment of Status of Foreign Nationals. — The status of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board to that of a foreigner lawfully admitted as a permanent resident if: (a) the foreigner makes an application for such adjustment; (b) the foreigner is eligible to receive a quota or non-quota immigrant visa and is admissible to the Philippines as a permanent resident; and (c) a quota immigrant visa, if such is the case, is immediately available to him/her at the time of his/her application, without the need of first departing from the

Philippines. In all such cases, the personal appearance of the foreigner shall be required during the consideration of his/her application.

Section 40. Effect of Approval of Application for Adjustment. — Upon the approval of an application for adjustment of status under the preceding section, the Commissioner shall record the foreign national's lawful admission as a permanent resident as of the date of the approval of the application and shall be included as part of the quota for the calendar year in accordance with Section 34 of this Act.

Section 41. Adjustment of Status, When Not Allowed. — Adjustment of status under Section 39 of this Act shall not be applicable to (a) a foreign crewmember, (b) a foreign national who has violated or is in violation of immigration laws, rules and regulations unless the same is through no fault of his/her own or for purely technical reasons; (c) a foreign national admitted as a temporary visitor without visa, and (d) transients.

CHAPTER 4

DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

Section 42. Documentary Requirements of Non-immigrants. — Non-immigrants must present for admission into the Philippines valid passports issued by the governments of the countries to which they owe allegiance to or other travel documents showing their origin and identity as prescribed by regulations and a valid visa granted by the Commission or Philippine Consular Officer, if required under existing laws, rules, regulations, or multi-lateral or bilateral agreements.

Section 43. Conditions and Period of Authorized Stay of Temporary Visitors. — The initial period of authorized stay of a foreign national admitted as a temporary visitor under Section 33 of this Act shall not exceed two (2) months from the date of arrival. Extensions of authorized stay may be granted under terms and conditions as may be prescribed by the Commissioner: *Provided*, That the total period of authorized stay shall not exceed twenty-four (24) months: *Provided further*, That during the foreign national's authorized stay: (a) he/she shall not take any employment, whether paid or unpaid; (b) he shall not establish or join in any business; or (c) he shall not enroll and become a student at a school, college, university, academy, or other educational institution, unless

he/she is granted, upon proper application, a conversion to another immigration status provided under this Act.

Section 44. Conditions for Issuance of Pre-arranged Visas. — A visa for a nonimmigrant referred to in Section 33, paragraph (g) of this Act who is coming to the Philippines for prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only upon filing a petition with the Board establishing among others, that no person can be found in the Philippines willing and competent to perform the work or service for which the foreigner is desired and that his/her admission would be beneficial to the public interest. The petition shall be under oath by the prospective employer or his representative in the form and manner prescribed by the Board.

If the Board finds that the petition complies with the requirements of the preceding paragraph and of other regulations, it shall grant the petition and shall promptly transmit the authorization to the Department of Foreign Affairs and/or Consular Office concerned.

Section 45. Submission of Crew List and Passenger Manifest to the Commission. — Simultaneous to the departure from the vessel's port of origin, the master, captain, agent, owner or consignee of any commercial vessel arriving to the Philippines shall submit to and received by the Commission within a reasonable time prior to such arrival, the crew lists, passenger manifests and such other information concerning the persons arriving on such vessel. In the same manner and condition, the master, captain, agent, owner or consignee of any commercial vessel departing from any port in the Philippines shall submit to and received by the Commission within a reasonable time prior to such departure, the crew list, passenger manifest and such other information concerning the persons departing on such vessel. The crew lists of an incoming sea craft shall be duly visaed by the appropriate Consular Officer.

Section 46. Inspection of Crewmembers. — It shall be the duty of the master, agent, owner or consignee of any vessel arriving in the Philippines to have available on board, for inspection by the Immigration Officer, any foreign crewmember employed on such vessel and to detain such crewmember on board after inspection and to remove such crewmember when required by the immigration authorities. No crewmember employed on board such vessel shall

be discharged while the vessel is in port without the permission of the Commissioner.

Section 47. Permission for Temporary Landing of Foreign Crewmembers. — A foreign crewmember employed on a vessel arriving in the Philippines may be permitted to land temporarily under such conditions as shall be prescribed by the Commissioner. All expenses incurred by the Commission while the crewmember is on land shall be borne by the master, captain, agent, owner, or consignee of the carrying vessel.

CHAPTER 5 REFUGEE STATUS

Section 48. Grant of Refugee Status. — Person seeking refugee status may apply for recognition as a refugee upon seeking admission at any port of entry or at any reasonable time after admission. Refugee status shall be granted after a determination by the Board that an applicant meets the qualifications of a refugee as defined in Section 3 (z) hereof. Refugee status shall not be granted to an applicant if he/she:

- (a) has committed a crime against peace, a war crime, or crime against humanity or any other crime under international law;
- (b) has committed a serious non-political crime outside the Philippines prior to his admission as a refugee; or
- (c) has been guilty of an act contrary to the purposes and principles of the United Nations.

Section 49. — Cessation of Refugee Status. — Refugee status granted under the previous section shall cease if a refugee:

- (a) Voluntarily repatriates himself/herself or has re-established himself/herself in another State;
- (b) Acquired a new nationality and enjoys the protection of such as State; or
- (c) Can no longer continue to refuse to avail the protection of the country of his/her nationality or, not having a nationality, is able to return to the country of former habitual residence in view of the cessation of the reasons that resulted to his/her being a refugee: *Provided*, That this ground shall not apply if a refugee is able to invoke compelling reasons arising out of previous persecution.

Section 50. Effect of Grant of Refugee Status to Refugee Dependents – A spouse, minor child, and other dependents of a refugee who is granted a refugee status may, if not otherwise eligible under Section 48, be granted the same status as the refugee to assure family unity or when it is in the public interest.

Section 51. Confidentiality of Information. – In proceedings for the recognition of refugee status, the confidentiality of information shall be respected and no information relating to the refugee shall be shared with the country of origin, directly or indirectly.

