

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

House Bill No. 2155

Introduced by HON. MARC DOUGLAS IV C. CAGAS

EXPLANATORY NOTE

For an archipelagic country composed of more than seven thousand islands, the Philippines has a lot to offer by way of travel and tourism. The revitalized investments spurred by fiscal incentives of the government succeeded in attracting barely three million tourists every year since 2005. The strong support extended by the Executive Branch to the Local Government Units was the primary factor in the renewed interest of tourists in our country.

Commensurate with these developments, however, is the equally indispensable duty of our government to regulate and control the influx of these aliens, especially so that most of them intends to sojourn indefinitely, turning themselves into, and comprising the cluster of Undesirables. Some seek asylum in our country as *personas non gratas*.

Sadly though, a very important element was left out in the entire chain of development. Often viewed as nondescript element in the travel and tourism industry, the plight of the Immigration Bureau particularly the men and women who man the country's airports and major gateways, is recognized more in breach than in compliance.

The Bureau of Immigration's imprimatur having stemmed from the ageing Commonwealth Act No. 613 which was enacted in the 1940's, is not equipped to combat the booming complexities in National Security and Tourism industry that the present day settings demand. Having tasked "To control and regulate the immigration of aliens in the country, and the administration and enforcement of alien admission and registration laws", it could not be gainsaid that immigration officers are barely able to fulfill such a daunting mission. The Bureau must be attuned to the changing of the times.

The greatly outnumbered immigration personnel of the Bureau manning the major ingress and egress points in the country spread across key cities is of no match to the almost three million tourists frequenting our

country every year. It is therefore a rather unfeasible task for the Bureau to properly enforce immigration laws and regulate the immigration requirements of these aliens.

The vast majority of trans-border crimes are attributed to the lack of immigration personnel in our borders, airports, seaports and sub-ports. Criminal cases involving aliens are often dismissed by the courts because our Immigration Officers cannot leave and attend the required judicial hearings. Moreover, their affliction is further aggravated by the poor facilities left at their disposal. Some Immigration Officers in far-flung ports and sub-ports of the country are soliciting funds from Local Executives in order to augment their office supplies and equipments.

For the Philippines to effectively and efficiently cope with the increasing requirements of upholding its territorial integrity, vis-à-vis, our Government's commitment of escalating national integrity as a sacred trust, through humane, responsive and conscientious control and regulation of foreign migrants; and to further enhance the country's capability and competence to compete with our Asian neighbors, it is more than highly imperative to strengthen our Immigration Bureau.

This bill therefore seeks the urgency of appropriating an additional fund from the General Appropriations Act for the Operational Budget of the Bureau of Immigration. This substantial increase is designed to remedy the seeming dearth of the Bureau's manpower, the enforcement of Immigration, Deportation and Alien Registration Laws, and Intelligence and Security Services.

Hence, immediate approval of the attached measure is strongly urged.


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**“AN ACT
REORGANIZING AND STRENGTHENING THE CAPABILITY OF THE
BUREAU OF IMMIGRATION, BY EXPANDING AND STREAMLINING
ITS BUREACRACY, CREATION OF ADDITIONAL IMMIGRATION
OFFICES, ESTABLISHMENT OF INTELLIGENCE UNITS,
UPGRADING EMPLOYEE SKILLS AND BENEFITS AND
APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES”**

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

SECTION 1. Short Title. - This Act shall be known as the **“BUREAU OF IMMIGRATION EMPOWERMENT ACT OF 2010”**.

SECTION 2. Declaration of Policy. - It is the declared policy of the State to protect its territorial integrity, national interest and the right to self-determination in its interrelation with the International Community through humane, responsive and conscientious control and regulation of foreign migrants germane to the generally accepted principles of International Law.

The number of Immigration Officers and Personnel of the Bureau shall be increased and their technical equipments upgraded to adequately meet the Republic's burgeoning need to accommodate and properly regulate the influx of aliens in the Philippines, and to streamline the effective administration and enforcement of Alien Registration Laws.

