

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5525**



Introduced by **HON. GUS S. TAMBUNTING**

EXPLANATORY NOTE

This bill seeks to formally create a Commission on Immigration, thereby reorganizing and strengthening the current Bureau of Immigration, introduce institutional reforms, augment the current personnel plantilla and propose competitive salaries and other such reforms that will enable the Commission to provide world class immigration service at par with the best in the world.

Being at the forefront and serving as gate keepers for the country, the Commission is tasked with the heavy responsibility of welcoming and screening all incoming foreign nationals, safeguarding our borders, protecting our sovereignty and prioritizing the overall interest of the country.

We would also want to engage more tourists to boost our economy thus, an efficient, hassle-free, red tape-free Immigration office will greatly help boost our image to the world. The Commission can also help introduce effective mechanisms on immigration procedures that can foster and attract investments for our country thereby help the government in revenue generation.

The current structure and set-up of the Bureau limits its capabilities and potential to maximize the service that they should be giving the public. Thus, equipping them with the right administrative and legal tools will be extremely necessary for them to deliver fully on their mandate and obligation.

Thus the passage of this bill is earnestly sought.



GUS S. TAMBUNTING

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**AN ACT CREATING THE COMMISSION ON IMMIGRATION,
DEFINING ITS POWERS AND FUNCTIONS, EXPANDING, RATIONALIZING AND
FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE
COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, AND
APPROPRIATING FUNDS THEREFOR**

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

**TITLE I
GENERAL PROVISIONS**

SECTION 1. *Short Title.* – This Act shall be known as the Philippine Immigration Act of 2017.

SECTION 2. *Declaration of Policy.* – In the conduct of its relation with other States, the Philippines shall give paramount consideration to national sovereignty, territorial integrity, national security, national interest, the right to self-determination, enhancement of economic diplomacy as well as the protection of overseas Filipinos in destination countries, 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 as instruments for the promotion of domestic and external interests of the Philippines, in recognition of:

- (a) The admission of foreign nationals for the purpose of encouraging and enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) The need to support the country's 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) Promotion of international order and justice by preventing and 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 foreign national 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;
- (c) "Border Control Officer" refers to any person tasked to man the Border control Station as provided under Section 28 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 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" refers to the Commissioner of Immigration and the Deputy Commissioner of Immigration, respectively;
- (i) "Commitment Order" refers to an order issued by the Commissioner under Section 7(c)(2) of this Act that directs the taking into custody of a foreign national after it has been determined that a probable cause exists that the foreign national committed acts and/or omissions in violation of Philippine immigration laws, rules and regulations, or during the pendency of deportation case against such foreign national: *Provided*, That such custody shall not exceed three (3) months, unless there exists other legal grounds for continued custody;
- (j) "Consular Officer" refers to any consular, diplomatic, or other officer of the department of Foreign Affairs who has been duly granted a consular commission for the purpose of issuing visas under this Act;
- (k) "Derogatory Information" refers to details about persons and travel documents relating to immigration consisting of the following:
 - (1) "Blacklist Order" refers to an order issued by the Commissioner that prevents a foreign national from entering the territorial jurisdiction;
 - (2) "Hold Departure Order" refers to a directive from the commissioner preventing a foreign national from leaving the territorial jurisdiction of the Philippines in cases of grant of bail and recognizance pending implementation of Summary Deportation Order, or an order implementing a directive from the Regional Trial Courts, *Sandiganbayan*, and appellate courts to prevent a person from leaving the Philippines to any place outside thereof; and
 - (3) "Watchlist Order" refers to an order issued by the Commissioner under this Act that requires immigration personnel to monitor the travel of any person for a period of sixty (60) days, extendible for another sixty (60) days and to notify the concerned government agencies of the Philippines.
- (l) "Entry" refers to the arrival of a foreign national into any designated port of entry in the Philippines from a place outside thereof. A foreign national having a lawful permanent residence in the Philippines shall not be regarded as making an entry for the purpose of this Act if such foreign national proves that the departure to a place outside the Philippines was for a temporary or limited period, or the continued absence from the Philippines was occasioned by deportation proceedings, extradition, or other legal process;
- (m) "Exclusion" refers to the act of Immigration Officers denying admission of a foreign national into the country on grounds provided for in this Act;
- (n) "Foreign National" refers to any person not a citizen of the Philippines;
- (o) "Immigrant" refers to any foreign national departing from any place outside the Philippines destined for the Philippines, other than a non-immigrant;

- (p) "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;
- (q) "Immigration Officer" refers to any person appointed under Section 24 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;
- (r) "Interception" refers to the act of Immigration Officers denying departure clearance to any person leaving the country on grounds provided for in this Act;
- (s) "Non-immigrant" refers to any foreign national departing from any place outside the Philippines who is allowed entry and admission into the Philippines for a temporary or limited period of stay;
- (t) "Non-refoulement" refers to a principle of international law which prohibits the forced return of a refugee to the state or territory where one's life or liberty would be threatened;
- (u) "Passport" refers to a document issued by the Philippine government to its citizens pursuant to Republic Act No. 8239, otherwise known as *"The Philippine Passport Act of 1996"*;
- (v) "Person" refers to a natural or juridical person such as but not limited to partnerships, corporations, companies, and associations;
- (w) "Port of entry" refers to any port designated by the Commissioner through which a foreign national may enter or exit the Philippines;
- (x) "President" refers to the President of the Republic of the Philippines;
- (y) "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 nationality, and is unable or, owing to such fear, is unwilling to avail of the protection of that country; or who, not having a nationality and being outside the country of former habitual residence, is unable or, owing to such fear, is unwilling to return to it;
- (z) "Seaman," "Seafarer" or "Crewmember" refers to a person actually employed in the operation or service in any capacity on board a vessel;
- (aa) "Secretary" refers to the Secretary of the Department of Justice;
- (bb) "stateless Person" refers to a person who is not considered a national by any State under its laws;
- (cc) "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"*;
- (dd) "Vessel" refers to all means of conveyances, whether aircraft or sea craft; and
- (ee) "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 foreign nationals by the Commissioner or the Board under this Act;

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 all 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.

