



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

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7680

Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

The Bureau of Immigration (BI) is principally responsible for the administration and enforcement of immigration, citizenship, and alien admission and registration laws in accordance with the provisions of the Philippine Immigration Act of 1940.

Despite numerous technological advancements, the implementing law of the Bureau of Immigration (BI), i.e. Commonwealth Act. No. 613, otherwise known as the "Philippine Immigration Act of 1940", remains to be an antiquated law even if the legislature passed some amendments and revisions. In fact, many provisions have ceased to apply to modern-day conditions and realities and there are still areas which needs to be addressed immediately.

The proposed bill seeks to create positions and compensation for co-terminus officials and employees of the agency. Through these new positions, this bill aims to improve efficiency and productivity of the Bureau. It also seeks to implement a more competitive salary grade to its officials and employees to further professionalize and boost the morale and reduce the possibility for corruption. By means of this bill, the State seeks for the Bureau to be regionally and internationally recognized as providing excellent, efficient, effective, and innovating immigration service and border control and management.

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

ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Partylist

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8 **HOUSE BILL NO. 7680**
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14
15 **AN AN ACT MODERNIZING THE BUREAU OF IMMIGRATION, DEFINING ITS**
16 **POWERS AND FUNCTIONS, EXPANDING, RATIONALIZING AND FURTHER**
17 **PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE**
18 **COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES,**
19 **APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**
20

21 *Be it enacted by the Senate and the House of Representatives of the*
22 *Philippines in Congress assembled:*
23

24 **TITLE I**
25 **GENERAL PROVISIONS**
26

27 SECTION 1. *Short Title.* – This Act shall be known as the “Bureau of
28 Immigration Modernization Act of 2020.”
29

30 SECTION 2. *Declaration of Policy.* – In the conduct of its relation with other
31 States, the Philippines shall give paramount consideration to national
32 sovereignty, territorial integrity, national security, national interest, the right to
33 self-determination, the enhancement of economic diplomacy, and the protection
34 of overseas Filipinos in destination countries, as it adheres to the policy of peace,
35 cooperation and amity with all nations. Towards this end, Philippine immigration
36 policies, rules, and regulations under this Act shall be applied and administered
37 as instruments for the promotion of domestic and external interests of the
38 Philippines, in recognition of:
39

- 40 a. The admission of foreign nationals for the purpose of encouraging
41 and enhancing capital investments, trade and commerce, cultural
42 exchanges, and other forms of friendly relations and cooperation;
43 b. The need to support the country’s technological and scientific
44 development;

- c. The promotion of conditions for social welfare and economic security of the people;
- d. The fulfillment of obligations and compliance with standards set by international law in the admission or exclusion of foreign nationals;
- e. The 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
- f. The 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:

- 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. Border Control Officer – refers to any person tasked to man the Border Station authorized as provided under SECTION 35 of this Act;
- c. Captain – refers to the master of a vessel or pilot of an aircraft;
- d. Child – refers to a person below eighteen (18) years of age;
- e. Citizen – refers to any person who is a citizen of the Philippines under SECTION 1, Article IV of the 1987 Constitution of the Republic of the Philippines;
- f. Consular Officer – refers to any consular, diplomatic, or other officers of the Department of Foreign Affairs (DFA) who has been duly granted a consular commission for the purpose of issuing visas under this Act;
- g. Derogatory Information – refers to details about persons and travel documents relating to immigration consisting of the following:
 - i. Blacklist Order – refers to an order issued by the Commissioner that prevents a foreign national from entering the territorial jurisdiction of the Philippines;
 - ii. Hold Departure Order – refers to an order issued by the Commissioner preventing a foreign national from leaving the territorial jurisdiction of the Philippines in cases where bail or recognizance is granted pending implementation of a Summary Deportation Order, or a directive implementing an order from the Regional Trial Courts, the Sandiganbayan, or the appellate courts to prevent a person from leaving the territorial jurisdiction of the Philippines; and
 - iii. 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;

- 1 h. Entry – refers to the arrival of a foreign national into any designated
2 port of entry in the Philippines from a place outside the Philippine
3 territorial jurisdiction. A foreign national having a lawful permanent
4 residence in the Philippines shall not be regarded as making an
5 entry for the purpose of this Act if such foreign national proves that
6 the departure to a place outside the Philippines was for a temporary
7 or limited period, or the continued absence from the Philippines was
8 occasioned by deportation proceedings, extradition, or other legal
9 processes;
- 10 i. Exclusion – refers to the act of Immigration Personnel denying
11 admission of a foreign national into the country on grounds provided
12 under SECTION 77, Chapter IV of this Act;
- 13 j. Foreign National – refers to any person who is not a citizen of the
14 Philippines;
- 15 k. Immigrant – refers to any foreign national, other than a non-
16 immigrant, departing from any place outside the Philippines
17 destined for the Philippines;
- 18 l. Immigration laws – refer to this Act and any other law presently
19 existing or which may hereafter be enacted relating to the movement
20 of natural persons to and from the Philippines;
- 21 m. Immigration Officer – refers to any person appointed under
22 SECTION 25 this Act or any employee designated by the
23 Commissioner to perform the powers, duties, and functions of an
24 Immigration Personnel as specified under this Act;
- 25 n. Non-immigrant – refers to any foreign national departing from any
26 place outside the Philippines who is allowed entry and admission
27 into the Philippines for a temporary or limited period of stay;
- 28 o. Non-refoulement – refers to a principle of international law which
29 prohibits the forced return of refugees to the state or territory where
30 their lives or liberty would be threatened;
- 31 p. Passport – refers to a document issued by the Philippine government
32 to its citizens pursuant to Republic Act No. 8239, otherwise known
33 as “The Philippine Passport Act of 1996”, as amended;
- 34 q. Person – refers to a natural or juridical person such as but not
35 limited to partnerships, corporations, companies, and associations;
- 36 r. Port of entry – refers to any port designated by the Commissioner
37 through which a foreign national may enter or exit the Philippines;
- 38 s. Refugee – refers to a person who, owing to a well-founded fear of
39 being persecuted for reasons of race, religion, nationality,
40 membership in a particular social group, or political opinion, is
41 outside the country of nationality, and is unable or, owing to such
42 fear, is unwilling to avail of the protection of that country; or who,
43 not having a nationality and being outside the country of former
44 habitual residence, is unable or, owing to such fear, is unwilling to
45 return to it;

- 1 t. Seaman, Seafarer or Crewmember – refers to a person actually
2 employed in the operation or service in any capacity onboard a
3 vessel;
4 u. Stateless Person – refers to a person who is not considered a national
5 by any State under the operation of its laws;
6 v. Travel document – refers to a certification or an identifying
7 document containing the description and other personal
8 circumstances of its bearer, issued for direct travel to and from the
9 Philippines valid for short periods or a particular trip. It is issued
10 only to persons whose claim to Philippine citizenship is doubtful or
11 who fall under the category enumerated in SECTION 13 of Republic
12 Act No. 8239, otherwise known as “The Philippine Passport Act of
13 1996;”
14 w. Vessel – refers to all means of conveyances, whether aircraft or
15 seacraft; and
16 x. Visa – refers to an endorsement on a passport or any travel
17 document issued by an Immigration Attaché abroad authorizing the
18 holder thereof to proceed to a designated port of entry in the
19 Philippines and there to apply for entry and admission under the
20 status specified therein, or immigration status granted and/or
21 issued to foreign nationals by the Commissioner or the Board under
22 this Act.
23

24 **TITLE II**
25 **THE BUREAU OF IMMIGRATION**

26 **CHAPTER 1**
27 **THE BUREAU**
28
29

30 SECTION 4. *Creation.* – The Bureau of Immigration hereinafter referred to
31 as the Bureau, shall be under the control and supervision of the Department of
32 Justice (DOJ). The Bureau shall be principally responsible for the administration
33 and enforcement of this Act, and the implementation of all laws, rules
34 regulations, or orders of any competent authority concerning the entry and
35 admission into, stay in, and the departure from the Philippines of all persons.
36 Its personnel shall be considered as the gatekeepers and border control officers
37 of the country.
38

39 SECTION 5. *Composition and Qualification.* — The Bureau shall be
40 administered by the Board of Commissioners hereinafter referred to as the Board
41 headed by the Commissioner as Chairperson, and two (2) Deputy Commissioners
42 as members, all of whom shall be natural-born citizens of the Philippines,
43 holders of a college degree and with a proven capacity for administration and, at
44 the time of their appointment, at least thirty-five (35) years of age: Provided
45 further, That at least one of the members shall be a member of the Philippine
46 Bar in good standing for at least five (5) years as of the date of appointment.

1
2
3 **CHAPTER 2**
4 **THE BOARD OF COMMISSIONERS**

5 SECTION 6. *Powers and Functions of the Board.* – The Board shall have
6 the following powers and functions:
7

8 a. Quasi-judicial:

9 i. Decide on applications or cases relative to:

- 10 1. Deportation;
11 2. Revocation of immigration status;
12 3. Reacquisition and retention of Philippine citizenship
13 under Republic Act No. 9225, otherwise known as the
14 “Citizenship Retention and Reacquisition Act of 2003;”
15 4. Issuance and Revocation of all visas and permits;
16 5. Declaration of Indigence; and
17 6. Legalization of residence in accordance with the law.

18 ii. Cite and punish for contempt in relation to the discharge of
19 its quasi-judicial functions in accordance with the Rules of
20 Court.

21 b. Rulemaking:

- 22 i. Prescribe and promulgate rules of procedure for proceedings
23 before it;
24 ii. Prepare and publish operations manual and rules of
25 procedure, including the schedule of fees, for all transactions
26 entered into by the Bureau with the public; and
27 iii. Formulate policies, directives, programs, and projects of the
28 Bureau.

29
30 The Board shall also perform such other powers and functions as provided
31 in this Act and other existing laws, rules, and regulations not inconsistent with
32 any of the provisions of this Act.
33

34 SECTION 7. *Decisions of the Board.* – All cases or proceedings before the
35 Board shall be decided with the concurrence of the majority of the members of
36 the board. Decisions of the Board shall become final and executory fifteen (15)
37 days from receipt thereof by the concerned parties. Only one (1) Motion for
38 Reconsideration shall be allowed.
39

40 Decisions in deportation cases may be appealed to the Secretary of the
41 DOJ within fifteen (15) days from receipt thereof by the concerned parties. The
42 decision of the Secretary of the DOJ shall be final and immediately executory
43 unless stayed by an order of the Court of Appeals.
44

1 SECTION 8. *Period for Decision by the Board.* – The Board of
2 Commissioners shall decide deportation cases within (30) days from the date
3 they are submitted for resolution.
4

5 SECTION 9. *Meetings of the Board.* – In all cases, the Board of
6 Commissioners shall convene and act as a collegial body in all matters referred
7 to in SECTION 6 of this Act. The Board shall meet at least once a week or, if
8 necessary, twice a week. Members of the Board shall be notified accordingly and
9 the presence of the Chairperson and one (1) member shall constitute a quorum.
10

11 **CHAPTER 3** 12 **THE COMMISSIONER AND THE DEPUTY COMMISSIONERS** 13

14 SECTION 10. *Appointment of the Commissioner.* — The Commissioner shall
15 be appointed by the President and shall have the same rank, salary, and
16 privileges of an Undersecretary of a Department.
17

18 SECTION 11. *Powers and Functions of the Commissioner.* – In addition to
19 the duties as Chairperson of the Board of Commissioners, the Commissioner
20 shall exercise the following powers and functions:
21