Section 52. Burden of Proof – In proceedings for the recognition of refugee status, the burden of proof lies with the applicant, subject to the principle of non-refoulement.

Section 53. Stay of Exclusion or Deportation. – Notwithstanding the provisions of Sections 78 and 86, the exclusion from entry and deportation of a foreigner shall be stayed during the pendency of an application for refugee status. Where grounds under Section 78 are present, the refugee shall be allowed entry and the application shall be immediately referred by the Immigration Officer to the Board.

Section 54. Detention of Refugee. – Detention of refugee shall only be resorted to in cases arising out of illegal entry or unauthorized stay after consideration of other alternatives, as may be determined by the Commissioner.

CHAPTER 6

DOCUMENTATION AND ADMISSION OF IMMIGRANTS

Section 55. Documentary Requirements of Immigrants; Instances When Not Required. — Immigrants must present for admission into the Philippines valid passports or travel documents issued by the government of the country to which they owe allegiance, showing their nationality and identity and valid visas issued by the Consular Officer indicating the date of issue and the period of validity thereof. Immigrant visas, *however*, shall not be required of the following:

(a) A child born subsequent to the issuance of a valid immigrant visa to the accompanying parent;

(b) A child born during the temporary visit abroad of the mother who is a lawful permanent resident of the Philippines and a holder of a valid reentry permit, if the child is accompanied by either parent within five (5) years from the date of the child's birth; and

(c) A foreigner who is returning to an unrelinquished lawful permanent residence in the Philippines after a temporary residence abroad and presents for admission a valid reentry permit.

CHAPTER 7

VISA ISSUANCE

Section 56. Nature of Visa. — Nothing in this Act shall be construed to automatically entitle any foreign national to whom a visa or other travel document has been issued to enter the Philippines if, upon arrival at a port of entry, he/she is found to be inadmissible under this Act or any other law.

Section 57. Requirements for Issuance of Visa. — Under the conditions and subject to the limitations prescribed in this Act or regulations issued hereunder, the Commissioner may approve the issuance of the following visa, upon the recommendation of a Consular Officer in the following manner:

(a) An immigrant visa may only be issued to a foreign national who has made a proper application therefor, which shall specify the foreign country, if any to which the quota the number is assigned, the immigrant's particular status in such country, the preference to which the foreigner is classified, the date on which the validity of the visa shall expire, and such additional information as may be required;

(b) The Department of Foreign Affairs, through its Consular Office abroad and through the Office of the Visa Director, shall approve the issuance of a non-immigrant visa to a foreign national who has made a proper application therefor in accordance with Section 33 of this Act.

All diplomatic visas under Section 33 (e) of this Act shall be exclusively issued by the Department of Foreign Affairs in accordance with the Vienna Convention on Diplomatic Relations.

All other non-immigrant visas under Section 33 shall be issued by the Consular Officer, when the application is made abroad, or may be issued by the Office of the Visa Director, when the application is made in the Philippines for conversion or renewal.

The issuance of special non-immigrant visas falling under the jurisdiction of a particular government office or agency can only be done in coordination with and upon recommendation of the government agency or office concerned.

Section 58. Requirements for Physical and/or Mental Examination Prior to Issuance of Immigrant Visa. — Prior to the issuance of an immigrant visa to any foreign national, the Consular Officer shall require such person to submit to a physical and mental examination in accordance with such regulations as may be prescribed by the Commissioner. In addition, said foreign national shall be required to personally plant fifty (50) trees except when he/she is physically incapable of doing so, in which case, he/she may cause another person to plant the trees.

Section 59. Validity of Visa. — A non-immigrant or immigrant visa issued by a Consular Officer abroad pursuant to Section 57 of this Act shall be valid for a period of not exceeding six (6) months, in prescribing the period of validity of a non-immigrant visa, the Consular Officer shall, insofar as practicable, accord to such nationals the same treatment on a reciprocal basis as such foreign country accords to citizens of the Philippines who are within a similar class. An immigrant visa may be replaced under the original number during the calendar year in which the original visa was issued for a foreigner who establishes to the satisfaction of the Consular Officer that he/she was unable to use the original immigrant visa during the period of its validity for reasons beyond his/her control: *Provided*, That the foreign national is found by the Consular Officer to be eligible for another immigrant visa and has paid all the fees.

Section 60. Denial of Visa, Grounds Thereof. — The Consular Officer may deny the application for visa:

- (a) If it appears from the statements in the application or in the documents submitted the applicant is not entitled to a visa under this Act; or
- (b) If he/she fails to comply with the requirements of the provisions of this Act.

Section 61. Revocation of Visa Issued by Consular Officer. — The Commissioner may, for valid cause and upon confirmation of the Secretary of Foreign Affairs, revoke the visa issued by any Philippine Consular Office. If the notice of revocation is not received and the visa holder applies for admission into the Philippines, his/her admission or entry shall be determined by the Immigration Officer upon his/her arrival at the port of entry.

CHAPTER 8

RE-ENTRY AND EMIGRATION CLEARANCE

Section 62. Re-entry. — Every time a registered foreign national, except a temporary visitor, departs or about to depart temporarily from the Philippines with intention to return, he/she must pay a re-entry fee, emigration clearance fee and head tax: *Provided*, That said foreign national returns to the Philippines within a period of one (1) year from his/her departure in order to maintain his/her visa category. Otherwise, he/she shall apply for an extension of the period within which to return prior to its expiration and pay the prescribed fees and charges therefor: *Provided, further*, that if his/her authorized stay is less than one (1) year, he/she shall pay a special return fee, emigration clearance fee and head tax for every departure: *Provided, finally*, that in both cases, if the registered foreign national depart permanently from the Philippines, he/she shall surrender all his/her Philippine immigration documents to the Commission, and apply for and be issued an Emigration Clearance Certificate upon payment of the prescribed fees and charges therefor, subject to the following conditions:

- (a) He/she has no pending obligation with the government or any of its agencies or instrumentalities;
- (b) He/she has no pending criminal, civil, or administrative proceeding which requires his/her continued presence in the country; and
- (c) There is no ongoing legislative inquiry where he/she is called upon to testify as a witness.