SECTION 5. *Composition and Qualification.* – The Commission shall be administered by the Board of Commissioners 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, holders of a college degree and with administrative supervisory experience of at least three (3) years: *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 have the same rank, salary, and privileges of Department Undersecretary.

SECTION 7. *Powers and Functions of the Commissioner.* – In addition to the duties as Chairperson of the Board of Commissioners, the Commissioner shall exercise the following powers and functions:

- (a) Supervise, direct and coordinate the overall operations of the Commission;
- (b) Exercise control and supervision over the officers and personnel of the Commission, including but not limited to appointments, promotions, reassignments and other personnel movements, subject to existing civil service laws, rules and regulations;
- (c) Issue, (1) letter orders after determination of the existence of probable cause for the purpose of deportation; (2) commitment or release orders; (3) warrant of deportation; (4) order to inspect the documents, premises and records of persons covered by this Act and (5) derogatory information orders as defined in Section 3(k) of this Act;
- (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 Deputy 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 as points of entry or exit, whether limited or unlimited;
- (h) Increase, reduce or waive immigration fees, fines, penalties and other charges;

- (i) Act on applications for retention or reacquisition of citizenship in accordance with Republic Act No. 9225 otherwise known as "*Citizenship Retention and Re-acquisition Act of 2003*", based on the recommendations of the concerned office of the Commission in consultation with the Department of Foreign Affairs";
- (j) Issue Certificate of Identification to foreign nationals who have obtained Filipino citizenship;
- (k) 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 assist immigration personnel in the performance of their duties and functions subject to the concurrence of the Board;
- (l) Authorize and prescribe the forms and the amount of cash bonds for the provisional release of respondents in deportation proceedings;
- (m) Impose reasonable fines and penalties for violations of immigration and alien registration laws in accordance with this Act and the guidelines adopted by the Commission;
- (n) Provide an express lane for the rendition of services upon payment of prescribed fees by persons served and to deposit in 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 auditing and accounting rules and regulations;
- (o) 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;
- (p) Submit to the President and Congress, annually or as may be directed, a report on the: (1) member and status of foreign nationals in the Philippines; (2) foreign nationals admitted or granted change of status as permanent residents; (3) foreign nationals who have been excluded or deported from the Philippine; (4) estimated number of illegal foreign nationals in the Philippines in each calendar year and actions taken to arrest them, by nationality grouping, for each region in the Philippines; and (5) such other transaction of the Commission;
- (q) Assign immigration employees to do overtime work or services pursuant to rules and regulations to be prescribed and at the rates fixed by the Commissioner when the work or service to be rendered is to be paid by shipping companies and airlines or other persons served: Provided that employee assignments will be done in random as to prevent familiarity;
- (r) Determine the manning levels of immigration officers of the Commission nationwide 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 120 of the Act, shall not be decreased;
- (s) Prepare and submit supplemental budget of the Commission for the consideration of the Department of Budget Management;
- (t) Prescribe such rules, regulations or other administrative issuances to carry out the provisions of this Act;
- (u) Prescribe the appropriate forms, bonds, reports, entries and other papers in accordance with this Act; and
- (v) 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 same rank, salary and privileges 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 may be assigned by the Commissioner to supervise relative to the operations of the different divisions of the Commission clustered as follows: (a) regulatory; (b) border control; (c) enforcement; and (d) management support.

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 applications and/or cases relative to:
 - (1) Deportation;
 - (2) Revocation of Immigration status;
 - (3) Recognition of Philippine citizenship by reason of birth or marriage;
 - (4) issuance and revocation of all visas;
 - (5) Declaration of indigency; and
 - (6) Legalization of residence in accordance with law;
- (b) Prescribe and promulgate rules of proceeding before it;
- (c) Cite and punish for contempt in relation to the discharge of its quasi-judicial functions in accordance with the Rules of Court;
- (d) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public;
- (e) Formulate policies, directives, programs and projects of the Commission; and
- (f) Perform such other powers and functions as provided by existing laws, rules and regulations not inconsistent with any of the provisions of this Act.

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 Secretary within fifteen (15) days from receipt thereof, whose decision shall be final and executory unless stayed by an order of the Court of Appeals.

SECTION 12. *Period for Decision by the Board.* – The Board of Commissioners shall decide deportation cases within thirty (30) calendar 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 Chairperson and two (2) members shall constitute a quorum.

CHAPTER 5 THE EXECUTIVE DIRECTOR

SECTION 14. *Appointment and Tenure.* – There shall be an Executive Director of the Commission who shall be appointed by the President upon the recommendation of the Commissioner and endorsement by the Secretary. The Executive Director must be a natural-born citizen of the Philippines, at least thirty (30) years of age, Career Executive Service (CES) eligible and a member of the Philippine Bar in good standing for at least five (5) years prior to the appointment.

SECTION 15. *Powers and Duties.* – The Executive Director shall:

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

CHAPTER 6 THE BOARD OF SPECIAL INQUIRY

SECTION 16. *Constitution of Boards of Special Inquiry.* – There shall be constituted as many Boards of Special Inquiry (BSI) 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 Overall Chairman of the BSI shall sit as the Chairperson of the First Board of the BSI. The BSI shall be designated according to their areas of specialization to be determined by the Board.

