

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

TWENTIETH CONGRESS  
First Regular Session

HOUSE BILL NO. **1646**



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Introduced by **HON. MIGUEL LUIS R. VILLAFUERTE, HON. VINCENZO RENATO LUIGI R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G. HORIBATA, AND HON. TERRY L. RIDON**

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**EXPLANATORY NOTE**

Commonwealth Act No. 613 or the “Philippine Immigration Act of 1940,” is one of our laws that need to be amended in order to respond to the changing times and be true to the Constitutional mandate of serving and protecting the people. Our laws should align with the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of general welfare.

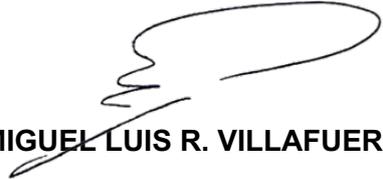
With modernization and increased mobility of people across the globe, crimes are likewise becoming more and more cross-border. Recent years show that many aliens in the Philippines have been involved in such international crimes as drug and human trafficking, prostitution, terrorism, illegal recruitment, and even financial crimes. Accordingly, Commonwealth Act No. 613 should be amended to meet the new challenges of immigration and migration.

The Bureau of Immigration is the chief repository of all immigration records and our frontline in regulating the movement of persons to and from the country. National security and public safety are at stake in the performance of this critical role.

Accordingly, this bill proposes to modernize the Bureau of Immigration by expanding its organizational structure, upgrading its personnel by sharpening their competencies, lessening the red tape by improving data gathering and analysis, creating new visa classifications, and improving its salary structure to make it more competitive, among other things.

This proposed measure was approved on third reading by the House of Representatives in the 19th Congress, signifying legislative support and importance.

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

  
**HON. MIGUEL LUIS R. VILLAFUERTE**



HON. VINCENZO RENATO LUIGI R. VILLAFUERTE



HON. TSUYOSHI ANTHONY G. HORIBATA



HON. TERRY L. RIDON

Republic of the Philippines  
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**HOUSE BILL NO. 1646**

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Introduced by **HON. MIGUEL LUIS R. VILLAFUERTE, HON. VINCENZO RENATO LUIGI R. VILLAFUERTE, HON. TSUYOSHI ANTHONY G. HORIBATA, AND HON. TERRY L. RIDON**

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**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**

**SECTION 1. *Short Title.*** – This Act shall be known and referred to as the “Immigration Modernization Act.”

**SECTION 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 and exclusion of foreign nationals;
- (e) the modernization of structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and

- (f) the professionalization of the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their development.

**SECTION 3. *Definition of Terms.*** – As used in this Act:

- (a) *Admission* refers to the process by which a foreign national arriving at a port of entry in the Philippines is allowed into the country whereby a status or entry category is granted by the immigration authorities;
- (b) *Border Control Officer* refers to any person authorized to man the Border Control Checkpoints as provided in this Act;
- (c) *Captain* refers to the master of a vessel or pilot of an aircraft;
- (d) *Child* or *children* refers to any person or persons below eighteen (18) years of age;
- (e) *Citizen* refers to any person who is a citizen of the Philippines under Section 1, Article IV of the Constitution of the Republic of the Philippines;
- (f) *Commission* refers to the Commissioner of the Bureau of Immigration;
- (g) *Commitment Order* refers to an order issued by the Commissioner under this Act that directs the taking into custody of a foreign national after it has been determined that probable cause exists that a foreign national committed acts or omissions in violation of Philippine immigration laws, rules and regulations, or during the pendency of deportation proceedings against such foreign national: *Provided*, That such custody shall not exceed three (3) months, unless there exists other legal grounds for continued custody;
- (h) *Consular Officer* refers to any consular, diplomatic, or other officer of the Department of Foreign Affairs (DFA) who has been duly granted a consular commission for the purpose of issuing visas under this Act;
- (i) *Derogatory Information* refers to details about persons and travel documents relating to immigration, consisting of the following:
  - (1) *Blacklist Order* refers to an order issued by the Commissioner that prevents a foreign national from entering the territorial jurisdiction of the Philippines;
  - (2) *Hold Departure Order* refers to an order issued by the Commissioner preventing a foreign national from leaving the territorial jurisdiction of the Philippines in cases where bail or recognizance is granted pending implementation of a Deportation Order, or a directive implementing an order issued by the appropriate court preventing a person from leaving the territorial jurisdiction of the Philippines;
  - (3) *Monitor Order* refers to an order issued by the Commissioner under this Act that requires immigration personnel to monitor the travel of any person for a period of thirty (30) days, and to notify the concerned government agencies of the Philippines; and
  - (4) *Alert Order* refers to an order issued by the Commissioner pursuant to a validity issued warrant of arrest;