SECTION 3. Definition of Terms – For purposes of this Act, unless the context indicates otherwise, the terms used herein shall mean as follows;

- (a). **Philippines** - means all the territory and waters subject to the jurisdiction of the Government of the Philippines.
- (b). **Bureau** – refers to the Bureau of Immigration as established by Commonwealth Act No. 613, as amended.
- (c). **Board** - refers to the Board of Commissioners which is composed of the Commissioner of Immigration and the two Deputy Commissioners
- (d) **Commissioner** - shall refer to the Commissioner of Immigration
- (e). **Immigration Laws** - shall mean any law hereafter enacted relating to the entry of aliens into the Philippines, and their exclusion, deportation, and repatriation therefrom.
- (f). **Immigration Office** - refers to the Provincial, City and Municipal sub-offices of the Bureau of Immigration.
- (g). **Foreign Migrants** - refers to foreign nationals visiting the country whether as tourists or those intending to inhabit the territorial jurisdiction of the Philippines with or without intending to be consequently naturalized.
- (h). **Alien** - refers to any person not a citizen of the Philippines.
- (i). **Airport** - a place where aircrafts take off and land.
- (j). **Major Airport** - Airports or terminals with International Flights, and could usually accommodate more than five thousand domestic or internationally bound or in-bound passengers.
- (k). **Port** - refers to a place of customary entry and exit of sea vessels.
- (l). **Major Port** - Big seaports or terminals with international voyage, be it for passengers or chattels.
- (m). **Sub-port** - Seaports that are relatively smaller than major ports, but with sufficient depth of water that could equally accommodate an internationally in-bound vessel. These are usually annexes of Major Ports.

(n). **Port of Entry** - shall refer to an airport, a port or landing place established by competent authority in accordance with law through which an alien may apply to the immigration officer thereat for admission into the Philippines.

(o). **Immigration Officers** - Those personnel tasked with the regulation, registration, apprehension, deportation, and enforcement of immigration laws. Immigration Officers I, II, III and SR OI, comprise the cluster of Immigration Officers.

(p) **IO1** - Immigration Officer 1

(q). **IOII** - Immigration Officer 2,

(r). **IOIII** - Immigration Officer 3

(s). **SRIO** - Supervisor / Senior Immigration Officer

SECTION 4. Creation of Additional Immigration Offices. - There shall be created additional Immigration Offices in Airports, Seaports and Subports, albeit not categorized as port of entries, that the Bureau, in its discretion, believes indispensable to be controlled and closely monitored for alien presence and activities. In collaboration with the Department of Transportation and Communications and the Department of Public Works and Highways, these additional Immigration Offices should have all the necessary and appropriate state-of the-art equipment and personnel complement, and should be in such numbers as to fully and efficiently strengthen the administration and enforcement of Alien Registration and Deportation Laws.

The aforementioned discretionary power of the Bureau, however, should be exercised in good faith, taking into consideration the circumstances and exigencies attendant on the places upon which these Offices would be situated; with full accord to the duly constituted authorities of the government, and only upon the recommendation of the Board after a well-founded investigation and intelligence coordination with the National Bureau of Investigation and the Philippine National Police.

In consonance with the above mandate, and without prejudice to the next following sections, there shall also be created as many additional Offices for the positions of IOsI, IOsII, IOsIII and SRIOs, as are the numbers commensurate with the additional Immigration Offices that would hereafter be created and established by this Act, who should man and control these new Offices.

SECTION 4. Expansion - Without prejudice to the provisions of the immediately preceding section, there shall also be an increase of such number of Immigration Officers as may be prescribed by the Bureau, who should be properly distributed in the manner harmonious with Section 6 hereof, to all undermanned Immigration Offices throughout the country specially to far flung ports, airports and ports of entry, to supplement the scarcity of manpower and complement other immigration personnel.