SECTION 17. *Appointment and Qualification of the Chairpersons and Members of the BSI.* – The Chairpersons and the members of the BSI 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.

SECTION 18. *Powers and Functions of the BSI.* – The BSI shall:

- (a) Recommend to the Board for final resolution cases and/or applications relative to:
 - (1) Deportation;
 - (2) Revocation of Immigration status;
 - (3) Recognition of Philippine citizenship by reason of birth or marriage;
 - (4) Legalization of residence in accordance with law; and
 - (5) Issuance of visa for stateless person;
- (b) Issue subpoena in cases being heard by the BSI;
- (c) Cite and punish for contempt in the exercise of their quasi-judicial functions and in accordance with the Rules of Court;
- (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) Administer oaths;

- (f) Promulgate rules and regulations governing matters within its assigned mandate subject to the approval of the Board; and
- (g) Perform such other duties and functions as may be directed by the Commissioner and the Board.

SECTION 19. *Proceedings Before the BSI.* – The proceedings before the BSI shall be public and recorded. In all cases, the BSI 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 BSI.

SECTION 20. *Resolution of the BSI.* – Cases before the BSI 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 21. *Divisions and other Operating Offices of the Commission.* – The Commission shall have the following divisions and other operating offices, namely:

- (1) Administration;
- (2) Finance;
- (3) Information and Communications Technology;
- (4) Planning and Research;
- (5) International Policies and Cooperation;
- (6) Social Integration;
- (7) Intelligence;
- (8) Law Enforcement;
- (9) Fraud Prevention;
- (10) Legal;
- (11) Immigration Regulation;
- (12) Registration;
- (13) Visa and Special Permit;
- (14) Complaint and Prosecution;
- (15) Internal Audit Office;
- (16) National Operations Center; and
- (17) Immigration Academy of the Philippines.

SECTION 22. *Heads of the Divisions and other Operating Offices.* – Each Division and other operating offices shall be headed by a Director to be appointed by the Secretary, upon recommendation of the Commissioner: *Provided, however,* That Directors for the Division 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 three (3) years. The Director for Finance Division shall be a Certified Public Accountant in good standing for at least three (3) years.

SECTION 23. *Duties and Functions of the Divisions and Other Operating Offices.* – The different divisions and other operating offices of the Commission shall have such number of officers and employees to carry out their respective duties and functions as may be defined by the Commissioner in the implementing rules and regulations.

SECTION 24. *Immigration Officers.* – No person shall be appointed to the position of Immigration Officer unless he or she is a holder of a bachelor's degree 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, foreign nationals 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 on any vessel believed to be used to illegally bring foreign nationals into the Philippines, and to take into custody without warrant any foreign nationals who in one's 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.

SECTION 25. *Deployment of Immigration Personnel Abroad.* – Within ninety (90) days from the effectivity of this Act, the Department of Foreign Affairs and the Commission shall promulgate the implementing rules and regulations on the assignment and development of immigration personnel to select consular posts abroad who shall, subject to the pertinent provisions of Republic Act NO. 7157 or the "*Philippine Foreign Service Act of 1991*", perform immigration duties, except diplomatic and consular functions.

CHAPTER 8 OTHER OFFICES

SECTION 26. *Field Offices of the Commission.* – The Commission shall operate and maintain a field office in each of the administrative regions including the National Capital Region.

The field offices of the Commission shall each be headed by at least an Immigration Officer II, all of whom shall be designated by the Commissioner.

SECTION 27. *Changes in the Composition, Distribution of Assignment of Field Offices.* – The Commissioner may make changes in the composition, distribution and assignment of field offices, as well as its personnel, based on the demographics of the foreign nationals and as the exigency of the service requires.

SECTION 28. *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.

TITLE III IMMIGRATION

CHAPTER 1 NON-IMMIGRANTS

SECTION 29. *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 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 a 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) and 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 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 of a country that has an investor treaty with the Philippines, and their family members, and coming to work in the Philippines for a business they own or one that is at least fifty percent (50%) owned by 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 Household Member (E Visas): Foreign government officials, their families and household members coming to the country for official purpose, pursuant to international conventions and bilateral agreements, shall be granted E Visas divided into four (4) types, namely:
 - (1) Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the following classes of foreign nationals:
 - i. Heads of State and/or Heads of Government and their personal representatives;
 - ii. Members of reigning royal families from countries recognized by the Philippine Government;
 - iii. Governors-General, Governors, and High Commissioners of dependent territories and their personal representatives;