- (j) *Entry* refers to the arrival of a foreign national into any designated port of entry in the Philippines from a place outside the Philippine territorial jurisdiction;
- (k) *Exclusion* refers to the act of Immigration Officers denying admission of a foreign national into the country on grounds provided in this Act;
- (l) *Foreign national* or *alien* refers to any person who is not a citizen of the Philippines;
- (m) *Immigrant* refers to any foreign national, other than a non-immigrant, granted resident status in the Philippines under the provisions of this Act and other laws granting immigrant status;
- (n) *Immigration laws* refers to this Act and other laws presently existing or which may hereafter be enacted relating to the movement of natural persons to and from the Philippines;
- (o) *Immigration Officer* refers to any person appointed under Title II, Chapter of this Act or any employee designated by the Commissioner to perform the powers, duties, and functions of an Immigration Officer as specified under this Act;
- (p) *Non-immigrant* refers to any foreign national who is allowed entry and admission into the Philippines for a temporary or limited period of stay;
- (q) *Non-refoulement* refers to a principle of international law which prohibits the forced or involuntary return of refugees or those seeking asylum in the Philippines to a state or territory where there are valid reasons to believe that life or freedom of such refugee or asylum seeker would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion;
- (r) *Passport* refers to a document issued by a government to its citizens requesting other governments to allow such citizens to pass through or enter into a territory of other states safely and freely, and in case of need to give them all lawful aid and protection;
- (s) *Person* refers to a natural person or a juridical person such as a partnership, corporation, company, or association;
- (t) *Port of entry* refers to any port designated by the Commissioner through which a foreign national may enter or exit the Philippines;
- (u) *Refugee* refers to a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside such person's country of nationality, and is unable or, owing to such fear, unwilling to avail of the protection of that country; or a person who, not having a nationality and being outside such person's country of former habitual residence, is unable or, owing to such fear, unwilling to return to it;
- (v) *Seaman, Seafarer, or Crewmember* refers to a person actually employed in the operation or service in any capacity on board a vessel;
- (w) *Stateless person* refers to a person who is not considered a national by any state under the operation of its laws;
- (x) *Travel document* refers to a certification or identifying document containing the description and other personal circumstances of its bearer, issued for direct travel to and from the Philippines valid for short periods or a particular trip. It is issued only to

persons whose claim to Philippine citizenship is doubtful or who fall under the category enumerated in Section 13 of Republic Act No. 8239, otherwise known as the “*Philippine Passport Act of 1996*”, as amended;

- (y) *Vessel* refers to all means of conveyances, whether aircraft or sea craft; and
- (z) *Visa* refers to an endorsement on a passport or any travel document issued by a Consular Officer abroad authorizing the holder thereof to proceed to a designated port of entry in the Philippines and there, to apply for entry and admission under the status specified therein; or an endorsement on a passport or any travel document, or any equivalent digital or electronic endorsement, granted by the Bureau under this Act, or by any other person authorized by existing laws.

## TITLE II THE BUREAU OF IMMIGRATION

### CHAPTER 1 THE BUREAU

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

### CHAPTER 2 THE BOARD OF COMMISSIONERS

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

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

- (a) Decide on applications or cases relative to:
  - (1) Deportation;
  - (2) Issuance of all visas; and
  - (3) Legalization of residence in accordance with law;
- (b) Cite and punish for contempt in relation to the discharge of its quasi-judicial functions, in accordance with the Rules of Court;
- (c) Prescribe and promulgate rules of procedure for proceedings before it;

- (d) Prepare and publish operations manuals, including schedules of fees for all transactions entered into by the Bureau with the public; and
- (e) Such other Powers and functions as provided in this Act and other existing laws, rules and regulations not inconsistent with any of the provisions of this Act.