- 22 a. Supervise, direct and coordinate the overall operations of the Office;
- 23 b. Exercise control and supervision over the officers and personnel of
24 the Bureau, including the power to appoint, promote, and reassign
25 personnel, subject to civil service laws, rules and regulations:
26 Provided that promotions and appointments to positions of Division
27 Chiefs and above shall be made by the Secretary of the DOJ upon
28 the recommendation of the Commissioner;
- 29 c. Issue (1) letter orders after determination of the existence of
30 probable cause for the purpose of deportation; (2) commitment or
31 release orders; (3) warrant of deportation; (4) order to inspect the
32 documents, premises and records of persons covered by this Act;
33 and (5) derogatory information orders defined in SECTION 3(h) of
34 this Act;
- 35 d. Delegate authority to subordinate immigration personnel and
36 employees, except the powers and functions enumerated in the
37 immediately preceding paragraph, which may be delegated only to a
38 Deputy Commissioner;
- 39 e. Act on applications for extension of visas;
- 40 f. Control the opening and closure of posts, landing places, airports or
41 ports classified as points of entry or exit, whether limited or
42 unlimited;
- 43 g. Increase, reduce or waive immigration fees, fines, penalties and
44 other charges;
- 45 h. Issue Certificates of Naturalization and Identification to foreign
46 nationals who have been granted Philippine citizenship;

- i. Deputize, subject to the concurrence of the Board, 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 duties and functions;
- j. Authorize and prescribe, with the concurrence of the Board, the form and the amount of cash bonds for the provisional release of respondents in deportation proceedings;
- k. Impose reasonable fines and penalties for violations of immigration and alien registration laws in accordance with this Act and the guidelines adopted by the Board;
- l. Accept donation of materials, equipment or technical services from any foreign government, international or domestic organization, to upgrade the efficiency and operations of the Bureau;
- m. Submit to the President and Congress, annually or as may be directed, report on: (1) the number 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 Philippines; (4) the estimated number of illegal foreign nationals in the Philippines in each calendar year and actions taken to arrest them, grouped by nationality, for each region in the Philippines; and such other transactions of the PIBCIS;
- n. Determine the manning levels of immigration officers of the Bureau nationwide in accordance with the number of arrivals in each port of entry as determined by the Board: Provided, that for every three hundred (300) passengers there shall be one (1) immigration personnel in an eight-hour shift;
- o. Exercise disciplinary authority over personnel of the Bureau charged with less grave and light administrative offenses, in accordance with the Revised Rules on Administrative Cases in the Civil Service (RRACS): Provided, That the disciplinary authority over those charged with grave administrative offenses under RRACS shall belong to the Secretary of the DOJ;
- p. Prepare and submit a supplemental budget for the consideration of the Department of Budget and Management (DBM);
- q. Prescribe, with the concurrence of the Board, the appropriate forms, bonds, reports, entries and other papers in accordance with this Act; and
- r. Perform such other functions as are inherent to the Bureau.

SECTION 12. *Appointment and Rank of Deputy Commissioners.* — There shall be two (2) Deputy Commissioners who shall be appointed by the President. They shall have the rank, salary and privileges of an Assistant Secretary of a Department.

1
2 SECTION 13. *Duties of Deputy Commissioners.* – In addition to their duties
3 as members of the Board, the Deputy Commissioners shall supervise a minimum
4 of two (2) Directorates and one (1) regional office each as determined by the
5 Commissioner.

6
7 SECTION. 14. *Creation of Positions and Compensation for Co-Terminus*
8 *Officials and Employees.* – The following co-terminus positions are hereby
9 created for the Office of the Commissioner and Deputy Commissioners, except
10 for Executive Officer III/Board Secretary which shall be assigned only to the
11 Office of the Commissioner. The basic monthly compensation of the following co-
12 terminus officials and employees shall be as follows:
13

Position	Salary Grade
Head Executive Assistant	27
Executive Assistant VI	25
Executive Assistant V	24
Executive Assistant IV	22

14
15 **CHAPTER 4**
16 **THE BOARD SECRETARY**
17

18 SECTION 15. *Qualifications of the Board Secretary.* – There shall be a
19 Board Secretary of the Board of Commissioners who must be a natural-born
20 citizen of the Philippines, at least thirty (30) years of age and a member of the
21 Philippine Bar in good standing at least five (5) years prior to the appointment.
22

23 SECTION 16. *Powers and Duties.* – The Board Secretary shall:
24

- 25 a. Attend in and take minutes of all meetings of the Board;
26 b. Prepare the agenda for the deliberations of the Board on Visa
27 application;
28 c. Prepare the agenda for the deliberations of the Board on deportation
29 cases as endorsed by a Member of the Board after initial review;
30 d. Implement the decision of the Board approving visa applications,
31 including revalidation;
32 e. Keep and manage all records of the deliberation of the Board;
33 f. Advise the members of the Board on all matters relative to
34 compliance with relevant laws and requirements of regulatory
35 authorities; and
36 g. All other functions as may be directed by the Board.
37

CHAPTER 5
THE BOARDS OF SPECIAL INQUIRY

SECTION 17. *Constitution of the 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 Chairperson 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 18. *Appointment and Qualification of the Chairpersons and Members of the BSI.* – The Chairpersons and 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 19. *Powers and Functions of the BSI.* – The BSI shall:

- a. Recommend to the Board for final resolution cases and applications relative to:
 - i. Deportation;
 - ii. Revocation of immigration status;
 - iii. Recognition of Philippine citizenship by reason of birth, or marriage;
 - iv. Legalization of residence in accordance with law; and
 - v. Issuance of visa for stateless person.
- b. Issue subpoena in cases being heard by the BSI;
- c. In the exercise of its quasi-judicial functions, cite and punish persons for contempt 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 20. *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.

1 SECTION 21. *Creation of Positions under the BSI.* – The following positions
2 with the corresponding salary grades are hereby created under the BSI:
3

Position	Salary Grade
Special Inquiry Officer II	25
Special Inquiry Officer I	24

4
5 **CHAPTER 6**
6 **DIRECTORATES AND OTHER OPERATING OFFICES OF THE BUREAU**
7

8 SECTION 22. *Directorates and Other Operating Offices of the Bureau.* —
9 The Bureau shall have the following directorates and other operating offices,
10 namely:
11

12 a. Directorates:

- 13 i. Administration;
14 ii. Finance and Logistics;
15 iii. Information and Communications Technology;
16 iv. Planning and Research;
17 v. Alien Registration;
18 vi. Immigration Regulation;
19 vii. Intelligence;
20 viii. Law Enforcement;
21 ix. Operations;
22 x. Legal Affairs; and
23 xi. Human Resource Management and Development.

24 b. Regional Offices that shall be created by the Board according to
25 political or administrative regions.

26 c. Districts:

- 27 i. Major Airports; and
28 ii. Seaports
29

30 SECTION 23. *Heads of the Directorates and Other Operating Units.* — Each
31 Directorate shall be headed by a Director with a Salary Grade of 28: Provided,
32 That the Director for Legal Affairs shall be a member of the Philippine Bar in
33 good standing and must have been engaged in the practice of law for at least
34 three (3) years, and that the Director for Finance and Logistics shall be a Certified
35 Public Accountant in good standing for at least three (3) years. The Regional
36 Offices shall be headed by a Regional Director with a Salary Grade of 27, while
37 the District Offices shall be headed by a District Supervisor with a Salary Grade
38 of 26.
39

1 SECTION 24. *Duties and Functions of the Directorates, Regional Offices,*
2 *Districts, Field Offices and Other Operating Offices.* – The different directorates
3 and other operating offices of the Bureau shall have such number of officers and
4 as may be defined by the Board to ensure the effective performance of their
5 respective mandates.

6
7 SECTION 25. *Immigration Officers, Immigration Inspectors and Immigration*
8 *Agents.* – The Bureau shall employ an elite group of Immigration Officers who
9 shall be assisted by Immigration Inspectors and Immigration Agents in the
10 performance of their duties and functions. No person shall be appointed to the
11 position of Immigration Officer, Immigration Inspector or Immigration Agent
12 unless such person meets the qualification standards set by the Bureau, which
13 shall include the following determinative factors in setting said qualification
14 standards for each position:

- 15
- 16 a. Educational Attainment
- 17 b. Civil Service Eligibility
- 18 c. Relevant Experience
- 19 d. Training
 - 20 i. Basic
 - 21 ii. Advanced
 - 22 iii. Executive
- 23 e. Ability
- 24

25 SECTION 26. *Powers and Functions of Immigration Officers.* – The
26 Immigration Personnel shall have the following powers and functions:

- 27
- 28 a. Examine, with the assistance and advice of medical authorities in
29 appropriate cases, foreign nationals at the port of entry concerning
30 their admissibility to enter and their qualifications to remain in the
31 Philippines;
- 32 b. Exclude foreign nationals not properly documented, and to admit
33 foreign nationals complying with the applicable provisions of
34 immigration and related laws;
- 35 c. Administer oaths in connection with the performance of their duties;
- 36 d. Within lawful bounds, search for foreign nationals on any vessel
37 reasonably believed to be used to illegally bring foreign nationals
38 into the Philippines, and to take into custody any foreign national
39 who in one's presence or view is entering or is about to enter the
40 Philippines in violation of immigration and related laws, rules and
41 regulations;
- 42 e. Act as control personnel with authority to prevent the departure of
43 passengers who do not comply with duly published departure
44 requirements;

- f. Detect and report violations of the immigration and registration laws and, in appropriate cases, take the required necessary actions upon the instructions of the Commissioner, including follow-up on the stay of non-immigrants to prevent overstaying;
- g. Detect and report subversive activities of aliens in the interest of national security;
- h. Investigate any case at the instance of the Commissioner and submit the required reports;
- i. Report on the activities of aliens inimical to national interest with a view to taking appropriate action in accordance with law;
- j. Locate and conduct surveillance against foreign nationals in violation of immigration laws, rules and regulations;
- k. Provide actionable operational, tactical and strategic intelligence to the operating units;
- l. Conduct case build up, analysis and other in-depth research, as well as provide analytical reports on foreign nationals who violate or are in violation of immigration laws, rules and regulations;
- m. Coordinate with other local and international law enforcement agencies in the gathering of intelligence information related to immigration law violations;
- n. Conduct counter-intelligence operations;
- o. Enforce the immigration laws relating to the exclusion, deportation, and repatriation of aliens;
- p. Take charge of the physical detention of aliens pending their exclusion, deportation or repatriation;
- q. Attend to the deportation of aliens;
- r. Monitor all arriving and departing suspected terrorists, drug couriers and members of crime syndicates;
- s. Assist and escort deportees, excluded passengers and transiting restricted passengers until finally boarded;
- t. Assist in the queuing of passengers at the arrival and departure areas;
- u. Investigate and escort from ports of entry intercepted passengers who are found in possession of spurious travel documents;
- v. Warrants of Deportation (WOD) and Mission Orders involving foreign nationals who violate or are in violation of immigration laws, rules and regulations; and
- w. Perform such other functions as may be assigned by the Commissioner from time to time.

Qualified Immigration Officers, Immigration Inspectors and Immigration Agents with the requisite training and experience may be assigned to the Intelligence, Law Enforcement, or Operations Directorates depending on the exigencies of the Bureau. The Board may, in the exigencies of service, designate certain duties and responsibilities listed in this Section to other officers and employees in the Intelligence, Law Enforcement or Operations Directorates in an

1 acting capacity: Provided, that such designation shall not exceed a period of one
2 (1) year.

3
4 SECTION 27. *Deployment of Immigration Personnel Abroad.* – Within ninety
5 (90) days from the effectivity of this Act, the Bureau shall promulgate the
6 implementing rules and regulations on the assignment and deployment of
7 immigration personnel to select consular posts abroad who shall, subject to the
8 pertinent provisions of Republic Act No. 7157 or the “Philippine Foreign Service
9 Act of 1991,” perform immigration duties, except diplomatic and consular
10 functions.

