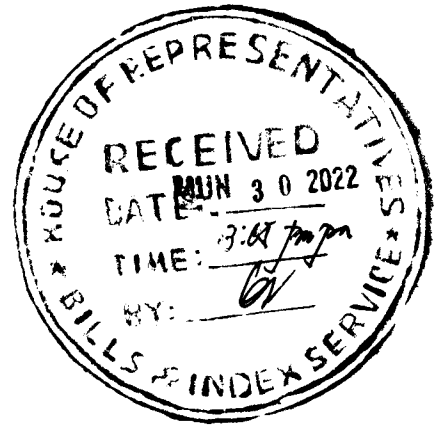


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 194



INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

EXPLANATORY NOTE

This is a refiled bill which originated from Hon. Xavier Jesus D. Romualdo and Hon. Pedro P. Romualdo, both represented the Lone District of Camiguin. In the 18th Congress, this bill was forwarded to the Senate and left unacted. In the 14th Congress, the Bicameral Conference Committee Report on this bill was not ratified on the last session day due to a lack of quorum. This bill has gone through several Congresses and has reached Committee Reports and for second reading and so on. It has been revisited, revised and upgraded to meet the needs of the changing times.

It is high time that we act on this measure to boost the capability of this government agency that is the gatekeeper of the country and an economic agent, as it contributes to the coffers of the government through the reasonable fees that the agency collects from their clients.

Relevant portions of the explanatory note of then Hon. Pedro P. Romualdo is reproduced to form part of the explanation as to the refiling of this bill:

“This measure is a timely piece of legislation, which will clothe the Bureau of Immigration with a renewed mandate to deliver world class immigration services that will promote the country’s image in the international community as a safe tourist destination and a potential investment site. This bill will catapult the Bureau of Immigration as a government agency that concomitantly assumes the role of a gatekeeper and that of an agent of economic development. To attain this goal, this bill seeks to strengthen the organizational structure of the Bureau of Immigration [by converting it into a Commission] with expanded jurisdiction and [a] streamlined powers and functions, thereby amending the archaic provisions of Commonwealth Act No. 613, a 1940 immigration statute.”

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xxx

It was the Second Assembly of the Philippine Commonwealth that enacted the Philippine Immigration Act of 1940 on 22 January 1940 known as “Commonwealth Act No. 613.” It created the Bureau of Immigration under the

administrative supervision of the Office of the President. Then, it later became an attached agency of the Department of Justice and was later returned to the administrative control of the Office of the President.

In 1941, the bureau was once again under the Department of Justice and in 1945, it was put under the supervision and control of the Department of Labor as part of the reorganization plan of the government. In 1948, the Bureau was again returned to the Department of Justice where it remains up to this time.

In 1972 as part of the reorganization plan, the Bureau of Immigration was named the Commission on Immigration and Deportation, a collegial body and performing both administrative and quasi-judicial functions. On July 25, 1987, President Corazon C. Aquino signed Executive Order No. 292, otherwise known as the "Administrative Code of 1987. The Commission on Immigration and Deportation was renamed the "Bureau of Immigration".

xxx

xxx."(Editing supplied)

This bill is compliant with the obligations and standards set by international law in the admission or exclusion of foreign nationals. It promotes international order and justice by denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal and other nefarious activities.

This bill seeks to professionalize and upgrade the qualifications and raises the salaries of our immigration service officers and personnel to be at least at par with other government agencies under the Department of Justice.

Under this measure, the Bureau of Immigration will be headed by a Commissioner with two (2) Deputy Commissioners. They will composed the Board of Commissioners of the agency. Among its functions are:

- 1.) Decide on cases or applications relative to deportation, revocation of immigration status, reacquisition and retention of Philippine citizenship, issuance and revocation of all visas and permits, declaration of indigence, and legalization of residence in accordance with law;
- 2.) Cite and punish for contempt in relation to the discharge of its quasi-judicial functions in accordance with the Rules of Court;
- 3.) Prescribe and promulgate rules and procedure for proceedings before it;
- 4.) Prepare and publish operations manuals, including schedule of fees for all transactions entered into by the Bureau with the public; and
- 5.) Formulate policies, directives, programs and projects of the Bureau.

The Bureau of Immigration will have eleven (11) Directorates and other operating offices, Regional Offices, and District and Field Offices to fulfill their mandate under this law.

The Board of Commissioners is authorized to retain and use every year thirty per cent (30%) of its collections from immigration fees, fines and penalties, and other income that may be collected by the Bureau, not to exceed One billion two hundred million pesos (P\1,200,000,000.00) every year.

An Immigration Trust Fund (ITF) taken from the 30% retained income and consistent with government auditing rules and regulations shall be used exclusively in accordance with this:

- 1.) 50% 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;

2.) 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 Justice;

3.) 20% for the further professionalization of the employees of the Bureau through trainings, seminars and other career advancement programs.

This measure also harmonizes existing immigration rules and regulations pertaining to issuance of visas to foreign nationals.

In view of the foregoing, the support of the Members of Congress is earnestly sought for the prompt approval of this bill.



JURDIN JESUS M. ROMUALDO

Republic of the Philippines
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First Regular Session

HOUSE BILL NO. 194

INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

AN ACT
MODERNIZING THE BUREAU OF IMMIGRATION BY DEFINING ITS POWERS AND
FUNCTIONS, FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING
THE COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, AND
APPROPRIATING FUNDS THEREFOR

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

TITLE I
GENERAL PROVISIONS

SEC. 1. Short Title. – This Act shall be known as the “Bureau of Immigration Modernization Act”.

SEC. 2. Declaration of Policy. – In the conduct of its relations with other States, the Philippines shall give paramount consideration to national sovereignty, territorial integrity, national security, national interest, the right to self-determination, the enhancement of economic diplomacy, and the protection of overseas Filipinos in destination countries as it adheres to the policy of peace, cooperation, and amity with all nations.

To this end, Philippine immigration policies, rules and regulations under this Act shall be applied and administered as instruments for the promotion of domestic and external interests of the Philippines, in recognition of:

- (a) the necessity for encouraging and enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) the need to support technological and scientific development in the country;
- (c) the goal to promote the 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;

- 1
2 (e) the modernization of structures and mechanisms necessary for the
3 administration of immigration laws in keeping with the changing demands of the
4 country's role in the global community; and
5
6 (f) the professionalization of the immigration service by instituting a rigid system of
7 screening and selection of immigration officials and employees and promoting
8 their development.
9

10 **SEC. 3. Definition of Terms.** – As used in this Act:
11

- 12 (a) *Admission* refers to the process by which a foreign national arriving at a port of
13 entry in the Philippines is allowed into the country whereby a status or entry
14 category is granted by the immigration authorities;
15
16 (b) *Border Control Officer* refers to any person authorized to man the Border Control
17 Checkpoints as provided in this Act;
18
19 (c) *Captain* refers to the master of a vessel or pilot of an aircraft;
20
21 (d) *Child* or *children* refers to a person or persons below eighteen (18) years of age;
22
23 (e) *Citizen* refers to any person who is a citizen of the Philippines under Section 1,
24 Article IV of the Constitution of the Republic of the Philippines;
25 (f) *Commissioner* refers to the Commissioner of the Bureau of Immigration;
26
27 (g) *Commitment Order* refers to an order issued by the Commissioner under this Act
28 that directs the taking into custody of a foreign national after it has been
29 determined that probable cause exists that the foreign national committed acts
30 or omissions in violation of Philippine immigration laws, rules and regulations, or
31 during the pendency of deportation proceedings against such foreign national:
32 *Provided, That such custody shall not exceed three (3) months, unless there*
33 *exists other legal grounds for continued custody;*
34
35 (h) *Consular Officer* refers to any consular, diplomatic, or other officer of the
36 Department of Foreign Affairs (DFA) who has been duly granted a consular
37 commission for the purpose of issuing visas under this Act;
38
39 (i) *Derogatory Information* refers to details about persons and travel documents
40 relating to immigration consisting of the following:
41
42 (1) *Blacklist Order* refers to an order issued by the Commissioner that
43 prevents a foreign national from entering the territorial jurisdiction of the
44 Philippines;
45
46 (2) *Hold Departure Order* refers to an order issued by the Commissioner
47 preventing a foreign national from leaving the territorial jurisdiction of the
48 Philippines in cases where bail or recognizance is granted pending
49 implementation of a Deportation Order, or a directive implementing an
50 order issued by the appropriate court preventing a person from leaving
51 the territorial jurisdiction of the Philippines; and
52
53 (3) *Monitor Order* refers to an order issued by the Commissioner under this
54 Act that requires immigration personnel to monitor the travel of any
55 person for a period of thirty (30) days, and to notify the concerned
56 government agencies of the Philippines;
57
58 (j) *Entry* refers to the arrival of a foreign national into any designated port of entry
59 in the Philippines from a place outside the Philippine territorial jurisdiction. A
60 foreign national having a lawful permanent residence in the Philippines shall not

- 1 be regarded as making an entry for the purpose of this Act if such foreign
2 national proves that the departure to a place outside the Philippines was for a
3 temporary or limited period, or the continued absence from the Philippines was
4 occasioned by deportation proceedings, extradition, or any other legal process;
5
- 6 (k) *Exclusion* refers to the act of Immigration Officers denying admission of a
7 foreign national into the country on grounds provided in this Act;
8
- 9 (l) *Foreign national* or *alien* refers to any person who is not a citizen of the
10 Philippines;
11
- 12 (m) *Immigrant* refers to any foreign national, other than a non-immigrant, granted
13 resident status in the Philippines under the provisions of this Act and other laws
14 granting immigrant status;
- 15 (n) *Immigration laws* refer to this Act and other laws presently existing or which
16 may hereafter be enacted relating to the movement of natural persons to and
17 from the Philippines;
18
- 19 (o) *Immigration Officer* refers to any person appointed under Title II, Chapter 8 of
20 this Act or any employee designated by the Commissioner to perform the
21 powers, duties and functions of an Immigration Officer as specified under this
22 Act;
23
- 24 (p) *Non-immigrant* refers to any foreign national who is allowed entry and
25 admission into the Philippines for a temporary or limited period of stay;
26
- 27 (q) *Non-refoulement* refers to a principle of international law which prohibits the
28 forced or involuntary return of refugees or those seeking asylum in the
29 Philippines to a state or territory where there are valid reasons to believe that
30 the life or freedom of such refugee or asylum seeker would be threatened on
31 account of race, religion, nationality, membership in a particular social group, or
32 political opinion;
33
- 34 (r) *Passport* refers to a document issued by a government to its citizens requesting
35 other governments to allow such citizens to pass through or enter into a
36 territory of other states safely and freely, subject to pertinent rules and
37 regulations;
38
- 39 (s) *Person* refers to a natural person or a juridical person such as partnerships,
40 corporations, companies, and associations;
41
- 42 (t) *Port of entry* refers to any port designated by the Commissioner through which a
43 foreign national may enter or exit the Philippines;
44
- 45 (u) *Refugee* refers to a person who, owing to a well-founded fear of being
46 persecuted for reasons of race, religion, nationality, membership in a particular
47 social group, or political opinion, is outside such person's country of nationality,
48 and is unable or, owing to such fear, unwilling to avail of the protection of that
49 country; or a person who, not having a nationality and being outside such
50 person's country of former habitual residence, is unable or, owing to such fear,
51 unwilling to return to it;
52
- 53 (v) *Seaman, Seafarer* or *Crewmember* refers to a person actually employed in the
54 operation or service in any capacity on board a vessel;
55
- 56 (w) *Stateless person* refers to a person who is not considered a national by any state
57 under the operation of its laws;
58

- 1 (x) *Travel document* refers to a certification or identifying document containing the
2 description and other personal circumstances of its bearer issued by a
3 government to individuals for travel purposes;
4
5 (y) *Vessel* refers to all means of conveyances, whether aircraft or sea craft; and
6
7 (z) *Visa* refers to an endorsement on a passport or any travel document issued by a
8 Consular Officer abroad authorizing the holder thereof to proceed to a
9 designated port of entry in the Philippines and there, to apply for entry and
10 admission under the status specified therein; or an endorsement on a passport
11 or any travel document granted by the Commissioner or the Board under this
12 Act, or by any other person authorized by existing laws.
13

14 **TITLE II**
15 **THE BUREAU OF IMMIGRATION**

16
17 **CHAPTER 1**
18 **THE BUREAU**
19

20 **SEC. 4. Overview.** – The Bureau of Immigration, hereinafter referred to as the
21 “Bureau”, shall be under the control and supervision of the Department of Justice (DOJ).
22 The Bureau shall be principally responsible for the administration and enforcement of this
23 Act, and the implementation of all laws, rules and regulations, or orders of any competent
24 authority concerning the entry and admission into, stay in and the departure from the
25 Philippines of all persons. The Bureau may seek the assistance of other government
26 entities in the enforcement of laws, rules and regulations relating to immigration, border
27 control, and anti-trafficking in persons.
28

