

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6653**



Introduced by Representative ARTHUR C. YAP

EXPLANATORY NOTE

Bearing the virtues and upholding the basic principles of all human beings everywhere, the Philippines recognizes the fundamental, inalienable rights and freedoms granted by the Universal Declaration of Human Rights of 1948 (UDHR). As Article 6 of the UDHR states: "Everyone has the right to recognition everywhere as a person before the law." Pursuant to this, in 1965 and 1985, the International Convention on the Elimination of All Forms of Racial Discrimination and the Declaration of Non-Nationals respectively condemned racial discrimination and unequal treatment before the law, and established the foundations recognizing non-citizens, individuals who are not a national of the State in which they are present but are ensured that their fundamental human rights are respected and guaranteed.

Considering that as an independent state guided by the principles of its sovereignty, the Philippines has the power to regulate the movement of foreign nationals within its jurisdiction. It is in the interests of the state to use its available instrumentalities in order to harmonize effective legislation beneficial to concurrent national policy and impartially-rendered justice. The Bureau of Immigration was created to execute necessary regulatory measures and advancement in the administration of welfare for both our local constituents and foreign nationals.

Whereas the Philippine Government carries out its duty to regulate entry into the country through stricter administrative control on aliens with unlawful residence status, nevertheless an alternative is attainable in which to balance both interests of the State to uphold its responsibilities, and the rights to due process for aliens – through a General Amnesty Program for aliens with unlawful residence status in the spirit of social integration. In 1988 through Executive Order 324, passport requirements have been temporarily waived for the purposes of being protected while surrendering one's self to the rightful process of official immigration. Following the said Executive Order, Republic Act No. 7919 was legislated providing the Government a template to construct an Alien Social Integration Program for aliens with illegal residence status to gain legal residence upon meeting certain conditions such as mandatory fees, certified documentation, medical certificates, and official registration. Republic Act No. 8247 was legislated to extend R.A. 7919's Application Period so as to meet the clamor and demand for the amnesty program.

Based on publications, the Bureau of Immigration in November 2016 estimated at least 500,000 aliens who do not have the proper documentation or are overstaying. The estimate provides for 100,000 families with an average of 5 members, per family nationwide. If the law according to provisions therein will be followed, heads of families will be paying P250,000.00 per person in lieu of penalties incurred as unlawful residents in the country. Supposing that only half of such population avails of the amnesty, the Bureau stands to generate at least a potential P12,500,000,000.00 from collected fees. This figure excludes the revenue that may be generated from fees of the head of the family's spouse and children. Moreover, their registration and inclusion to the system ultimately leads to being effective taxpayers and official contributors to the country's economy.

This bill seeks to provide a practical, simple and humanitarian mechanism to integrate these aliens and their families, long off the grid and make them productive residents of the Philippines. Their contributions can be an additional source of revenue to support government projects that are keys to national development. It is also an opportunity to address the Bureau of Immigration's concern of a growing population of aliens with unlawful residence status.

It is however unfortunate that prior to the filing of this measure, troublesome and unlawful events have been linked to aliens within our borders (whether legal or illegal residents) as the source of these concerns. These includes at one time or another, organized crimes involving illegal recruitment, human and drug trafficking, terrorism, smuggling and all of which heavily affected the general impression of both Filipinos and already-residing immigrants alike - bringing about the urgent need for a broader and largely encompassing policy on surveilling immigrants and other unregistered aliens. The bill does not seek to make public security vulnerable by allowing unlawful aliens to be integrated into the system, rather it seeks the opposite in which to ascertain the alien's legally-abiding status and provide a mechanism to bring them under the regulation of the government.

Nevertheless, this is a chance to capacitate further our Bureau of Immigration in addressing a key concern of its mandate and to rectify government policies on aliens with unlawful residency and give the necessary remedies to legalize their stay here in the Philippines.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



HON. ARTHUR C. YAP
Representative

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**AN ACT GRANTING LEGAL RESIDENCY STATUS TO CERTAIN ALIENS IN
THE PHILIPPINES UNDER CERTAIN CONDITIONS**

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

SECTION 1. Short Title - This Act shall be known as the "**Alien Social Integration Act of 201_**".