**SECTION 7. *Decisions.*** – All cases or proceedings before the Board shall be decided with the concurrence of the majority of the members of the Board. A decision of the Board or a resolution on a motion for reconsideration shall become final and executory fifteen (15) days from notice thereof by the concerned party, unless before the expiry of such period, a motion for reconsideration or an appeal is filed before the Office of the Secretary of Justice or the Office of the President.

**SECTION 8. *Appeals.*** – The decision of the Board or a resolution on a motion for reconsideration may be appealed to the Secretary of Justice or the Office of the President within fifteen (15) days from notice thereof by the concerned party. Unless otherwise ordered by the Secretary of Justice or the President, the filing of an appeal shall not stay the execution of the decision or resolution appealed from.

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

### **CHAPTER 3 THE COMMISSIONER AND THE DEPUTY COMMISSIONERS**

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

**SECTION 11. *Powers and Duties of the Commissioner.*** – In addition to the duties as Chairperson of the Board, the Commissioner shall also undertake the following:

- (a) Supervise, direct and coordinate the overall operations of the Bureau;
- (b) Exercise control and supervision over the officers and personnel of the Bureau, including the power to appoint, designate, and reassign personnel, and recommend to the Secretary of Justice appointments and promotions to senior positions, subject to civil service laws, rules and regulations;
- (c) Issue the following:
  - (1) Mission Orders, after determination of the existence of probable cause for the purpose of deportation;
  - (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 section, which may be delegated only to a Deputy Commissioner;
- (e) Control the opening and closure of posts, landing places, airports or ports classified as points of entry or exit, whether limited or unlimited;
- (f) Increase, reduce, or waive immigration fines, penalties, and other charges;
- (g) Issue Certificates of Naturalization to foreign nationals who have been granted Philippine citizenship;
- (h) 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;
- (i) Deputize 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;
- (j) Seek the assistance of relevant government agencies for intelligence data gathering and sharing;
- (k) 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;
- (l) 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;
- (m) 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;
- (n) 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;
- (o) 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;

- (p) Determine the manning levels of Immigration Officers of the Bureau nationwide in accordance with the number of arrivals in each port of entry;
- (q) Exercise disciplinary authority over personnel of the Bureau charged with less grave and light administrative offenses, in accordance with civil service rules: *Provided*, That the disciplinary authority over those charged with grave administrative offenses under civil service rules shall belong to the Secretary of Justice;
- (r) Prescribe, with the concurrence of the Board, the appropriate forms, bonds, reports, entries and other papers in accordance with this Act;
- (s) Require all vessel operators to submit advance passenger information and prescribe penalties for the violation hereof;
- (t) Engage foreign counterparts pertaining to border control;
- (u) Designate Senior Immigration Officers who will oversee and supervise immigration operations in all international airports and seaports; and
- (v) Perform such other functions inherent to the Bureau.

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

**SECTION 13. *Duties of Deputy Commissioners.*** – In addition to their duties as members of the Board, the Deputy Commissioners shall perform such duties as may be required by law or regulation, or as may be specified by the Commissioner not otherwise inconsistent with law.

#### **CHAPTER 4 THE BOARD OF SPECIAL INQUIRY**

**SECTION 14. *Creation of the Boards of Special Inquiry.*** – There shall be created up to five (5) Boards of Special Inquiry (BSI) as required in the exigency of service as determined by the Board. Each BSI shall be composed of a Chairperson and two (2) members. The BSI shall be designated according to their areas of specialization to be determined by the Board.

**SECTION 15. *Appointment and Qualifications of the Chairpersons and Members of the BSI.*** – The Chairpersons and members of the BSI shall be appointed by the Commissioner, shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing and have been engaged in the practice of law for at least three (3) years prior to appointment.