29 **CHAPTER 2**
30 **THE BOARD OF COMMISSIONERS**
31

32 **SEC. 5. Composition and Qualifications.** – The Bureau shall be administered by the
33 Board of Commissioners, hereinafter referred to as the Board, headed by the
34 Commissioner as Chairperson, and two (2) Deputy Commissioners as members, all of
35 whom shall be natural-born citizens of the Philippines, holders of a college degree, with
36 proven capacity for administration and, at the time of their appointment, at least thirty-
37 five (35) years of age: *Provided*, That at least one of the members shall be a member of
38 the Philippine Bar in good standing for at least five (5) years prior to the appointment:
39 *Provided, further*, That at least one (1) member of the Board shall come from the ranks of
40 the Bureau.
41

42 **SEC. 6. Powers and Functions.** – The Board shall have the following powers and
43 functions:
44

45 (a) Decide on applications or cases relative to:

- 46 (1) Deportation;
47
48 (2) Revocation of immigration status;
49
50 (3) Reacquisition and retention of Philippine citizenship under Republic Act
51 No. 9225, otherwise known as the “Citizenship Retention and
52 Reacquisition Act of 2003” and such laws as may hereafter be enacted
53 on the subject;
54
55 (4) Issuance and revocation of all visas and permits;
56
57 (5) Declaration of indigence; and
58
59 (6) Legalization of residence in accordance with law;
60

- 1 (b) Cite and punish for contempt in relation to the discharge of its quasi-judicial
2 functions, in accordance with the Rules of Court;
3
4 (c) Prescribe and promulgate rules of procedure for proceedings before it;
5
6 (d) Prepare and publish operations manuals, including schedules of fees for all
7 transactions entered into by the Bureau with the public;
8
9 (e) Formulate policies, directives, programs and projects of the Bureau; and
10
11 (f) Such other powers and functions as provided in this Act and other existing
12 laws, rules and regulations not inconsistent with any of the provisions of this
13 Act.
14

15 **SEC. 7. Decisions.** – All cases or proceedings before the Board shall be decided with
16 the concurrence of the majority of the members of the Board. Decisions of the Board shall
17 become final and executory fifteen (15) days from receipt thereof by the concerned
18 parties. Only one (1) motion for reconsideration shall be allowed.
19

20 **SEC. 8. Period for Decision.** – The Board shall decide deportation cases within sixty
21 (60) days from the date they are submitted for resolution.
22

23 Decisions in deportation cases may be appealed to the Secretary of Justice within
24 fifteen (15) days from receipt thereof by the concerned party. The decision of the
25 Secretary of Justice may be appealed to the Office of the President within fifteen (15)
26 days from receipt of judgment. The decision of the Board shall become executory after
27 thirty (30) days from promulgation, unless within such period the President shall order the
28 contrary.
29

30 **SEC. 9. Meetings.** – In all cases, the Board of Commissioners shall convene and act as
31 a collegial body in all matters referred to in Section 6 of this Act. The Board shall meet at
32 least once a week or, if necessary, twice a week. Members of the Board shall be notified
33 accordingly and the presence of the Chairperson and one (1) member shall constitute a
34 quorum.
35

36 **CHAPTER 3** 37 **THE COMMISSIONER AND THE DEPUTY COMMISSIONERS** 38

39 **SEC. 10. Appointment of the Commissioner.** – The Commissioner shall be
40 appointed by the President and shall have the same rank, salary, and privileges of an
41 Undersecretary of a Department.
42

43 **SEC. 11. Powers and Duties of the Commissioner.** – In addition to the duties as
44 Chairperson of the Board of Commissioners, the Commissioner shall also undertake the
45 following:
46

- 47 (a) Supervise, direct and coordinate the overall operations of the Bureau;
48
49 (b) Exercise control and supervision over the officers and personnel of the Bureau,
50 including the power to appoint, promote, and reassign personnel, subject to civil
51 service laws, rules and regulations: *Provided*, That promotions and appointments
52 to positions of Division Chiefs and above shall be made by the Secretary of Justice
53 upon the recommendation of the Commissioner;
54
55 (c) Issue the following:
56
57 (1) Mission Orders, after determination of the existence of probable cause for the
58 purpose of deportation;
59

- (2) Commitment or Release Orders;
- (3) Warrants of Deportation;
- (4) Orders to inspect the documents, premises, and records of persons covered by this Act; and
- (5) Derogatory information orders defined in Section 3(i) of this Act;
- (d) Delegate authority to subordinate immigration personnel and employees of the Bureau, except the powers and functions enumerated in paragraph (c) of this section, which may be delegated only to a Deputy Commissioner;
- (e) Act on applications for extension of visas with the concurrence of the Board;
- (f) Act on applications for study and work permits;
- (g) Control the opening and closure of posts, landing places, airports or ports classified as points of entry or exit, whether limited or unlimited;
- (h) Increase, reduce, or waive immigration fines, penalties, and other charges;
- (i) Issue Certificates of Naturalization to foreign nationals who have been granted Philippine citizenship;
- (j) Promulgate rules and regulations as may be necessary or proper for the effective discharge of the duties and responsibilities of the officials and personnel of the Bureau, and for the effective exercise of the powers and functions of the Bureau;
- (k) 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 their duties and functions;
- (l) Seek the assistance of relevant government agencies for intelligence data gathering and sharing;
- (m) 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;
- (n) 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;
- (o) Accept donations of materials, equipment or technical services from any foreign government, international or domestic organization, to upgrade the efficiency and operations of the Bureau;
- (p) Provide an express lane system for the rendition of services performed for individuals and entities upon payment of fees that may be prescribed, and deposit in an authorized government depository bank such fees received under a trust fund subject to auditing and accounting rules, fifty percent (50%) of which shall be made available for the augmentation of the salaries of the employees of the Bureau, and fifty percent (50%) of which shall be remitted to the national treasury;
- (q) Submit to the President and to Congress, annually or as may be directed, a 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
 - (5) such other transactions of the Bureau;
- (r) 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 Officer in an eight-hour shift;
 - (s) 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 Justice;
 - (t) Prepare and submit a supplemental budget, if necessary, for the consideration of the Department of Budget and Management (DBM) and Congress;
 - (u) Prescribe, with the concurrence of the Board, the appropriate forms, bonds, reports, entries and other papers in accordance with this Act;
 - (v) Require all vessel operators to submit advance passenger information in the form prescribed by the Board, and prescribe penalty for the violation hereof;
 - (w) Engage foreign counterparts pertaining to border control; and
 - (x) Perform such other functions inherent to the Bureau.

SEC. 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.

SEC. 13. Duties of Deputy Commissioners. – In addition to their duties as members of the Board, the Deputy Commissioners shall supervise a minimum of two (2) Divisions and one (1) regional office each as may be determined by the Commissioner.

CHAPTER 4 THE INTERNAL AFFAIRS SERVICE

SEC. 14. Qualifications of the Director, Internal Affairs Service (IAS). – An Internal Affairs Service (IAS) of the Bureau is hereby created which shall be headed by a Director who must be a natural-born citizen of the Philippines, at least thirty (30) years of age and a member of the Philippine Bar in good standing for at least five (5) years prior to the appointment.

SEC. 15. Powers and Functions. The IAS shall have the following powers and functions:

- (a) Conduct inspections and audit over personnel and units of the Bureau;

- 1
2 (b) Receive administrative complaints against all Bureau personnel, and indorse to the
3 Office of the Secretary of Justice complaints filed against personnel who are
4 subject to the disciplining authority of the Secretary;
5
6 (c) Conduct summary hearings of administrative cases against personnel appointed
7 and promoted by the Commissioner;
8
9 (d) Investigate complaints and gather evidence in support of an investigation;
10
11 (e) File appropriate criminal cases against Bureau personnel before the court as
12 evidence warrants and assist in the prosecution of such cases; and
13
14 (f) Provide assistance to the Office of the Ombudsman in cases involving the
15 personnel of the Bureau.
16

17 **CHAPTER 5**
18 **THE BOARD SECRETARY**
19

20 **SEC. 16. Qualifications.** – There shall be a Board Secretary of the Board of
21 Commissioners who must be a natural-born citizen of the Philippines, at least thirty (30)
22 years of age and a member of the Philippine Bar in good standing for at least five (5)
23 years prior to the appointment.
24

25 **SEC. 17. Powers and Duties.** – The Board Secretary shall:
26

- 27 (a) Attend and take the minutes of all meetings of the Board;
28
29 (b) Prepare the agenda for the deliberation of the Board on visa applications;
30
31 (c) Prepare the agenda for the deliberation of the Board on deportation cases as
32 endorsed by a member of the Board after initial review;
33
34 (d) Implement the decision of the Board approving visa applications, including
35 revalidation;
36
37 (e) Keep and manage all records of the deliberations of the Board;
38
39 (f) Advise the members of the Board on all matters relative to compliance with
40 relevant laws and requirements of regulatory authorities; and
41
42 (g) All other functions as may be directed by the Board.
43

44 **CHAPTER 6**
45 **THE BOARDS OF SPECIAL INQUIRY**
46

47 **SEC. 18. Creation of the Boards of Special Inquiry.** – There shall be created up to
48 five (5) Boards of Special Inquiry (BSI) as required in the exigency of service as
49 determined by the Board. Each BSI shall be composed of a Chairperson and two (2)
50 members. The BSI shall be designated according to their areas of specialization to be
51 determined by the Board.
52

53 **SEC. 19. Appointment and Qualifications of the Chairpersons and Members of**
54 **the BSI.** – The Chairpersons and members of the BSI shall be appointed by the
55 Commissioner, shall be natural-born citizens of the Philippines and, at the time of their
56 appointment, at least thirty (30) years of age, members of the Philippine Bar in good
57 standing and have been engaged in the practice of law for at least three (3) years prior to
58 appointment.

1 **SEC. 20. Powers and Functions.** – The BSI shall:

- 2
- 3 (a) Recommend to the Board of Commissioners for final resolution cases and
- 4 applications relative to:
- 5
- 6 (1) Deportation;
- 7
- 8 (2) Revocation of immigration status; and
- 9
- 10 (3) Legalization of residence in accordance with law;
- 11
- 12 (b) Recommend to the Commissioner for appropriate action cases and applications
- 13 relative to:
- 14
- 15 (1) Cancellation of alien certificates of registration by marriage; and
- 16
- 17 (2) Issuance of alien certificates of registration to refugees;
- 18
- 19 (c) Issue subpoena in cases being heard by the BSI;
- 20
- 21 (d) In the exercise of its quasi-judicial power, cite and punish persons for contempt in
- 22 accordance with the Rules of Court;
- 23
- 24 (e) Recommend to the Board the imposition, waiver or reduction of fees, fines,
- 25 penalties and other charges, subject to existing laws, rules and regulations;
- 26
- 27 (f) Administer oaths in connection with the performance of their duties, as may be
- 28 authorized by the Board;
- 29
- 30 (g) Promulgate rules and regulations governing matters within its assigned mandate,
- 31 subject to the approval of the Board; and
- 32 (h) Perform such other duties and functions as may be directed by the Commissioner
- 33 or the Board of Commissioners.

34

35 **SEC. 21. Proceedings.** – The proceedings before the BSI shall be public and

36 recorded. In all cases, the BSI shall meet and act as a collegial body. Only members of

37 the Philippine Bar in good standing may appear for and in behalf of any party before the

38 BSI.

39

40 **SEC. 22. Resolution of Cases.** – Cases before the BSI shall be resolved within five

41 (5) working days from the date the cases are submitted for resolution. The resolution of

42 the BSI shall be submitted immediately to the Board for action.

43

44 **SEC. 23. Creation of Positions.** – The positions created under the BSI shall have

45 the following classification and salary grades:

46

DESIGNATION	POSITION	SALARY GRADE
Chairperson	Attorney V	25
Members	Attorney IV	23

47

48

49 **CHAPTER 7**

50 **DIVISIONS AND OTHER OPERATING OFFICES OF THE BUREAU**

51

52 **SEC. 24. Divisions and Other Operating Offices of the Bureau.** – The Bureau

53 shall have the following Divisions and other operating offices, namely:

54

55 **A. DIVISIONS:**

- (1) Administrative;
- (2) Alien Registration;
- (3) Finance and Logistics;
- (4) Human Resource Management and Development;
- (5) Immigration Regulation;
- (6) Information and Communications Technology;
- (7) Immigration Intelligence;
- (8) Immigration Law Enforcement;
- (9) Legal Affairs;
- (10) Immigration Operations; and
- (11) Planning and Research

B. REGIONAL OFFICES that shall be created by the Board according to political or administrative regions.

C. DISTRICT AND FIELD OFFICES

SEC. 25. Heads of the Divisions and Other Operating Units. — Each Division shall be headed by a Division Chief: *Provided*, That the Chief for Legal Affairs shall be a member of the Philippine Bar in good standing and must have been engaged in the practice of law for at least three (3) years prior to appointment, and that the Chief for Finance and Logistics must be a Certified Public Accountant in good standing for at least three (3) years prior to appointment.