The creation of additional Immigration Offices and the personnel augmentation program, should cover and operate for a period of ten years from the time this Act should have been enacted, or soon thereafter as the need of the Bureau to efficiently carry-out its duty shall have been neutralized; or that the portals in the ingress and egress points in all major airports, seaports and ports of entry, shall have been already properly and efficiently manned. **Provided**, that in no case should the increase in the number of complementary offices for the position of Immigration Officers under this section be less than five hundred (500) for the entire phase of the program; and, **provided further**, that at least three hundred (300) complementary Immigration Officers out of the total number of positions herein after sought, should be deployed and added to complement other immigration personnel in the specific major entry points hereinafter stated.

Subject to the viability of the staffing and personnel deployment allocation as may hereafter be formulated by the Department of Justice, the deployment of the three hundred Immigration Officers referred to in the next preceding paragraph should be broken down as follows, to wit;

Point of Entry	SROI	IOIII	IOII	IOI	Total
Kalibo International airpor	0	1	0	9	10
Cebu International Airport	0	1	0	9	10
Clark International Airport	0	1	0	9	10
Laoag International Airport	0	0	0	5	5
Davao International Airport	0	0	0	5	5
Ilo-Ilo International Airport	0	1	0	9	10
NAIA III	5	10	10	225	<u>250</u>

Total 300

all other Offices for Immigration Officers, including those that may hereinafter be created, shall be properly and equally apportioned by the Bureau, to it's different Immigration Offices taking into account the exigencies or circumstances that these Immigration Offices are being subjected to; or in any case, when so ordered by the President upon the recommendation of the National Security Council in cases of emergency or when public welfare or safety so requires.

SECTION 5. Exigencies - The exigencies being referred to in Sections 4 and 5 hereof, refer to such need, demand, urgency that the Immigration office is subjected to, and should be construed and determined by the Board in relation/conjunction to the following criteria;

- a. The territorial area of responsibility of each Immigration Office,
- b. The rate of tourist arrivals in a month,
- c. The frequency of trans-border crimes and other felonies committed by aliens,
- d. The number of current immigration personnel working in the area,
- e. Any other synonymous or analogous cases pertaining to the status of technical operations of these Offices.

SECTION 6. Reorganization / Distribution - In juxtaposition with the immediately preceding sections, the present administrative personnel manning and deployment scheme of the Bureau of Immigration is hereby reorganized and modified.

Subject to the exigencies defined under this Act, and unless otherwise amended by a later law, there shall, in all Immigration Offices of major airports, seaports, and ports of entry nationwide upon the enactment of this Act;

1. Be instituted an additional one (1) Supervisor / Senior Immigration Officer IV, for Immigration Offices that already have Supervisor/s at the time of the effectivity of this Act, and at least three Supervisors should be instituted to Immigration Offices that have no Supervisors yet, or to such Immigration Offices yet to be created; and

2. At least five (5) but not more than ten (10) Immigration Officers (IOI, IOII, IOIII) randomly, per shift, to Immigration Offices that already have these Immigration Officers at the time of the effectivity of this Act, and least ten (10) but not more than twenty (20) Immigration Officers (IOI, IOII, IOIII) to those that have not; with corresponding increase in the general and administrative support personnel and provision for ample office space.

The Officers of the Bureau occupying the positions affected by the changes embodied in this Act at the time of its approval shall thereafter occupy the positions mandated by this Act, and discharge the duties and functions of their new positions and receive the corresponding salary and benefits without the necessity of any new appointment.

The Department of Justice, in collaboration with the Bureau, shall seek the creation of plantilla positions of as many as may be necessary for the additional Offices, subject to the rules and regulations of the Civil Service Commission..

SECTION 7. Creation of Intelligence Units. -The present Intelligence Division structure of the Bureau shall also be reorganized. The entire intelligence arm of the Bureau should be strengthened and devolved to the level of Immigration Offices.

In collaboration with the Department of Justice and the Department of Finance, the Bureau shall establish an Intelligence Unit (IU) which will be composed of one Intelligence Officer, who should be designated as the Intelligence Unit Head, and not less than five Intelligence Agents in every Immigration Offices in the country. They shall be under the direct control of the Supervisor who is the Officer in Charge in that particular Office. These Officers will conduct the same necessary intelligence and private investigatory matters being conducted by the Intelligence Division of the Bureau relating to the legitimacy and propriety of the aliens' stay in the Philippines.