11
12 **CHAPTER 8**
13 **PLANNING AND RESEARCH**
14

15 SECTION 28. *Immigration Research Specialist.* – No person shall be
16 appointed to the position of Immigration Research Specialist unless such person
17 meets the qualification standards set by the Bureau. The Immigration Research
18 Specialists shall perform the following duties:

- 19
20 a. Formulate and implement the planning programs, projects and
21 processes;
22 b. Facilitate and organize a strategic planning;
23 c. Conduct workload assessment and forecasting;
24 d. Provide assistance to the Board in the implementation and
25 establishment of a risk management process;
26 e. Implement a monitoring feedback measurement and evaluation
27 system for the implementation of projects and programs;
28 f. Represent the Board in meetings relating to Planning and Research;
29 and
30 g. Perform such other tasks as may be directed by the Commissioner.

31
32 SECTION 29. *Creation of Positions; Directorate for Planning and Research.*
33 – The following positions with corresponding salary grades are hereby created:
34

Position	Salary Grade
Chief Immigration Research Specialist	28
Supervising Immigration Research Specialist	25
Immigration Research Officer III	23
Immigration Research Officer II	21
Immigration Research Officer II	17

Immigration Research Assistant	15
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CHAPTER 9
HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

SECTION 30. *Human Resource Management Officer.* – No person shall be appointed to the position of Human Resource Management Officer unless such person meets the qualification standards set by the Commission. The Human Resource Management Officers shall perform the following duties:

- a. Develop and execute human resource strategies in support of the overall plan and strategic direction of the Commission especially in the areas of selection, hiring and promotion;
- b. Design employee training modules;
- c. Develop comprehensive strategic recruiting and retention plans to meet the human capital of strategic goals;
- d. Oversee the recruitment, selection and promotion of employees;
- e. Prepare schemes to strengthen the relationship between management and employees;
- f. Set qualification standards and implement competency-based hiring and promotion policies;
- g. Set performance standards for the employees of the Commission in order to meet the objectives, plans and programs of the Commission; and
- h. Perform such other tasks as may be directed by the Commissioner.

SECTION 31. *Creation of Positions; Directorate for Human Resources Management and Development.* – The following positions with the corresponding salary grades are hereby created under the Directorate for Human Resources Management and Development:

Position	Salary Grade
Chief Human Resource Management Specialist	28
Supervising Human Resource Management Specialist	25
Human Resource Management Officer III	23
Human Resource Management Officer II	21
Human Resource Management Officer II	17
HR Management Assistant	15

1 **CHAPTER 10**
2 **CAREER DEVELOPMENT PATTERN**

3
4 SECTION 32. *Career Development.* – The Bureau shall:

- 5
6 a. Establish and strengthen the Philippine Immigration Academy
7 which shall be under the control and supervision of the
8 Commissioner;
9 b. Create a continuing program to enhance the knowledge, skills and
10 competence of all personnel through a career advancement training
11 and education prior to their promotion; and
12 c. Formulate training requirements to implement the provisions in this
13 Title.

14
15 **CHAPTER 11**
16 **OTHER OFFICES**

17
18 SECTION 33. *Field Offices of the Bureau.* – The Bureau shall operate and
19 maintain a field office in each of the administrative or political regions, including
20 the National Capital Region.

21
22 SECTION 34. *Changes in the Composition, Distribution of Assignment of*
23 *Field Offices.* – The Commissioner may make changes in the composition,
24 distribution and assignment of field offices, as well as its personnel, based on
25 the demographics of the foreign nationals and as the exigency of the service
26 requires.

27
28 SECTION 35. *Border Control Stations.* – There shall be established Border
29 Control Stations which shall be manned by Border Control Personnel appointed
30 by the Commissioner. The Border Control Stations shall be placed in specific
31 areas in the Philippines which shall be determined by the Board.

32
33 **TITLE III**
34 **IMMIGRATION**

35
36 **CHAPTER 1**
37 **NON-IMMIGRANTS**

38
39 SECTION 36. *Categories of Non-immigrants and Types of Visa Issued.* –
40 Foreign nationals departing from any place outside the Philippines who are
41 otherwise admissible and who qualify under any one of the following categories
42 may be admitted as non-immigrants:

- 43
44 a. Temporary visitors (A Visas): Visitors coming to the Philippines for a
45 temporary period for reasons of business, pleasure or health:

- 1 i. Business (A-1 Visa): Temporary visitors engaged in activities of a
2 commercial or professional nature for a foreign employer or for
3 themselves that will not result in gainful employment in the
4 Philippines. As used herein, the term "business" refers to
5 conventions, conferences, consultations and other legitimate
6 activities of a commercial or a professional nature, but does not
7 include local employment or labor for hire;
8 ii. Pleasure (A-2 Visa): Temporary visitors who stay in the
9 Philippines for holiday, including sightseeing, recreation or
10 visiting relatives; and
11 iii. Health (A-3 Visa): Temporary visitors who stay in the Philippines
12 to avail of medical treatment.
- 13
- 14 b. Transit Persons (B Visa): Persons passing through the Philippines solely
15 for a "stop over" who have a confirmed connecting flight to another
16 country or passengers in immediate and continuous transit to a
17 destination outside the Philippines;
18
- 19 c. Crew members (C Visa): Members of the crew of vessels required for the
20 normal operation and servicing of the vessels who come to the
21 Philippines temporarily as part of their jobs either arriving with or
22 coming to join the vessels;
23
- 24 d. Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens from
25 a country that has a trade treaty with the Philippines, including their
26 family members, and who come to work in the Philippines for either a
27 company they own or one that is at least fifty percent (50%) owned by
28 nationals of their home country and which company is engaged in
29 substantial trade between the Philippines and their home country shall
30 be granted a D-1 visa.
- 31
- 32 Citizens from a country that has an investor treaty with the Philippines,
33 including their family members, and who come to work in the
34 Philippines for a business they own or one that is at least fifty percent
35 (50%) owned by nationals of their home country and which business is
36 supported by a substantial investment from nationals of their home
37 country shall be granted a D-2 visa;
38
- 39 e. Accredited Foreign Government Officials, Their Families and Household
40 Member (E Visas): Foreign government officials, their families and
41 household members coming to the country for official purpose,
42 pursuant to international conventions and bilateral agreements, shall
43 be granted E Visas divided into four (4) types, namely:
44 i. Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the
45 following classes of foreign nationals:

1. Heads of State and/or Heads of Government and their personal representatives;
 2. Members of reigning royal families from countries recognized by the Philippine Government;
 3. Governors-General, Governors, and High Commissioners of dependent territories and their personal representatives;
 4. Cabinet ministers and their deputies, and officials with cabinet rank of ministers;
 5. Presiding officers of national legislative bodies;
 6. Justices or judges of the highest national judicial bodies;
 7. Diplomats and career consular officials on foreign assignment in the Philippines;
 8. Military, naval, air and other attaches assigned to a diplomatic mission; and
 9. Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;
- iv. Persons eligible for E-2 Visa: The E-2 visa shall be issued to an official of a foreign government recognized by the Philippines and who 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 such foreign official's government. This category includes, inter alia, the following classes of foreign nationals:
1. Administrative and technical members of the staff of a diplomatic or consular mission;
 2. Officials participating in programs under the auspices of the Philippine Government or recognized international institutions; and
 3. Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;
- v. 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 such foreign official's government. This category includes, inter alia, the following classes of foreign nationals:
1. Diplomatic couriers regularly and professionally employed as such;
 2. All members of official special missions of a diplomatic character;
 3. Members of delegations proceeding to or from an international conference of a diplomatic or official nature; and
 4. Such other officials going to the Philippines on diplomatic or official missions;

1 vi. Persons eligible for E-4 Visa: The E-4 Visa shall be issued to the
2 private employees and household members of persons to whom
3 E-1 and E-2 visas have been granted, as well as their immediate
4 dependents;
5

6 All visas under enumerated in Sec. 36(e) of this Act shall be exclusively
7 issued and renewed by the DFA, which shall also determine the type of
8 E-30 Visa of Foreign Government Officials not identified in the foregoing
9 lists. The grant of immunities and privileges shall be subject to
10 applicable domestic and international law and international
11 agreements to which the Philippines is a party, as well as in
12 consideration of the principle of reciprocity.
13

14 f. Students (F Visa): Foreign students having means sufficient for their
15 support and education in the Philippines who seek to enter the
16 Philippines temporarily for the sole purpose of taking up a course of
17 study higher than high school at a university, seminary, academy or
18 college accredited to admit such foreign students by the Commission
19 on Higher Education in coordination with the Bureau;
20

21 g. Prearranged Employment (G Visa): Foreign nationals coming to the
22 Philippines on prearranged employment, including their family
23 members accompanying or following to join them within the period of
24 their employment. This category includes intra-company transferees,
25 professionals, performing artists, athletes, and cultural exchange
26 workers under a work exchange program;
27

28 h. Religious Workers (H Visa): Duly ordained or professional missionaries
29 and religious ministers, including members of their family, coming to
30 the Philippines to join a religious congregation or denomination duly
31 registered with the Securities and Exchange Commission, upon
32 invitation, sponsorship or guarantee of such religious congregation or
33 denomination, solely for the purpose of propagating, teaching and
34 disseminating their faith or religion;
35

36 i. Representatives of Accredited International Organizations and
37 Government Agencies (I Visa): Foreign officials and staff of accredited
38 international organizations, including their dependent family members,
39 staff, and household members shall be granted I Visas divided into four
40 (4) types, namely:

41 i. Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the
42 principal officials of international organizations, as well as their
43 accompanying wives and dependents;

44 ii. Persons eligible for I-2 Visa: The I-2 visa shall be issued to the
45 other officials and staff of international organizations, as well as
46 their accompanying spouses and dependents;

- 1 iii. Persons eligible for I-3 Visa: The I-3 visa shall be issued to
2 officials and staff of international organizations who will perform
3 short-term official work with the international organization upon
4 its invitation; and
5 iv. Persons eligible for I-4 Visa: The I-4 Visa shall be issued to the
6 private employees and household members of persons to whom
7 E-1 and E-2 visas have been granted, as well as their immediate
8 dependents.
9

10 Accredited international organization include any public international
11 organization engaged in activities of which the Philippines participates
12 pursuant to any treaty or under the authority of any act of the Congress
13 of the Philippines authorizing such participation or making an
14 appropriation for such participation and such other international
15 organizations, institutions, agencies, programs, foundations and
16 entities which are recognized by the government of the Republic of the
17 Philippines, including those existing and already recognized as such at
18 the time of the effectivity of this Act.
19

20 All types of visas under Sec. 36(i) of this Act shall be exclusively issued
21 and renewed by the DFA, which shall also determine the type of I Visa
22 of officials and staff of International Organizations who are not
23 identified in the foregoing list. The grant of immunities and privileges
24 shall be subject to applicable domestic and international law, relevant
25 Headquarters Agreements, and international agreements to which the
26 Philippines is a party.
27

- 28 j. Media Workers (J Visa): Foreign media personnel or correspondents,
29 duly accredited by the government agency concerned, who are bona fide
30 representatives of a foreign press, radio, satellite, television, film, or
31 other information media, and are coming to the Philippines solely to
32 engage in gathering information principally for dissemination abroad,
33 including their family members accompanying or following to join them
34 during the period of the assignment in the Philippines;
35
36 k. Exchange Visitors (K Visa): Foreign nationals entering the Philippines
37 to teach, study, observe, conduct research or receive training in a
38 specific Exchange Visitor Program duly approved by the Philippine
39 Government;
40
41 l. Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as
42 defined in Sec. 3 (y) hereof shall be issued L-1 Visa. Stateless persons,
43 whose admission for humanitarian reasons and not inimical to public
44 interest has been approved by the Commissioner or the President in
45 such cases and under such conditions as he may prescribe, shall be
46 issued L-2 Visa;