The Regional Offices shall be headed by a Supervising Immigration Officer, while the District and Field Offices shall be headed by a Senior Immigration Officer.

No person shall be appointed as Chief of any of the Divisions enumerated in Section 24(A) of this Act unless such person meets the qualification standards set by the Bureau and approved by the Civil Service Commission (CSC).

SEC. 26. Organizational Structure, Duties and Functions of the Divisions, Regional, District, Field and Other Operating Offices. – Subject to the approval by the DBM, the Board shall determine the organizational structure of the different Divisions, Regional, District and Field Offices, and other operating offices of the Bureau to ensure the effective performance of their respective mandates.

SEC. 27. Chief Administrative Officer. – The Bureau shall have a Chief Administrative Officer who shall perform the following duties:

- (a) Develop and implement an administrative support strategy for the Bureau;
- (b) Coordinate all administrative functions of the Bureau;
- (c) Monitor and evaluate all policies and programs of the Bureau, and recommend to the Board such policies, programs and measures for the effective and efficient administration of the Bureau; and
- (d) Perform such other tasks as may be directed by the Commissioner.

1 **SEC. 28. Chief Alien Registration Officer.** – The Bureau shall have a Chief Alien
2 Registration Officer who shall perform the following duties:

- 3
- 4 (a) Formulate plans and policies for the implementation of the Alien Registration
5 Program;
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- 7 (b) Establish and implement measures for the effective registration, monitoring
8 and accounting of aliens, including the collection and safekeeping of
9 biometric data of all aliens pursuant to this Act and other laws, rules and
10 regulations;
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- 12 (c) Monitor and evaluate all policies, programs and measures relative to alien
13 registration, and recommend to the Board such measures to improve the
14 system of alien registration; and
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- 16 (d) Perform such other tasks as may be directed by the Commissioner.
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18 **SEC. 29. Chief Finance and Logistics Officer.** – The Bureau shall have a Chief
19 Finance and Logistics Officer who shall perform the following duties:

- 20
- 21 (a) Formulate and supervise the implementation of policies pertaining to
22 procurement, fiscal management, auditing and accounting in support of the
23 overall plan and strategic direction of the Bureau;
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- 25 (b) Direct and manage all the procurement activities of the Bureau;
- 26
- 27 (c) Implement sound fiscal policy;
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- 29 (d) Supervise the preparation of the Annual Procurement Plan;
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- 31 (e) Initiate projects in the furtherance of the improvement of the Bureau;
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- 33 (f) Set performance targets for the Bureau in order to meet its objectives, plans
34 and programs; and
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- 36 (g) Perform such other tasks as may be directed by the Commissioner.
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38 **SEC. 30. Chief Human Resource Management and Development Officer.** –The
39 Bureau shall have a Chief Human Resource Management Officer who shall perform the
40 following duties:

- 41
- 42 (a) Develop and execute human resource strategies in support of the overall plan
43 and strategic direction of the Bureau especially in the areas of selection,
44 hiring and promotion;
- 45
- 46 (b) Design employee training modules;
- 47
- 48 (c) Develop comprehensive strategic recruitment and retention plans to meet
49 human capital strategy goals;
- 50
- 51 (d) Set qualification standards and implement competency-based hiring and
52 promotion policies;
- 53
- 54 (e) Oversee the recruitment, selection and promotion of employees of the
55 Bureau;
- 56 (f) Set performance standards for the employees of the Bureau in order to meet
 its objectives, plans and programs;
- (g) Prepare and implement schemes to strengthen the relationship between
 management and employees; and
- (h) Perform such other tasks as may be directed by the Commissioner.

SEC. 31. Chief Immigration Regulation Officer. – The Bureau shall have a Chief Immigration Regulation Officer who shall perform the following duties:

- (a) Formulate plans and programs for the effective enforcement of immigration laws relating to the admission, sojourn, and exit of aliens;
- (b) Establish policies for the effective monitoring of all commercial vessels while in Philippine territory;
- (c) Oversee and supervise all regional, district, and field offices, and border crossing checkpoints;
- (d) Maintain administrative control over aliens admitted for limited periods;
- (e) Represent the Bureau in the enforcement of the RP-Indonesian Agreement the RP-Malaysian Anti-Smuggling Agreement, and other subsequent similar agreements; and
- (f) Perform such other tasks as may be directed by the Commissioner.

SEC. 32. Chief Information and Communications Technology Officer. – The Bureau shall have a Chief Information and Communications Technology Officer who shall perform the following duties:

- (a) Formulate policies, plans and programs on management information systems, network, cybersecurity, and information and communications technology (ICT) resources of the Bureau;
- (b) Supervise the implementation of all the information and communications technology projects of the Bureau;
- (c) Review, evaluate, and recommend for approval by the Commissioner the integration of all existing ICT systems of the Bureau;
- (d) Initiate the conduct of ICT research, development, and standardization; and
- (e) Perform such other tasks as may be directed by the Commissioner.

SEC. 33. Chief Immigration Intelligence Officer. – The Bureau shall have a Chief Immigration Intelligence Officer who shall perform the following duties:

- (a) Develop plans and programs for the gathering and collating of intelligence objectives through effective management of all intelligence and counter-intelligence activities of the Bureau;
- (b) Manage the conduct of intelligence and counter-intelligence activities of the Bureau;
- (c) Serve as the linkage between foreign counterparts or embassies and the Bureau;
- (d) Initiate development of intelligence training modules; and
- (e) Perform such other tasks as may be directed by the Commissioner.

SEC. 34. Chief Immigration Law Enforcement Officer. – The Bureau shall have a Chief Immigration Law Enforcement Officer who shall perform the following duties:

- (a) Develop plans and programs for effective law enforcement actions against foreign nationals who violate immigration laws, rules and regulations;

- (b) Exercise command, control, direction, coordination, and supervision of all law enforcement activities of the Bureau, such as the deployment of personnel, subject to the power of the Commissioner under Section 11(b) of this Act;
- (c) Initiate the development of law enforcement training modules;
- (d) Establish an effective monitoring tool for fugitives and undesirable foreign nationals; and
- (e) Perform such other tasks as may be directed by the Commissioner.

SEC. 35. Chief Legal Affairs Officer. – The Bureau shall have a Chief Legal Affairs Officer who shall perform the following duties:

- (a) Serve as the legal counsel of the Bureau, in coordination with the Office of the Solicitor General;
- (b) Develop guidelines for the summary deportation of foreign nationals who are fugitives, overstaying, undocumented, or convicted of crimes involving moral turpitude or crimes where the penalty of deportation is imposed;
- (c) Assign prosecutors for regular deportation proceedings;
- (d) Implement deportation orders;
- (e) Study contracts affecting the Bureau and submit recommendations to the Board relative thereto;
- (f) Render legal opinions on matters arising from the administration and operation of the Bureau; and
- (g) Perform such other tasks as may be directed by the Commissioner.

SEC. 36. Chief Immigration Operations Officer. – The Bureau shall have a Chief Immigration Operations Officer who shall perform the following duties:

- (a) Formulate plans and programs for the effective and efficient immigration operations in all international airports and seaports;
- (b) Oversee and supervise the immigration operations in all international airports and international seaports, including the conduct of arrival and departure formalities consistent with this Act and other applicable laws, rules and regulations;
- (c) Implement Blacklist Orders, Hold Departure Orders, Monitor Orders, Travel Restriction Orders, Orders to Leave, Exclusion Orders, and other such orders issued by the Board or by the Commissioner;
- (d) Ensure the compliance of all immigration personnel under the Operations Division with the Bureau's Quality Management System (QMS);
- (e) Monitor admitted foreign temporary visitors who were referred for secondary or tertiary inspection;
- (f) Initiate the development of immigration operations training modules; and
- (g) Perform such other tasks as may be directed by the Commissioner.

SEC. 37. Chief Planning and Research Officer. – The Bureau shall have a Chief Planning and Research Officer who shall perform the following duties:

- (a) Formulate and implement the Bureau's programs, projects and processes for planning and research;
- (b) Facilitate and organize strategic planning sessions for the entire Bureau;
- (c) Conduct workload assessment and forecasting;
- (d) Provide assistance to the Board in the implementation and establishment of a risk management process;
- (e) Implement a monitoring feedback measurement and evaluation system for the implementation of all Bureau policies, projects, and programs;
- (f) Represent the Board in meetings relating to planning and research; and
- (g) Perform such other tasks as may be directed by the Commissioner.

CHAPTER 8

IMMIGRATION OFFICERS

SEC. 38. *Immigration Officers.* – The Bureau shall employ an elite group of Immigration Officers who shall be assisted by Immigration Inspectors and Immigration Agents in the performance of their duties and functions. No person shall be appointed to the position of Immigration Officer, Immigration Inspector or Immigration Agent unless such person meets the qualification standards set by the Bureau and approved by the CSC.

The following determinative factors shall be included in setting the qualification standards for each position:

- (a) Educational Attainment
- (b) Civil Service Eligibility
- (c) Relevant Experience
- (d) Training (Basic, Advanced or Executive)
- (e) Agility

SEC. 39. *Powers and Duties.* – The Immigration Officers shall have the following powers and functions:

- (a) Examine, with the assistance and advice of medical authorities in appropriate cases, foreign nationals at the port of entry concerning their admissibility to enter and their qualifications to remain in the Philippines;
- (b) Exclude foreign nationals not properly documented, and to admit foreign nationals complying with the applicable provisions of immigration and related laws;
- (c) Administer oaths in connection with the performance of their duties, as may be authorized by the Board;
- (d) Search for foreign nationals on any vessel believed to be used to illegally bring foreign nationals into the Philippines, and to take into custody without warrant any foreign national who, in the presence or view of the Immigration Officer, is entering or is about to enter the Philippines in violation of immigration and related laws, rules and regulations;
- (e) Act as control personnel with authority to prevent the departure of passengers who do not comply with duly published departure requirements;

- 1 (f) Detect and report violations of the immigration and alien registration laws and,
2 in appropriate cases, take necessary actions upon the instructions of the
3 Commissioner, including follow-up on the stay of non-immigrants to prevent
4 overstaying;
- 5 (g) Detect and report subversive activities of aliens in the interest of national
6 security;
- 7 (h) Investigate any case at the instance of the Commissioner and submit the
8 required reports;
- 9 (i) Report on the activities of aliens inimical to national interest with a view to
10 taking appropriate action in accordance with law;
- 11 (j) Locate and conduct surveillance against foreign nationals in violation of
12 immigration laws, rules and regulations;
- 13 (k) Provide actionable operational, tactical and strategic intelligence to the
14 operating units;
- 15 (l) Conduct case build up, analysis and other in-depth research, as well as provide
16 analytical reports on foreign nationals who violate or are in violation of
17 immigration laws, rules and regulations;
- 18 (m) Coordinate with other local and international law enforcement agencies in the
19 gathering of intelligence information related to immigration law violations;
- 20 (n) Conduct counter-intelligence operations;
- 21 (o) Enforce lawful orders relating to the exclusion, deportation and repatriation of
22 aliens;
- 23 (p) Take charge of the physical detention of aliens pending their exclusion,
24 deportation or repatriation;
- 25 (q) Attend to the deportation of aliens;
- 26 (r) Monitor all arriving and departing suspected terrorists, drug couriers or
27 members of crime syndicates;
- 28 (s) Assist and escort deportees, excluded passengers and transiting restricted
29 passengers until finally boarded;
- 30 (t) Investigate and escort from ports of entry intercepted passengers who are
31 found in possession of spurious travel documents;
- 32 (u) Implement Warrants of Deportation and Mission Orders involving foreign
33 nationals who violate or are in violation of immigration laws, rules and
34 regulations; and
- 35 (v) Perform such other functions as may be assigned by the Commissioner from
36 time to time.

37 Qualified Immigration Officers, Immigration Inspectors and Immigration Agents with
38 the requisite training and experience may be assigned to the Intelligence, Law
39 Enforcement, Alien Registration, Immigration Regulation, and Operations Divisions
40 depending on the exigencies of the Bureau. The Board may, in the exigencies of service,
41 designate certain duties and responsibilities listed in this section to other officers and
42 employees in the Intelligence or Law Enforcement Divisions in an acting capacity:
43 *Provided*, That such designation shall not exceed a period of one (1) year.