SEC. 2. Declaration of Policy - The state shall control and regulate the admission and integration of aliens into its territory and body politic. Towards this end, aliens with unlawful residence shall be integrated into the mainstream of Philippine society.

SEC. 3. Coverage - Upon effectivity of this Act, all aliens whose stay in the Philippines is otherwise illegal under existing laws, and who have entered the country prior to June 30, 2016, excluding those who already availed in good faith the benefits of Executive Order No. 324 and Republic Act 7919, as amended whose application has been duly approved, are hereby granted legal residence status upon compliance with the provisions of this Act, and shall not be prosecuted for crimes defined under Commonwealth Act No. 613, otherwise known as the Immigration Act of 1940, which are inherent to illegal residence such as the absence of valid travel documents or visa: *Provided*, that in no case shall alien refugees in the Philippines be qualified to apply under this Act.

The bar to prosecution shall apply only to such crimes or felonies committed due to acts necessary or essential to maintain a false, fraudulent or illegal residence, such as falsification of marriage, birth or baptismal certificates or travel documents such as visas or alien certificates of registration.

SEC. 4. Integration Requirements and Fees - The social integration of aliens established under Section 3 shall be effective and its benefits enjoyed by illegal residents upon completion of all the following acts:

4.1. Filing of registration forms with the following agencies:

- (1) the civil register of his place of residence;
- (2) the Bureau of Internal Revenue (BIR);
- (3) the Bureau of Immigration (BI);
- (4) the National Bureau of Investigation (NBI); and
- (5) the commercial or universal bank to which the alien pays the integration fee as hereinafter provided.

In lieu of the foregoing, the filing of registration forms may be done in Five (5) sets with a commercial or universal bank certified by the BIR as authorized collectors for income tax.

4.2. The registration form shall contain:

- (1) the applicant's full name and aliases by which he may be known;

- (2) proof of his identity, good moral character and financial capacity through affidavits from two (2) Filipino citizens of good reputation in his/her place of residence;
- (3) history of stay in the Philippines;
- (4) residential address for the immediate past five (5) years;
- (5) four (4) passports size pictures; and
- (6) a complete fingerprint card for each of the agencies mentioned in 4.1, including his/her most recent dental records which shall be submitted to the NBI.

4.3. Payment of the integration fees to any duly licensed commercial or universal bank accredited by the BIR as authorized to receive income tax payments in the following amounts:

- 4.3.1 A onetime payment of Two Hundred Fifty Thousand Pesos (P250,000.00) for the principal applicant upon filing of the registration forms with the bank: *Provided*, that the BIR may promulgate rules and regulations for other modes of payment through instalment scheme.
- 4.3.2. A single payment of One hundred Thousand Pesos (P100,000.00) for spouse and Fifty Thousand Pesos (P50,000.00) for each legitimate child below eighteen (18) years of age.
- 4.3.3. Children born after 30 June 2016 of parents who received the benefits of this Act shall, upon proper registration with the BI become legal residents.
- 4.3.4. The integration fees paid by an alien shall be in lieu of all immigration fees and fines said alien may have incurred during his unlawful residence in the country.

4.4. Submission of a medical certificate stating that the applicant is not a user of prohibited drugs or otherwise a drug addict and that he/she is not afflicted with Acquired Immune Deficiency Syndrome (AIDS).

4.5. Submission of a medical certificate stating that the applicant is mentally and psychologically healthy.

SEC. 5. *Official Receipt* - The commercial or universal bank shall issue an official receipt acknowledging receipt of the integration fee, upon payment by the applicant of a processing fee of Five Thousand Pesos (P5,000.00). In the event the registration was affected under paragraph 2 of subsection 4.1, the bank shall furnish copies of the registration document to the following agencies:

- (1) the civil register of the applicant's place of residence;
- (2) the BIR; and
- (3) the NBI

Thereafter, the bank shall issue a certification to this effect in favor of the applicant.

