

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

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 2124

INTRODUCED BY REPRESENTATIVE PEDRO P. ROMUALDO

EXPLANATORY NOTE

The present Philippine Passport Act need to be revisited in the light of the hesitation of the Department of Foreign Affairs to implement its power or authority to administratively and quasi-judicially cancel or revoke the passport it has issued even if it has blatantly violated certain laws such as Commonwealth Act No. 142, as amended by Republic Act No. 6085 and Executive Order No. 306, Series of 2004.

A Philippine passport is not just a travel document for Filipino nationals. It is also a Primary National ID duly recognized by government agencies, banking and private institutions. It is on this basis that the issuing authority has the inherent power to cancel or revoke the passport it has issued to its nationals if found to have violated the Passport Act and other existing laws and regulations.

The aggrieved party can file a case in court questioning the decision of the Department of Foreign Affairs if the cancellation or revocation was not done in due course and on such other grounds that they deem proper.

We are just emphasizing and clarifying the extent of authority of the Department of Foreign Affairs on the issue of passport issuance and its related authority in exercising this act.

There have been many instances in the past that the Department of Foreign Affairs would just sit on the matter and would wait for the decision or recommendation of the Department of Justice on the matter of the cancellation or revocation of passports. With the delays in performing their inherent authority, some of the culprits have already gone into hiding or have already left the country to avoid further legal sanctions.

We see this as a failure of the Department of Foreign Affairs to carry out its solemn duty to issue, rescind, cancel or revoke the passports of its citizen on justifiable grounds.

The immediate approval of this bill is hereby enjoined.



PEDRO P. ROMUALDO
Representative, Lone District, Camiguin

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AN ACT
AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 8239 OTHERWISE
KNOWN AS "THE PHILIPPINE PASSPORT ACT OF 1996" AND FOR OTHER
PURPOSES

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

SECTION 1. Section 4 of Republic Act No. 8239 is hereby amended to read as follows:

• "SEC. 4. Authority to Issue, Deny, Restrict, REVOKE or Cancel. – Upon the application of any qualified Filipino citizen, the Secretary of Foreign Affairs or any of his duly authorized consular officer may issue passports in accordance with this Act.

Philippine consular officers in a foreign country shall be authorized by the Secretary to issue, verify, restrict, REVOKE, cancel or refuse a passport in the area of jurisdiction of the Post in accordance with the provisions of this Act.

In the interest of national security, public safety and public health, the Secretary or any of the authorized consular officers may, after due hearing and in their proper discretion, refuse to issue a passport, or restrict its use or withdraw, REVOKE or cancel a passport: *Provided, however,* That such act shall not mean a loss or doubt on the person's citizenship. *Provided, further,* That the issuance of a passport may not be denied if the safety and interest of the Filipino citizen is at stake: *Provided, finally,* that refusal, REVOCATION or cancellation of a passport would not prevent the issuance of a Travel Document to allow for a safe return journey by a Filipino to the Philippines.

THE DEPARTMENT OF FOREIGN AFFAIRS HAS THE INHERENT AUTHORITY TO *MOTU PROPRIO* CANCEL, REVOKE OR CANCEL A VALID PASSPORT IF THE HOLDER OF THE PHILIPPINE PASSPORT OBTAINED SUCH IN ANY OF THE FOLLOWING CIRCUMSTANCES:

- 1.) USE A FICTITIOUS NAME, FALSE NAMES OR ALIAS IN VIOLATION OF EXISTING LAWS;

- 2.) FRAUDULENTLY PROVIDED IN THE APPLICATION ANY FALSE OR INACCURATE INFORMATION ABOUT HIS OR HER PERSONAL DETAILS;
- 3.) FRAUDULENTLY SUBMITTED FAKED DOCUMENTS TO SUPPORT HIS OR HER APPLICATION.

SECTION 2. The Department of Foreign Affairs upon receipt of any complaint shall summon the passport holder and provide him or her a reasonable time of five (5) days to answer this complaint and submit such proof to defend himself or herself.

A special board of inquiry under the Office of the Secretary shall be created to handle and adjudicate these types of complaints. The special board shall be composed of members from the Office of the Secretary, the Legal Division, the Passport Division and such other offices which the Secretary may deem it necessary but the membership shall not be more than seven (7). It shall receive a special per diem per meeting chargeable against the current budget of the Department and on succeeding years be included in the regular budget of the Department.

It shall observe summary proceedings in adjudicating this matter administratively and quasi-judicially. The decision shall be posted both in a conspicuous site inside the Department and its consular offices abroad and in all their websites.

SECTION. 3. Those whose passports were revoked or cancelled in violation of Section 1 hereof shall no longer be issued a passport by the Department of Foreign Affairs except upon order of the courts. The newly-issued passport shall carry an annotation of the court decision.

SECTION 4. If any provision of this Act is held invalid *or* unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 5. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 6. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,