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46 **SEC. 40. Deployment of Immigration Personnel Abroad.** – Within ninety (90)
47 days from the effectivity of this Act, the DFA and the Bureau shall promulgate the
48 implementing rules and regulations on the assignment and deployment of Immigration
49 Officers to select consular posts abroad who shall, subject to the pertinent provisions of
50 Republic Act No. 7157 or the “Philippine Foreign Service Act of 1991”, perform
51 immigration duties, except diplomatic and consular functions.
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CHAPTER 9
CAREER DEVELOPMENT PATTERN

SEC. 41. Career Development. – The Bureau shall:

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

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CHAPTER 10
OTHER OFFICES

SEC. 42. Changes in the Composition, Distribution and Assignment of Regional, District and Field Offices. – The Commissioner may make changes in the composition, distribution and assignment of regional, district and field offices as well as its personnel, based on the demographics of foreign nationals and as the exigency of the service requires, subject to civil service rules and regulations.

SEC. 43. Border Control Checkpoints. – In addition to international airports and international seaports, there shall be established Border Control Checkpoints which shall be manned by Immigration Officers appointed as Border Control Officers by the Commissioner. The Border Control Checkpoints shall be placed in specific areas in the Philippines which shall be determined by the Board. Border Control Officers shall perform the following duties:

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- (a) Conduct immigration formalities to foreign nationals passing through their areas of responsibility;
 - (b) Enforce immigration laws, rules and regulations;
 - (c) Coordinate with other law enforcement agencies in the enforcement of immigration laws, rules, and regulations;
 - (d) Apprehend and take into custody illegal entrants; and
 - (e) Perform such other functions as may be directed by the Commissioner.

TITLE III
IMMIGRATION

CHAPTER 1
NON-IMMIGRANTS

SEC. 44. Categories of Non-immigrants and Types of Visa Issued. – Foreign nationals departing from any place outside the Philippines who are otherwise admissible and who qualify under any one of the following categories may be admitted as non-immigrants:

- (a) Temporary visitors (A Visas): Visitors coming to the Philippines for a temporary period for reasons of business, pleasure or health:
 - (1) Business (A-1 Visa): Temporary visitors engaged in activities of a commercial or professional nature for a foreign employer or for themselves that will not result in gainful employment in the Philippines. As used herein, the term “business” refers to conventions, conferences,

1 consultations and other legitimate activities of a commercial or a
2 professional nature, but does not include local employment or labor for
3 hire;
4

5 (2) Pleasure (A-2 Visa): Temporary visitors who stay in the Philippines for
6 holiday, including sightseeing, recreation or visiting relatives; and
7

8 (3) Health (A-3 Visa): Temporary visitors who stay in the Philippines to avail
9 of medical treatment;
10

11 (b) Transit Persons (B Visa): Persons in transit through the Philippines solely for a
12 layover and who have a confirmed connecting flight to another country, or passengers in
13 immediate and continuous transit to a destination outside the Philippines;

14 (c) Crewmembers (C Visa): Persons required for the normal operation and servicing
15 of vessels that come to the Philippines on a temporary basis, either arriving with a vessel
16 or intending to depart the Philippines on the same vessel or any other vessel;
17

18 (d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens of a country
19 that has a trade treaty with the Philippines, including their family members, and who
20 come to work in the Philippines for either a company they own or one that is at least fifty
21 percent (50%) owned by nationals of their home country and which company is engaged
22 in substantial trade between the Philippines and their home country, shall be granted a D-
23 1 visa.
24

25 Citizens from a country that has an investor treaty with the Philippines, including
26 their family members, and who come to work in the Philippines for a business they own or
27 one that is at least fifty percent (50%) owned by nationals of their home country, which
28 business is supported by a substantial investment from nationals of their home country,
29 shall be granted a D-2 visa;
30

31 (e) Accredited Foreign Government Officials, Their Families and Household Member
32 (E Visas): Foreign government officials, their families and household members coming to
33 the country for official purpose, pursuant to international conventions and bilateral
34 agreements, shall be granted E Visas, in accordance with the following categories:
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36 (1) Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the following
37 classes of foreign nationals:
38

- 39 i. Heads of State and Heads of Government and their personal
40 representatives;
- 41 ii. Members of reigning royal families from countries recognized by the
42 Philippine Government;
- 43 iii. Governors-General, Governors, and High Commissioners of dependent
44 territories and their personal representatives;
- 45 iv. Cabinet ministers and their deputies, and officials with cabinet rank of
46 ministers;
- 47 v. Presiding officers of national legislative bodies;
- 48 vi. Justices or judges of the highest national judicial bodies;
- 49 vii. Diplomats and career consular officials on foreign assignment in the
50 Philippines;
- 51 viii. Military, naval, air and other attaches assigned to a diplomatic
52 mission; and
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ix. Accompanying spouses and unmarried dependents of foreign nationals within the abovementioned categories;

- (2) Persons eligible for E-2 Visa: The E-2 visa shall be issued to an official of a foreign government recognized by the Philippines 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:

- i. Administrative and technical members of the staff of a diplomatic or consular mission;
- ii. Officials participating in programs under the auspices of the Philippine Government or recognized international institutions; and
- iii. Accompanying spouses and unmarried dependents of foreign nationals within the abovementioned categories;

- (3) Persons eligible for E-3 Visa: The E-3 visa shall be issued to an official of a foreign government recognized by the Philippines, is a national of the country whose government he represents, and is proceeding to the Philippines on a short-term basis in connection with official business for such foreign official's government.

This category includes, *inter alia*, the following classes of foreign nationals:

- i. Diplomatic couriers regularly and professionally employed as such;
- ii. All members of official special missions of a diplomatic character;
- iii. Members of delegations proceeding to or from an international conference of a diplomatic or official nature; and
- iv. Such other officials going to the Philippines on diplomatic or official missions; and

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

All visas in Section 44(e) of this Act shall be exclusively issued and renewed by the DFA, which shall also determine the type of E-Visa of Foreign Government Officials not identified in the foregoing lists. The grant of immunities and privileges shall be subject to applicable domestic and international law and international agreements to which the Philippines is a party, as well as in consideration of the principle of reciprocity;

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

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

1 (h) Religious Workers (H Visa): Duly ordained or professional missionaries and
2 religious ministers, including members of their family, coming to the Philippines to join a
3 religious congregation or denomination duly registered with the Securities and Exchange
4 Commission, upon invitation, sponsorship or guarantee of such religious congregation or
5 denomination, solely for the purpose of propagating, teaching and disseminating their
6 faith or religion;
7

8 (i) Representatives of Accredited International Organizations and Government
9 Agencies (I Visa): Foreign officials and staff of accredited international organizations,
10 including their dependent family members, staff, and household members shall be granted
11 I Visas in accordance with the following categories:
12

- 13 (1) Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the principal
14 officials of accredited international organizations, as well as their
15 accompanying spouses and dependents;
16
- 17 (2) Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other officials
18 and staff of accredited international organizations, as well as their
19 accompanying spouses and dependents;
20
- 21 (3) Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials and staff
22 of international organizations who will perform short-term official work with
23 the international organization upon its invitation; and
24
- 25 (4) Persons eligible for I-4 Visa: The I-4 Visa shall be issued to the private
26 employees and household members of persons to whom I-1 and I-2 visas
27 have been granted, as well as their immediate dependents.
28

29 Accredited international organization includes any public international organization
30 engaged in activities of which the Philippines participates pursuant to any treaty or under
31 the authority of any act of the Congress of the Philippines authorizing such participation or
32 making an appropriation for such participation and such other international organizations,
33 institutions, agencies, programs, foundations and entities which are recognized by the
34 government of the Republic of the Philippines, including those existing and already
35 recognized as such at the time of the effectivity of this Act.
36

37 All types of visas under Section 44(i) of this Act shall be exclusively issued and
38 renewed by the DFA, which shall also determine the type of I Visa of officials and staff of
39 international organizations that are not identified in the foregoing list. The grant of
40 immunities and privileges shall be subject to applicable domestic and international law,
41 relevant Headquarters Agreements, and international agreements to which the Philippines
42 is a party;

43 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly
44 accredited by the government agency concerned, who are *bona fide* representatives of a
45 foreign press, radio, satellite, television, film, or other information media, and are coming
46 to the Philippines solely to engage in gathering information principally for dissemination
47 abroad, including their family members accompanying them or subsequently joining them
48 during the period of the assignment in the Philippines;
49

50 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines to teach,
51 study, observe, conduct research or receive training in a specific Exchange Visitor
52 Program duly approved by the Philippine Government;
53

54 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined in
55 this Act and in the 1951 Convention Relating to the Status of Refugees and its 1967
56 Protocol shall be issued L-1 Visas. Stateless persons as described in this Act shall be
57 issued L-2 Visas. The President or the Secretary of Justice, for humanitarian reasons not
58 inimical to public interest, shall have the exclusive authority to admit refugees and
59 stateless persons in such classes of cases and under such conditions as they may

1 prescribe. The President or the Secretary of Justice shall likewise have the exclusive
2 authority to cancel, revoke, or cease the refugee or stateless status of an individual;

3
4 (m) Bridging Visa (M Visa): A temporary visa which allows a foreign national to stay
5 in the Philippines after the expiration of the current visa, other than temporary visitor visa
6 under Section 44(a), and while an application for adjustment of status is being processed;

7
8 (n) Startup Visa (N visa): Visa issued by the DFA pursuant to Sec. 13, Chapter 3 of
9 Republic Act No. 11337, otherwise known as the "Innovative Startup Act", which includes
10 the Startup Owner Visa (N-1 Visa), Startup Employee Visa (N-2 Visa) and Startup
11 Investor Visa (N-3 Visa); and

12
13 (o) Special Non-Immigrant Visa (O Visas): Such other foreign nationals including
14 their family members who may be admitted as non-immigrants under special laws, or
15 foreign nationals not otherwise described in this Act who are coming for temporary
16 periods only, and whose admission is authorized by the Board or the President in the
17 interest of the public or for humanitarian considerations and under such conditions as they
18 may prescribe.

19
20 All other agencies and offices other than the DFA authorized to issue visas in
21 accordance with existing laws shall be subject to reportorial requirements as prescribed by
22 the Board. The Board shall likewise prescribe penalties for violations thereof.

23 24 **CHAPTER 2** 25 **IMMIGRANTS** 26

27 **SEC. 45. Quota Immigrants.** – Subject to the conditions set forth in this Act, there
28 may be admitted into the Philippines, based upon immigration reciprocity and upon
29 allotment by the Commissioner, "quota immigrants", not to exceed two hundred (200) of
30 any one nationality for any one calendar year. The following order of preference shall be
31 observed in the allotment of quota immigrants:

32
33 (a) First Preference: Those whose service and qualifications show high educational
34 attainment, technical training, specialized experience, or exceptional ability in the
35 sciences, arts, professions, or business as would reasonably enhance and contribute
36 substantial benefits prospectively to the national economy, or cultural or educational
37 interests or welfare of the Philippines, including their family members, accompanying or
38 following to join them, who shall likewise be allotted individual quota numbers;

39
40 (b) Second Preference: Parents of a naturalized Philippine citizen;

41
42 (c) Third Preference: Spouses or minor children of foreign nationals who are lawful
43 permanent residents of the Philippines; and

44
45 (d) Fourth Preference: Parents of foreign nationals who are lawful permanent
46 residents of the Philippines.

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48 **SEC. 46. Allotment of Quota.** – The Commissioner shall, with respect to the
49 first preference, allot not more than fifty percent (50%) of the annual quota allotment up
50 to the end of June of each year: *Provided*, That if the fifty percent (50%) allotment for the
51 first preference by any nationality is not utilized, the balance thereof shall be given to the
52 second, third, and fourth preferences for the same nationality in accordance with Section
53 45 of this Act. Any unused quota allotment for a calendar year shall not be carried over
54 and utilized for the ensuing calendar year.

55 **SEC. 47. Basis in Determination of Quota Allotment.** – The numerical limitation
56 imposed by Section 45 of this Act shall be on the country of which the immigrant is a
57 national or a citizen. For purposes of the quota allocation, the nationality of immigrants
58 possessing dual citizenship may be that of either of the two (2) countries regarding them
59 as a national or citizen if they apply for a visa in a third country. If such immigrants apply
60 for a visa within one of the two (2) countries regarding them as a national or citizen, their

nationality shall be that of the country in which they filed their application for a visa to enter the Philippines.