**SECTION 16. *Powers and Functions.*** – The BSI shall:

- (a) Recommend to the Board for final resolution cases and applications relative to:
  - (1) Deportation;
  - (2) Revocation of immigration status; and
  - (3) Legalization of residence in accordance with law;

- (b) Recommend to the Commissioner for appropriate action cases and applications relative to:
  - (1) Citizenship matters; and
  - (2) Issuance of alien certificates registration to asylum seekers, refugees and stateless persons;
- (c) Issue subpoena in cases being heard by the BSI;
- (d) In the exercise of its quasi-judicial power, cite and punish persons for contempt in accordance with the Rules of Court;
- (e) Recommend to the Commissioner the imposition, waiver, or reduction of fines, penalties and other charges, subject to existing laws, rules and regulations;
- (f) Administer oaths in connection with the performance of their duties, as may be authorized by the Commissioner;
- (g) Promulgate rules and regulations governing matters within its assigned mandate, subject to the approval of the Commissioner; and
- (h) Perform such other duties and functions as may be directed by the Commissioner.

**SECTION 17. *Proceedings.*** – The proceedings before the BSI shall be public and recorded. In all cases, the BSI shall meet and act as a collegial body. Only members of the Philippine Bar in good standing may appear for and in behalf of any party before the BSI.

**SECTION 18. *Creation of Positions.*** – The positions created under the BSI shall have the following classification and salary grades:

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

**CHAPTER 5  
DIVISIONS AND OTHER OPERATING OFFICERS OF THE BUREAU**

**SECTION 19. *Divisions and Other Operating Offices of the Bureau.*** – The Bureau shall have the following Divisions and other operating offices, namely:

- (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; and
  - (10) Planning and Research;

- (b) Regional Offices that shall be proposed by the Board according to political or administrative regions, and created pursuant to authorization by Congress; and
- (c) District and Field Offices.

**SECTION 20. Heads of the Divisions and Other Operating Units.** – Each Division shall be headed by a Division Chief with a Salary Grade (SG) of SG-24, except the Legal Affairs Division, which shall be headed by an Attorney V, SG-25: *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.

No person shall be appointed as Chief of any of the Divisions enumerated in Section 19 (a) of this Act unless such person meets the qualification standards set by the Bureau and approved by the Civil Service Commission (CSC).

**SECTION 21. Organizational Structure and Staffing Pattern of the Bureau.** – The Board shall determine the organizational structure and staffing pattern of the Bureau in accordance with the revised compensation and position classification system, subject to the review and approval of the Department of Budget and Management.

**SECTION 22. Administrative Division.** – The Administrative Division shall have the following functions:

- (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.

**SECTION 23. Alien Registration Division.** – The Alien Registration Division shall have the following functions:

- (a) Formulate plans and policies for the implementation of the Alien Registration Program;
- (b) Establish and implement measures for the effective registration, monitoring and accounting of aliens, including the collection and safekeeping of biometric data of all aliens pursuant to this Act and other laws, rules and regulations;
- (c) Monitor and evaluate all policies, programs and measures relative to alien registration, and recommend to the Commissioner such measures to improve the system of alien registration; and
- (d) Perform such other tasks as may be directed by the Commissioner.

**SECTION 24. Finance and Logistics Division.** – The Finance and Logistics Division shall have the following functions:

- (a) Formulate and supervise the implementation of policies pertaining to procurement, fiscal management, auditing and accounting in support of the overall plan and strategic direction of the Bureau;
- (b) Direct and manage all the procurement activities of the Bureau;
- (c) Implement sound fiscal policy;
- (d) Supervise the preparation of the Annual Procurement Plan;
- (e) Initiate projects in the furtherance of the improvement of the Bureau;
- (f) Set performance targets for the Bureau in order to meet its objectives, plans and programs; and
- (g) Perform such other tasks as may be directed by the Commissioner.

**SECTION 25. *Human Resource Management and Development Division.*** – The Human Resource Management and Development Division shall have the following functions:

- (a) Develop and execute human resource strategies in support of the overall plan and strategic direction of the Bureau especially in the areas of selection, hiring and promotion;
- (b) Design employee training modules;
- (c) Develop comprehensive strategic recruitment and retention plans to meet human capital strategy goals;
- (d) Set qualification standards and implement competency-based hiring and promotion policies;
- (e) Oversee the recruitment, selection and promotion of employees of the Bureau;
- (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.