- 1
2 m. Bridging Visa (M Visa): A temporary visa which allows a foreign national
3 to stay in the Philippines after the expiration of the current visa, other
4 than temporary visitor visa under SECTION 43(a), while an application
5 for adjustment of status is being processed; and
6
7 n. Special Non-Immigrants (N Visas): Such other foreign nationals
8 including their family members who may be admitted as non-
9 immigrants under special laws or foreign nationals not otherwise
10 provided for by this Act who are coming for temporary periods only, and
11 whose admission is authorized by the Board or the President in the
12 interest of the public or for humanitarian considerations and under
13 such conditions as may be prescribed.
14

15 **CHAPTER 2**
16 **IMMIGRANTS**
17

18 SECTION 37. *Quota Immigrants.* — Subject to the conditions set forth in
19 this Act, there may be admitted into the Philippines, immigrants, otherwise
20 known as “quota immigrants,” not to exceed two hundred (200) of any one
21 nationality for any one calendar year and upon allotment by the Commissioner
22 of the corresponding quota number. In the allotment of quota numbers, the
23 following order of preference shall be observed:
24

- 25 a. First Preference: Those whose service and qualifications show high
26 educational attainment, technical training, specialized experience, or
27 exceptional ability in the sciences, arts, professions, or business as
28 would reasonably enhance and contribute substantial benefits
29 prospectively to the national economy, or cultural or educational
30 interests or welfare of the Philippines, including their family members,
31 accompanying or following to join them, who shall likewise be allotted
32 individual quota numbers;
33 b. Second Preference: Parents of a naturalized Philippine citizen;
34 c. Third Preference: Spouses or minor children of foreign nationals who
35 are lawful permanent residents of the Philippines; and
36 d. Fourth Preference: Parents of foreign nationals who are lawful
37 permanent residents of the Philippines.
38

39 SECTION 38. *Allotment of Quota.* — The Commissioner shall, with respect
40 to the first preference, allot not more than fifty percent (50%) of the annual quota
41 allotment up to the end of June each year: Provided, That if the fifty percent
42 (50%) is not utilized by the first preference, the balance thereof shall be given to
43 the second, third, and fourth preferences in accordance with Sec. 37 of this Act
44 shall be that of the country of which the immigrant is a national or a citizen. Any
45 unused quota allotment for a calendar year shall not be carried over and utilized
46 for the ensuing calendar year.

1
2 SECTION 39. *Basis in Determination of Quota Allotment.* — The nationality
3 of immigrants whose admission is subject to the numerical limitation imposed
4 by Sec. 37 of this Act shall be that of the country of which the immigrant is a
5 national or a citizen. The nationality of immigrants possessing dual nationality
6 may be that of either of the two countries regarding them as a national or citizen
7 if they apply for a visa in a third country. If such immigrants apply for a visa
8 within one of the two countries regarding them as a national or citizen, their
9 nationality shall be that of the country in which they filed their application for a
10 visa to enter the Philippines.

11
12 SECTION 40. *Non-Quota Immigrants.* — The following immigrants, known
13 as “non quota immigrants,” may be admitted without regard to numerical
14 limitation and immigration reciprocity:

- 15
16 a. The spouse of a Philippine citizen: Provided, That abandonment by the
17 foreign spouse, the failure to give support by the foreign spouse to the
18 Filipino spouse and family, and the legal separation or termination of the
19 marital status by annulment, declaration of nullity of marriage or divorce
20 where the cause is attributable to the foreign spouse, shall constitute
21 grounds for cancellation of the immigrant visa issued to the foreign
22 spouse;
- 23 b. A person of Filipino descent regardless of generation;
- 24 c. A child born to a foreigner mother during her temporary visit abroad, the
25 mother being a lawful permanent resident of the Philippines, if
26 accompanied by or coming to join the mother who applies for admission
27 within five (5) years from the birth of the child;
- 28 d. A child born subsequent to the issuance of an immigrant visa to the
29 accompanying parent, the visa not having expired or revoked;
- 30 e. A foreign national who had been previously lawfully admitted into the 8
31 Philippines for permanent residence who is returning from a temporary
32 visit 9 abroad to an unrelinquished residence in the Philippines;
- 33 f. A natural-born citizen who becomes a naturalized citizen of a foreign
34 country and is returning to the Philippines for permanent residence
35 therein, including the spouse and minor children accompanying or
36 following to join such person; and
- 37 g. Spouse, parent, children, legitimate siblings of a foreign national who is
38 gainfully employed and holder of a permanent resident status for a period
39 of seven (7) years.
- 40

41 **CHAPTER 3**
42 **NATIVE-BORN FOREIGN NATIONAL**
43

44 SECTION 41. *Status of Children Born to Immigrants.* — A child born in the
45 Philippines to parents who are foreign nationals and lawful residents of the
46 Philippines shall be deemed a native-born permanent resident.

1
2 SECTION 42. *Status of Children Born to Non-immigrants.* – A child born to
3 parents who are both non-immigrants shall be deemed a native-born non-
4 immigrant or temporary resident and may remain in the Philippines only during
5 the period of authorized stay of parents, unless the child reaches the age of
6 eighteen (18) years while continuously residing in the Philippines, in which case
7 such child may apply for naturalization under existing laws or for an appropriate
8 visa.

9
10 **CHAPTER 4**
11 **ADJUSTMENT OF STATUS**
12

13 SECTION 43. *Conditions for Adjustment of Status of Foreign Nationals.* —
14 The status of a foreign national admitted into the Philippines as non-immigrant
15 may be adjusted by the Board to that of a foreigner lawfully admitted as a
16 permanent resident if:

- 17
18 a. The foreigner makes an application for such adjustment;
19 b. The foreigner is eligible to receive a quota or non-quota immigrant visa and
20 is admissible to the Philippines as a permanent resident; and
21 c. A quota immigrant visa, if such is the case, is immediately available to the
22 foreign national at the time of application, without the need of first
23 departing from the Philippines.
24

25 In all such cases, the personal appearance of the foreigner shall be required
26 during the consideration of the application.
27

28 SECTION 44. *Effect of Approval on Application for Adjustment.* — Upon the
29 approval of an application for adjustment of status under the preceding section
30 the Commissioner shall record the foreign national's lawful admission as a
31 permanent resident as of the date of the approval of the application and shall be
32 included as part of the quota for the calendar year in accordance with Sec. 37 of
33 this Act.
34

35 SECTION 45. *Adjustment of Status, When Not Allowed.* — Adjustment of
36 status 2 under this Act shall not be applicable to:

- 37
38 a. A foreign national who has violated or is in violation of immigration laws,
39 rules and regulations unless the violation is without the fault of the foreign
40 national or for purely technical reasons; and
41 b. Transients.
42

43 SECTION 46. *Loss of Status.* – A registered foreign national, except a
44 temporary visitor, who fails to return to the Philippines within a period of one (1)
45 year from departure shall lose the status granted under Title III of this Act. Such

1 foreign national may apply for an extension of the period within which to return
2 prior to its expiration and pay the prescribed fees and charges in order to
3 maintain the status or type of visa granted.
4

5 **CHAPTER 5** 6 **DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS** 7

8 **SECTION 47. *Documentary Requirements of Non-immigrants.*** – Non-
9 immigrants must present for admission into the Philippines valid passports
10 issued by the governments of the countries to which they owe allegiance or other
11 travel documents showing their nationality and identity as prescribed by
12 regulations, a valid visa granted by the Philippine Immigration Attaché, if
13 required, and such other relevant documents as may be required under existing
14 laws, rules, regulations, or multilateral or bilateral agreements.
15

16 **SECTION 48. *Conditions and Period of Authorized Stay of Temporary***
17 ***Visitors.*** — The initial period of authorized stay of a foreign national admitted as
18 a temporary visitor under Sec. 37(a) of this Act shall not exceed fifty-nine (59)
19 calendar days from the date of arrival, subject to bilateral, regional and
20 multilateral visa agreements entered into by the Philippines: Provided, That the
21 conditions for extensions and total period of authorized stay shall be prescribed
22 by the Commissioner: Provided, further, that during the foreign national's
23 authorized stay, such foreign national: (a) shall not take any employment,
24 whether paid or unpaid; (b) shall not establish or join in any business; and (c)
25 shall not enroll or become a student at a school, college, university, academy, or
26 other educational institution, unless granted, upon proper application, a
27 conversion to another immigration status provided under this Act.
28

29 **SECTION 49. *Conditions for Issuance of Pre-Arranged Employment Visas.***
30 — A foreign national who is coming to the Philippines for prearranged
31 employment shall not be issued a non-immigrant visa referred to in Sec. 36(g)
32 until the Immigration Attaché shall have received authorization for the issuance
33 of the same. Such authorization shall be given only upon the filing of a petition
34 with the Board establishing, among others, that no person can be found in the
35 Philippines willing and competent to perform the work or service for which the
36 foreigner is desired and that the admission would be beneficial to the public
37 interest. The petition shall be under oath by the prospective employer or the
38 latter's representative in the form and manner 18 prescribed by the Board.
39

40 If the Board finds that the petition complies with the requirements of the
41 preceding paragraph and of other regulations, it shall grant the petition and shall
42 promptly transmit the authorization to the DFA.
43

44 **SECTION 50. *Submission of Crew List and Passenger Manifest.*** –
45 Simultaneous to the vessel's departure from the port of origin, the master,

1 captain, agent, owner or consignee of any commercial vessel arriving to the
2 Philippines shall submit to the Bureau, within a reasonable time prior to such
3 arrival, the crew lists, passenger manifests and such other information
4 concerning the persons arriving on such a vessel. In the same manner and
5 condition, the master, captain, agent, owner or consignee of any commercial
6 vessel departing from any port in the Philippines shall submit to the Bureau,
7 within a reasonable time prior to such departure, the crew list, passenger
8 manifest and such other information concerning the persons departing on such
9 vessel. The crew list of an incoming sea craft shall contain the appropriate visa
10 granted by the Consular Officer.

11
12 SECTION 51. *Inspection of Crewmembers.* – It shall be the duty of the
13 master, captain, agent, owner or consignee of any vessel arriving in the
14 Philippines to have available on board, for inspection by the Immigration
15 Personnel, any foreign crewmember employed on such vessel and, when required
16 by the immigration authorities, to detain such crewmember on board after
17 inspection or to remove such crewmember. No crewmember on board such vessel
18 shall be discharged while the vessel is in port without the permission of the
19 Commissioner.

20
21 SECTION 52. *Permission for Temporary Landing of a Foreign Crewmember.*
22 — A foreign crewmember on a vessel arriving in the Philippines may be permitted
23 to land temporarily under such conditions as may be prescribed by the
24 Commissioner. All expenses incurred by the Office while the crewmember is on
25 land shall be borne by the master, captain, agent, owner or consignee of the
26 carrying vessel.

27 28 CHAPTER 6 29 DOCUMENTATION AND ADMISSION OF IMMIGRANTS

30
31 SECTION 53. *Documentary Requirements of Immigrants; Instances When*
32 *Not Required.* — Immigrants must present for admission into the Philippines
33 valid passports or travel documents issued by the government of the country to
34 which they owe allegiance, showing their nationality and identity and valid
35 immigrant visas indicating the date of issue and the period of validity thereof.
36 Immigrant visas shall not be required of the following:

- 37
38 a. A child born subsequent to the issuance of a valid immigrant visa to the
39 accompanying parent;
40 b. A child born during the temporary visit abroad of the mother who is a
41 lawful permanent resident of the Philippines and a holder of a valid re-
42 entry permit, if the child is accompanied by either parent within five (5)
43 years from the date of the child's birth; and
44 c. A foreign national who is returning to an unrelinquished lawful permanent
45 residence in the Philippines after a temporary residence abroad and 8
46 presents for admission a valid re-entry permit.

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CHAPTER 7
VISA ISSUANCE

SECTION 54. *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 of entry, he/she is found to be inadmissible under this Act or any other law.