SEC. 48. Non-Quota Immigrants. – The following immigrants, known as “non-quota immigrants”, may be admitted without regard to numerical limitation and immigration reciprocity:

(a) The spouse of a Philippine citizen: *Provided*, That abandonment by the foreign spouse, the failure to give support by the foreign spouse to the Filipino spouse and family, and the legal separation or termination of the marital status by annulment, declaration of nullity of marriage or divorce where the cause is attributable to the foreign spouse, shall constitute grounds for cancellation of the immigrant visa issued to the foreign spouse;

(b) A person of Filipino descent regardless of generation;

(c) A child born to a mother during her temporary visit abroad, the mother being a foreign national and lawful permanent resident of the Philippines, if accompanied by or coming to join the mother who applies for admission within five (5) years from the birth of the child;

(d) A child born subsequent to the issuance of an immigrant visa to the accompanying parent, the visa not having expired or revoked;

(e) A foreign national who had been previously lawfully admitted into the Philippines for permanent residence who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines;

(f) A natural-born citizen who becomes a naturalized citizen of a foreign country and is returning to the Philippines for permanent residence therein, including the spouse and minor children accompanying or following to join such person; and

(g) Spouse, parent, children, legitimate siblings of a foreign national who is gainfully employed and holder of a permanent resident status for a period of seven (7) years.

CHAPTER 3 NATIVE-BORN FOREIGN NATIONAL

SEC. 49. Status of Children Born to Immigrants. – A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident.

SEC. 50. Status of Children Born to Non-immigrants. – A child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless the child reaches the age of eighteen (18) years while continuously residing in the Philippines, in which case such child may apply for naturalization under existing laws or for an appropriate visa.

CHAPTER 4 ADJUSTMENT OF STATUS

SEC. 51. Conditions for Adjustment of Status of Foreign Nationals. – The status of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board to that of a foreign national lawfully admitted as a permanent resident if:

(a) the foreign national makes an application for such adjustment;

(b) the foreign national is eligible to receive a quota or non-quota immigrant visa and is admissible to the Philippines as a permanent resident; and

1 (c) a quota immigrant visa is immediately available to the foreign national at the
2 time of application, without the need of first departing from the Philippines.
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4 In all such cases, the personal appearance of the foreign national shall be required
5 during the consideration of the application.
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7 **SEC. 52. Effect of Approval on Application for Adjustment.** – Upon the approval
8 of an application for adjustment of status under the preceding section, the Commissioner
9 shall record the foreign national's lawful admission as a permanent resident as of the date
10 of the approval of the application and shall be included as part of the quota for the
11 calendar year in accordance with Section 45 of this Act.

12 **SEC. 53. Adjustment of Status, When Not Allowed.** – Adjustment of status under
13 this Act shall not be applicable to:
14

15 (a) a foreign national who has violated or is in violation of immigration laws, rules
16 and regulations, unless the violation is without the fault of the foreign national or for
17 purely technical reasons; and
18

19 (b) transients.
20

21 **SEC. 54. Loss of Status.** – A registered foreign national, except a temporary visitor,
22 who fails to return to the Philippines within a period of one (1) year from departure shall
23 lose the status granted under this Act. Such foreign national may apply for an extension
24 of the period within which to return prior to its expiration and pay the prescribed fees and
25 charges in order to maintain the status or type of visa granted.
26

27 **CHAPTER 5**

28 **DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS**

29

30 **SEC. 55. Documentary Requirements of Non-immigrants.** – Non-immigrants
31 must present for admission into the Philippines valid passports issued by
32 the governments of the countries to which they owe allegiance or other travel documents
33 showing their nationality and identity as prescribed by regulations, a valid visa granted by
34 the Consular Officer, if required, and such other relevant documents as may be required
35 under existing laws, rules, regulations, or multilateral or bilateral agreements.
36

37 **SEC. 56. Conditions and Period of Authorized Stay of Temporary Visitors.** –
38 The initial period of authorized stay of a foreign national admitted as a temporary visitor
39 under Section 44(a) of this Act shall not exceed fifty-nine (59) calendar days from the
40 date of arrival, subject to bilateral, regional and multilateral visa agreements entered into
41 by the Philippines: *Provided*, That the conditions for extensions and total period of
42 authorized stay shall be prescribed by the Commissioner: *Provided, further*, That during
43 the foreign national's authorized stay, such foreign national: (a) shall not take any
44 employment, whether paid or unpaid; (b) shall not establish or join in any business; and
45 (c) shall not enroll or become a student at a school, college, university, academy, or other
46 educational institution, unless granted, upon proper application, a conversion to another
47 immigration status provided under this Act.
48

49 **SEC. 57. Conditions for Issuance of Pre-Arranged Employment Visas.** –
50 A foreign national who is seeking admission into the Philippines for a pre-arranged
51 employment shall not be issued a non-immigrant visa referred to in Section 44(g) of this
52 Act until the Consular Officer shall have received authorization for the issuance of the
53 same. Such authorization shall be given only upon the filing of a petition with the Board
54 establishing, among others, that no person can be found in the Philippines willing and
55 competent to perform the work or service for which the foreign national is desired and
56 that the admission would be beneficial to the public interest. The petition shall be under
57 oath by the prospective employer or the latter's representative in the form and manner
58 prescribed by the Board.

1 If the Board finds that the petition complies with the requirements of the preceding
2 paragraph and of other regulations, it shall grant the petition and shall promptly transmit
3 the authorization to the DFA.

4 **SEC. 58. Submission of Crew List and Passenger Manifest.** – Simultaneous to
5 the vessel's departure from the port of origin, the master, captain, agent, owner or
6 consignee of any commercial vessel arriving in the Philippines shall submit to the Bureau,
7 within a reasonable time prior to such arrival, the crew lists, passenger manifests and
8 such other information concerning the persons arriving on such a vessel. In the same
9 manner and condition, the master, captain, agent, owner or consignee of any commercial
10 vessel departing from any port in the Philippines shall submit to the Bureau, within a
11 reasonable time prior to such departure, the crew list, passenger manifest and such other
12 information concerning the persons departing on such vessel. The crew list of an incoming
13 sea craft shall contain the appropriate visa granted by the Consular Officer.

14
15 **SEC. 59. Inspection of Crewmembers.** – It shall be the duty of the master,
16 captain, agent, owner or consignee of any vessel arriving in the Philippines to have
17 available on board, for inspection by Immigration Officers, any foreign crewmember
18 employed on such vessel and, when required by the immigration authorities, to detain
19 such crewmember on board after inspection or to remove such crewmember. No
20 crewmember on board such vessel shall be discharged while the vessel is in port without
21 the permission of the Commissioner.

22
23 **SEC. 60. Permission for Temporary Landing of a Foreign Crewmember.** –
24 A foreign crewmember on a vessel arriving in the Philippines may be permitted to land
25 temporarily under such conditions as may be prescribed by the Commissioner. All
26 expenses incurred by the Bureau while the crewmember is on land shall be borne by the
27 master, captain, agent, owner or consignee of the carrying vessel.

28 29 30 **CHAPTER 6** 31 **DOCUMENTATION AND ADMISSION OF IMMIGRANTS**

32
33 **SEC. 61. Documentary Requirements of Immigrants; Instances When**
34 **Not Required.** – Immigrants must present for admission into the Philippines valid
35 passports or travel documents issued by the government of the country to which they owe
36 allegiance, showing their nationality and identity and valid immigrant visas indicating the
37 date of issue and the period of validity thereof. Immigrant visas shall not be required of
38 the following:

39
40 (a) A child born subsequent to the issuance of a valid immigrant visa to the
41 accompanying parent;

42
43 (b) A child born during the temporary visit abroad of the mother who is a lawful
44 permanent resident of the Philippines and a holder of a valid re-entry permit, if the
45 child is accompanied by either parent within five (5) years from the date of the
46 child's birth; and

47
48 (c) A foreign national who is returning to an unrelinquished lawful permanent
49 residence in the Philippines after a temporary residence abroad and presents for
50 admission a valid re-entry permit.

51 52 **CHAPTER 7** 53 **VISA ISSUANCE**

54
55 **SEC. 62. Nature of Visa.** – Nothing in this Act shall be construed to automatically
56 entitle any foreign national, to whom a visa or other travel document has been issued, to
57 enter the Philippines if, upon arrival at a port of entry, such foreign national is found to be
58 inadmissible under this Act or any other law.

SEC. 63. 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.

SEC. 64. Visa Issuance Abroad. – All visa issuances 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 Offices 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.

SEC. 65. 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.

SEC. 66. Visa Validity Period. – A single-entry non-immigrant or immigrant visa issued by a Consular Officer abroad pursuant to Section 64 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.

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

SEC. 67. Denial of Visa; Grounds. – The Consular Officer may deny the application for visa if it appears from the statements in the application or in the documents submitted that the applicant is not eligible for a visa under this Act, or if the applicant fails to comply with the requirements of any of the provisions of this Act.

SEC. 68. Revocation of Visa Issued by Consular Officer. – The Commissioner may, for valid cause and upon confirmation by the DFA, revoke a visa issued by any Consular Officer. If the notice of revocation is not received and the visa holder applies for admission into the Philippines, the admission or entry of the foreign national shall be determined by the Immigration Officer pursuant to Title IV of this Act.

CHAPTER 8 RE-ENTRY AND EMIGRATION CLEARANCE

SEC. 69. Re-entry. – In all instances when a registered foreign national, except a temporary visitor, departs or is about to depart temporarily from the Philippines with the intention to return within one (1) year from departure, the foreign national must secure a

1 re-entry permit or, if the authorized stay is less than one (1) year, a Special Return
2 Certificate, and pay the corresponding fees and charges therefor.

3
4 **SEC. 70. *Emigration Clearance.*** – A registered foreign national who departs
5 permanently from the Philippines shall surrender all Philippine immigration documents and
6 apply for and be issued an Emigration Clearance Certificate, subject to the following
7 conditions:

8
9 (a) The immigrant has no pending obligation with the government or any of its
10 agencies or instrumentalities;

11
12 (b) The immigrant has no pending criminal, civil, or administrative proceeding
13 which requires continued presence in the country; and

14
15 (c) There is no ongoing legislative inquiry where the immigrant is called upon to
16 testify as a witness.

17
18 A temporary visitor departing from the Philippines shall, after the expiration of the
19 initial authorized stay, apply for emigration clearance and pay the prescribed fees and
20 charges therefor.

21
22 **CHAPTER 9**
23 **PRESIDENTIAL PREROGATIVES**

24
25 **SEC. 71. *Presidential Prerogatives.*** – Any provision of this Act to the
26 contrary notwithstanding, the President may:

27
28 (a) Deny the entry and admission into the Philippines of, or impose such
29 restrictions as may be deemed appropriate on, any foreign national or a class of
30 foreign nationals, whenever the President finds that such entry would be
31 detrimental to the interest of the Philippines;

32
33 (b) Waive passport or documentary requirements for non-immigrants and
34 immigrants under such terms and conditions as may be prescribed;

35
36 (c) Change the status of non-immigrants by allowing them to acquire permanent
37 residence status without necessity of a visa;

38 (d) Deport any foreign national, subject to the requirement of due process;

39
40 (e) Admit non-immigrants not otherwise provided for in this Act for humanitarian
41 considerations and when not detrimental to public interest, under such terms and
42 conditions as may be prescribed; and

43
44 (f) Exercise, with respect to foreign nationals in the Philippines, such powers as
45 are recognized by the generally accepted principles of international law.

46
47 **TITLE IV**
48 **PROVISIONS RELATING TO ENTRY**

49
50 **CHAPTER 1**
51 **CLASSIFICATION OF PORTS OF ENTRY**

52
53 **SEC. 72. *Authority to Classify Ports.*** – The Commissioner shall classify and
54 designate, from among the ports of entry established by law for immigration purposes,
55 limited or unlimited ports of entry through which foreign nationals may be admitted into
56 the Philippines. Only such classes of foreign nationals as provided under the rules and
57 regulations prescribed by the Commissioner may be admitted at limited ports of entry.
58 The Commissioner may, after due notice to the public, close designated ports of entry in
59 the interest of national security or public safety.

CHAPTER 2
PROCEDURES ON ARRIVAL

SEC. 73. Inspection by Immigration Personnel. – A foreign national seeking admission or readmission shall present a valid passport and visa, if required, to the Immigration Officer at the port of entry and shall be subject to primary inspection. The decision of the examining Immigration Officer, if favorable to the admission of any foreign national, may be challenged by another Immigration Officer on any ground provided in this Act. The final determination on the admissibility of such foreign national shall be determined by the Commissioner within forty-eight (48) hours in case no resolution is reached between the Immigration Officers on the challenged admission. In case of admission, the Immigration Officer shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

SEC. 74. Detention or Quarantine for Examination. – For the purpose of determining whether a foreign national arriving at any port in the Philippines belongs to any of the classes excludable under this Act by reason of being afflicted with any of the contagious or communicable disease or mental disorder as set forth under Section 84(a) of this Act or whenever the Commissioner has received information showing that foreign nationals are coming from a country or a place where any of such diseases are prevalent or widespread, the foreign national shall be detained or quarantined for a reasonable period of time to enable the immigration and medical officers to subject such person to observation and examination.

SEC. 75. Medical Examination Requirement. – Any arriving foreign national whom the examining Immigration Officer believes to belong under the class of excludable foreign nationals specified in Section 84(a) of this Act shall be referred to designated medical officers for physical and mental examination. Such medical officer shall certify the findings of the examination for the information of the Immigration Officer.

