

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
Second Regular Session
House Bill No. 8425



Introduced by Hon. ROSANNA "RIA" V. VERGARA

EXPLANATORY NOTE

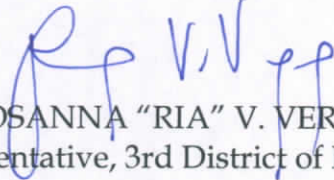
1 "Public service is a public trust."¹ Pursuant to this constitutional mandate
2 and the people's clamor for accountability among public servants, this Bill seeks to
3 establish an Internal Affairs Service within the Bureau of Immigration (the
4 "Bureau") in order to maintain, promote, and ensure the Bureau's high standard of
5 ethics in public service.

6
7 The Internal Affairs Service shall serve as a monitoring, investigatory,
8 recommendatory and disciplinary body within the Bureau. Its primary objective is to
9 ensure that the Bureau is instilling and strengthening responsibility and
10 accountability among its personnel. It shall be under the administrative control and
11 supervision of the Department of Justice and shall report directly to the Secretary of
12 Justice.

13
14 The fundamental role of the Bureau is the implementation of Philippine
15 immigration policies, rules, and regulations. This legislation is essential in
16 facilitating the much needed reforms in the Bureau of Immigration. Moreover, it
17 shall exact accountability among all officers and employees of the Bureau.

¹ 1987 Constitution of the Republic of the Philippines, Article XI, Section 1.

1 Given the foregoing, this Bill is respectfully submitted for immediate
2 consideration and approval.


ROSANNA "RIA" V. VERGARA
Representative, 3rd District of Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
Second Regular Session
House Bill No. 8425

Introduced by Hon. ROSANNA "RIA" V. VERGARA

1
2
3 AN ACT
4 ESTABLISHING AN INTERNAL AFFAIRS SERVICE IN THE
5 BUREAU OF IMMIGRATION AND APPROPRIATING FUNDS THEREFOR

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

6 SECTION 1. *Short Title.* - This Act shall be known and cited as the "Bureau of
7 Immigration Internal Affairs Service Act."

8
9 SECTION 2. *Declaration of Policy.* - It is hereby declared a policy of the State to
10 institutionalize a mechanism in any agency or bureau of the government to exact
11 public accountability, honesty and integrity in public service, especially in offices
12 where prerogatives and discretions lead to dishonesty and corruption to the great
13 prejudice of the Filipino people.

14 SECTION 3. *Creation and Powers of the Internal Affairs Service* - There is hereby
15 created an Internal Affairs Service (IAS) of the Bureau of Immigration (BI), which
16 shall be attached to the Department of Justice and shall be under the direct control
17 and supervision of the Secretary of Justice. The IAS shall:

- 18 a) conduct inspections and audits on BI personnel, on its own or upon
19 verified complaint by any person, irrespective of rank and designation, in
20 the performance of their respective functions and exercise of powers;
21 b) submit reports to the Secretary of Justice on the assessment, analysis, and
22 evaluation of the performance of the BI, especially on matters concerning
23 abuse of function and authority in the exercise of its functions;
24 c) investigate, on its own or upon verified complaint, any act or omission of
25 any BI official or employee which appears to be illegal, unjust, improper,
26 or inefficient;

- d) conduct summary hearings of administrative charges against BI officials and employees facing administrative charges without prejudice to the jurisdiction of the Office of the Ombudsman;
- e) recommend appropriate disciplinary sanctions against erring BI officials and employees;
- f) file appropriate criminal cases against BI officials and employees before the court as the evidence warrants and assist in the prosecution of said cases;
- g) provide assistance to the Office of the Ombudsman in cases involving any official or employee of the BI; and .
- h) provide documents or recommendations as regards to the promotion or movement of all personnel in the BI or the assignment of BI personnel to any position.

SECTION 4. *Appointments.* – The IAS shall be headed by an Inspector General who shall be appointed by the President upon the recommendation of the Secretary Justice. Appointments of personnel who shall occupy various positions shall be made by the Inspector General and shall be based on an established career pattern and criteria of the Civil Service Law.

SECTION 5. *Term of Office.* –The Inspector General shall serve for a term of four (4) years without any re-appointment.

The Inspector General shall hold office until his or her successor shall have been appointed and qualified. Should he or she fail to complete his term by reason of death or permanent incapacity to hold office, his or her successor shall be appointed only for the unexpired portion of the term.

SECTION 6. *Entry Qualifications to IAS.* – Admission to serve in the IAS shall be subject to rigid screening and shall be allowed only if the appointee, including the Inspector General, has no conviction at any stage of any crime or final judgment of any administrative liability violative of any law or rules and regulations involving graft and corruption or moral turpitude.

SECTION 7. *Prohibitions.* – Any personnel of the IAS shall not join any other office or division of the BI. Neither shall such personnel of the IAS be allowed to sit in a committee deliberating on the appointment, promotion, or assignment of any BI personnel.

SECTION 8. *Career Development and Incentives.* – Personnel of the IAS shall in addition to other allowances authorized under existing laws be granted occupational specialty pay which shall not exceed thirty percent (30%) of their basic pay. This pay shall not be considered a forfeiture of other remuneration and allowances which are allowed under existing laws.

1 SECTION 9. *Inclusion of Supervisors and Superiors in IAS Investigations.* – The
2 immediate superior or supervisor of the personnel being investigated shall be
3 automatically included in the investigation of the IAS to exclusively determine
4 lapses in administration or supervision.

5 SECTION 10. *Disciplinary Recommendations of the IAS.* – (a) IAS shall
6 recommend to the Civil Service Commission or the Office of Ombudsman, as the
7 case may be, the appropriate disciplinary action, from suspension to termination, of
8 any BI personnel found guilty of illegal, unjust, improper, or inefficient act or
9 omission. (b) Recommendations by the IAS for the imposition of disciplinary
10 measures against an erring BI personnel, once final, cannot be revised, set-aside, or
11 unduly delayed by any disciplining authority without just cause.

12 SECTION 11. *Appeals.* – Decisions rendered by the IAS may be appealed to the
13 Office of the Secretary of Justice within ten (10) working days upon the receipt
14 thereof.

15 SECTION 12. *Complaints Against the IAS.* – A complaint against any personnel
16 or office of IAS shall be brought directly to the Inspector General's Office. If the
17 Inspector General himself or herself is the subject of the complaint, it shall be
18 brought directly to the Secretary of Justice.

19 SECTION 13. *Appropriations.* The amount necessary to carry out the
20 provisions of this Act is hereby authorized to be appropriated in the General
21 Appropriations Act of the year following its enactment into law and thereafter.

22 SECTION 14. *Repealing Clause.* – All laws, executive orders, presidential
23 decrees, issuances, rules and regulations or parts thereof inconsistent with the
24 provisions of this Act are hereby repealed or modified accordingly.

25
26 SECTION 15. *Effectivity.* – This Act shall take effect fifteen (15) days after its
27 publication in the *Official Gazette* or in a newspaper of general circulation.

28
29 Approved.