The Intelligence Division of the Bureau is still retained as a major division of the Bureau. Upon the enactment of this Act, this Division is mandated to organize and create a special committee of highly trained and specialized team of investigators to be attached, as a component body, with the Special Division of the Philippine National Police, The National Prosecution Office and the National Security Council for policy and work coordination. This special committee will serve as the over all head office of these Intelligence Units.

The Department of Justice and the Bureau, in collaboration with the Civil Service Commission and the Department of Finance, shall seek the creation of as many plantillas for Intelligence Unit Officers as may be necessary, depending on the exigencies demanded, to accommodate and support said Intelligence Unit Offices.

These Units should be under the strict supervision of the Intelligence Division Section of the Bureau.

SECTION 8. Additional Powers and Duties. - Save for the specific provisions mandated by this section, the Immigration Officers should have the same functions, duties and responsibilities as those Immigration Officers, or had been with the Bureau at the time of the adoption of this Act.

Except as otherwise provided, Immigration Officers I, II, and III, in addition to their clerical and official functions prescribed by law, shall, in coordination with other immigration personnel, be required to submit a weekly written status report to their Supervisors regarding the administration and enforcement of Alien Registration and Deportation Laws, and all matters relative to their official functions.

The Supervisors shall also submit written report to the Board of the Bureau a complete and detailed report regarding the operation, revenue, expenditure and all other matters relevant to the continued operation of their respective Immigration Offices every month.

The Intelligence Unit Heads and Agents may, if circumstances so demand, and subject to the rules and regulation that shall hereafter be formulated, bear arms, be provided to carry Intelligence Badges and Insignias and shall be classified as law enforcement agents. Their authority and functions shall be directly limited to the safe, honest and judicious enforcement and implementation of the Intelligence Units' investigatory functions.

SECTION 9. Standards and Qualifications. - The additional Offices for the Supervisor / Senior Immigration Officers, Immigration Officers I, II and III that should thereafter be created by virtue of this Act shall have an administrative rank and the same qualification for appointment, rank, salaries, allowances, benefits and privileges as those Supervisors, Immigration Officers I, II and III who are already employed as such at the time of the adoption of this Act.

Unless otherwise provided by law, the qualifications required of present Intelligence Officers III in the Intelligence Division of the Bureau, as to appointment, allowance, benefits and privileges shall be the same qualifications to be required of Intelligence Unit Heads to be established by this Act. Intelligence Unit Heads shall have the same administrative rank as that of the present Intelligence Officer III of the Intelligence Division of the Bureau.

The Bureau, in coordination with the Civil Service Commission and the Department of Justice, may, unless for some compelling reasons as determined by the Board, devise a scheme of lateral transfer for the benefit of those Intelligence Officers III now attached with the Intelligence Division of the Bureau who wants to be laterally transferred from the Intelligence Division to the Intelligence Units.

Intelligence Officers III who are attached with the Intelligence Division of the Bureau at the time of the adoption of this Act, shall have the right of preference over all applicants to the position of Intelligence Unit Head, provided that they should have already been holding that Office, and in such capacity, for over three years prior to their application for lateral transfer.

The Commissioner of the Bureau shall determine the qualifications, prerogatives and responsibilities of Immigration Agents, provided that their administrative rank should be the same as that of the present administrative rank of an Immigration Officer I.

SECTION 10. Compensation - Unless otherwise fixed by law, the basic monthly compensation of all Supervisors, Immigration Officers I, II and III and those that may be created and established by this Act, as well as that of the Immigration Unit Heads shall be as follows:

Position	Salary grade
Supervisor / Senior Immigration Officer IV	25-26
Immigration Officer III	18-21

Intelligence Unit Head	18-21
Immigration Officer II	14-16
Immigration Officer I	10-12

the Commissioner of Immigration and Deportation shall determine the salary, prerogatives and responsibilities of Immigration Agents.