SEC. 76. Arrival Notice Requirements of Vessel. – The immigration authorities shall be given prior notice of the arrival of any civilian vessel before such vessel comes into any area in the Philippines from any place outside thereof. Such prior notice shall not be required in the case of vessels with scheduled arrivals filed with the Immigration Officer in charge at the international port of entry.

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

CHAPTER 3
FOREIGN CREWMEMBER

SEC. 77. Conditional Permit to Disembark. – A foreign crewmember of a vessel under Section 44(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.

SEC. 78. 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 foreign national arrived to receive and detain the foreign national 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.

SEC. 79. 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 for the payment of the penalties prescribed in Section 127 of this Act.

SEC. 80. 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 alien employed as a crewmember on a vessel arriving in the Philippines 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 unpaid or while the validity thereof is being determined: *Provided*, That a clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

SEC. 81. Duty to Report Desertion or Illegal Landing of Foreign Crewmember.
– The owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately report, in writing, to the Immigration Officer all cases of desertion or illegal disembarkation in the Philippines from the vessel, together with a description of such foreign nationals and any information that shall result in their apprehension.

SEC. 82. Requirement for Submission of List of Newly Employed, Discharged and Illegally Landed Foreign Crewmembers. – Prior to the departure of any vessel from the last port in the Philippines destined to any place outside thereof, the owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to the Immigration Officer at that port a list containing:

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

SEC. 83. Liability for Failure to Submit Complete, True and Correct Report. – The owner, operator, captain, master, pilot, agent, or consignee who fails to submit a true and complete list or report of foreign nationals or to report cases of desertion or illegal landing shall pay such sum as may be prescribed under Chapter 6, Title VI of this Act. No vessel shall be granted clearance to depart from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

CHAPTER 4 EXCLUSIONS

SEC. 84. *Exclusion Grounds.* – The following classes of foreign nationals shall not be allowed entry and shall be excluded from the Philippines on the following grounds:

- (a) Health Related Matters
- (1) Those who are found to be suffering from a communicable, dangerous or contagious disease, unless excepted under existing laws, rules and regulations;

1 (2) Those who are found to be suffering from mental disorder or mental
2 health-associated behavior that may pose a threat to persons or danger
3 to property;

4 (3) Those who are found to be suffering from addiction to prohibited or
5 regulated substance;
6

7 (b) Economic Concerns
8

9 (1) Those likely to become a public charge;

10
11 (2) Those seeking entry for the purpose of performing skilled or unskilled
12 labor, without a permit from the Secretary of the Department of Labor
13 and Employment as required by law;
14

15 (c) Moral Issues
16

17 (1) Those coming to the Philippines to practice polygamy or who advocate
18 the practice of polygamy unless the person's religion allows such
19 practices;
20

21 (2) Those who are pedophiles, sexual perverts or those coming to the
22 Philippines for immoral purposes;
23

24 (3) Those who are engaged or who seek to engage in prostitution or to
25 procure or attempt to procure prostitutes, or who receives in whole or in
26 part the proceeds of prostitution;
27

28 (4) Those who, at the time of primary inspection by the Immigration Officer,
29 exhibit any contemptuous or disrespectful behavior towards the said
30 officer or any government official or employee of the Bureau;
31

32 (d) Criminal and Security Considerations
33

34 (1) Those who have been convicted of a crime involving moral turpitude or
35 who admit to the Immigration Officer having committed such crime, or
36 who attempt and conspire to commit the crime;
37

38 (2) Those who have been convicted, or who admit having committed, or are
39 committing acts which constitute the elements of a violation or conspiracy
40 to violate any law or regulation of the Philippines or a foreign country
41 relating to a controlled, regulated or prohibited substance, or who admit
42 having attempted or conspired to commit the crime;
43

44 (3) Those that the Philippine Government knows or has reason to believe are
45 or have been (i) traffickers of any controlled, regulated or prohibited
46 substance, or (ii) accomplices, accessories, abettors, or co-conspirators in
47 the illicit trafficking of any controlled, regulated or prohibited substance;
48

49 (4) Those who are fugitives from justice;
50

51 (5) Those who seek to enter the Philippines to engage in:

52 (a) espionage or sabotage, or a violation or evasion of laws prohibiting
53 export of goods, technology or sensitive information;

54 (b) any activity aimed to promote membership in an organization of
55 syndicated criminal activities;
56

(c) any activity, the purpose of which is to overthrow the Philippine government by force, violence, or other unlawful means; and

(d) any other unlawful activity;

(6) Those who are engaged or believed to be engaged or likely to engage in, aid, abet or finance any terrorist activity and members or representatives of a foreign terrorist organization;

(7) Those who have been identified by competent authorities, local or foreign, as having engaged or are engaging in human trafficking and smuggling;

(8) Those who are under fifteen (15) years of age and unaccompanied by or not coming to join 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

(9) Those who have been identified by competent authorities, local and foreign, as having engaged or are engaging in importation of contrabands and other prohibited articles into the country.

SEC. 85. 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 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.

SEC. 86. Finality of Exclusion Order. – An order by the Immigration Officer 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.

SEC. 87. Authority to Waive Grounds for Exclusion. – Except for grounds of exclusion under Section 84(d), subparagraphs 1 to 7 and 9, the Commissioner may waive any of the grounds for exclusion mentioned in Section 84 of this Act.

SEC. 88. Procedure of Removal and Cost Thereof. – Foreign nationals arriving in the Philippines who are ordered excluded shall be immediately removed to the country where they boarded the vessel on which they arrived, in accommodations of the same class, unless the Commissioner determines that immediate removal is not proper and practicable pursuant to applicable Conventions, laws, rules and regulations, in which case such excluded foreign nationals shall be ordered detained. The cost of removal, detention and other expenses incidental thereto shall be borne by the owner, operator, master, pilot, captain, agent, or consignee of the vessel on which such foreign nationals arrived.

SEC. 89. Country Where Removal is to be Directed. – If the government of the country designated in the preceding section will not accept the foreign national into its territory, the removal of the foreign national shall be directed, at the Commissioner's discretion to any of the following:

(a) The country of which the excluded foreign national is a citizen or national;

(b) The country of birth;

(c) The country of the foreign national's habitual residence; or

(d) The country willing to accept the foreign national into its territory, if removal to any of the foregoing countries is impractical or impossible.

SEC. 90. *Obligation of Owner, Operator, Master, Captain, Pilot, Agent or Consignee.* – It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a vessel to refuse or fail to:

(a) Board a foreign national ordered excluded and removed in the same vessel or another vessel owned or operated by the same company;

(b) Detain a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by an Immigration Officer;

(c) Deliver a foreign national for medical or other examinations when so ordered by an Immigration Officer;

(d) Remove a foreign national from the Philippines to the country to which the individual's removal has been directed; or

(e) Pay the cost of detention and such other costs and expenses necessary or incidental to the removal of the excluded foreign national as provided in this Act.

SEC. 91. *Penalty for Non-compliance of Obligation.* – The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violates Section 90 of this Act shall pay the fines prescribed in Chapter 6, Title VI of this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

TITLE V DEPORTATION

CHAPTER 1 DEPORTABLE FOREIGN NATIONALS

SEC. 92. *Classes of Deportable Foreign Nationals.* – The following foreign nationals shall be taken into custody upon the order of the Commissioner and deported upon recommendation by the BSI and approval by the Board:

(a) Those who entered the Philippines: (1) by means of misrepresentations or false or misleading statements or documents, or (2) without inspection and admission by the immigration authorities;

(b) Those who were not lawfully admissible at the time of entry;

(c) Those who abet or aid in the practice of prostitution, including the owner or manager of a prostitution den, or who are pedophiles;

(d) Those who, at any time after the date of entry, have become a public charge;

(e) Those who remain in the Philippines in violation of any period of limitation or condition under which they were admitted;

(f) Those who believe in, advise, advocate, teach, or otherwise engage in any activity the purpose of which is the opposition to, or the control or overthrow of, the Government of the Republic of the Philippines or any of its duly constituted authority by force, violence, or other unlawful means, or those who do not believe in or are opposed to organized governments, or those who advise, advocate or teach the assault or assassination of public officials, or those who advise, advocate or teach the unlawful destruction of property, or those who are members of or affiliated with any organization entertaining, advocating or teaching such doctrines,

1 or those who in any manner whatsoever extend assistance, financial or otherwise,
2 in the dissemination of such doctrines;

3
4 (g) Those who, at any time after entry, engage in, abet, aid or finance any
5 terrorist activity;

6
7 (h) Those who, at any time after entry, are charged of a crime involving acts or
8 omissions punishable under Philippine penal laws cognizable by the Regional Trial
9 Courts and the *Sandiganbayan*;

10
11 (i) Those who, at any time after entry, are convicted by final judgment of a crime
12 involving moral turpitude punishable under Philippine penal laws;

13
14 (j) Those who were admitted as non-immigrants and who obtained an adjustment
15 of their admission status for convenience, or through fraud, falsification of
16 documents, misrepresentations or concealment of material facts;

17
18 (k) Those who violated Philippine labor and taxation laws, rules and regulations;

19
20 (l) Those who are found to be undesirable and whose further stay in the
21 Philippines is inimical to public welfare and interest, or the dignity of Filipinos or the
22 Republic of the Philippines as a sovereign nation;

23
24 (m) Those who forge, counterfeit, alter or falsely make any document; or use,
25 attempt to use, possess, obtain, accept or receive, or provide any forged,
26 counterfeit, altered or falsely made document; or use, attempt to use, provide,
27 attempt to provide, accept or receive a genuine document, even of another person,
28 without authority to do so for the purpose of satisfying or complying with the
29 requirements of the Bureau;

30
31 (n) Those whose presence or activities in the country may result in adverse
32 consequences to Philippine foreign policies as determined by the Secretary of
33 Foreign Affairs;

34
35 (o) Those who misrepresented themselves as Filipino citizens in all immigration
36 matters; and,

37
38 (p) Those who commit any violation of the provisions of this Act, independent of
39 any criminal action which may be brought against them: *Provided*, That in the case
40 of a foreign national who, for any reason, is convicted and sentenced to suffer both
41 imprisonment and deportation, said foreign national shall first serve the entire
42 period of the sentence before being deported.

43 44 CHAPTER 2 45 DEPORTATION PROCEEDINGS

46
47 **SEC. 93. Nature of Deportation Proceedings.** – Deportation proceedings
48 shall be independent of any action that may be instituted against a foreign national:
49 *Provided*, That no deportation order shall be issued against foreign nationals facing
50 preliminary investigation, prosecution and trial before competent authorities.

51
52 **SEC. 94. Non-Prescription of Deportation Cases.** – The right of the State to
53 initiate deportation proceedings shall not prescribe.

54
55 **SEC. 95. Formal Charge of Deportation.** – A formal charge for deportation shall be
56 issued upon determination of the existence of a *prima facie* case against the foreign
57 national.

58
59 **SEC. 96. Bail.** – Pending final determination of the foreign national's
60 deportation case, the foreign national shall, upon the discretion of the Commissioner,

1 remain under detention or be released on bail or recognizance. The bail may be revoked
2 and confiscated in favor of the government if there is sufficient evidence that the foreign
3 national is evading the proceedings or is attempting to abscond, in which case such
4 foreign national shall be taken into custody and placed under detention by order of the
5 Commissioner.

6
7 **SEC. 97. Custody of a Foreign National Convicted of a Felony or an Offense. –**
8 After service of the sentence or compliance with the conditions of parole or probation, as
9 the case may be, the foreign national shall be taken into custody for immediate
10 deportation by order of the Board.

11
12 **SEC. 98. Voluntary Deportation, When Authorized. –** The Commissioner
13 may waive the deportation proceedings and order the departure of the foreign national
14 within the period specified in the voluntary deportation order if the foreign national does
15 not contest the formal charge and opts to voluntarily leave the country and pays for all
16 expenses: *Provided*, That the foreign national has not committed any criminal offense or
17 has no pending criminal investigation: *Provided, further*, That the said foreign national so
18 deported shall be barred from re-entering the country without prior written authorization
19 from the Commissioner.

20
21 **SEC. 99. Period to Enforce Order of Deportation. –** The order of deportation shall
22 be enforced immediately but in no case shall exceed three (3) months from the date it has
23 become final and executory. If deportation is not enforced within the prescribed period,
24 the foreign national may be released on bail or recognizance.

25 **SEC. 100. Suspension of Deportation Order. –** The Commissioner may suspend
26 the implementation of the deportation order and order the release of the foreign national
27 on bail or recognizance, taking into account the following factors:

- 28
29 (a) Age, health, family or conduct;
30
31 (b) Period of detention;
32
33 (c) Impact on national security and public welfare;
34
35 (d) Unavailability of travel documents;
36
37 (e) Existence of an application for refugee or statelessness status; or
38
39 (f) Other humanitarian considerations.