Section 63. Emigration Clearance. — Any temporary visitor departing from the Philippines shall, after the expiration of his/her initial authorized stay, apply for emigration clearance with the Commission and pay the prescribed fees and charges therefor.

CHAPTER 9

PRESIDENTIAL PREROGATIVES

Section 64. Presidential Prerogatives. — Any provision of this Act notwithstanding, the President may:

(a) Deny the entry and admission into the Philippines of any foreign national or a class of foreign nationals whenever the President finds that the entry would be detrimental to the interest of the Philippines or impose such restrictions as he may deem appropriate;

(b) Waive passport and/or documentary requirements for non-immigrants and immigrants under such terms and conditions as he/she may prescribe;

(c) Change the status of non-immigrants by allowing them to acquire permanent residence status without necessity of a visa;

(d) Deport any foreign national, subject to the requirement of due process;

(e) Admit non-immigrants not otherwise provided for in this Act, for humanitarian consideration and when not detrimental to public interest, under such terms and conditions as he/she may prescribe;

(f) Prohibit the departure from the Philippines of any person who is likely to disclose national security information, or who is likely to organize a rebellion abroad against the Philippines; or whose presence in the country is necessary to face or be a witness in criminal proceedings; and

(g) Exercise, with respect to foreign nationals in the Philippines, such powers as are recognized by the generally accepted principles of international law.

TITLE IV PROVISIONS RELATING TO ENTRY

CHAPTER 1 CLASSIFICATION OF PORTS OF ENTRY

Section 65. Authority to Classify Ports. —The Commissioner shall classify and designate, from among the ports of entry established by law for immigration purposes, limited or unlimited ports of entry through which foreigners may be admitted into the Philippines. Only such classes of foreigners as provided under the rules and regulations prescribed by the Commissioner may be admitted at limited ports of entry. The Commissioner may, after due notice to the

public, close designated ports of entry in the interest of national security or public safety.

CHAPTER 2

PROCEDURES ON ARRIVAL

Section 66. Inspection by Immigration Officer — A foreigner seeking admission or readmission shall present his/her valid passport and visa, if required, to the Immigration Officer at the port of entry to the Philippines and shall be subject to primary inspection. The decision of the examining Immigration Officer, if favorable to the admission of any foreigner, may be challenged by another Immigration Officer. The final determination of admissibility of such foreigner shall be determined by the Commissioner in case no resolution is reached between the Immigration Officers on the challenged admission. In case of admission, the Immigration Officer shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

Section 67. Detention or Quarantine for Examination. — For the purpose of determining whether a foreigner arriving at any port in the Philippines belongs to any of the classes excludable under this Act, by reason of being afflicted with any of the contagious or communicable disease or mental disorder set forth under Section 78(a) of this Act or whenever the Commissioner has received information showing that foreigners are coming to the Philippines from a country or have embarked at a place where any of such diseases are prevalent or widespread, the foreigner shall be detained or quarantined for a reasonable period of time to enable the immigration and medical officers to subject such person to observation and examination.

Section 68. Medical Examination Requirement. – Any arriving foreign national whom the examining Immigration Officer believes to belong under the class of excludable foreign nationals specified in Section 78(a) herein shall be referred to designated medical officers for physical and mental examination. Such medical officer shall certify his/her medical findings for the information of the Immigration Officer.

Section 69. Arrival Notice Requirements of Vessel. – The immigration authorities shall be given prior notice of the arrival of any civilian vessel before such vessel comes into any area in the Philippines from any place outside thereof. Such prior notice shall not be required in the case of vessels with

scheduled arrivals filed with the Immigration Officer in charge at the international port of entry.

If, upon arrival in any area other than the designated port and there is no available Immigration Officer therein, the master, pilot, captain, agent or consignee shall not allow the passengers and crew members to disembark or leave the primary inspection area until the Immigration Officer shall have conducted the primary inspection formalities.

Section 70. Contents of Notice of Arrival. — The advance notice of arrival required in the preceding section shall specify the following:

- (a) Type of vessel and registration marks;
- (b) Visaed crewlist;
- (c) Passenger manifest;
- (d) Port of last departure;
- (e) International port of intended destination, or other place authorized by the Commissioner;
- (f) Estimated time of arrival; and
- (g) Authorized agent or representative at the place of arrival.

CHAPTER 3 FOREIGN CREWMEMBER

Section 71. Conditional Permit to Disembark. — A foreign crewmember of a vessel under Section 33, paragraph (c) of this Act, may be granted a conditional permit, in a form prescribed by regulations, to disembark temporarily from the vessel on which he arrived while such vessel remains in port under terms and conditions as may be prescribed by the Commissioner.

Section 72. Confiscation and Cancellation of Permit; Removal from the Philippines. — Upon the determination that the foreigner is not a *bona fide* crewmember or does not intend to depart on the vessel that brought him/her, the Commissioner shall cancel and confiscate the conditional permit already issued, take such foreigner into custody, and require the owner, operator, captain, master, pilot, agent or consignee of the vessel on which the foreigner arrived to receive and detain him/her on board. The expenses for his/her removal, including the cost of detention and other expenses incidental thereto, shall be borne by the owner, operator, captain, master, pilot, agent or consignee of such vessel.

Section 73. Liability for Overstaying Foreign Crewmen. — A foreign crewmember who remains in the Philippines in excess of the period allowed in the conditional permit issued to him/her shall be solidarily liable with the owner, operator, captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed in Section 126 of this Act.

Section 74. Liability for Unauthorized Discharge of Foreign Crewmen. — It shall be unlawful for any person, including the owner, operator, captain, master, pilot, agent or consignee of any vessel to discharge any foreign crewman employed on board a vessel arriving in the Philippines and whilst in port, without first obtaining the prior permission of the Commissioner. Otherwise, such person or owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay the Commission such fine as may be prescribed under this Act. No such vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That a clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

Section 75. Duty to Report Desertion or Illegal Landing of Foreign Crewmember. — The owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately report, in writing, to the Immigration Officer all cases of desertion or illegal disembarkation in the Philippines from the vessel, together with a description of such foreigners and any information that shall result in their apprehension.