- iv. Cabinet ministers and their deputies, and officials with cabinet rank of ministers;
 - v. Presiding officers of national legislative bodies;
 - vi. Justices or judges of the highest national judicial bodies;
 - vii. Diplomats and career consular officials on foreign assignment in the Philippines;
 - viii. Military, naval, air and other attaches assigned to a diplomatic mission; and
 - ix. Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;
- (2) Persons eligible for E-2 Visa: The E-2 visa shall be issued to an official of a foreign government recognized by the Philippines, is a national of the country whose government he represents, and is proceeding to the Philippines on a long-term basis in connection with official business for his/her government. This category include, *inter alia*, the following classes of foreign nationals:
- i. Administrative and technical members of the staff of a diplomatic or consular mission;
 - ii. Official participating in programs under the auspices of the Philippines Government or recognized international institutions; and
 - iii. Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;
- (3) Persons eligible for E-3 Visa: The E-3 visa shall be issued to an official of a foreign government recognized by the Philippines, is a national of the country whose government he represents, and is proceeding to the Philippines on a short-term basis in connection with official business for his/her government. This category includes, *inter alia*, the following classes of foreign nationals:
- i. Diplomatic couriers regularly and professionally employed as such;
 - ii. All members of official special missions of a diplomatic character;
 - iii. Members of delegations proceeding to or from an international conference of a diplomatic or official nature; and
 - iv. Such other officials going to the Philippines on diplomatic or official missions;
- (4) Persons eligible for E-4 Visa: The E-4 Visa shall be issued to the private employees and household members of persons to whom E-1 and E-2 visas have been granted, as well as their immediate dependents;
- All visas under Section 29(e) of this Act shall be exclusively issued and renewed by the Department of Foreign Affairs, which shall also determine the type of E-visa of foreign Government Officials not identified in the foregoing lists. The grant of immunities and privileges shall be subject to applicable domestic and international law and international agreements to which the Philippines is a party, as well as in consideration of the principle of reciprocity.
- (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 to admit such foreign students by the Commission on Higher Education in coordination with the Commission, including 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 of 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 determination 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): For purposes of this Act, 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.

Foreign officials and staff of accredited international organizations, including their dependent family members, staff, and household members shall be granted I-Visas divided into four (4) types, namely:

- (1) Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the principal officials of international organizations, as well as their accompanying wives and dependents.
- (2) Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other officials and staff of international organizations, as well as their accompanying wives and dependents.
- (3) Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials and staff of international organizations who will perform short-term official work with the international organization upon its invitation.
- (4) Persons eligible for I-4 Visa: The I-4 Visa shall be issued to the private employees and household members of persons to whom E-1 and E-2 visas have been granted, as well as their immediate dependents.

All visas under Section 29(i) of this Act shall be exclusively issued and renewed by the Department of Foreign Affairs, which shall also determine the type of I-Visa of officials and staff of International Organizations who are not identified in the foregoing lists. The grant of immunities and privileges shall be subject to applicable domestic and international law, relevant Headquarters Agreements, and international agreements to which the Philippines is a party.

- (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 training in a specific Exchange Visitor Program duly approved by the Philippine Government;
- (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined in Section 3 (z) 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 may prescribe, shall be issued L-2 Visa;

- (m) Bridging Visa (M Visa): A temporary visa which allows a foreign national to stay in the Philippines after his/her current visa, other than temporary visitor visa under Section 29(a), expires and while his/her application for adjustment of status is being proceed.
- (n) Special Non-Immigrants (N 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 of the President in the interest of the public or of humanitarian considerations and under such conditions as he may prescribe.

CHAPTER 2 IMMIGRANTS

SECTION 30. *Quota Immigrants.* - Subject to conditions set forth in this Act, there may be admitted into Philippines, immigrants, otherwise known as "*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 31. *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, third, and fourth preferences in accordance with Section 30 of this Act. Any unused quota allotment for a calendar year cannot be carried over and utilized for the ensuing calendar year.

SECTION 32. *Basis in Determination of Quota Allotment.* - The nationality of an immigrant whose admission is subject to the numerical limitation imposed by Section 30 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/her as a national or citizen if he/she 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/her nationality shall be that of the country in which he/she files his/her application for a visa to enter the Philippines.

SECTION 33. *Non-Quota Immigrants.* - The following immigrants, known as "*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/her Filipino spouse 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 an immigrant visa to 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;
- (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; and
- (g) Spouse, parent, children, legitimate siblings of a foreign national who is gainfully employed and holder of a permanent resident status for a period of seven (7) years.

CHAPTER 3 NATIVE-BORN FOREIGN NATIONAL

SECTION 34. *Status of Children Born to Immigrants.* - 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.

SECTION 35. *Status of Children Born to Non-Immigrants.* - A child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant to 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 Philippines, in which case he/she may apply for naturalization under existing laws or for an appropriate visa.

CHAPTER 4 ADJUSTMENT OF STATUS

SECTION 36. *Conditions for Adjustment of Status of Foreign Nationals.* - The status of a foreign national admitted into 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 37. *Effect of Approval on 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 30 of this Act.

SECTION 38. *Adjustment of Status, When Not Allowed.* – Adjustment of Status under Section 36 of this Act shall not be applicable to a foreign national: (a) who has violated or is in violation of immigration laws, rules and regulations unless the violation is without the fault of the foreign national or for purely technical reasons; and (b) transients.

SECTION 39. *Loss of Status.* – A registered foreign national, except a temporary visitor, who fails to return to the Philippines within a period of one (1) year from departure shall lose his status. Otherwise, such foreign national shall apply for an extension of the period within which to return prior to its expiration and pay the prescribed fees and charges therefor in order to maintain one's visa category.

CHAPTER 5

DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

SECTION 40. *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 or other travel documents showing their nationality and identity as prescribed by regulations, a valid visa granted by the Philippine Consular Officer, if required, and such other relevant documents as may be required under existing laws, rules, regulations, or multilateral or bilateral agreements.

SECTION 41. *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 29(a) of this Act shall not exceed fifty-nine (59) calendar days from the date of arrival, subject to the bilateral, regional and multilateral visa agreements entered into by the Philippines; *Provided*, that the conditions for extensions and total period of authorized stay shall be prescribed by the Commissioner: *Provided further*, That during the foreign national's authorized stay: (a) he/she shall not take any employment, whether paid or unpaid; (b) he/she shall not establish or join in any business; or (c) he/she 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 42. *Conditions of Issuance of Pre-arranged Employment Visas.* – A foreign national who is coming to the Philippines for prearranged employment shall not be issued a non-immigrant visa referred to in Section 29(g) until the Consular Officer shall have received authorization for the issuance of the same. Such authorization shall be given only upon the filing of 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 the admission would be beneficial to the latter's 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 for other regulations, it shall grant the petition and shall promptly transmit the authorization to the Department of Foreign Affairs.

