

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 5448



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **Bureau of Immigration** started as a division of the Bureau of Customs during the American regime in 1899. This was pursuant to Act No. 702 of the Philippine Commission. It was appropriate because ship travel and ship cargo were interlinked and hence, the office was at the Bureau of Customs. It seems that the government then, gave more importance on the entry of goods than monitoring of foreign nationals coming into the country. The government was more interested in generating customs duties from these goods than in the control and regulation of the arrival and stay of foreigners. The functions of immigration remained under the said bureau until 1937 when it was transferred as a division of the Bureau of Labor.

On January 22, 1940, the Second National Assembly of the Philippine Commonwealth enacted the Philippine Immigration Act of 1940 (Commonwealth Act No. 613). It was signed into law by the President of the United States of America on September 3, 1940, creating the Bureau of Immigration under the administrative supervision of the Office of the President.

A year or so later, it became an *attached agency of the Department of Justice*. Later, its administrative control was returned to the Office of the President.

In 1945, in line with the reorganization plan of the government, the bureau was put under the supervision and control of the Department of Labor.

In 1948, the Bureau was reverted to the jurisdiction of the *Department of Justice* where it has remained up to the present time.

On September 21, 1972, then President Ferdinand E. Marcos proclaimed Martial Law, through General Order No. 1, ordered and decreed the adoption and implementation of the Integrated Reorganization Plan.

Hence, the Commission on Reorganization issued Letter of Implementation No. 20, dated December 31, 1972 which embodies the plan, including among other things, the change of name of the office from the Bureau of Immigration to Commission on Immigration and Deportation. This became a collegial body and performing both administrative and quasi-judicial functions. It is composed of the commissioner and his two associate commissioners. Letter of Implementation No. 20 also abolished the Deportation Board and transferred its functions to the Board of Commissioners who gave them power to undertake deportation cases.

The bureau was given the sole authority to enforce and administer immigration and foreign nationals' registration laws including the admission, registration, exclusion and deportation and repatriation of foreign nationals. It also supervises the immigration from the Philippines of foreign nationals.

On July 25, 1987, President Corazon C. Aquino signed Executive order No. 292, also known as the Administrative Code of 1987. Said order renamed the office, "**Bureau of Immigration.**" It continues, however, to perform all the powers and functions it had while still a commission, and its head of office still remains to be called commissioner as provided under DOJ.

This House Bill seeks to provide **Modernization Funding** to the **Bureau of Immigration**, to ensure that the country fulfills its commitments to provide our stakeholders a culture of excellence towards providing internationally recognized immigration services leading to effective, efficient and innovative border control and management.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal flourish extending to the right.

MICHAEL L. ROMERO

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AN ACT

PROVIDING FOR MODERNIZATION FUNDINGFOR THE **BUREAU OF IMMIGRATIONS**, INCREASING AND REORGANIZING ITS ADMINISTRATION, PROVIDING EFFICIENT, EFFECTIVE AND INNOVATIVE IMMIGRATION SERVICES AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY – It shall hereby be a declared policy of the State to foster the administration and enforcement of immigration, citizenship, and alien admission and registration laws in accordance with the provisions of the Philippine Immigration Act. It also plays a role in the enforcement of **RA 9208**, also known as the **Anti-Trafficking in Persons Act of 2003**.

The state shall control and regulate the movement of persons to, from and within our country in contributing to national security and development.

The **Bureau of Immigration** shall be committed to provide our stakeholders a culture of excellence towards providing internationally recognized immigration

services leading to effective, efficient and innovative border control and management.

The state shall formulate policies for the efficient and effective administration and management of all manpower, skills and competencies to ensure compliance.

SECTION 2. MODERNIZATION FUNDING. – The amount of Five Hundred Million Pesos (**Php 500,000,000.00**) for the operation and administration of the **Bureau of Immigration** shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**. Thereafter, appropriations for the **Bureau of Immigration** shall be included in the budget proposals under the Department of Justice (**DOJ**).

The Department of Budget and Management (**DBM**) shall rationalize the existing organizational structure and staffing pattern of the **Bureau of Immigration** in accordance with the provisions of this Act and relevant compensation and position classification laws, rules and regulations.

Thereafter, the amount needed for the continued implementation of the modernization program, shall be included in the annual General Appropriations Act (**GAA**).

SECTION 3. BUREAU OF IMMIGRATION MODERNIZATION FUND – There is hereby created the **Bureau of Immigration Modernization Fund** to be used exclusively for the **Bureau of Immigration Modernization Program**.

The **Bureau of Immigration Modernization Fund** shall be administered by the Secretary of the **DOJ** in accordance with existing government budgeting, accounting and auditing rules and regulations.

SECTION 4. PROGRESS REPORT – The Secretary of **DOJ** shall prepare an annual report on the status of the implementation of the **Bureau of**

Immigration Modernization Programs which shall be submitted, to the Office of the President and to the Chairpersons of the Committee on Justice of the Senate and the House of Representatives.

SECTION 5. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of two **(2)** years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That the **Bureau of Immigration** shall continue to develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 6. POWERS AND FUNCTIONS. – The **Bureau of Immigration** shall continue to exercise and uphold the following powers and functions; but not limited to:

- a) Acts as the primary enforcement arm of the Department of Justice and the President of the Philippines in ensuring that all foreigners within its territorial jurisdiction comply with existing laws;
- b) Assists local and international law enforcement agencies in securing the tranquility of the state against foreigners whose presence or stay may be deemed threats to national security, public safety, public morals and public health and;
- c) Acts as chief repository of all immigration records pertaining to entry, temporary sojourn, admission, residence and departure of all foreigners in the country.

In the discharge of its broad functions, the Bureau through its Board of Commissioners, exercises administrative and quasi-judicial powers over the:

- a)** Regulation of the entry (arrival), stay (sojourn), and exit (departure) of foreign nationals in the country;
- b)** Monitoring of the entry and exit of Filipino citizens in compliance with Philippine laws and other legal procedures;
- c)** Issuance of immigration documents and identification certifications on non-immigrant, immigrant and special non-immigrant visas;^[L]_[SEP]
- d)** Issuance of special permits in relation to the enforcement of immigration laws (e.g. Special Work Permit (SWP), Provisional Permit to Work (PPW), Special Study Permit (SSP), re-entry permits, clearances, etc.);
- e)** Extension of stay of temporary visitors and implementation of changes of status as provided by law;^[L]_[SEP]
- f)** Administrative determination of citizenship and related status;
- g)** Investigation, hearing, decision and execution of orders pertaining to exclusion, deportation, and repatriation of foreign nationals;
- h)** Implementation of Hold Departure Orders, Blacklist, Watchlist, Immigration Lookout Bulletin Orders and Alert List Orders;
- i)** Cancellation of immigration documents upon violation of immigration laws and procedures;
- j)** Investigation, arrests and detention of foreigners in violation of immigration regulation and other Philippine laws;
- k)** Accreditation of schools and learning institutions that can officially accept and enroll foreign students; and
- l)** Accreditation of law firms, liaison officers, travel agencies and other individuals and organizations transacting with the Bureau of Immigration.

SECTION 7. INCREASE OF PERSONNEL. – The **Bureau of Immigration** shall maintain the sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 8. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 10. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 12. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,