**SECTION 26. *Immigration Regulation Division.*** – The Immigration Regulation Division shall have the following functions:

- (a) Formulate plans and programs for the effective enforcement of immigration laws relating to the admission, sojourn, and exit of aliens;
- (b) Enforce immigration laws relating to the admission of aliens on primary inspection, as well as their exclusion, deportation and repatriation, and those relating to administrative penalties against sea vessels;
- (c) Establish policies for the effective surveillance, monitoring and supervision of all bay service operations of a II vessels while in Philippine territory;

- (d) Oversee and supervise all Regional, District, and Field Offices, and Border Crossing Checkpoints;
- (e) Maintain administrative control over aliens admitted for limited periods enforcing and implementing policies for temporary visitors' visa extension and permits;
- (f) Assist the Commissioner in administering issuances of student visas, permits and other order related thereto;
- (g) Assist the Commissioner in the preparation of all orders pertaining to downgrading of visas, transfer, amendment and correction of admission;
- (h) Represent the Bureau in the enforcement of the RP-Indonesian Agreement, the RP-Malaysian Anti-Smuggling Agreement, and other subsequent similar agreements; and
- (i) Perform such other tasks as may be directed by the Commissioner.

**SECTION 27. *Information and Communications Technology Division.*** – The Information and Communications Technology Division shall have the following functions

- (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.

**SECTION 28. *Immigration Intelligence Division.*** – The Immigration Intelligence Division shall have the following functions:

- (a) Develop plans and programs for the gathering and collating of intelligence 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 the Bureau and foreign counterparts or embassies;
- (d) Initiate development of intelligence training modules; and
- (e) Perform such other tasks as may be directed by the Commissioner.

**SECTION 29. *Immigration Law Enforcement Division.*** – The Immigration Law Enforcement Division shall have the following functions:

- (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) Develop and implement law enforcement training modules;
- (d) Establish an effective monitoring tool for fugitives and undesirable foreign nationals;
- (e) Direct operations regarding the control, security and administration of staff, persons deprived of liberty, and equipment at the immigration detention facility;
- (f) Perform such other tasks as may be directed by the Commissioner.

**SECTION 30. *Legal Affairs Division.*** – The Legal Affairs Division shall have the following function:

- (a) Serve as the legal office 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 lawyers in the division as Special Prosecutors for regular deportation proceedings;
- (d) Implement deportation orders;
- (e) Review contracts affecting the Bureau and submit recommendations to the Board relative thereto;
- (f) Render legal opinions on matter arising from the administration and operation of the Bureau; and
- (g) Perform such other tasks as may be directed by the Commissioner.

**SECTION 31. *Planning and Research Division.*** – The Planning and Research Division shall have the following function:

- (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) Assist 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 6 IMMIGRATION OFFICERS**

**SECTION 32. *Qualifications of Immigration Officers.*** – No person shall be appointed to the position of Immigration Officer unless such person meets the qualification standards set by the Bureau and approved by the CSC.

**SECTION 33. *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 law;
- (d) Search for foreign nationals on any vessel believed to be used to illegally transport 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;
- (f) Detect and report violations of the immigration and alien registration laws and, in appropriate cases, take necessary actions upon the instructions of the Commissioner, including follow-up on the stay of non-immigrants to prevent overstaying;
- (g) Detect and report subversive activities of aliens in the interest of national security;
- (h) Investigate any case at the instance of the Commissioner and submit the required reports;
- (i) Report on the activities of aliens inimical to national interest with a view to taking appropriate action in accordance with law;
- (j) Locate and conduct surveillance against foreign nationals in violation of immigration laws, rules and regulations;
- (k) Provide actionable operational, tactical and strategic intelligence to the operating units;
- (l) Conduct case build up, analysis and other in-depth research, as well as provide analytical reports on foreign nationals who violate or are in violation of immigration laws, rules and regulations;
- (m) Coordinate with other local and international law enforcement agencies in the gathering of intelligence information related to immigration law violations;
- (n) Conduct counter-intelligence operations;

- (o) Enforce lawful orders relating to the exclusion, deportation and repatriation of aliens;
- (p) Take charge of the physical detention of aliens pending their exclusion, deportation or repatriation;
- (q) Attend to the deportation of aliens;
- (r) Monitor all arriving and departing suspected terrorists, drug couriers or members of crime syndicates;
- (s) Assist and escort deportees, excluded passengers and transiting restricted passengers until finally boarded;
- (t) Investigate and escort from ports of entry intercepted passengers who are found in possession of spurious travel documents;
- (u) Implement Warrants of Deportation and Mission Orders involving foreign nationals who violate or are in violation of immigration laws, rules and regulations; and
- (v) Perform such other functions as may be assigned by the Commissioner from time to time. Qualified Immigration Officers and Immigration Agents with the requisite training and experience may be assigned to the Intelligence, Law Enforcement, Alien Registration, or Immigration Regulation Divisions depending on the exigencies of the Bureau.