SECTION 43. *Submission of Crew List and Passenger Manifest to the Commission.* – Simultaneous to the vessel's departure from the port of origin, the master, captain, agent, owner or consignee of any commercial vessel arriving to the Philippines shall submit to 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 a 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 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 list of an incoming sea craft shall contain the appropriate visa granted by the Consular Officer.

SECTION 44. *Inspection of crewmembers.* – It shall be the duty of the master, captain, 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 crewmember when required by the immigration authorities. No crewmember on board such vessel shall be discharged while the vessel is in port without the permission of the Commissioner.

SECTION 45. *Permission for Temporary Landing of a Foreign Crewmember.* – A foreign crewmember on a vessel arriving in the Philippines may be permitted to land temporarily under such conditions as may 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 6 DOCUMENTATION AND ADMISSION OF IMMIGRANTS

SECTION 46. *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 immigrant visas indicating the date issue and the period of validity thereof. Immigrant visas 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 re-entry permit, if the child is accompanied by either parent within five (5) years from the date of the child's birth; and
- (c) A foreign national who is returning to an unrelinquished lawful permanent residence in the Philippines after a temporary residence abroad and presents for admission a valid re-entry permit.

CHAPTER 7 VISA ISSUANCE

SECTION 47. *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 entry, he/she is found to be inadmissible under this Act or any other law.

SECTION 48. *Visa Policy.* – The policies governing the issuance, extension, renewal and conversion of visas referred to in Sections 29 and 33 hereof shall be jointly formulated by the Commission and the Department of Foreign Affairs and, when appropriate, in consultation with concerned government agencies and offices.

SECTION 49. *Visa Issuance Abroad.* – All visas issued abroad shall be done by Consular Officers assigned at Philippine Foreign Service posts in the following manner:

- (a) Upon approval by the Commissioner and recommendation of a Consular Officer, a quota 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 foreign national is classified, the date on which the validity of the visa shall expire, and such additional information as may be required; and
- (b) The Department of Foreign Affairs, through its Consular Office abroad and/or the Office of the Visa Director, shall approve the issuance of non-quota immigrant and non-immigrant visas to a foreign national who has made a proper application therefor.

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 50. *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.

SECTION 51. *Visa Validity Period.* – A single-entry non-immigrant or immigrant visa issued by a Consular Officer abroad pursuant to Section 49 of this Act shall be valid for a period not exceeding three (3) months: *Provided:* That in prescribing the validity period of a single-entry non-immigrant visa, the Consular Officer may, insofar as practicable, allow a longer validity period based on reciprocity as accorded by the foreign country 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 foreign national 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 52. *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 eligible for a visa under this Act; or (b) if he/she fails to comply with the requirements of the provisions of this Act.

SECTION 53. *Revocation of Visa Issued by Consular Officer.* – The Commissioner may, for valid cause and upon confirmation by the Department of Foreign

Affairs, revoke the visa issued by any Consular Officer. 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 54. *Re-entry.* – Every time a registered foreign national, except a temporary visitor, departs or is about to depart temporarily from the Philippines with the intention to return within one (1) year from departure, the foreign national must secure from the Commission a re-entry permit or if his/her authorized stay is less than one (1) year, a Special Return Certificate and pay the corresponding fees and charges therefor.

SECTION 55. *Emigration Clearance.* – A registered foreign national who departs permanently from the Philippines shall surrender all Philippine immigration documents to the Commission and apply for and be issued an Emigration Clearance Certificate, subject to the following conditions:

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

A temporary visitor departing from the Philippines shall, after the expiration of initial authorized stay, apply for emigration clearance with the Commission and pay the prescribed fees and charges therefor.

CHAPTER 9

PRESIDENTIAL PREROGATIVES

SECTION 56. *Presidential Prerogatives.* – Any provision of this Act to the contrary 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/she 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 considerations 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 to 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 57. *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 foreign nationals may be admitted into the Philippines. Only such classes of foreign nationals 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 58. *Inspection by Immigration Officer.* – A foreign national seeking admission or readmission shall present ones valid passport and visa, if required to the immigration officer at the port of entry 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 foreign national 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 59. *Detention or Quarantine for Examination.* – For the purpose of determining whether a foreign national arriving at any port in the Philippines belongs to any of the classes excludable under this Act reason of being afflicted with any of the contagious or communicable disease or mental disorder set forth under Section 70(a) of this Act or whenever the Commissioner has received information showing that foreigners are coming from a country or 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 60. *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 70(a) herein shall be referred to designated medical officers for physical and mental examination. Such medical officer shall certify his/her findings for the information of the Immigration Officer.

SECTION 61. *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 formalities.

SECTION 62. *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 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 63. *Conditional Permit to Disembark.* - A foreign crewmember of a vessel under Section 29(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/she arrived while such vessel remains in port under such terms and conditions as may be prescribed by the Commissioner.

SECTION 64. *Confiscation and Cancellation of Permit; Deportation from the Philippines.* - Upon the determination that the foreign national is not a *bona fide* crewmember or does not intend to depart on the vessel that brought him, the Commissioner shall cancel and confiscate the conditional permit already issued, take such foreign national 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 removal of the foreign national, 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 65. *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 shall be solidarity liable with the owner, operator, captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed in Section 115 of this Act.