SEC. 6. *Duties of the Bureau of Immigration* - Upon presentation by the applicant of the official receipt from the bank, together with a certification from the bank or agency concerned, as the case may be that the civil registrar, the BIR and the NBI received copies of the registration forms defined in Subsection 4.2 hereof, the BI shall immediately issue an alien certificate of registration (ACR) to the applicant. The legal residence granted under this Act shall commence from the date the BI issues ACR.

The BI shall publish, at the applicant's expense, the names, ages, addresses and a photograph of each applicant in a national newspaper of general circulation at the end of each calendar month during the effectivity of the application period, as herein after provide in Section 8. The BI shall likewise post the abovementioned details on its website for at least two (2) weeks. The banks

authorized under this Act to collect the fees herein required shall collect a publication fee of Ten Thousand Pesos (P10,000.00) from the applicant.

SEC. 7. Ministerial Duty of the Civil Registrar, the BIR and the NBI - The Civil Registrar, the BIR and the NBI shall have the ministerial duty to accept the registration forms required under Section 4. Each of these agencies may charge no more than Five Hundred Pesos (P500.00) for the filing of the registration forms. Upon payment of the filing fee, the agency concerned shall issue a certification that the alien has filed with said office by himself/herself or through the bank, all the forms under Section 4.

SEC. 8. Application Period - The benefits extended by Section 3 can be availed of within two (2) years from the effectivity of this Act.

SEC. 9. Administrative Confirmation - The procedure herein provided may be availed of by any alien who may want a confirmation of his stay in the Philippines.

SEC. 10. Eligibility for Citizenship - aliens granted legal residence under this Act shall be eligible to apply for naturalization after five (5) years from the approval of his/her application.

SEC. 11. Compliance Report and Oversight Functions - The BI shall submit to the chair of the Committee on Justice of each chamber of Congress, copy furnished the Senate President and the Speaker of the House of Representatives, a written report on the developments in the implementation of this Act every six (6) months from the effectivity of this Act for purposes of oversight functions.

SEC. 12. Revocation of Resident Status - Deceit or misrepresentation on the part of any applicant to enable them to obtain legal status under this Act shall be a ground for cancellation or revocation of their resident status. the BI shall promulgate rules and regulations to determine the authenticity of the documents submitted by the applicants. The BI may revoke applicants or legalized aliens on the basis of substantial evidence.

SEC. 13. Perjury - All applications shall be under oath or affirmation, which oath or affirmation shall be required for their registration. Applicants who violate their oath or affirmation by knowingly making untruthful statements on any material matter in their application shall be liable for perjury under Revised Penal Code. In addition to the penalty imposed on perjury, the subsequent convictions of the applicant shall revoke the legal residence granted him/her and shall subject the applicant to deportation proceedings.

SEC. 14. Appropriations - There is hereby appropriated, out of the payments received under Section 4 hereof, an amount of Twenty Million Pesos (P20,000,000.00) to cover administrative and other expenses to be incurred in the implementation of this Act.

SEC. 15. Privacy Clause - Information submitted by an alien applicant pursuant to this Act, shall be used only for the purpose of determining the veracity of the factual statements by the applicant or for enforcing the penalties prescribed by this Act.

SEC. 16. Rule-making Powers - The provisions of this Act are self-executory and shall be dependent on the issuance of any rules or regulations. The Secretary of Justice is hereby authorized, however, to promulgate only such rules and regulations as may be needed to efficiently and administratively implement the provisions of this Act.

SEC. 17. Separability Clause - If any provision of this Act is declared unconstitutional or invalid, such sections or parts not affected thereby shall remain in full force and effect.

SEC. 18. Repealing Clause - all laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 19. *Effectivity Clause* - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspaper of general circulation, whichever comes earlier.

Approved.