SECTION 55. *Visa Policy.* — The policies governing the issuance, extension, renewal and conversion of visas referred to in this Act shall be formulated by the Bureau and the DFA, when appropriate, in consultation with concerned government agencies and offices.

SECTION 56. *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 by 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 nationality to which the quota 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 DFA, through its Consular Office abroad 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 57. *Requirements for Physical and 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 58. *Visa Validity Period.* — A single-entry non-immigrant or immigrant visa issued by a Consular Officer abroad pursuant to Sec. 56 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 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.

1 An immigrant visa may be replaced under the original number during the
2 calendar year in which the original visa was issued to a foreign national who
3 establishes to the satisfaction of the Consular Officer that the original immigrant
4 visa was not used during the period of its validity for reasons beyond the visa
5 holder's control: Provided, That the foreign national is found by the Consular
6 Officer to be eligible for another immigrant visa and has paid all the fees.

7 SECTION 59. *Denial of Visa; Grounds.* — The Consular Officer may deny
8 the application for visa (a) if it appears from the statements in the application or
9 in the documents submitted the applicant is not eligible for a visa under this
10 Act; or (b) if the applicant fails to comply with the requirements of the provisions
11 of this Act.

12 SECTION 60. *Revocation of Visa Issued by Consular Officer.* — The
13 Commissioner may, for valid cause and upon confirmation by the DFA, revoke a
14 visa issued by any Consular Officer. If the notice of revocation is not received
15 and the visa holder applies for admission into the Philippines, the admission or
16 entry of the foreign national shall be determined by the Immigration Personnel
17 upon arrival at the port of entry.

18 CHAPTER 8 19 RE-ENTRY AND EMIGRATION CLEARANCE 20

21 SECTION 61. *Re-entry.* — In all instances when a registered foreign
22 national, except a temporary visitor, departs or is about to depart temporarily
23 from the Philippines with the intention to return within one (1) year from
24 departure, the foreign national must secure a re-entry permit or, if the
25 authorized stay is less than one (1) year, a Special Return Certificate, and pay
26 the corresponding fees and charges therefor.

27 SECTION 62. *Emigration Clearance.* — A registered foreign national who
28 departs permanently from the Philippines shall surrender all Philippine
29 immigration documents and apply for and be issued an Emigration Clearance
30 Certificate, subject to the following conditions:

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

37
38 A temporary visitor departing from the Philippines shall, after the
39 expiration of the initial authorized stay, apply for emigration clearance and pay
40 the prescribed fees and charges therefor.

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CHAPTER 9
PRESIDENTIAL PREROGATIVES SECTION

3 SECTION 63. *Presidential Prerogatives.* — Any provision of this Act to the
4 contrary notwithstanding, the President may:

- 5 a. Deny the entry and admission into the Philippines, or impose such
6 restrictions as may be deemed appropriate, any foreign national or a
7 class of foreign nationals, whenever the President finds that such entry
8 would be detrimental to the interest of the Philippines;
9 b. Waive passport or documentary requirements for non-immigrants and
10 immigrants under such terms and conditions as may be prescribed;
11 c. Change the status of non-immigrants by allowing them to acquire
12 permanent residence status without necessity of a visa;
13 d. Deport any foreign national, subject to the requirement of due process;
14 e. Admit non-immigrants not otherwise provided for in this Act for
15 humanitarian considerations and when not detrimental to public
16 interest, under such terms and conditions as may be prescribed;
17 f. Prohibit the departure from the Philippines of any person who is likely
18 to disclose information affecting national security, or who is likely to
19 organize a rebellion abroad against the Philippines, or whose presence
20 in the country is necessary to face, or be a witness in, criminal
21 proceedings; and
22 g. Exercise, with respect to foreign nationals in the Philippines, such
23 powers as are recognized by the generally accepted principles of
24 international law.

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TITLE IV
PROVISIONS RELATING TO ENTRY

29
30
31

CHAPTER 1
CLASSIFICATION OF PORTS OF ENTRY

32 SECTION 64. *Authority to Classify Ports.* — The Commissioner shall classify
33 and designate, from among the ports of entry established by law for immigration
34 purposes, limited or unlimited ports of entry through which foreign nationals
35 may be admitted into the Philippines. Only such classes of foreign nationals as
36 provided under the rules and regulations prescribed by the Commissioner may
37 be admitted at limited ports of entry. The Commissioner may, after due notice to
38 the public, close designated ports of entry in the interest of national security or
39 public safety.

40
41

CHAPTER 2
PROCEDURES ON ARRIVAL

1 SECTION 65. *Inspection by Immigration Personnel.* — A foreign national
2 seeking admission or readmission shall present a valid passport and visa, if
3 required, to the immigration Personnel at the port of entry and shall be subject
4 to primary inspection. The decision of the examining Immigration Officer, if
5 favorable to the admission of any foreigner, may be challenged by another
6 Immigration Officer on any ground provided in this Act. The final determination
7 on the admissibility of such foreign national shall be determined by the
8 Commissioner within forty-eight (48) hours in case no resolution is reached
9 between the Immigration Officer on the challenged admission. In case of
10 admission, the Immigration Officer shall indicate in the passport the date, the
11 port of entry and the identity of the vessel boarded.

12 SECTION 66. *Detention or Quarantine for Examination.* — For the purpose
13 of determining whether a foreign national arriving at any port in the Philippines
14 belongs to any of the classes excludable under this Act by reason of being
15 afflicted with any of the contagious or communicable disease or mental disorder
16 as set forth under Sec. 76(a) of this Act or whenever the Commissioner has
17 received information showing that foreigners are coming from a country or a
18 place where any of such diseases are prevalent or widespread, the foreigner shall
19 be detained or quarantined for a reasonable period of time to enable the
20 immigration and medical officers to subject such person to observation and
21 examination.

22 SECTION 67. *Medical Examination Requirement.* — Any arriving foreign
23 national whom the examining Immigration Officer believes to belong under
24 the class of 18 excludable foreign nationals specified in Sec. 76(a) of this Act
25 shall be referred to designated medical officers for physical and mental
26 examination. Such medical officer shall certify the findings of the examination
27 for the information of the Immigration Officer.

28 SECTION 68. *Arrival Notice Requirements of Vessel.* — The immigration
29 authorities shall be given prior notice of the arrival of any civilian vessel before
30 such vessel comes into any area in the Philippines from any place outside
31 thereof. Such prior notice shall not be required in the case of vessels with
32 scheduled arrivals filed with the Immigration Officer in charge at the
33 international port of entry.

34 If, upon arrival in any area other than the designated port and there is no
35 available Immigration Officer therein, the master, pilot, captain, agent or
36 consignee shall not allow the passengers and crew members to disembark or
37 leave the primary inspection area until the Immigration Officer shall have
38 conducted the primary inspection formalities.

39 SECTION 69. *Contents of Notice of Arrival.* — The advance notice of arrival
40 required in the preceding Sec. shall specify the following:

- a. Type of vessel and registration marks;
- b. Crew list, who have been duly issued visas;
- c. Passenger manifest;
- d. Port of last departure;
- e. International port of 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 70. *Conditional Permit to Disembark.* — A foreign crewmember of a vessel under Sec. 36(c) of this Act may be granted a conditional permit, in a form prescribed by regulations, to disembark temporarily from the vessel on which such crewmember arrived while the vessel remains in port under such terms and conditions as may be prescribed by the Commissioner.

SECTION 71. *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 the foreigner 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 72. *Liability for Overstaying Foreign Crewmen.* — A foreign crewmember who remains in the Philippines in excess of the period allowed in the conditional permit issued shall be solidarily liable with the owner, operator, captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed in Sec. 120 of this Act.

SECTION 73. *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 while 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 such fines as may be prescribed under this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain

1 unpaid or while the validity thereof is being determined: Provided, That a
2 clearance may be granted prior to such determination upon deposit of a sum or
3 cash bond sufficient to cover such fines as approved by the Commissioner.
4

5 SECTION 74. *Duty to Report Desertion or Illegal Landing of Foreign*
6 *Crewmember.* — The owner, operator, captain, master, pilot, agent or consignee
7 of any vessel shall immediately report, in writing, to the Immigration Officer all
8 cases of desertion or illegal disembarkation in the Philippines from the vessel,
9 together with a description of such foreign nationals and any information that
10 shall result in their apprehension.
11

12 SECTION 75. *Requirement for Submission of List of Newly Employed,*
13 *Discharged and Illegally Landed Foreign Crewmember.* — Prior to the departure
14 of any vessel from the last port in the Philippines destined to any place outside
15 thereof, the owner, operator, captain, master, pilot, agent or consignee thereof
16 shall deliver to the Immigration Officer at that port a list containing:
17

- 18 a. The names of crewmembers who were not employed thereon at the time
19 of the vessel's arrival on such port but will depart thereat on the same
20 vessel;
- 21 b. The names of those who have been discharged, if any;
- 22 c. The names of those who have deserted or illegally landed at that port,
23 if any; and
- 24 d. Such other additional information as the Commissioner deems
25 necessary.
26

27 SECTION 76. *Liability for Failure to Submit Complete, True and Correct*
28 *Report.* —The owner, operator, captain, master, pilot, agent, or consignee who
29 fails to submit a true and complete list or report of foreign nationals or to report
30 cases of desertion or illegal landing shall pay such sum as may be prescribed
31 under this Section 116 of this Act. No vessel shall be granted clearance from any
32 port in the Philippines while such fines remain unpaid or while the validity
33 thereof is being determined: Provided, that clearance may be granted prior to
34 such determination upon deposit of a sum or cash bond sufficient to cover such
35 fines as approved by the Commissioner.

36 37 CHAPTER 4 38 EXCLUSIONS 39

40 SECTION 77. *Exclusion Grounds.* - The following classes of foreign national
41 shall not be allowed entry and shall be excluded from the Philippines:
42

1 a. Health Related Grounds

- 2 i. Those who are found to be suffering from a communicable,
3 dangerous or contagious disease, unless excepted under
4 existing laws, rules and regulations;
5 ii. Those who are found to be suffering from mental disorder or
6 associated behavior that may pose a threat to persons or
7 danger to property;
8 iii. Those who are found to be suffering from addiction to
9 prohibited or regulated substance;

10 b. Economic Grounds

- 11 i. Those likely to become a public charge;
12 ii. Those seeking entry for the purpose of performing skilled or
13 unskilled labor, without a permit from the Secretary of the
14 Department of Labor and Employment as required by law;

15 c. Moral Grounds

- 16 i. Those coming to the Philippines to practice polygamy or who
17 advocate the practice of polygamy unless the person's religion
18 allows such practices;
19 ii. Those who are pedophiles, sexual perverts, or those coming to
20 the Philippines for immoral purposes;
21 iii. Those who are engaged or who seek to engage in prostitution
22 or to procure or attempt to procure prostitutes, or who
23 receives in whole or in part the proceeds of prostitution;
24 iv. Those who, at the time of primary inspection, by the
25 Immigration Officer exhibit any obnoxious behavior, contempt
26 or disrespect for the said officer or any government official or
27 employee of the Bureau;

28 d. Criminal and Security Grounds

- 29 i. Those who have been convicted of a crime involving moral
30 turpitude or who admit to the Immigration Officer having
31 committed such crime, or who attempt and conspire to
32 commit the crime;
33 ii. Those who have been convicted, or who admit having
34 committed, or are committing acts which constitute the
35 elements of a violation or conspiracy to violate any law or
36 regulation of the Philippines or a foreign country relating to a
37 controlled, regulated or prohibited substance, or who admit
38 having attempted or conspired to commit the crime;
39 iii. Those that the Philippine Government knows or has reason to
40 believe is a trafficker of any controlled, regulated or prohibited
41 substance or knows or has reason to believe is or has been an
42 accomplice, accessory, abettor, or co-conspirator in the illicit
43 trafficking of any controlled, regulated or prohibited
44 substance;
45 iv. Those who are fugitives from justice;
46 v. Those who seek to enter the Philippines to engage in:

1. Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology or sensitive information;
 2. Any activity aimed to promote membership in an organization of syndicated criminal activities;
 3. Any activity, the purpose of which is to overthrow the Philippine government by force, violence or other unlawful means; and
 4. Any other unlawful activity.
- vi. 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 terrorist organization;
 - vii. Those who have been identified by competent authorities, local or foreign, as having engaged or are engaging in human trafficking and smuggling;
 - viii. Those who are under fifteen (15) years of age and unaccompanied by or not coming to a parent, except that they may be admitted at 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
 - ix. 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 78. *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; Provided that nothing in this provision shall be construed to unlawfully deprive persons so taken into custody of any of their rights under international law or the Constitution.