Section 76. Requirement for Submission of List of Newly Employed, Discharged and Illegally Landed Foreign Crewmember. — Prior to the departure of any vessel from the last port in the Philippines destined to any place outside thereof, the owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to the Immigration Officer at that port a list containing: (a) the names of foreign crewmembers who were not employed thereon at the time of the vessel's arrival on such port but will depart thereat on the same vessel; (b) the names of those, if any, who have been discharged; and (c) the names of those who have deserted or illegally landed at that port, if any; and (d) such other additional information as the Commissioner deems necessary.

Section 77. Liability for Failure to Submit Complete, True and Correct Report — In case the owner, agent, consignee, or captain fails to submit a true and complete list or report of foreigners, or to report cases of desertion or illegal landing, he/she shall pay to the Commission such sum as may be prescribed under this Act. No such vessel shall be granted clearance from any port in the Philippines while such fine remains unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

CHAPTER 4 EXCLUSIONS

Section 78. Exclusion Grounds- The following classes of foreign nationals shall not be allowed entry and shall be excluded from the Philippines:

(a) Health Related Grounds

1. Those who are found to be suffering from a communicable, dangerous or contagious disease;
2. Those who are found to be suffering from mental disorder or associated behavior that may pose threat to persons or danger to property;
3. Those who are found to be suffering from addiction to prohibited or regulated substance;

(b) Economic Grounds

1. Those likely to become a public charge;
2. Those seeking entry for the purpose of performing skilled or unskilled labor, without the certification of the Secretary of the Department of Labor and Employment as required by law;

(c) Moral Grounds

1. Those coming to the Philippines to practice polygamy or who advocates the practice of polygamy unless his/her religion allows such practices;
2. Those who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes;

3. Those who are engaged or who seek to engage in prostitution or to procure or attempt to procure prostitutes, or who receives in whole or in part the proceeds of prostitution;
4. Those who at the time of primary inspection by the Immigration Officer exhibit any obnoxious behavior, contempt or disrespect for the said officer or any government official or authority;

(d) Criminal and Security Grounds

1. Those who have been convicted of a crime involving moral turpitude or who admit to the Immigration Officer having committed such crime, or who attempt and conspire to commit the crime;
2. Those who have been convicted, or who admit having committed, or are committing acts which constitute the elements of a violation or conspiracy to violate any law or regulation of the Philippines or a foreign country relating to controlled, regulated or prohibited substance, or who attempt or conspire to commit the crime;
3. Those that the Philippine government knows or has reason to believe is a trafficker in any controlled, regulated or prohibited substance or knows or has reason to believe is or has been a knowing assister, abettor, conspirator or colluder with others in the illicit trafficking in any controlled, regulated or prohibited substance;
4. Those who are fugitives from justice;
5. Those who seek to enter the Philippines to engage in:
 - a. Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology or sensitive information;
 - b. Any activity aimed to promote membership in an organization of syndicated criminal activities;
 - c. Any activity, the purpose of which is to overthrow the Philippine government by force, violence or other unlawful means; and
 - d. Any other unlawful activity.
6. Those who are engaged or believed to be engaged or likely to engage in, aid, abet or finance any terrorist activity and members or representatives of a foreign terrorist organization;
7. Those who have been identified by competent authorities, local or foreign, as having engaged or are engaging in human trafficking and smuggling;

8. Those who under fifteen years of age, unaccompanied by or not coming to a parent, except that they may be admitted in the discretion of the Commissioner, if otherwise admissible; and
9. Those who have been identified by competent authorities, local and foreign, as having engaged or are engaging in importation of contrabands and other prohibited articles into the country.

Section 78-A. Minor Persons/Minority. — Persons under fifteen (15) years of age and not accompanied by or not coming to a parent, may be admitted: Provided, That the written consent of either parent allowing them to travel is presented. The written consent must cite the purpose of the travel and must be affirmed by the Philippine Consular post in the minor's country of origin.

Section 79. Temporary Detention of Excludable Foreigners. — For the purpose of ascertaining whether a foreigner arriving in the Philippines belongs to any of the excludable classes of foreigners provided in this Act or related laws, the Immigration Officer, for a period of seventy-two (72) hours may temporarily detain for investigation such foreigner, either on board the vessel or at a place designated for the purpose at the expense of the master, captain, agent, owner or consignee of the carrying vessel.

Section 80. Finality of Exclusion Order. — An order by the Immigration Officer to exclude a foreign national who is excludable under Section 78 hereof is final and executory unless revoked by the Commissioner upon a timely appeal prior to the implementation of the exclusion order.

Section 81. Authority to Waive Grounds for Exclusion. — Except for grounds of exclusion under Section 78 (d), subparagraphs 1 to 8 and subparagraph 9, the Commissioner may waive any of the grounds for exclusion mentioned therein.

Section 82. Procedure of Removal and Cost Thereof. — Any foreign national arriving in the Philippines who is ordered excluded shall be immediately removed in the same accommodation to the country where he/she boarded the vessel on which he/she arrived, unless the Commissioner determines that immediate removal is not proper and practicable. The cost of detention and other expenses incident thereto shall be borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel in which he/she arrived.

Section 83. Country Where Removal is to be Directed. — If the government of the country designated in the preceding section will not accept the foreign national into its territory, his/her removal shall be directed by the Commissioner, in his/her discretion and without necessarily giving or preference, either to:

- (a) The country which he/she is a citizen or national;
- (b) The country of birth;
- (c) The country of his/her habitual residence; or
- (d) The country willing to accept the foreign national into its territory, if removal to any of the foregoing country is impractical or impossible.