40
41 **SEC. 101. Reinstatement of a Deportation Order. –** A deportation order
42 previously implemented against a foreign national who unlawfully re-entered the
43 Philippines shall be deemed automatically reinstated and shall be implemented in
44 accordance with this Act. This provision shall also apply to a foreign national who departed
45 voluntarily under Section 98 of this Act and re-entered the Philippines unlawfully or
46 without prior written authorization from the Commissioner.

47
48 **SEC. 102. Country of Destination of a Deportee. –** Except as provided for under
49 an existing treaty or international agreement, a foreign national shall be deported to the
50 country of which the person is a citizen or national, or foreign national's country of birth,
51 or the country of which the individual is a resident, or the country from which the
52 individual embarked for the Philippines, subject to the acceptance by the receiving
53 country.

54
55 **SEC. 103. Cost of Deportation. –** The owner, operator, captain, master, pilot, agent
56 or consignee of a vessel shall bear the cost of deportation of any of its foreign
57 crewmembers deemed deportable under Section 92 of this Act. In all other cases, the
58 cost of deportation shall be borne either by the deportee, by the concerned consular
59 office, nongovernment organizations or people's organizations with which the Bureau has

1 an agreement on this matter, or shall be charged to the appropriations for the
2 implementation of this Act.

3
4 **SEC. 104. Liability of Owner, Operator, Captain, Master, Pilot, Agent or**
5 **Consignee of a Vessel.** – Failure or refusal on the part of the owner, operator, captain,
6 master, pilot, agent or consignee of a vessel to take on board, guard safely and transport
7 the deportee to the foreign national's country of destination, or to shoulder the cost of
8 deportation of the foreign crew member as provided in the preceding section, shall be
9 subject to the administrative fines prescribed under Chapter 6, Title VI of this Act.

10
11 **SEC. 105. Designation of Accompanying Person.** – The Commissioner may, for
12 security reason or by reason of the mental or physical condition of the deportee, direct an
13 employee of the Bureau to accompany such deportee to the country of the deportee's
14 destination, subject to the provisions of Section 103 of this Act.

15 **CHAPTER 3**
16 **INDIGENT FOREIGN NATIONAL**

17
18 **SEC. 106. Removal of Indigent Foreign National.** – At any time after entry, the
19 Commissioner may remove indigent foreign nationals from the Philippines to either the
20 country of which they are citizens or nationals, their country of birth, or their country of
21 residence, as the case may be. The cost of deportation may be charged against the
22 available funds of the Bureau. Any foreign national removed under this section shall be
23 barred re-admission except upon written authorization of the Board.

24
25 This provision shall not apply to a foreign national declared as an indigent by any
26 Philippine court for purposes of filing a case or to pursue an action which resulted in the
27 individual's indigency until such case or action is resolved with finality: *Provided*, That no
28 other grounds for deportation exist during the pendency of such case or action.

29
30 **TITLE VI**
31 **MISCELLANEOUS PROVISIONS**

32
33 **CHAPTER 1**
34 **REGISTRATION OF FOREIGN NATIONALS**

35
36 **SEC. 107. Requirement of Registration.** – All foreign nationals, regardless of any
37 exemption provided by law, shall register with the Bureau or any Immigration Office
38 nearest to their place of residence on or before the sixtieth (60th) day of their latest arrival
39 in the Philippines.

40
41 **SEC. 108. Registration Form and Oath.** – Applications for registration shall
42 be under oath and in such form as prescribed by the Bureau. Upon registration, a
43 certificate of registration shall be issued to the registrant. In case of loss or destruction of
44 the certificate, a replacement certificate may be issued by the Bureau upon proper
45 application and payment of prescribed fees

46
47 **SEC. 109. Amendment of Registration.** – Registered foreign nationals shall notify
48 the Bureau in writing of any change of information in their registration documents not
49 later than seven (7) days from such change.

50
51 **SEC. 110. Presentation of Certificate of Registration.** – Every foreign national
52 required to register under this Act or the parent or guardian of such foreign national shall,
53 upon demand by any personnel authorized by the Commissioner, present a certificate of
54 registration of such individual, and failure to do so without justifiable cause shall be dealt
55 with in accordance with the provisions of this Act.

1 **SEC. 111. Reportorial Requirements.** – Every foreign national registered
2 under this Act shall, within the first sixty (60) days of every calendar year, report in
3 person to the Bureau. The Commissioner may exempt personal appearance of foreign
4 nationals registered under this Act subject to certain requirements and conditions as may
5 be prescribed in the rules and regulations issued for the purpose.
6

7 **SEC. 112. Failure to Comply with Requirements.** – A foreign national, or
8 the parent or guardian of the foreign national, who, without justifiable reason, fails to
9 comply with all the requirements under this Act, or who files an application for registration
10 containing statements known by the individual to be false, or who utilizes registration
11 documents other than that of the individual, shall be dealt with in accordance with the
12 provisions of this Act and other existing laws.
13

14 **SEC. 113. Cancellation of Registration of Foreign National.** – In case of
15 death of a foreign national registered under the provisions of this Act, the legal heir,
16 representative or administrator of the foreign national must inform the Bureau within sixty
17 (60) days from such death, and the Bureau shall cancel the registration of the deceased
18 foreign national. The Local Civil Registrar or other civil registry officer of the locality where
19 said foreign national died shall furnish the Bureau with a copy of the Certificate of Death
20 within thirty (30) days from issuance thereof. Failure on the part of the persons concerned
21 to comply with the requirements specified in this section shall be dealt with pursuant to
22 the provisions of existing laws.
23

24 **CHAPTER 2** 25 **BONDS AND DEPOSITS** 26

27 **SEC. 114. Bonds, When Required.** – The Bureau shall have the authority to require
28 cash bonds in such amounts and under such conditions as it may prescribe in order to:
29

- 30 (a) control and regulate the admission into, and departure from, the Philippines of
31 foreign nationals applying for temporary admission;
32
- 33 (b) insure against foreign passengers liable to be excluded as likely to become
34 public charges; and
35
- 36 (c) ensure the appearance of foreign nationals released from custody during the
37 course of deportation proceedings instituted against them.
38

39 **SEC. 115. Requirement of Cash Deposits for Services Rendered.** – The Bureau
40 shall likewise have the authority to require cash deposits in such amounts as may be
41 necessary from a vessel's owner, operator, captain, master, pilot, agent, or consignee or
42 other persons served for services rendered as established by the implementing rules and
43 regulations.
44

45 **SEC. 116. Cancellation and Forfeiture of Bonds.** – When the conditions of
46 the bond are fulfilled, or in case the Commissioner determines that the likelihood that a
47 foreign national shall become a public charge no longer exists, or in case of death of the
48 foreign national in whose behalf the bond is posted, the bond shall be cancelled and
49 released to the depositor or the legal representative of the foreign national. In case of
50 violation of the conditions of the bond, the same shall be forfeited and deposited in a trust
51 fund account which may be utilized for the purchase of passage tickets for the removal of
52 indigent foreign nationals and to cover the costs of operations in locating deportees who
53 jump bail.
54

55 **CHAPTER 3** 56 **RECOGNIZANCE** 57

58 **SEC. 117. Petitions for Recognizance, Sanction for Breach of Conditions.** –
59 The Commissioner may order the release of a foreign national upon recognizance of the
60 foreign national's lawyer or a person who is of good standing in the community, under

1 such terms and conditions as the Board may prescribe. Failure to comply with the terms
2 and conditions of the recognizance shall subject said lawyer or person to a fine of not less
3 than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos
4 (P100,000.00), without prejudice to other administrative sanctions or proceedings against
5 the erring party.

6 7 **CHAPTER 4**

8 **COOPERATION AND COORDINATION WITH OTHER OFFICES**

9
10 **SEC. 118. Working in Cooperation with the DFA.** – The Bureau shall work closely
11 and in cooperation with the DFA for purposes of efficient implementation and
12 administration of this Act.

13
14 **SEC. 119. Working in Cooperation with the CHED.** – The Bureau shall work
15 closely and in cooperation with the CHED with respect to the accreditation of
16 schools and learning centers for enrollment of foreign students as authorized under this
17 Act.

18
19 **SEC. 120. Working in Cooperation with the Civil Aviation Authority of the**
20 **Philippines (CAAP).** – The Bureau shall work closely and in cooperation with the CAAP
21 with respect to accreditation of flying schools for the enrollment of foreign students.

22
23 **SEC. 121. Coordination with Law Enforcement, Security and Other**
24 **Offices.** – The Bureau shall have the authority to maintain coordination with the National
25 Security Council, the Philippine National Police (PNP), and other law enforcement agencies
26 of the government.

27 28 **CHAPTER 5**

29 **FEES AND CHARGES**

30
31 **SEC. 122. Authority of the Board to Prescribe, Impose and Collect Fees and**
32 **Charges.** – The Board is authorized to prescribe, impose, and collect fees and charges for
33 services rendered, pursuant to the provisions of this Act.

34 35 **CHAPTER 6**

36 **ADMINISTRATIVE FINES**

37
38 **SEC. 123. Fine for Failing to Submit Crew List or Passenger Manifest, or**
39 **Failure to Account Every Passenger and Crew.** – Any owner, operator, master,
40 captain, pilot, agent, or consignee of a vessel arriving at any port in the Philippines from a
41 place outside thereof who fails to submit to the immigration authorities a complete and
42 accurate crew list or passenger manifest, or fails to produce or account every
43 crewmember or passenger whose name appears in said list or manifest shall be subject to
44 fines of One hundred thousand pesos (P100,000.00) and Fifty thousand pesos
45 (P50,000.00) for each unaccounted person, respectively.

46
47 **SEC. 124. Fine for Violation of Obligation on the Landing or Removal of**
48 **Foreign Nationals.** – Any owner, operator, master, captain, pilot, agent, or consignee of
49 any vessel arriving at a port of the Philippines from a place outside thereof having a
50 foreign national on board in violation of this Act shall be fined not less than Fifty
51 thousand pesos (P50,000.00) but not more than Two hundred thousand pesos
52 (P200,000.00) for each act or violation consisting of:

53 (a) Failure to prevent the landing of such foreign national in the Philippines at any
54 time or place other than as designated by the Immigration Officer;

55
56 (b) Refusal or failure to detain a foreign national on board any such vessel at the
57 port of arrival when required by this Act or so ordered by an Immigration Officer;
58

1 (c) Refusal or failure to deliver a foreign national for medical or other
2 examinations when so ordered by an Immigration Personnel;

3
4 (d) Refusal or failure to pay the cost of maintenance and other costs, as required
5 by this Act, of such foreign national when temporarily removed from the vessels for
6 examination by order of the Immigration Officer;

7
8 (e) Refusal to receive such foreign national on board for removal from the
9 Philippines if the foreign national is excluded, or to pay the cost of removal as
10 required under Sections 90 and 104 of this Act;

11
12 (f) Refusal or failure to take on board, guard safely and transport the deportee to
13 the foreign national's country of destination, or to shoulder the cost of deportation
14 of the foreign crew member; and

15
16 (g) Making any charge against such foreign national for the cost referred to
17 in (d) above, or for the cost of the removal of the foreign national from the
18 Philippines if the latter is excluded or taking any security from the foreign national
19 for the payment of any such costs.
20

21 **SEC. 125. Fine for Bringing Undocumented Foreign National, or Foreign**
22 **National Afflicted with Communicable or Contagious Disease, or Suffering from**
23 **Mental Disorder.** – The owner, operator, master, captain, pilot, agent, or consignee of
24 the vessel arriving at a port in the Philippines from a place outside thereof bringing on
25 board an undocumented foreign national shall be fined One hundred thousand pesos
26 (₱100,000.00) for each foreign national. If the foreign national is afflicted with a
27 communicable or contagious disease or is suffering from mental disorder, the fine shall be
28 not less than Two hundred thousand pesos (₱200,000.00) but not more than Three
29 hundred thousand pesos (₱300,000.00) for each foreign national.
30

31 **SEC. 126. Fine for Bringing a Foreign National to Assist His Illegal Entry or**
32 **Misrepresenting a Foreign National as a Member of the Crew.** – The owner,
33 operator, master, captain, pilot, agent, or consignee of the vessel arriving at any port in
34 the Philippines from a place outside thereof bringing on board a foreign national bound for
35 the Philippines to assist the illegal entry of the foreign national, or misrepresenting the
36 foreign national to the Immigration Officer at the port of arrival as a bona fide member of
37 the crew, shall be fined not less than One hundred thousand pesos (₱100,000.00) but not
38 more than Two hundred thousand pesos (₱200,000.00) for each foreign national.
39

40 **SEC. 127. Fine for an Overstaying Crewmember.** – Any foreign
41 crewmember who willfully remains in the Philippines beyond the period allowed for
42 temporary landing shall be fined not less than Fifty thousand pesos (₱50,000.00) but not
43 more than One hundred thousand pesos (₱100,000.00). The owner, operator, master,
44 captain, pilot, agent, or consignee of the vessel shall be solidarily liable for the fine
45 imposed on such overstaying crewmember.
46

47 **SEC. 128. Fine for Assaulting an Immigration Personnel.** – Any form of assault
48 directed to any personnel of the Bureau is an act of disrespect. In case the assault is
49 committed by a foreign national at the ports of entry and exit, such foreign national shall
50 be excluded or deported, as the case may be, and shall be fined Two hundred thousand
51 pesos (₱200,000.00) without prejudice to the right of the aggrieved Immigration
52 Personnel to file appropriate criminal, civil or administrative cases against such person.
53

54 For purposes of this Act, an Immigration Officer shall be considered a person in
55 authority while in the performance of official duty.
56

57 **SEC. 129. Fine for Violation of Other Provisions of this Act.** – The owner,
58 operator, master, captain, pilot, agent, or consignee of any vessel arriving at any port of
59 the Philippines from a place outside thereof who violates any other provision of this Act
60 not specifically provided in this Chapter shall be fined not less than Fifty thousand pesos

(P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each violation.