SECTION 79. *Finality of Exclusion Order.* — An order by the Immigration Personnel to exclude a foreign national who is excludable under this Act is final and executory unless revoked by the Commissioner upon a timely appeal prior to the implementation of the exclusion order.

SECTION 80. *Authority to Waive Grounds for Exclusion.* — Except for grounds of exclusion under Sec. 77(d), subparagraphs 1 to 7 and 9, the

1 Commissioner may waive any of the grounds for exclusion mentioned in Sec. 77
2 of this Act.

3 SECTION 81. *Procedure of Removal and Cost Thereof.* – Foreign nationals
4 arriving in the Philippines who are ordered excluded shall be immediately
5 removed in the same accommodation to the country where they boarded the
6 vessel on which they arrived, unless the Commissioner determines that
7 immediate removal is not proper and practicable, in which case such excluded
8 foreign nationals shall be ordered detained. The cost of detention and other
9 expenses incidental thereto shall be borne by the owner, operator, master, pilot,
10 captain, agent or consignee of the vessel on which such foreigners arrived.

11 SECTION 82. *Country Where Removal is to be Directed.* — If the
12 government of the country designated in the preceding Sec. will not accept the
13 foreign national into its territory, the removal of the foreign national shall be
14 directed, at the Commissioner's discretion to any of the following:

- 15 a. The country which the excluded foreigner is a citizen or national;
- 16 b. The country of birth;
- 17 c. The country of the foreign national's habitual residence; or
- 18 d. The country willing to accept the foreign national into its territory, if
19 removal to any of the foregoing countries is impractical or impossible.
20

21 SECTION 83. *Obligation of Owner, Operator, Master, Captain, Pilot, Agent*
22 *or Consignee.* — It shall be unlawful for an owner, operator, master, captain,
23 pilot, agent, or consignee of a vessel to refuse or fail to:

- 24 a. Board a foreign national ordered excluded and removed in the same
25 vessel or another vessel owned or operated by the same company;
- 26 b. Detain a foreign national on board any such vessel at the port of arrival
27 when required by this Act or when so ordered by an Immigration
28 Officer;
- 29 c. Deliver a foreign national for medical or other examinations when so
30 ordered by an Immigration Officer;
- 31 d. Remove a foreign national from the Philippines to the country to which
32 the individual's removal has been directed; or
- 33 e. Pay the cost of detention and other expenses incidental thereto
34 incurred while the excluded foreign national is being detained as
35 required by Sec. 82 of this Act or other costs necessary or incidental
36 to his removal as provided in this Act.
37

38 SECTION 84. *Penalty for Non-compliance of Obligation.* — The owner,
39 operator, master, captain, pilot, agent, or consignee of a vessel who violates Sec.
40 83 of this Act shall pay the fines prescribed in Sec. 117 of this Act. No vessel
41 shall be granted clearance from any port in the Philippines while such fines

1 remain unpaid or while the validity thereof is being determined: Provided, That
2 clearance may be granted prior to such determination upon deposit of a sum or
3 cash bond sufficient to cover such fines as approved by the Commissioner.

4 5 **TITLE V** 6 **DEPORTATION**

7 8 **CHAPTER 1** 9 **DEPORTABLE FOREIGN NATIONALS**

10
11 **SECTION 85. *Classes of Deportable Foreign Nationals.*** – The following
12 foreign nationals shall be taken into custody upon the order of the Commissioner
13 and deported upon recommendation by the BSI and approval by the Board:
14

- 15 a. Those who entered the Philippines: (1) by means of
16 misrepresentations or false or misleading statements or documents,
17 or (2) without inspection and admission by the immigration
18 authorities;
- 19 b. Those who entered the Philippines who were not lawfully admissible
20 at the time of entry;
- 21 c. Those who abet or aid in the practice of prostitution, including the
22 owner or manager of a prostitution den, or who are pedophiles;
- 23 d. Those who, at any time after the date of entry, have become a public
24 charge;
- 25 e. Those who remain in the Philippines in violation of any period of
26 limitation or condition under which they were admitted;
- 27 f. Those who believe in, advise, advocate or teach the overthrowing by
28 force and violence the Government of the Republic of the Philippines
29 or any duly constituted authority, or those who do not believe in or
30 are opposed to organized governments, or those who advise,
31 advocate or teach the assault or assassination of public officials, or
32 those who advise, advocate or teach the unlawful destruction of
33 property, or those who are members of or affiliated with any
34 organization entertaining, advocating or teaching such doctrines, or
35 those who in any manner whatsoever extend assistance, financial or
36 otherwise, in the dissemination of such doctrines;
- 37 g. Those who, at any time after entry, engage in, abet, aid or finance
38 any terrorist activity;
- 39 h. Those who, at any time after entry, are charged of a crime involving
40 acts or omissions punishable under Philippine penal laws
41 cognizable by the Regional Trial Courts and the Sandiganbayan;
- 42 i. Those who, at any time after entry, are convicted by final judgment
43 of a crime involving moral turpitude punishable under Philippine
44 penal laws;

- 1 j. Those who were admitted as non-immigrants and who obtained an
2 adjustment of their admission status for convenience, or through
3 fraud, falsification of documents, misrepresentations or
4 concealment of material facts;
5 k. Those who violated Philippine labor and taxation laws, rules and
6 regulations;
7 l. Those who are found to be undesirable and whose further stay in
8 the Philippines is inimical to public welfare and interest, or the
9 dignity of the Filipinos, or the Republic of the Philippines as a
10 sovereign nation;
11 m. Those who forge, counterfeit, alter or falsely make any document; or
12 use, attempt to use, possess, obtain, accept or receive or provide any
13 forged, counterfeit, altered or falsely made document; or use,
14 attempt to use, provide, attempt to provide, accept or receive a
15 genuine document, even of another person, without authority to do
16 so for the purpose of satisfying or complying with the requirements
17 of the Bureau;
18 n. Those whose presence or activities in the country may result in
19 adverse consequences to Philippine foreign policies as determined
20 by the Secretary of Foreign Affairs;
21 o. Those who misrepresented themselves as Filipino citizens in all
22 immigration matters; and
23 p. Those who commit any violation of the provisions of this Act,
24 independent of any criminal action which may be brought against
25 them: Provided, That in case of a foreign national who, for any
26 reason, is convicted and sentenced to suffer both imprisonment and
27 deportation, said foreign national shall first serve the entire period
28 of the sentence before being deported.
29

30 SECTION 86. *Non-Prescription of Deportation Cases.* – The right of the State to
31 initiate at any time deportation proceedings shall not prescribe.

32 SECTION 87. *Nature of Deportation Proceedings.* – Deportation proceedings shall
33 be independent of any action that may be instituted against a foreign national:
34 Provided, that no deportation orders shall be implemented against foreign
35 nationals facing preliminary investigation, prosecution and trial before
36 competent authorities.

37
38 **CHAPTER 2**
39 **DEPORTATION OF FOREIGN NATIONALS**
40

41 SECTION 88. *Formal Charge of Deportation.* – A formal charge for
42 deportation shall be issued upon determination of the existence of a prima facie
43 case against the foreign national.

1
2 SECTION 89. *Bail.* – Pending final determination of the foreign national's
3 deportation case, the foreign national shall, upon the discretion of the
4 Commissioner: (a) remain under detention; or (b) be released on bail or
5 recognizance. The bail may be revoked and confiscated in favor of the
6 government if there is sufficient evidence that the foreign national is evading the
7 proceedings or is attempting to abscond, in which case such foreign national
8 shall be taken into custody and placed under detention by order of the
9 Commissioner.

10
11 SECTION 90. *Custody of a Foreign National Convicted of a Felony or an*
12 *Offense.* – After service of the sentence or compliance with the conditions of
13 parole or probation, as the case may be, the foreign national shall be taken into
14 custody for immediate deportation by order of the Board.

15
16 SECTION 91. *Voluntary Deportation, When Authorized.* –The Commissioner
17 may waive the deportation proceedings and order the departure of the foreign
18 national within the period specified in the voluntary deportation order if the
19 foreign national does not contest the formal charge and opts to voluntarily leave
20 the country and pays for all expenses: Provided, That the foreign national has
21 not committed any criminal offense or has no pending criminal investigation:
22 Provided, further, That the said foreign national so deported shall be barred from
23 re-entering the country without prior written authorization from the
24 Commissioner.

25
26 SECTION 92. *Period to Enforce Order of Deportation.* – The order of
27 deportation shall be enforced immediately but in no case shall exceed three (3)
28 months from the date it has become final and executory. If deportation is not
29 enforced within the prescribed period, the foreign national may be released on
30 bail or recognizance.

31
32 SECTION 93. *Suspension of Deportation Order.* – The Commissioner may
33 suspend the implementation of the deportation order and order the release of
34 the foreign national on bail or recognizance, taking into account the following
35 factors:

- 36
37 a. Age, health, family or conduct;
38 b. Period of detention;
39 c. Impact on national security and public welfare;
40 d. Unavailability of travel documents;
41 e. Existence of an application for refugee or statelessness status; or
42 f. Other humanitarian considerations.

43
44 SECTION 94. *Reinstatement of a Deportation Order.* – A deportation order
45 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 Sec. 92 and re-entered the Philippines unlawfully or without prior written authorization from the Commissioner.

SECTION 95. *Country of Destination of a Deportee.* – Except as provided for under an existing treaty or international agreement, a foreign national shall be deported to the country of which the person is a citizen or national, or foreign national's country of birth, or the country of which the individual is a resident, or the country from which the individual embarked for the Philippines, subject to the acceptance by the receiving country.

SECTION 96. *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 under Sec. 85 of this Act. In all other cases, the cost of deportation shall be borne either by the deportee, by the concerned consular office, nongovernment organizations or people's organizations with which the Bureau has an agreement on this matter, or from the appropriations for the enforcement of this Act.

SECTION 97. *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 safely 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 the preceding Sec., shall be subject to the administrative fines prescribed under Sec. 117 of this Act.

SECTION 98. *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 Bureau to accompany such deportee to the country of the deportee's destination, subject to the provisions of Sec. 96.

CHAPTER 3

INDIGENT FOREIGN NATIONAL

SECTION 99. *Removal of Indigent Foreign National.* – At any time after entry, the Commissioner may remove or otherwise deport indigent foreign nationals from the Philippines to the country of which they are citizens or nationals, their country of birth, or their country of residence, as the case may be. The cost of deportation may be charged against the available funds of the Office. 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 an action which resulted in the individual's indigency until such case or action is resolved with finality: Provided, that no other grounds for deportation exist during the pendency of such case or action.

TITLE VI

MISCELLANEOUS PROVISIONS

CHAPTER 1

REGISTRATION OF FOREIGN NATIONALS

SECTION 100. *Requirement of Registration.* — All foreign nationals shall register with the Bureau or any Immigration Office nearest to their place of residence on or before the sixtieth (60th) day of their latest arrival in the Philippines.

SECTION 101. *Registration Form and Oath.* — Applications for registration shall be under oath and in such form as prescribed by the Bureau. Upon registration, a certificate of registration shall be issued to the registrant. In case of loss or destruction of the certificate, a replacement certificate may be issued by the Bureau upon proper application and payment of prescribed fees.