Section 84. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or Consignee. — It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a vessel to refuse or fail to:

- (a) Board a foreigner ordered excluded and removed under Section 78 hereof in the same vessel or another vessel owned or operated by the same company;
- (b) Detain a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by a Immigration Officer;
- (c) Deliver a foreign national for medical or other examination when so ordered by such officer;
- (d) Remove a foreign national from the Philippines to the country to which his/her deportation has been directed; or
- (e) Pay the cost of detention and other expenses incidental thereto of a foreign national incurred while being detained as required by Section 82 of this Act or other costs necessary or incident to his/her removal as provided in this Act.

Section 85. Penalty for Non-compliance of Obligation. — The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violated Section 84 hereof shall pay the fine prescribed in this Act. No such vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

TITLE V
DEPORTATION

CHAPTER 1
DEPORTABLE FOREIGN NATIONALS

Section 86. Classes of Deportable Foreigners. — The following foreigners shall be arrested upon the order of the Commissioner and deported upon recommendation by the Board of Special Inquiry and approval by the Board;

(a) Those who entered the Philippines by means of false and misleading statements or documents, misrepresentations, or without inspection and admission by the immigration authorities;

(b) Those who entered the Philippines who were not lawfully admissible at the time of entry;

(c) Those who engage, abet or aid in the practice of prostitution including the owner, manager or inmates of a house of prostitution or are procurers, pedophiles, or sexual perverts;

(d) Those who, at any time after the date of entry, have become a public charge;

(e) Those who remain in the Philippines in violation of any period of limitation or condition under which they were admitted;

(f) Those who believe in, advise, advocate or teach the overthrowing by force and violence of the government of the Republic of the Philippines, or duly constituted authority, or who do not believe in or are opposed to organized governments, or those who advise, advocate, or teach the assault or assassination of public officials by reason of their office, or those who advise, advocate, or teach the unlawful destruction of property, or those who are members of or affiliated with any organization entertaining, advocating or teaching such doctrines or those who in any manner whatsoever lend assistance, financial or otherwise, to the dissemination of such doctrines;

(g) Those who at any time after entry engage in, abet, aid or finance terrorist activity;

(h) Those who commit any violation of the provisions of this Act, independent of any criminal action which may be brought against them; *Provided, however,* That in the case of a foreigner who for any reason is convicted and sentenced to suffer both imprisonment and deportation, said foreigner shall first serve the entire period of his sentence before being deported;

Provided, further, That the imprisonment may be waived by the President, and upon payment by the foreigner concerned of such costs, fines and/or damages suffered by the government or any aggrieved party;

(i) Those who, at any time after entry, are engaged in acts or omissions punishable under Philippine penal laws cognizable by the Regional Trial Court;

(j) Those who, at any time after entry, are convicted by final judgment of a crime punishable under Philippine penal laws cognizable by the Regional Trial Courts and the Sandiganbayan;

(k) Those who are guilty of any offense penalized under the naturalization laws of the Philippines or any law relating to the acquisition of Philippine citizenship;

(l) Those who defraud their creditors by absconding or alienating properties to prevent their attachment or execution;

(m) Those who were admitted as non-immigrants and who obtained an adjustment of their admission status for convenience, or through fraud, falsification of documents, misrepresentations, or concealment of material facts;

(n) Those who violated Philippine labor and taxation laws, rules and regulations;

(o) Those who, upon prior investigation and hearing, are found to be undesirable and whose further stay in the Philippines is inimical to public welfare and interest, or the dignity of the Filipinos, or the Republic of the Philippines as a sovereign nation;

(p) Those who forge, counterfeit, alter, or falsely make any document; or use, attempt to use, possess, obtain, accept, or receive or provide any forged, counterfeit, altered, or falsely made document; or use or attempt to use or provide or attempt to provide, accept or receive a genuine document, even of another person, without authority to do so for the purpose of satisfying or complying with the requirements for his/her stay in the Philippines; and

(q) Those whose presence or activities in the country may result in adverse consequences to Philippine foreign policy as determined by the Secretary of Foreign Affairs.

Section 87. Rules on Prescription in Deportation Cases. — The right of the State to initiate at any time deportation proceedings shall not prescribe. *Provided,* That no deportation proceedings and orders shall be had against foreigners facing preliminary investigation, prosecution and trial before the competent authorities.

CHAPTER 2

DETENTION AND DEPORTATION OF FOREIGN NATIONALS

Section 88. Issuance of Summons — If the Commissioner determines that there exists a reasonable ground to deport a foreigner pursuant to Section 86 of this Act, he/she may issue summons requiring the foreigner to appear in person before the designated investigating officer at the time, date, and place stated therein.

Section 89. Authority to Issue Warrants of Detention. — The Commissioner may issue a letter order if he/she determines that a probable cause exists for the filing of deportation charges against a foreigner for violation of the immigration and other related laws, rules and regulations or there is a strong probability that a deportable foreigner may flee from his/her place of abode, go into hiding or surreptitiously leave the country.

Section 90. Formal Charge of Deportation. — A formal charge for deportation shall be issued upon determination of the existence of a *prima facie* case against the foreigner. Pending final determination of his/her deportation case, the foreigner shall, upon the discretion of the Commissioner: (a) remain under detention; or (b) be released on bail or recognizance. The bail may be revoked and confiscated in favor of the government if there is sufficient evidence that the foreigner is evading the proceedings or is attempting to abscond, in which case, he/she shall be taken into custody and detained under the same warrant of detention.

Section 91. Detention of Foreigner Convicted of a Felony or an Offense. — After service of his/her sentence or compliance with the conditions of his/her parole or probation, as the case may be, the foreigner shall be taken into custody and placed under detention by order of the Commissioner. Pending final determination of his/her deportation case, the foreigner may be ordered released under such terms and conditions prescribed by the Commissioner.

Section 92. Voluntary Deportation, When Authorized. — In case the foreigner does not contest the formal charge and opts to voluntarily leave the country at his/her own expense, the Commissioner may waive the deportation proceedings and order the departure within the period specified in the voluntary deportation, except in cases of violations of laws such as Republic Act No. 8042

otherwise known as the "Migrant Workers and Overseas Filipino Act of 1995: *Provided*, That he/she has not committed any criminal offense or has no pending case in court: *Provided*, That said foreigner shall be barred from re-entering the country without prior written authorization from the Commissioner.