SECTION 66. *Liability for Unauthorized Discharge of Foreign Crewmember.* - It shall be unlawful for any person, including the owner, operator, captain, master, pilot, agent or consignee of any vessel to discharge any foreign crewmember employed by 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 fines 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 67. *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 foreign nationals and any information that shall result in their apprehension.

SECTION 68. *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 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;
- (c) The name 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 69. *Liability for Failure to Submit Complete, True and Correct Report.* – The owner, operator, captain, master, pilot, agent, or consignee who fails to submit a true and complete list or report of foreign nationals or to report cases of desertion or illegal landing 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 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.

CHAPTER 4 EXCLUSIONS

SECTION 70. *Exclusion Grounds.* – The following classes of foreign national 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, unless expected under existing laws, rules and regulations;
 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 a permit from 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 advocate the practice of polygamy unless the person's 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 Commission;
- (d) Criminal and Security Grounds
1. Those who have been convicted of a crime involving moral turpitude or who admit to the limitation 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 a controlled, regulated or prohibited substance, or who admit having attempted or conspired to commit the crime;
 3. Those that the Philippine Government knows or has reason to believe is a trafficker of any controlled, regulated or prohibited substance or knows or has reason to believe is or has been an accomplice, accessory, abettor, or co-conspirator in the illicit trafficking of 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 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 are under fifteen (15) years of age and unaccompanied by or not coming to a parent, except that they may be admitted in the discretion of the Commissioner, if otherwise admissible: *Provided*, that they present a written consent to travel from either parent citing the purpose thereof and affirmed by a Consular Officer; 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 71. *Temporary Custody of Excludable Foreign Nationals.* – For the purpose of ascertaining whether a foreign national arriving in the Philippines belongs to any of the excludable classes of foreign national provided for in this Act or related laws, the Immigration Officer, for a period not exceeding seventy-two (72) hours, may temporarily take into custody for investigation such foreign national 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 72. *Finality of Exclusion Order.* – An order by the Immigration Officer to exclude a foreign national who is excludable under Section 70 hereof is final and

executory unless revoked by the Commissioner upon a timely appeal prior to the implementation of the exclusion order.

SECTION 73. *Authority to Waive Grounds for Exclusion.* – Except for grounds of exclusion under Section 70(d), subparagraphs 1 to 7 and 9, the Commissioner may waive any of the grounds for exclusion mentioned therein.

SECTION 74. *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 incidental thereto shall be borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel on which he/she arrived.

SECTION 75. *Country Where Removed is to be Directed.* – If the government of the country designated in the preceding section will not accept the foreign national into its territory, the removal of the foreign national shall be directed by the Commissioner's discretion and without necessarily giving preference, either to:

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

SECTION 76. *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 foreign national excluded and removed under Section 70 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 an Immigration Officer;
- (c) Deliver a foreign national for medical or other examinations when so ordered by such officer;
- (d) Remove a foreign national from the Philippines to the country to which the individual's removal 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 74 of this Act or other costs necessary or incidental to his removal as provided in this Act.

SECTION 77. *Penalty for Non-compliance of Obligation.* – The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violated Section 76 hereof shall pay the fines 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 clearance may be granted prior to such determination upon deposit of sum or cash bond sufficient to cover such fines as approved by the Commissioner.

TITLE V DEPORTATION

CHAPTER 1 DEPORTABLE FOREIGN NATIONALS

SECTION 78. *Classes of Deportable Foreign Nationals.* – The following foreign nationals shall be taken into custody 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 abet or aid in the practice of prostitution, including the owner or manager of a prostitution den, or are pedophiles;
- (d) Those who, at any time after 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 those 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 are advice, 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 extend assistance, financial or otherwise, in the dissemination of such doctrines;
- (g) Those who, at any time after entry, engage in, abet, aid or finance any terrorist activity;
- (h) Those who, at any time after entry, are charged of a crime involving acts or omissions punishable under Philippine penal laws cognizable by the Regional Trial Courts and the *Sandiganbayan*;
- (i) Those who, at any time after entry, are convicted by final judgement of a crime involving moral turpitude which is punishable under Philippine penal laws and cognizable by the first level courts;
- (j) 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;
- (k) Those who violated Philippine labor and taxation laws, rules and regulations;
- (l) Those who 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;
- (m) 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, attempt to use, provide, 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 of the Commission;

- (n) Those whose presence or activities in the country may result in adverse consequences to Philippine foreign policies as determined by the Secretary of Foreign Affairs;
- (o) Those who misrepresented themselves as Filipino citizens in all immigration matter; and
- (p) 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 foreign national who, for any reason, is convicted and sentenced to suffer both imprisonment and deportation, said foreign national shall first serve the entire period of the sentence before being deported.

SECTION 79. *Non-Prescription of Deportation Cases.* – The right of the state to initiate at any time deportation proceedings shall not prescribe.

SECTION 80. *Nature of Deportation Proceedings.* – Deportation proceedings shall be independent of any action that may be instituted against a foreign national: *Provided,* That no deportation orders shall be issued against foreign nationals facing preliminary investigation, prosecution and trial before competent authorities.

CHAPTER 2 DEPORTATION OF FOREIGN NATIONALS

SECTION 81. *Formal Charge of Deportation.* – A formal charge for deportation shall be issued upon determination of the existence of a *Prima facie* case against the foreign national.

SECTION 82. *Bail.* – Pending final determination of the foreign national's deportation case, the foreign national 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 foreign national is evading the proceedings or is attempting to abscond, in which case he/she shall be taken into custody and placed under detention by order of the Commissioner.

SECTION 83. *Custody of a Foreign National Convicted of a Felony or an Offense.* – After service of the sentence or compliance with the conditions of parole or probation, as the case may be, the foreign national shall be taken into custody for immediate deportation by order of the Board.