SECTION 102. *Amendment of Registration.* — A registered foreign national shall notify the Bureau in writing of any change of information in the person's registration documents not later than seven (7) days from such change.

SECTION 103. *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 by any personnel authorized by the Commissioner, present a certificate of registration of such individual, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

SECTION 104. *Reportorial Requirements.* — Every foreign national registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Bureau. 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 issued for the purpose.

SECTION 105. *Failure to Comply with Requirements.* — A foreign national, or the parent or guardian of the foreign national, 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

1 false, or who utilizes registration documents other than that of the individual,
2 shall be dealt with in accordance with the provisions of this Act and other
3 existing laws.

4
5 SECTION 106. *Cancellation of Registration of Foreign National.* — In case
6 of death of a foreign national registered under the provisions of this Act, the legal
7 heir, representative or administrator of the foreign national must inform the
8 Office within sixty (60) days from such death, and the Bureau shall cancel the
9 registration of the deceased foreign national. The Local Civil Registrar or other
10 civil registry officer of the locality where said foreign national died shall furnish
11 the Bureau with a copy of the Certificate of Death within thirty (30) days from
12 issuance thereof. Failure on the part of the persons concerned to comply with
13 the requirements specified in this Section shall be dealt with pursuant to the
14 provisions of existing laws.

15 16 CHAPTER 2 17 BONDS AND DEPOSITS

18
19 SECTION 107. *Bonds, When Required.* — The Bureau shall have the
20 authority to require cash bonds in such amounts and under such conditions as
21 it may prescribe in order to:

- 22
23 a. Control and regulate the admission into, and departure from, the
24 Philippines of foreign nationals applying for temporary admission;
25 b. Insure against foreign passengers liable to be excluded as likely to
26 become public charges; and
27 c. Ensure the appearance of foreign nationals released from custody
28 during the course of deportation proceedings instituted against
29 them.

30
31 SECTION 108. *Requirement of Cash Deposits for Services Rendered.* — The
32 Bureau shall likewise have the authority to require cash deposits in such
33 amounts as may be necessary from a vessel's owner, operator, captain, master,
34 pilot, agent, or consignee or other persons served for services rendered as
35 established by the implementing rules and regulations.

36
37 SECTION 109. *Cancellation and Forfeiture of Bonds.* — When the conditions
38 of the bond are fulfilled, or in case the Commissioner determines that the
39 likelihood that a foreign national shall become a public charge no longer exists,
40 or in case of death of the foreign national in whose behalf the bond is posted, the
41 bond shall be cancelled and released to the depositor or the legal representative
42 of the foreign national. In case of violation of the conditions of the bond, the same
43 shall be forfeited and deposited in a trust fund account which may be utilized
44 for the purchase of passage tickets for the removal of indigent foreign nationals
45 and to cover the costs of operations in locating deportees who jump bail.

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CHAPTER 3
RECOGNIZANCE

SECTION 110. *Petitions for Recognizance, Sanction for Breach of Conditions.* — The Commissioner may order the release of a foreign national upon recognizance of the 6 foreigner's lawyer or a person who is of good standing in the community, under such terms and conditions as the Board 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 (PHP 50,000.00) but not more than One Hundred Thousand Pesos (PHP 100,000.00), without prejudice to other administrative sanctions or proceedings against the erring party.

CHAPTER 4
COOPERATION AND COORDINATION WITH OTHER OFFICES

SECTION 111. *Working Cooperation with the Department of Foreign Affairs.* — For purposes of efficient implementation and administration of this Act, the Bureau shall maintain a working cooperation with the DFA.

SECTION 112. *Working Cooperation with the Commission on Higher Education (CHED).* — The Bureau shall maintain a working cooperation with the CHED with respect to the accreditation of schools and learning centers for enrollment of foreign students as authorized under this Act.

SECTION 113. *Working Cooperation with the Civil Aviation Authority of the Philippines (CAAP).* — The Bureau shall maintain a working cooperation with the CAAP with respect to accreditation of flying schools for the enrollment of foreign students.

SECTION 114. *Coordination with Law Enforcement, Security and Other Offices.* — The Commissioner shall have the authority to maintain coordination with the National Security Council, the Philippine National Police (PNP), and other law enforcement agencies of the government.

CHAPTER 5
FEES AND CHARGES

SECTION 115. *Authority of the Board to Prescribe, Impose and Collect Fees and Charges.* — The Board is authorized to prescribe, impose and collect fees and charges for services rendered pursuant to the provisions of this Act.

CHAPTER 6
ADMINISTRATIVE FINES

1 SECTION 116. *Fine for Failing to Submit Crew List or Passenger Manifest,*
2 *or Failure to Account Every Passenger and Crew.* — Any owner, operator, master,
3 captain, pilot, agent, or consignee of a vessel arriving at any port in the
4 Philippines from a place outside thereof who fails to submit to the immigration
5 authorities a complete and accurate crew list or passenger manifest, or fails to
6 produce or account every crewmember or passenger whose name appears in said
7 list or manifest shall be subject to fines of One Hundred Thousand Pesos (PHP
8 100,000.00) and Fifty Thousand Pesos (PHP 50,000.00) for each unaccounted
9 person, respectively.

10
11 SECTION 117. *Fine for Violation of Obligation on the Landing or Removal of*
12 *Foreign Nationals.* — Any owner, operator, master, captain, pilot, agent, or
13 consignee of any vessel arriving at a port of the Philippines from a place outside
14 thereof having a foreign national on board in violation of this Act shall be fined
15 not less than Fifty Thousand Pesos (PHP 50,000.00) but not more than Two
16 Hundred Thousand Pesos (PHP 200,000.00) for each act or violation consisting
17 of:

- 18 a. Failure to prevent the landing of such foreign national in the
19 Philippines at any time or place other than as designated by the
20 Immigration Officer;
- 21 b. Refusal or failure to detain a foreign national on board any such
22 vessel at the port of arrival when required by this Act or so ordered
23 by an Immigration Officer;
- 24 c. Refusal or failure to deliver a foreign national for medical or other
25 examinations when so ordered by an Immigration Personnel;
- 26 d. Refusal or failure to pay the cost of maintenance and other costs, as
27 required by this Act, of such foreign national when temporarily
28 removed from the vessels for examination by order of the
29 Immigration Officer;
- 30 e. Refusal to receive such foreign national on board for removal from
31 the Philippines if the foreign national is excluded, or to pay the cost
32 of removal as required under Sec. 81 and 96 of this Act;
- 33 f. Refusal or failure to take on board, guard safely and transport the
34 deportee to the foreign national's country of destination, or to
35 shoulder the cost of deportation of the foreign crew member;
- 36 g. Making any charge against such foreign national for the cost
37 referred to in (d) above, or for the cost of the removal of the foreign
38 national from the Philippines if the latter is excluded, or taking any
39 security from the foreign national for the payment of any such costs.

40
41 SECTION 118. *Fine for Bringing Undocumented Foreign National, or Foreign*
42 *National Afflicted with Communicable or Contagious Disease, or Suffering from*
43 *Mental Disorder.* — The owner, operator, master, captain, pilot, agent, or
44 consignee of the vessel arriving at a port in the Philippines from a place outside
45 thereof bringing on board an undocumented foreign national shall be fined One

1 Hundred Thousand Pesos (PHP 100,000.00) for each foreign national. If the
2 foreign national is afflicted with a communicable or contagious disease or is
3 suffering from mental disorder, the fine shall be not less than Two Hundred
4 Thousand Pesos (PHP 200,000.00) but not more than Three Hundred Thousand
5 Pesos (P300,000.00) for each foreign national.
6

7 **SECTION 119. *Fine for Bringing a Foreign National to Assist His Illegal***
8 ***Entry or Misrepresenting a Foreign National as a Member of the Crew.*** — The
9 owner, operator, master, captain, pilot, agent, or consignee of the vessel arriving
10 at any port in the Philippines from a place outside thereof bringing on board a
11 foreign national bound for the Philippines to assist the illegal entry of the foreign
12 national, or misrepresenting the foreign national to the Immigration Officer at
13 the port of arrival as a bona fide member of the crew, shall be fined not less than
14 One Hundred Thousand Pesos (PHP 12 100,000.00) but not more than Two
15 Hundred Thousand Pesos (PHP 200,000.00) for each foreign national.
16

17 **SECTION 120. *Fine for an Overstaying Crewmember.*** — Any foreign
18 crewmember who willfully remains in the Philippines beyond the period allowed
19 for temporary landing shall be fined not less than Fifty Thousand Pesos (PHP
20 50,000.00) but not more than One Hundred Thousand Pesos (PHP 100,000.00).
21 The owner, operator, master, captain, pilot, agent, or consignee of the vessel
22 shall be solidarily liable for the fine imposed on such overstaying crewmember.
23

24 **SECTION 121. *Fine for Assaulting an Immigration Personnel.*** — Any form
25 of assault directed to any personnel of the Bureau is an act of disrespect. In case
26 the assault is committed by a foreign national at the ports of entry and exit, such
27 foreign national shall be excluded or deported, as the case may be, and shall be
28 fined Two Hundred Thousand Pesos (PHP 200,000.00) without prejudice to the
29 right of the aggrieved Immigration Personnel to file appropriate criminal, civil or
30 administrative cases against such person.
31

32 For purposes of this Act, an Immigration Officer shall be considered a
33 person in authority while in the performance of official duty.
34

35 **SECTION 122. *Fine for Violation of Other Provisions of this Act.*** — The owner,
36 operator, master, captain, pilot, agent, or consignee of any vessel arriving at any
37 port of the Philippines from a place outside thereof who violates any other
38 provision of this Act not specifically provided in this Chapter shall be fined not
39 less than Fifty Thousand Pesos (PHP 50,000.00) but not more than Two Hundred
40 Thousand Pesos (PHP 200,000.00) for each violation.
41

42 **CHAPTER 7**

43 **PENAL PROVISIONS**

44

1 SECTION 123. *Prohibited Acts and Penalties.* – Any person who shall
2 commit any of the acts specified hereunder shall, upon conviction, suffer the
3 penalty of imprisonment for not less than five (5) years but not more than ten
4 (10) years, or a fine of not less than One Hundred Thousand Pesos (PHP
5 100,000.00) but not more than Five Hundred Thousand Pesos (PHP 500,000.00),
6 or both imprisonment and fine, at the discretion of the court:
7

- 8 a. Impersonating another individual, or falsely appearing in the name
9 of a deceased individual, or evading immigration laws by using an
10 assumed or fictitious name when applying for an immigration
11 document;
12 b. Issuing or otherwise delivering an immigration document or an
13 immigration accountable form to any person not authorized by law
14 to receive such documents;
15 c. Obtaining, manufacturing, printing, accepting or using any
16 immigration or travel document knowing it to be false, or using an
17 immigration accountable form that is not legally issued;
18 d. Entering the Philippines without inspection and admission by the
19 immigration authorities, or obtaining entry into the Philippines
20 through fraud, misrepresentation, or concealment of material facts;
21 e. Misrepresenting oneself to be a citizen of the Philippines;
22 f. Knowingly making any false statement under oath regarding any
23 immigration matter; or
24 g. Bringing into, or landing in the Philippines, or concealing,
25 harboring, employing, or giving comfort to, any person not duly
26 admitted by an Immigration Personnel or not lawfully entitled to
27 enter into or reside within the Philippines, or attempting, conspiring
28 with, or aiding another to commit any such acts.
29

30 Where the offender of any acts specified in paragraph (g) of this Section is
31 a corporation, partnership or other juridical entity, the president, general
32 manager, managing partner, or chief executive officer thereof shall be held liable.
33 Dismissal of the employee by the employer before or after apprehension shall not
34 relieve such employer from any liability arising from the offense: Provided, That
35 if the offender is the owner, operator, master, captain, pilot, agent, or consignee,
36 or other person in charge of the vessel that brought the foreign national into the
37 Philippines from any place outside thereof, the fine imposed under this Section
38 shall constitute a lien against the vessel which may be enforced in the same
39 manner as fines are collected and enforced under existing laws. Such vessel shall
40 not be allowed to depart without prior clearance issued by the Bureau. Where
41 forfeiture is justified under the particular circumstances of the case, the
42 forfeiture of the vessel in favor of the government in lieu of the fine shall be
43 decreed.