Section 93. Contents of an Order or Warrant of Deportation.

— The order or warrant of deportation shall be in form prescribed by the Commissioner and shall state the grounds therefor, the specific place where the foreigner is to be deported and the period within which to execute such order.

Section 94. Period to Enforce Order of Deportation. — The

order of deportation shall be enforced immediately, but in no case shall exceed the period of three (3) months, from the date it has become final and executory. If deportation is not enforced within the prescribed period for reasons beyond the control of the Commissioner, the foreigner shall remain in custody.

Section 95. Suspension of Deportation Order. — Upon

application and payment of prescribed fees by the concerned foreigner, the Commissioner may suspend the implementation of the deportation order and order his/her release for good cause taking into account the following factors:

- (a) Age, health, family or conduct;
- (b) Period of detention;
- (c) Impact on national security and public welfare;
- (d) Unavailability of travel documents;
- (e) Existence of an application for refugee status; or
- (f) Other humanitarian considerations.

Section 96. Reinstatement of the Order of Deportation. — An Order

of Deportation previously enforced against a foreigner who unlawfully re-entered the Philippines shall be deemed reinstated and shall be re-enforced in accordance with this Act. This provision shall apply to a foreigner who departed voluntarily under Section 92 hereof.

Section 97. Country of Destination of a Deportee. — Except as

provided for under existing treaty or international agreement, the foreigner shall be deported to the country of which he/she is a citizen or national, or to the country of his/her birth, or to the country of which he/she is a resident, or to the

country from which he/she embarked for the Philippines, subject to the acceptance by the receiving country.

Section 98. Existence of Danger in Country Where Foreigner is to be Deported. — No foreigner shall be deported to a country where there exists a danger to his/her life or freedom on account of race, religion, nationality, political opinion, or membership in a particular political or social group, except in the following circumstances:

(a) The foreigner participated, induced, or cooperated in the persecution of any person on account of race, religion, nationality, political opinion, or membership in a particular political or social group in the country where he/she is to be deported;

(b) The foreigner is a fugitive from justice in the country where he/she is to be deported;

(c) The foreigner committed a serious non-political crime in the country where he/she is to be deported; or

(d) The foreigner is an undesirable and/or a danger to the national security of the Philippines.

Section 99. Cost of Deportation. — The cost of deportation shall be borne by the owner, operator, captain, master, pilot, agent or consignee of a vessel in the case of its foreign crewmember who is to be deported for violation of Section 100 of this Act. In all other cases, the cost of deportation shall be borne by the deportee himself/herself, the concerned consular office, non-government organizations or people's organization with which the Commission has an agreement on this matter, or from the appropriations for the enforcement of this Act.

Section 100. Liability of Owner, Captain, Master, Pilot, Agent, or Consignee of a Vessel. — Failure or refusal on the part of the owner, operator, captain, agent, or consignee of a vessel to take on board, guard safely, and transport the deportee to his/her country of destination, or to shoulder the cost of deportation of the foreign crewmember as provided in Section 99 hereof, shall be punished by an administrative penalty prescribed under this Act.

Section 101. Expenses of the Accompanying Person. — The Commissioner may, by reason of the mental or physical condition of the deportee, direct an employee of the Commission to accompany such deportee to

the country of his/her destination, subject to provisions of the immediately preceding sections.

CHAPTER 3

INDIGENT FOREIGNERS

Section 102. Deportation of Indigent Foreigners. — At any time after entry, the Commissioner may remove indigent foreigners from the Philippines to the country of which they are citizens or nationals, or country of birth, or country of residence, as the case may be. The cost of such removal may be charged against the available funds of the Commission. Any foreigner removed under this Section shall be barred re-admission, except upon written authorization of the Commissioner.

This provision shall not apply to a foreigner declared as an indigent by any Philippine court for purposes of filing a case or to pursue a cause of action which resulted in his/her indigency until such action is resolved with finality: Provided, That no other grounds for deportation exist during the pendency of the same.

TITLE VI

MISCELLANEOUS PROVISIONS

CHAPTER 1

REGISTRATION OF FOREIGN NATIONALS

Section 103. Requirement of Registration. — A temporary foreign visitor must register with the Commission or any Immigration Office nearest to his/her place of residence, on or before the sixtieth (60th) day of his/her arrival in the Philippines.

Section 104. Registration Form and Oath. — Applications for registration shall be under oath and in such form as prescribed by the Commission. Upon registration, a certificate of registration shall be issued by the Commission to the registrant. In case of loss or destruction of the certificate, a replacement thereof may be issued by the Commission, upon proper application and payment of prescribed fees.

Section 105. Amendment of Registration. — A registered foreign national shall notify the Commission in writing of any change of information in his/her registration documents not later than seven (7) days thereof.

Section 106. Presentation of Certificate of Registration. — Every foreigner required to register under this Act or the parent or guardian of such foreigner shall, upon demand of any authorized immigration official, present his/her certificate of registration, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

Section. 107. Reportorial Requirements. — Every foreigner registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Commission, subject to the payment of prescribed fees. The parent or legal guardian of foreigners below fourteen (14) years of age shall have the duty to comply with the requirements prescribed under this Act.

Section 108. Failure to Comply with the Requirements. — A foreigner, or his/her parent or guardian, as the case may be, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by him/her to be false, or who utilizes registration documents other than his/her own, shall be dealt with in accordance with the provisions of this Act and other existing laws.

Section 109. Cancellation of Registration of Foreign National. — In case of death of a foreigner registered under the provisions of this Act, his/her legal heir, representative or administrator must inform the Commission within sixty (60) days from date of death and the Commission shall cancel such registration. The Local Civil Registrar or other civil registry officer of the locality where said foreigner died shall furnish the Commission with a copy of the Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements of this section shall be dealt with pursuant to the provisions of this Act.