SECTION 84. *Voluntary Deportation, When Authorized.* – In case the foreign national does not contest the formal charge against and opts to voluntarily leave the country at the own expense of the foreign national, the Commissioner may waive the deportation proceedings and order the departure within the period specified in the voluntary deportation order: *Provided,* That the foreign national has not committed any criminal offense or has no pending criminal investigation: *Provided, further,* That the said foreign national so deported shall be barred from re-entering the country without prior written authorization from the Commissioner.

SECTION 85. *Period to Enforce Order of Deportation.* – The order of deportation shall be enforced immediately but in no case shall exceed three (3) months from the date it has become final and executory. If deportation is not enforced within the prescribed period, the foreign national may be released on bail or recognizance.

SECTION 86. *Suspension of Deportation Order.* – The Commissioner may suspend the implementation of the deportation order and order the release of the foreign national on bail or recognizance, 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 or statelessness status; or
- (f) Other humanitarian considerations.

SECTION 87. *Reinstatement of a Deportation Order.* – A deportation order previously implemented against a foreign national who unlawfully re-entered the Philippines shall be deemed automatically reinstated and shall be implemented in accordance with this Act. This provision shall also apply to a foreign national who departed voluntarily under Section 84 hereof.

SECTION 88. *Country of Destination of a Deportee.* – Except as provided for under existing treaty or international agreement, a foreign national shall be deported to the country of which the person is a citizen or national, or to the country of birth of the individual, or to the country of which the individual is a resident, or to the country from which the individual embarked for the Philippines, subject to the acceptance by the receiving country.

SECTION 89. *Cost of Deportation.* – The cost of deportation shall be borne by the owner, operator, captain, master, pilot, agent or consignee of a vessel in case its foreign crewmember is to be deported for violation of Section 90 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 organizations with which the Commission has an agreement on this matter, or from the appropriations for the enforcement of this Act.

SECTION 90. *Liability of Owner, Operator, Captain, Master, Pilot, Agent or Consignee of a Vessel.* – Failure or refusal on the part of the owner, operator, captain, master, pilot, agent or consignee of a vessel to take on board, guard safety and transport the deportee to the foreign national's country of destination, or to shoulder the cost of deportation of the foreign crew member as provided in Section 89 hereof, shall be punished by an administrative penalty prescribed under this Act.

SECTION 91. *Expenses of Accompanying Person.* – The Commissioner may, for security reason or 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 the person's destination, subject to the provisions of the immediately preceding sections.

CHAPTER 3 INDIGENT FOREIGN NATIONAL

SECTION 92. *Removal of Indigent Foreign National.* – At any time after entry, the Commissioner may remove indigent foreign nationals 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 deportation may be charged against the available funds of the

Commission. Any foreign national removed under this section shall be barred re-admission except upon written authorization of the Board of Commissioners.

This provision shall not apply to a foreign national declared as an indigent by any Philippine court for purposes of filing a case or to pursue a cause of action which resulted in the individual's 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 93. *Requirement of Registration.* – All foreign nationals shall register with the Commission or any Immigration Office nearest to the place of residence on or before the sixtieth (60th) day of hi/her latest arrival in the Philippines.

SECTION 94. *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 95. *Amendment of Registration.* – All registered foreign national shall notify the Commission in writing of any change of information in the person's registration documents not later than seven (7) days thereof.

SECTION 96. *Presentation of Certificate of Registration.* – Every foreign national required to register under this Act or the parent or guardian of such foreign national shall, upon demand of any personnel authorized by the Commissioner, present a certificate of registration of the individual, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

SECTION 97. *Reportorial Requirements.* – Every foreign national registers under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Commission. The Commissioner may exempt personal appearance of foreign nationals registered under this Act subject to certain requirements and conditions as may be prescribed in the rules and regulations for the purpose.

SECTION 98. *Failure to Comply with Requirements.* – A foreign national, or the parent or guardian of the foreign national, 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 the individual to be false, or who utilizes registration documents other than that of the individual, shall be dealt with in accordance with the provisions of this Act and other existing laws.

SECTION 99. *Cancellation of Registration of Foreign National.* – In case of death of a foreign national registered under the provisions of this Act, the legal heir, representative or administrator of the foreign national must inform the Commission within sixty (60) days from death and the Commission shall cancel such registration. The Local Civil Registrar or other civil registry officer of the locality where said foreign national died 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 existing laws.

CHAPTER 2 BONDS AND DEPOSITS

SECTION 100. *Bonds, When Required.* – The Commission shall have the authority to require cash bonds 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 foreign nationals 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 foreign nationals released from custody during the course of deportation proceedings instituted against them.

SECTION 101. *Requirement of Cash Deposit for Overtime Services.* – The Commission shall likewise have the authority to require cash deposit in such amounts as may be necessary from vessel's owner, operator, captain, master, pilot, agent, or consignee or other persons served to cover payments for overtime services to be performed by officers and employees of the Commission.

SECTION 102. *Cancellation and Forfeiture of Bonds.* – when the conditions of the bond are fulfilled, or in case of a bond posted to insure against a foreign national becoming a public charge, when the Commissioner decides that the likelihood no longer exists, or death of the foreign national in whose behalf the bond is posted, the bond shall be cancelled and released to the depositor or the legal representative of the foreign national. 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 passage tickets for removal of indigent foreign nationals and to cover the costs of operations in locating deportees who jump bail.