Conviction by final judgment of any offense 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 124. *Penalty for Aiding the Escape of Detained Foreign National.* — Any person who shall be found to have helped, assisted, supported, caused or ministered the escape, including harboring and concealing, of a foreign national shall, upon conviction, be imprisoned for not less than five (5) years but not more than ten (10) years and a fine of not less than Two Hundred Thousand Pesos (PHP 200,000.00): Provided, That if the person liable is a foreign national, such person shall be deported after service of sentence: Provided further, That any tools, equipment, implements or vehicles used in the escape of a detained foreign national shall be destroyed or forfeited in favor of the government.

SECTION 125. *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 suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of not more than One Thousand Pesos (PHP 1,000.00), or both, at the discretion of the court.

SECTION 126. *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 in relation to any violation or circumvention of any provision of this Act shall suffer the maximum penalty under the said Republic Act or other laws against corruption and bribery, as the case may be.

CHAPTER 8

UPGRADING OF COMPENSATION AND BENEFITS

SECTION 127. *Creation of New Positions, Reclassification of Existing Positions and Upgrading of Salary Levels.* — The following positions in the Bureau are hereby created, and the existing positions reclassified, with the corresponding salary grade levels:

EXISTING POSITION	RECLASSIFIED POSITION	SALARY GRADE
Commissioner	Commissioner III	30
Deputy Commissioner	Deputy Commissioner III	29
Attorney V (Board of Special Inquiry)	Chief Special Inquiry Officer (Overall Chairperson, BSI)	28
Chief Administrative Officer	Chief Administrative Officer (Director for Administration)	28

(Administrative Division)		
Chief Administrative Officer (Finance and Management Division)	Chief Finance and Logistics Officer (Director for Finance and Logistics)	28
Information Technology Officer III	Chief Information and Communications Technology Officer (Director for ICT)	28
Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer (Director for Alien Registration)	28
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Officer for Immigration Regulation (Director for Immigration Regulation)	28
Chief Intelligence Officer (Intelligence Division)	Chief Immigration Officer for Intelligence (Director for Intelligence)	28
Chief Immigration Officer (Port Operations Division)	Chief Immigration Officer for Operations (Director for Operations)	28
Attorney V	Chief Immigration Officer for Legal Affairs (Director for Legal Affairs)	28
	Chief Immigration Officer for Law Enforcement (Director for Law Enforcement)	28
	Chief Planning and Research Specialist (Director for Planning and Research)	28
	Chief Human Resource and Management Officer (Director for Human Resource Management and Development)	28
	Regional Director	27
Attorney IV (BSI)	Special Inquiry Officer IV (Chairperson, BSI)	27
Attorney IV (Legal Division)	Immigration Prosecutor IV	27
Attorney III (BSI)	Special Inquiry Officer III (Member, BSI)	26
Attorney III (Legal Division)	Immigration Prosecutor III	26
Supervising Immigration Officer	Supervising Immigration Officer	26
Supervising Administrative Officer	Supervising Administrative Officer	26

Medical Officer III	Immigration Physician	26
	Supervising Human Resource Management Officer	26
	District Supervisor	26
Attorney II (Legal Division)	Immigration Prosecutor II	25
Intelligence Officer IV	Senior Immigration Officer	25
Accountant III	Immigration Accountant V	25
Dentist II	Immigration Dental Officer	25
	Supervising Immigration Research Specialist	25
Attorney I (Legal Division)	Immigration Prosecutor I	24
Senior Immigration Officer	Immigration Officer IV	24
Administrative Officer IV	Immigration Administrative Officer IV	24
Information Technology Officer I	Information and Communications Technology Officer I	24
Nurse II	Immigration Healthcare Officer	23
	Immigration Research Officer III	23
	HR Management Officer III	23
Accountant II	Immigration Accountant II	22
Information System Analyst	Immigration Information System Analyst	22
Immigration Officer III	Immigration Officer III	21
	Immigration Research Officer II	21
	HR Management Officer II	21
Accountant I	Immigration Accountant I	19
Computer Programmer II	Immigration Computer Programmer II	19
Computer Maintenance Technologist II	Immigration Information Technologist II	19
Immigration Officer II	Immigration Officer II	19
Intelligence Officer II		
Special Investigator II		
Immigration Officer I	Immigration Officer I	17
Intelligence Officer I		
Special Investigator I		
Fingerprint Examiner IV	Alien Fingerprint Examiner IV	17
	Immigration Research Officer I	17
	HR Management Officer I	17
Immigration Assistant	Immigration Inspector	15
Intelligence Agent II	Immigration Agent II	15
Administrative Officer II	Immigration Administrative Officer II	15

	Immigration Research Assistant	15
	HR Management Assistant	15
Fingerprint Examiner III	Alien Fingerprint Examiner III	15
Administrative Aide VI	Immigration Aide VI	14
Administrative Assistant III	Immigration Administrative Assistant III	13
Administrative Aide V	Immigration Aide V	13
Fingerprint Examiner II	Alien Fingerprint Examiner II	13
Security Guard II	Civil Security Officer II	13
Intelligence Agent I	Immigration Agent I	13
Translator II	Immigration Translator II	12
Administrative Assistant II	Immigration Administrative Assistant II	12
Administrative Aide IV	Immigration Aide IV	12
Administrative Aide III	Immigration Aide III	11
Nursing Attendant	Immigration Healthcare Assistant	11
Security Guard I	Civil Security Officer I	11
Seaman		
Launch Patron		
Marine Engineman		
Quartermaster		
Legal Aide	Immigration Legal Assistant	10
Administrative Assistant I	Immigration Administrative Assistant IV	10
Administrative Aide II	Immigration Administrative Assistant II	8

Upon the recommendation of the Board, the Secretary of the DOJ shall reorganize, upgrade, or otherwise make adjustments in the offices of the Bureau as required by the implementation of this Act: Provided, That to the extent possible, the incumbent chiefs of sections and divisions whose offices are hereby affected may be upgraded to positions of comparable rank in the reorganization: Provided, further, That for the new directorates and positions created under this Act, the Board shall designate the directors and officers thereof.

SECTION 128. *Additional Grant of Benefits.* —The Bureau shall provide its employees with the following benefits:

- a. Health care services through an accredited Health Maintenance Organization for its regular employees;
- b. Accident Insurance policies for all employees;
- c. Night Shift differential and overtime pay for actual work rendered, in accordance with existing guidelines;

- d. Longevity pay, subject to guidelines that shall be issued by the Board in accordance with existing laws and regulations and subject to the approval of the Secretary of the DBM;
- e. Transportation benefits;
- f. Dislocation allowance; and
- g. Hazard pay amounting to twenty-five percent (25%) of basic salary to qualified employees as may be determined by the Board.

SECTION 129. *Retention and Use of Immigration Fees, Fines and Other Income; 13 Immigration Trust Fund.* — The Board is hereby authorized to retain and use every year thirty percent (30%) of its collections from immigration fees, fines and penalties, and other income that may be collected by the Bureau for the effective implementation of this Act.

There is hereby created an Immigration Trust Fund (ITF) sourced from the collections mentioned in this Section. The ITF shall be administered by the Board in accordance with existing government auditing rules and regulations, and shall be used exclusively as follows:

- a. Forty percent (40%) for the modernization of equipment, facilities and offices used by employees of the Bureau, including capital outlay for the establishment of new buildings and field offices for the effective implementation of this Act;
- b. Thirty percent (30%) for the payment of employee benefits provided in this Act, and as may be hereafter provided by the Board with the approval of the Secretary of the DOJ; and
- c. Thirty percent (30%) for the further professionalization of the employees of the Bureau including trainings, seminars and other career advancement programs.

All interest income, dividends and earnings accrued from the ITF shall also form part of the Trust Fund. No portion of the ITF shall revert to the general fund of the National Government, except when the ITF is no longer necessary for the purposes for which it was established.

CHAPTER 9 TRANSITORY PROVISIONS

SECTION 130. *Interim Period.* — The incumbent Commissioner and the 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 present Bureau of Immigration shall continue to discharge the functions of their position pending the reorganization as provided in this Act.

1 SECTION 131. *Reorganization of the Bureau.* — Upon approval of this Act,
2 all employees of the Bureau of Immigration covered by the civil service law and
3 regulations shall continue to hold their present positions pending the
4 reorganization of the Bureau in accordance with the new staffing pattern:
5 Provided, That the salaries, wages, allowances and other benefits of incumbent
6 officers and employees of the Bureau shall not be subject to diminution:
7 Provided, further, That employees who have been dismissed for cause shall no
8 longer qualify for any position in the Bureau.
9

10 SECTION 132. *Inventory and Transfer of Properties, Accounts, Assets,*
11 *Liabilities and Obligations to the Commission.* — All buildings, properties,
12 equipment, facilities, accounts, other assets, liabilities and other obligations as
13 well as records of the Bureau of Immigration shall be properly inventoried and
14 transferred to the Bureau.
15

16 SECTION 133. *Treaty or Agreement.* — Any treaty or agreement entered into
17 between the Philippines and any foreign state before the effectivity of this Act
18 shall remain in force and effect.
19

20 SECTION 134. *Pending Cases.* — Any prosecution, suit, action, proceeding,
21 or any act or matter, civil or criminal, pending at the time of the effectivity of this
22 Act shall not be affected by any of the provisions of this Act unless otherwise
23 explicitly stated herein.
24

25 **CHAPTER 10** 26 **ADMINISTRATION AND IMPLEMENTATION** 27

28 SECTION 135. *Administration and Implementation Abroad.* — The
29 administration and implementation of this Act abroad, including the rules and
30 regulations, and specific visa policies or guidelines, shall be the responsibility of
31 the DFA, with due notice to the Bureau and other concerned agencies and offices.
32

33 SECTION 136. *Implementing Rules and Regulations.* — Within sixty (60)
34 days from the effectivity of this Act, the Bureau shall, in coordination with the
35 Secretaries of the DBM, the DOJ, and the DFA, promulgate the rules and
36 regulations for its effective implementation.
37

38 SECTION 137. *Appropriations.* — The amount necessary to cover the initial
39 implementation of this Act shall be charged against the following:

- 40 a. Current year's appropriation of the Bureau of Immigration; and
- 41 b. Immigration fees, fines and other income authorized under Sec. 129
- 42 of this Act.
- 43

1 Thereafter, such sums as may be needed for its continued implementation
2 shall be included in the annual General Appropriations Act and from the
3 immigration Trust Fund.

4
5 **CHAPTER 11**
6 **FINAL PROVISIONS**
7

8 SECTION 138. *Separability Clause.* – Should any provisions of this Act be
9 declared invalid, the remaining provisions shall continue to be in force and effect.
10

11 SECTION 139. *Repealing Clause.* – Commonwealth Act No. 613, otherwise
12 known as the “Philippine Immigration Act of 1940,” as amended, and Republic
13 Act No. 750 are hereby repealed. All other laws, presidential decrees, executive
14 orders, proclamations, memorandum orders, instructions, rules and regulations
15 or parts thereof inconsistent with this Act are hereby amended or modified
16 accordingly.
17

18 SECTION 140. *Effectivity.* – This Act shall take effect fifteen (15) days after
19 its publications in the Official Gazette or in any newspaper of general circulation.
20

21 Approved,