CHAPTER 3

BONDS AND DEPOSITS

Section 110. Bonds, When Required. — The Commission shall have the authority to require cash bond in such amounts and under such conditions as it may prescribe:

(a) To control and regulate the admission into, and departure from, the Philippines of foreigners applying for temporary admission;

(b) To insure against foreign passengers liable to be excluded as likely to become public charges; and

(c) To insure the appearance of foreigners released from custody during the course of deportation proceedings instituted against them.

Section 111. Requirement of Cash Deposits for Overtime Services. — The Commission shall likewise have the authority to require cash deposits in such amounts as may be necessary from vessel's owners, operators, captains, agents, or consignees or other persons served to cover payments for overtime services to be performed by officers and employees of the Commission.

Section 112. Cancellation and Forfeiture of Bonds. — When the conditions of the bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming a public charge when the Commissioner decides that the likelihood no longer exists, or death of the foreigner in whose behalf the bond is posted, the bond shall be cancelled and refunded to the depositor or his/her legal representative. In case of violation of the conditions of the bond, the same shall be forfeited and deposited in a trust fund account which may be utilized for the purchase of tickets of indigent deportees and to cover the costs of operations in the arrest of the deportee who jumps bail.

CHAPTER 3 RECOGNIZANCE

Section 113. Petitions for Recognizance, Sanction for Breach of Conditions. — The Commissioner may order the release of a foreigner upon recognizance of his/her lawyer or a person who is of good standing in the community, under such terms and conditions as he/she may prescribe. Failure to comply with the terms and conditions of the recognizance shall subject said lawyer or person to a fine of not less than Fifty Thousand (P50, 000.00) pesos but not more than One Hundred Thousand pesos (P100, 000.00), without prejudice to other administrative sanctions and/or proceedings against the erring party.

CHAPTER 4

COOPERATION AND COORDINATION WITH OTHER OFFICES

Section 114. Working Cooperation with the Department of Foreign Affairs. – For purposes of efficient implementation and administration of this Act, the Commission shall maintain a working cooperation with the Department of Foreign Affairs.

Section 115. Working Cooperation with the Commission on Higher Education. – The Commission shall maintain a working cooperation with the Commission on Higher Education with respect to accreditation of schools and learning centers for enrolment of foreign students as authorized under this Act.

Section 116. Coordination with Law Enforcement, Security and Other Offices. – The Commissioner shall have authority to maintain coordination with the National Security Council, the Philippine National Police, and other law enforcement agencies of the government.

CHAPTER 5

FEES AND CHARGES

Section 117. Authority of the Commissioner to Prescribe, Impose and Collect Fees and Charges. — The Commissioner is authorized to prescribe, impose and collect fees and charges for services rendered pursuant to the provisions of this Act, which shall take effect fifteen (15) days after the last publication thereof for two (2) consecutive weeks in a newspaper of general circulation.

Section 118. Head Fee. – Every foreign national who is at least fourteen (14) years of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days shall pay a head fee in an amount to be fixed by the Board.

CHAPTER 6

ADMINISTRATIVE FINES AGAINST VESSELS

Section 119. Fines for Failure to Submit Crew List or Passenger Manifest, or Failure to Account Every Passenger and Crew. —

Any pilot, master, agent, owner or consignee of a vessel arriving at any port in the Philippines from a place outside thereof who fails to submit to the immigration authorities a complete and accurate crew list or passenger manifest, or fails to produce or account every crewmember or passenger whose name appears in said list or manifest shall be subject to fines of One Hundred Thousand pesos (P100,000.00) and Fifty Thousand pesos (P50,000.00) for each unaccounted person, respectively.

Section 120. Fine for Violation of Obligation on the Landing or Removal of Foreigners.— A pilot, master, agent, owner or consignee of any vessel arriving at a port of the Philippines from a place outside thereof in violation of this Act shall be fined not less than Fifty Thousand pesos (P50,000.00) but not more than Two Hundred Thousand pesos (P 200,000.00) for each violation.

Section 121. Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted with Communicable or Contagious Disease, or Suffering from Mental Disorder. — The pilot, master, agent, owner or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board an undocumented foreigner shall be fined One Hundred Thousand pesos (P100, 000.00) for each foreigner. If the foreigner is afflicted with a communicable or contagious disease or is suffering from mental disorder, the fine shall be not less than Two Hundred Thousand pesos (P200, 000.00) but not more than Three Hundred thousand pesos (P 300,000.00) for each foreigner.

Section 122. Fine for Bringing a Foreigner to Assist His/Her Illegal Entry or Misrepresenting a Foreigner as a Member of the Crew. — The pilot, master, agent, owner or consignee of the vessel arriving at any port in the Philippines from a place outside thereof bringing on board a foreigner bound for the Philippines to assist his/her illegal entry, or misrepresenting the foreigner to the Immigration Officer at the port of arrival as a bona fide member of the crew, shall be fined not less than One Hundred Thousand pesos (P 100,000.00) but not more than Two Hundred Thousand pesos (P 200,000.00) for each foreigner.

Section 123. Fine for Violation of Other Provisions of this Act.

— The pilot, master, agent, owner or consignee of any vessel arriving at any port of the Philippines from a place outside thereof who violates any other provision of this Act not specifically provided in this Chapter shall be fined not less than Fifty Thousand pesos (P50,000.00) but not more than Two Hundred Thousand pesos (P 200,000.00) for each violation.

**CHAPTER 7
OTHER PENAL PROVISIONS**

Section 144. Other Prohibited Acts and Penalties Thereof. –

Any person who shall commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period or a fine of not less than One Hundred Thousand pesos (PhP 100,000.00) but not more than Five Hundred Thousand pesos (PhP 500,000.00) or both, at the discretion of the court:

(a) Impersonates another individual, or falsely appears in the name of a deceased individual, or evades the immigration laws by using an assumed or fictitious name when applying for an immigration document;

(b) Issues or otherwise disposes of an immigration document or an immigration accountable form, to any person not authorized by law to receive such documents;

(c) Obtains, manufactures, prints, accepts or uses any immigration or travel document knowing it to be false or uses immigration accountable form that is not legally issued;

(d) Enters the Philippines without inspection and admission by the immigration authorities, or obtains entry into the Philippines by fraud, misrepresentation, or concealment of material facts;

(e) Represents himself/herself to be a Philippine citizen;

(f) Knowingly makes under oath any false statement regarding any immigration matter; or

(g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or gives comfort to any person not duly admitted by any border control officer or not lawfully entitled to enter into or resides within the Philippines, or attempts, conspires with, or aids another to commit any such acts.