CHAPTER 7 PENAL PROVISIONS

SEC. 130. *Prohibited Acts and Penalties.* – Any person who shall commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of imprisonment for not less than five (5) years but not more than ten (10) years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both imprisonment and fine, at the discretion of the court:

(a) Impersonating another individual, or falsely appearing in the name of a deceased individual, or evading immigration laws by using an assumed or fictitious name when applying for an immigration document;

(b) Issuing or otherwise delivering an immigration document or an immigration accountable form to any person not authorized by law to receive such documents;

(c) Obtaining, manufacturing, printing, accepting or using any immigration or travel document knowing it to be false, or using an immigration accountable form that is not legally issued;

(d) Entering or leaving the Philippines without inspection and admission by the immigration authorities, or obtaining entry into or departure clearance from the Philippines through fraud, misrepresentation, or concealment of material facts;

(e) Misrepresenting oneself to be a citizen of the Philippines;

(f) Knowingly making any false statement under oath regarding any immigration matter; or

(g) Bringing into, or landing in the Philippines, or concealing, harboring, employing, or giving comfort to, any person not duly admitted by an Immigration Personnel or not lawfully entitled to enter into or reside within the Philippines, or attempting, conspiring with, or aiding another to commit any such acts.

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

Conviction by final judgment of any 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.

SEC. 131. *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 (P200,000.00): *Provided*, That if the person liable is a foreign national, such person shall be deported after service of sentence:

1 *Provided, further, That any tools, equipment, implements or vehicles used in the escape*
2 *of a detained foreign national shall be destroyed or forfeited in favor of the government.*
3

4 **SEC. 132. *Penalty for Non-compliance of Subpoena.*** – Any person who, having
5 been duly served with a subpoena, fails to comply without valid and justifiable
6 reasons shall suffer the penalty of imprisonment of not more than fifteen (15) days or a
7 fine of not more than One thousand pesos (₱1,000.00), or both, at the discretion of the
8 court.
9

10 **SEC. 133. *Imposition of Maximum Penalty, When Applicable.*** – A person
11 convicted under Republic Act No. 3019, as amended, otherwise known as the “Anti-
12 Graft and Corrupt Practices Act”, or other laws against corruption and bribery in relation to
13 any violation or circumvention of any provision of this Act shall suffer the maximum
14 penalty under the said Republic Act or other laws against corruption and bribery, as the
15 case may be.
16

17 **CHAPTER 8**
18 **UPGRADING OF POSITIONS, COMPENSATION AND BENEFITS**
19

20 **SEC. 134. *Creation of New Positions, Reclassification of Existing***
21 ***Positions and Upgrading of Salary Levels.*** – The following positions in the Bureau
22 are hereby created, and the existing positions reclassified or upgraded, with the
23 corresponding salary grade levels:

EXISTING POSITION	RECLASSIFIED POSITION/ NEWLY CREATED POSITION	SALARY GRADE	
		From	To
Commissioner	Commissioner III	30	30
Deputy Commissioner	Deputy Commissioner III	29	29
	Director II, Internal Affairs Service		26
Attorney V (Board of Special Inquiry)	Attorney V, Board of Special Inquiry	25	25
Attorney IV (Board of Special Inquiry)	Attorney IV, Board of Special Inquiry	23	23
Attorney III (Board of Special Inquiry)	Attorney III, Board of Special Inquiry	21	21
Attorney V (Legal Division)	Chief Legal Affairs Officer	25	25
Attorney IV (Legal Division)	Attorney IV, Legal Division	23	23
Attorney III (Legal Division)	Attorney III, Legal Division	21	21
Chief Administrative Officer (Administrative Division)	Chief Administrative Officer	24	24
Supervising Administrative Officer (Administrative Division)	Supervising Administrative Officer, Administrative Division	22	22
Chief Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer	24	24
Intelligence Officer V (Intelligence Division)	Chief Immigration Intelligence Officer	24	24
	Chief Immigration Law Enforcement Officer		24
Chief Immigration Officer (Port Operations Division)	Chief Immigration Operations Officer	24	24
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Regulation Officer	24	24
	Chief Human Resource Management Officer (Chief Personnel Specialist)		24
	Supervising Human Resource Management Officer		22

Chief Administrative Officer (Finance and Management Division)	Chief Finance and Logistics Officer	24	24
Supervising Administrative Officer (Finance and Management Division)	Supervising Administrative Officer, Finance and Logistics Division	22	22
Planning Officer V (Planning and Policy Division)	Chief Planning and Research Officer	24	24
Planning Officer IV (PPD)	Planning and Research Officer IV	22	22
Planning Officer III (PPD)	Planning and Research Officer III	18	18
Planning Officer II (PPD)	Planning and Research Officer II	15	15
Planning Officer I (PPD)	Planning and Research Officer I	11	11
Information Technology Officer III (Management Information System Division)	Chief Information and Communications Technology Officer	24	24
Information Technology Officer	Information Technology Officer	19	19
Information System Analyst II	Information System Analyst II	16	16
Supervising Immigration Officer (IRD, ARD, POD)	Supervising Immigration Officer	22	22
Intelligence Officer IV			
Senior Immigration Officer	Senior Immigration Officer	19	20
Immigration Officer III	Immigration Officer III	16	18
Intelligence Officer III			
Immigration Officer II	Immigration Officer II	13	15
Intelligence Officer II			
Special Investigator II			
Immigration Officer I	Immigration Officer I	11	13
Intelligence Officer I			
Special Investigator I			
Intelligence Agent II			
Immigration Assistant			
Administrative Officer V (Administrative Officer III)	Administrative Officer V	18	18
Administrative Officer V (Cashier III)			
Administrative Officer V (HRMO III)			
Administrative Officer V (Records Officer III)			
Administrative Officer V (Supply Officer III)			
Administrative Officer V (Procurement)			
Administrative Officer V (Management and Audit Analyst III)			
Administrative Officer V (Budget Officer III)			
Medical Officer III	Medical Officer III	21	21
Computer Programmer II	Information Technology Officer I	15	19
Computer Maintenance Technologist II			
Dentist II	Dentist II	17	17
Fingerprint Examiner IV	Fingerprint Examiner IV	15	15
Accountant III	Accountant III	19	19
Accountant II	Accountant II	16	16
Accountant I	Accountant I	12	12
	Board Secretary V		24
	Regional Programs Coordinator		22
	Training Specialist III		18
	Psychologist III		18
	Document Examiner III		18

	Training Specialist II	15
	Project Development Officer II	15
	Psychologist II	15
	Security Officer II	15
	Computer Programmer I	11

Upon the recommendation of the Commissioner, and subject to existing civil service rules and regulations, the Secretary of Justice 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 positions created under this Act, the Board shall designate the personnel thereof.

SEC. 135. Additional Grant of Benefits. – The Bureau shall provide its employees with the following benefits:

- (1) Night shift differential which shall be subject to existing guidelines; and
- (2) Overtime pay for actual work rendered in accordance with the existing DBM rules and regulations.

SEC. 136. Retention and Use of Immigration Fees, Fines and Other Income; 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: *Provided*, That the amount so retained and used by the Board shall not exceed One billion two hundred million pesos (₱1,200,000,000.00) every year: *Provided, further*, That the Board shall review every three (3) years the maximum allowable retained collections based on the needs of the Bureau under this section, subject to the approval by the DBM: *Provided, finally*, That any excess in the collections under this paragraph shall accrue to the general fund of the national government.

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) Fifty percent (50%) 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 Justice; and
- (c) Twenty percent (20%) 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 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.

Collections from express lane fees under Section 11(p) of this Act shall not form part of the ITF, and shall be used strictly in accordance with the said provision.

CHAPTER 9
TRANSITORY PROVISIONS

SEC. 137. Interim Period. – The incumbent Commissioner and the two Deputy Commissioners, if qualified under this Act, shall continue to discharge the

1 functions of their position unless otherwise removed by the President. All personnel of the
2 present Bureau of Immigration shall continue to discharge the functions of their positions
3 pending the reorganization as provided in this Act.
4

5 **SEC. 138. Reorganization of the Bureau.** – Upon approval of this Act, all employees
6 of the Bureau of Immigration covered by civil service rules and regulations shall
7 continue to hold their present positions pending the reorganization of the Bureau in
8 accordance with the new staffing pattern: *Provided*, That the salaries, wages, allowances
9 and other benefits of incumbent officers and employees of the Bureau shall not be subject
10 to diminution: *Provided, further*, That employees who have been dismissed for cause shall
11 no longer qualify for any position in the Bureau.
12

13 **SEC. 139. Inventory and Transfer of Properties, Accounts, Assets, Liabilities**
14 **and Obligations to the Bureau.** – All buildings, properties, equipment, facilities,
15 accounts, other assets, liabilities and other obligations as well as records of the Bureau of
16 Immigration shall be properly inventoried and transferred to the Bureau.
17

18 **SEC. 140. Force of Treaty or Agreement.** – Any treaty or agreement entered into
19 between the Philippines and any foreign state before the effectivity of this Act shall remain
20 in force and effect.
21

22 **SEC. 141. Pending Cases.** – Any prosecution, suit, action, proceeding, or any act or
23 matter, civil or criminal, pending at the time of the effectivity of this Act shall not be
24 affected by any of the provisions of this Act unless otherwise explicitly stated herein.
25

26 **CHAPTER 10**

27 **ADMINISTRATION AND IMPLEMENTATION**

28

29 **SEC. 142. Administration and Implementation Abroad.** – The
30 administration and implementation of this Act abroad, including the rules and regulations,
31 and specific visa policies or guidelines, shall be the responsibility of the DFA, with due
32 notice to the Bureau and other concerned agencies and offices.
33

34 **SEC. 143. Implementing Rules and Regulations.** – Within sixty (60) days
35 from the effectivity of this Act, the Commissioner shall, in coordination with the
36 Secretaries of Justice, Foreign Affairs and Budget and Management, promulgate the rules
37 and regulations for its effective implementation.
38

39 **SEC. 144. Appropriations.** – The amount necessary to cover the initial
40 implementation of this Act shall be charged against the following:
41

42 (a) Current year's appropriation of the Bureau of Immigration; and
43

44 (b) Immigration fees, fines and other income authorized under Section 136 this
45 Act.
46

47 Thereafter, such sums as may be needed for its continued implementation shall
48 be included in the annual General Appropriations Act or sourced from the Immigration
49 Trust Fund pursuant to Section 136 of this Act.

50 **CHAPTER 11**

51 **FINAL PROVISIONS**

52

53 **SEC. 145. Separability Clause.** – Should any provision of this Act be declared
54 invalid, the remaining provisions shall continue to be in force and effect.
55

56 **SEC. 146. Repealing Clause.** – Commonwealth Act No. 613, otherwise known as
57 the "Philippines Immigration Act of 1940", as amended, and Republic Act No. 750 entitled
58 "An Act Designating as Special Agents of the Bureau of Immigration All Provincial, City

1 and Municipal Treasurers, and Providing for the Allocations to the Provincial, City, and
2 Municipal Governments of Ten Per Centum of Certain Fees Collected in Their Respective
3 Territorial Limits”, are hereby repealed. All other laws, presidential decrees, executive
4 orders, proclamations, memorandum orders, instructions, rules and regulations or parts
5 thereof inconsistent with this Act are hereby amended or modified accordingly.
6

7 **SEC. 147. Effectivity.** - This Act shall take effect fifteen (15) days after its
8 publication in the *Official Gazette* or in a newspaper of general circulation.
9

10 Approved,