SECTION 11. Benefits and Privileges. - Subject to the availability of funds, the Bureau may provide its employees with the following benefits:

1. Health care services through a health maintenance organization (HMO). Expenses for the mandatory annual executive check-up of the Supervisors, Service Heads and Division Chiefs shall be for the account of the Office;
2. All employees shall be covered by accident insurance policies procured by the office at its own expense during travels, while in the performance of their official duties and functions; and
3. Without prejudice to efficiency in the service, scholarships to deserving employees on official time and at the expense of the Commission, to enhance their academic growth and upgrade their knowledge and skills. Scholars under this provision shall be selected on the basis of competitive examination.

SECTION 12. Seminar and Other Professional Fees. - Subject to the availability of funds, fees for relevant seminars, symposiums, conventions and conferences, as well as registration fees and related miscellaneous expenses incurred in such functions shall be borne by the Office. Professional membership, registration fees, including those for mandatory continuing professional education, and related miscellaneous expenses of other employees holding positions for which a professional license is required by the office shall also be borne by the Bureau.

SECTION 13. Transportation Benefits - Subject to the availability of funds, employees shall be provided with contracted transportation services until such time that the office can procure additional motor vehicles for this purpose.

SECTION 14. Grant of Special Allowances - The Commissioners, Executive Officers and the rest of Technical and Administrative Officers, shall be granted special allowances in amounts to be determined by the Secretary of the Department of Budget and Management and the Bureau of Immigration.

SECTION 15. Funding - Except as otherwise provided, the funds required for the implementation of this Act, including those for health care services, insurance premiums, professional, educational, contracted transportation benefits, registration fees and other benefits above, shall be taken from all income, fees and revenues earned and collected by the Bureau; in a manner, rate and percentage to be determined by the Board. But in no case should that particular withheld allocation, be of such character and amount as would substantially diminish its current revenue collection status.

The amounts collected pursuant to this section shall constitute a general trust fund in the name of the Commission to be managed and used by the Bureau to carry out the provisions of this Act. For this purpose, all receipts, derived from registration, licensing fees, assessments, fines, penalties and other charges to which the Bureau is authorized by law to collect, are hereby constituted part of the general trust fund, for the implementation of this Act. **Provided**, that no amount shall be disbursed to cover personal services, expenses and purchase of motor vehicles.

The fund may be augmented by grants, donations, endowments from various sources, domestic or foreign, for purposes related to their function.

SECTION 16. Work Program - The Department of Justice, the Commission of Immigration and Deportation, the Department of Budget and Management and the Department of Finance shall prepare the necessary work programs to cover the staggered implementation of this Act for a period not exceeding ten (10) years.

SECTION 17. Implementing Rules and Regulations. - Within ninety (90) days from the approval of this Act, the Board, in coordination with the Secretary of Budget and Management, shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SECTION 18. Appropriations. - The initial amount needed to implement office streamlining, physical expansion, creation of offices shall be taken from the funds and budgets of the Bureau of Immigration under the current General Appropriations Act. Thereafter, such sums as may be necessary for its staggered implementation shall be included in the General Appropriations Act.

SECTION 19. Repealing Clause. - Pertinent provisions of Commonwealth Act No. 613, Executive Order No. 292, the Revised Administrative Code of 1987, as amended, Republic Act No. 118, Republic Act No 135, Republic Act No 144, Republic Act No 503, Republic Act No 749, Republic Act No 827, Republic Act No 1901, Republic Act No 4376, Republic Act No 5171, Republic Act No 5701, Presidential Decree No. 524 and other laws, administrative orders, executive issuances or parts thereof that are contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 20. Separability Clause - If, for any reason, any provision or part of this Act is declared invalid or unconstitutional, such other parts not affected thereby shall remain in full force and effect.

SECTION 21. Effectivity. - This Act shall take effect after fifteen (15) days from its publication in at least two (2) national newspapers of general circulation.

APPROVED.