Where the offender of any acts specified in paragraph (g) of this Section is a corporation, company, partnership or other juridical entity, the president, general manager, managing partner, or chief executive officer thereof shall be

held liable. Dismissal by the employee before or after apprehension shall not relieve such employer from any liability arising from the offense: *Provided*, That If the offender is the pilot, master, agent, owner, consignee, or other person in charge of the vessel which brought the foreigner into the Philippines from any place outside thereof, the fine imposed under this Section shall constitute a lien against the vessel which may be enforced in the same manner as fines are collected and enforced under existing laws. Such vessel shall not be allowed to depart without prior clearance issued by the Commission. Where forfeiture is justified under the particular circumstances of the case, the forfeiture of the vessel in favor of the government in lieu of the fine shall be decreed.

Conviction by final judgment of any offense punishable under this Act or other laws shall result in the automatic revocation or cancellation of any immigration document issued to the offender, including that of his/her spouse and unmarried children, if applicable.

Section 125. Penalty for Non-compliance of a Subpoena. — Any person who, having been duly served with a subpoena, fails to comply without valid and justifiable reasons shall, upon conviction, suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of not more than One Thousand pesos (P1,000.00), or both, at the discretion of the court.

Section 126. Penalty for Overstaying Crewmember. — Any foreign crewmember who willfully remains in the Philippines beyond the period allowed him/her for temporary landing shall, upon conviction, suffer the penalty of imprisonment of six (6) months or fine of not less than Fifty Thousand pesos (P50, 000.00) but not more than One Hundred Thousand pesos (P 100,000.00), or both, at the discretion of the court.

Section 127. Imposition of Maximum Penalty, When Applicable. — A person convicted under Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act", or other laws against corruption and bribery who shall violate or circumvent any provisions of this Act shall, upon conviction, suffer the maximum penalty for such offense as provided under this Act.

CHAPTER 8

FUNDING

Section 128. Funding. — In addition to its annual budget under the General Appropriations Act, the Commission is hereby authorized to retain and use thirty percent (30%) of its income derived from collection of immigration fees, fines, penalties and charges for maintenance and other operating expenses, intelligence and law enforcement, information and communication technology infrastructure, transportation facilities and other capital outlay expenditures. The Commission is likewise hereby authorized to retain and use its income in excess of the prescribed collection target.

CHAPTER 9 TRANSITORY PROVISIONS

Section 129. Interim Period. — The incumbent Commissioner and the two (2) Associate Commissioners, if qualified, shall continue to discharge the functions of their position for a period of one (1) year from the date of effectivity of this Act, unless otherwise removed for cause. On the recommendation of the Commissioner, the Board shall have the authority to reorganize, upgrade or otherwise make adjustments in, the offices of the Commission as required by the implementation of this Act: *Provided:* That to the extent possible, the incumbent chiefs of sections or divisions whose offices are thus affected may be upgraded to positions of comparable rank in the reorganization, for the new division created under this Act, the Commissioner shall designate the chiefs thereof. All personnel of the Bureau of Immigration shall continue to discharge the functions of their position.

Section 130. Staffing Pattern and Salary Schedule. -- To carry out the provisions of this Act, the Commissioner shall submit a new staffing pattern and salary schedule for personnel services to the Secretary of the Department of Budget and Management for approval, which shall be in accordance with the Salary Standardization Law and other applicable laws under the National Compensation and Classification Plan.

Section 131. Reorganization of the Commission. — Upon approval of this Act, all employees of Bureau of Immigration covered by the civil service law and regulations shall continue to hold their present positions pending the reorganization of the Commission in accordance with the new staffing pattern: *Provided,* That the salaries, wages, allowances and other benefits of incumbent officers and employees of the Commission shall not be subject to

diminution: *Provided, further*, That in the event that the positions are abolished in accordance with the reorganization, the affected employees shall be retained.: *Provided, finally*, That employees who have been dismissed for cause shall no longer qualify for any position in the Commission.

Section 132. Inventory and Transfer of Properties, Accounts, Assets, Liabilities and Obligations to the Commission. — All buildings, properties, equipment, facilities, accounts, other assets, liabilities and other obligations as well as records of the Bureau of Immigration shall be properly inventoried and transferred to the Commission.

Section 133. – Treaty or Agreement. – Any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act shall remain in force and effect.

Section 134. Pending cases. – Any prosecution, suit, action, proceeding, or any act, or matter, civil or criminal, pending at the time of the effectivity of this Act shall not be affected by the provision of this Act unless otherwise applicable.

CHAPTER 10

ADMINISTRATION AND IMPLEMENTATION

Section 135. Administration and Implementation Abroad. – The administration and implementation of this Act abroad including the rules and regulations as well as policies arising from it shall be the responsibility of the Department of Foreign Affairs (DFA) through Philippine diplomatic and consular establishments.

Section 136. Implementing Rules and Regulations. — The Commission, upon consultation with the Department of Foreign Affairs and the concerned government agencies or offices and subject to the approval of the Secretary, shall promulgate the rules and regulations for the effective implementation of this Act within one hundred twenty (120) days from its effectivity.

CHAPTER 11
FINAL PROVISIONS

Section 137. Separability Clause. — If any of the provisions of this Act is held invalid or unconstitutional the other provisions thereof not affected thereby shall continue to be in force and effect.

Section 138. Repealing Clause. — (a) Commonwealth Act No. 613, otherwise known as the "Philippine Immigration Act of 1940, as amended" is hereby repealed: (b) All laws, presidential decrees, executive orders, proclamations, memorandum orders, instructions, rules and regulations or parts thereof inconsistent with this Act are hereby amended or modified accordingly.

Section 139. Effectivity Clause. — This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,