CHAPTER 3 RECOGNIZANCE

SECTION 103. *Petitions for recognizance, Sanction for Breach of Conditions.* – The Commissioner may order the release of a foreign national upon recognizance of the individual's 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 pesos (P50,000.00) 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 104. *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 105. *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 106. *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 107. *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.

CHAPTER 6 ADMINISTRATIVE FINES AGAINST VESSELS

SECTION 108. *Fine 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 109. *Fine for Violation of Obligation on the Landing or Removal of Foreign Nationals.* – A pilot, master, agent, owner or consignee of any vessel arriving at a port of the Philippines from a place outside thereof for having a foreign national on board 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 (P200,000.00) for each act of violation consisting of:

- (a) Failure to prevent the landing of such foreign national in the Philippines at any time or place other than as designated by the immigration officer;
- (b) Refusal or failure to pay the cost of maintenance and other costs, as required by Section 71 of this Act, of such foreign national when temporarily removed from the vessels for examination by order of the immigration officer;
- (c) Refusal to receive such foreign national on board for removal from the Philippines if the foreign national is excluded, or to pay the cost of removal, if by another vessel as required under Section 76 of this Act;
- (d) Making any charge against such foreign national for the cost referred to in (b) above, or for the cost of the removal of the foreign national from the Philippines if the latter is excluded, or taking any security from the foreign national for the payment of such costs.

SECTION 110. *Fine for Bringing Undocumented Foreign National, or Foreign National 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 foreign national shall be fined One hundred thousand pesos (P100,000.00) for each foreign national. If the foreign national 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 (P300,000.00) for each foreign national.

SECTION 111. *Fine for Bringing a Foreign National to Assist His Illegal Entry or Misrepresenting a Foreign National 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 foreign national bound for the Philippines to assist the illegal entry of the foreign national, or misrepresenting the foreign national 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 (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each foreign national.

SECTION 112. *Fine for Violation of other Provisions of this Act.* – The pilot, master, owner or consignee of any vessel arriving at any of the Philippines from a place outside thereof who violated 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 (P200,000.00) for each violation.

CHAPTER 7 OTHER PENAL PROVISIONS

SECTION 113. *Other Prohibited Acts and Penalties Thereof.* – Any person who shall commit any of the 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 less than One hundred thousand pesos (P100,000.00) but not more than Five thousand pesos (P500,000.00) 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) Issue 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 from 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) Misrepresents 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 Immigration 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 of the

employee by the employer 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 foreign national 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 offence punishable under this Act or other related laws shall result in the automatic revocation or cancellation of any immigration document issued to the offender, including that of the foreign national's spouse and unmarried children, if applicable.

SECTION 114. *Penalty for Non-compliance of 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 115. *Penalty for an Overstaying Crewmember.* – Any foreign crewmember who willfully remains in the Philippines beyond the period allowed 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 (P100,000.00), or both, at the discretion of the court.

SECTION 116. *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 UPGRADING OF COMPENSATION AND BENEFITS

SECTION 117. *Creation and Upgrading of Compensation.* – The Basic monthly compensation of the following officials and employees of the Commission shall be as follows:

Position	Salary Grade	
	From	To
Commissioner III	30	30
Deputy Commissioner III	29	29
Executive Director	-	28
Attorney V	25	28
Deputy Executive Director I	25	27
Chief Administrative Officer	24	27
Chief Immigration Officer	24	27
Intelligence Office V	24	27
Information Technology Officer III	24	27
Attorney IV	23	27
Attorney III	21	26

Attorney II	18	25
Intelligence Office IV	22	25
Supervising Immigration Officer	22	25
Supervising Administrative Officer	22	25
Accountant III	19	25
Attorney I	16	24
Senior Immigration Officer	19	23
Administrative Officer V	18	23
Border Control Officer	-	22
Intelligence Officer III	18	21
Immigration Officer III	16	21
Intelligence Officer II	15	19
Immigration Officer II	13	19
Immigration Officer I	11	17
Intelligence Officer I	11	17

On the recommendation on the Commissioner, the Board shall have the authority to recognize, 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.

CHAPTER 9 TRANSITORY PROVISIONS

SECTION 118. *Interim Period.* – The incumbent Commissioner and two Deputy Commissioners, if qualified under this Act, shall continue to discharge the functions of their position unless otherwise removed by the President. All personnel of the Bureau of Immigration shall continue to discharge the functions of their position.

SECTION 119. *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 in accordance with Section 118 taking into account the Salary standardization Law and other applicable laws under the National Compensation and Classification Plan.

SECTION 120. *Reorganization of the Commission.* – Upon approval of this Act, all employees of the 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 121. *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 122. *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 123. *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 known applicable.

CHAPTER 10 ADMINISTRATION AND IMPLEMENTATION

SECTION 124. *Administration and Implementation Abroad.* – The administration and implementation of this Act abroad, including the rules and regulations as well as specific visa policies or guidelines, shall be the responsibility of the Department of Foreign Affairs, with due notice to the Commission and other concerned agencies and/or offices.

SECTION 125. *Implementing Rules and Regulations.* – The Commission, upon consultation with the Department of Foreign Affairs and other concerned agencies or offices and subject to the approval of the Secretary, shall promulgate the rules and regulations for the implementation of this Act within sixty (60) days from its effectivity.

CHAPTER 11 FINAL PROVISIONS

SECTION 126. *Separability Clause.* – If any of the provisions of this Act is held invalid or unconstitutional the other provisions not affected thereby shall continue to be in force and effect.

SECTION 127. *Repealing Clause.* – (a) Commonwealth Act No. 613, otherwise known as the "*Philippine Immigration Act of 1940*", as amended, and Republic Act No. 750, are 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 128. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette and in two (2) newspapers of general circulation.

Approved,