Qualified Immigration Officers and Immigration Agents with the requisite training and experience may be assigned to the Intelligence, Law Enforcement, Alien Registration, or Immigration Regulation Divisions depending on the exigencies of the Bureau.

## **CHAPTER 7 CAREER DEVELOPMENT PATTERN**

**SECTION 34. *Career Development.*** – The Bureau shall:

- (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 under this Title.

## **CHAPTER 8 OTHER OFFICES**

**SECTION 35. *Changes in the Composition, Distribution and Assignment of Personnel.*** – 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.

**SECTION 36. *Border Control Checkpoints.*** – In addition to international airports and 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. Border Control Officers shall perform the following duties:

- (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**

**SECTION 37. *Categories of Non-immigrants and Types of Visas Issued.*** – Foreign nationals departing from any place outside the Philippines who are otherwise admissible and 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, consultations and other legitimate activities of a commercial or a professional nature, but does not include local employment or labor for hire;
- (2) Pleasure (A-2 Visa): Temporary visitors who stay in the Philippines for holiday, including sightseeing, recreation or visiting relatives; and
- (3) Health (A-3 Visa): Temporary visitors who stay in the Philippines to avail of medical treatment;

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

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

(d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens of a country that has a trade treaty with the Philippines, including their family members, and who come to work in the Philippines for either a company they own or one that is at least fifty percent (50%)

owned by nationals of their home country and which company is engaged in substantial trade between the Philippines and their home country, shall be granted a D-1 visa;

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

(e) Accredited Foreign Government Officials, Their Families and Household Member (E Visas): Foreign government officials, their families and household members coming to the country for official purpose, pursuant to international conventions and bilateral agreements, shall be granted E Visas, in accordance with the following categories:

(1) Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the following classes of foreign nationals:

- (i) Heads of State and Heads of Government and their personal representatives;
- (ii) Members of reigning royal families from countries recognized by the Philippine Government;
- (iii) Governors-General, Governors, and High Commissioners of dependent territories and their personal representatives;
- (iv) Cabinet ministers and their deputies, and officials with cabinet rank of ministers;
- (v) Presiding officers of national legislative bodies;
- (vi) Justices or judges of the highest national judicial bodies;
- (vii) Diplomats and career consular officials on foreign assignment in the Philippines;
- (viii) Military, naval, air and other attaches assigned to a diplomatic mission; and
- (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;

(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 described in this subsection (e) shall be exclusively issued and renewed by the Department of Foreign Affairs (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) 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;

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

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

(1) Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the principal officials of accredited international organizations, as well as their accompanying spouses and dependents

(2) Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other officials and staff of accredited international organizations, as well as their accompanying spouses and dependents;

(3) Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials and staff of international organizations who will perform short-term official work with the international organization upon its invitation; and

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

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

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

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

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

(l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined in this Act and in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol shall be issued L-1 Visas. Stateless persons as described in this Act shall be issued L-2 Visas. The President or the Secretary of Justice, for humanitarian reasons not inimical to public interest, shall have the exclusive authority to admit refugees and stateless persons in such classes of cases and under such conditions as they may prescribe. The President or the Secretary of Justice shall likewise have the exclusive authority to cancel, revoke, or cease the refugee or stateless status of an individual; and

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

All other visas issued by other agencies and offices authorized to issue visas in accordance with existing laws, except the DFA, shall be implemented by the Bureau subject to requirements prescribed by the Commissioner.

## **CHAPTER 2 IMMIGRANTS**

**SECTION 38. Quota Immigrants.** – Subject to the conditions set forth in this Act, there may be admitted into the Philippines, based upon immigration reciprocity and upon allotment by the Commissioner, “quota immigrants”, not to exceed two hundred (200) of any one nationality

for any one calendar year. The following order of preference shall be observed in the allotment of quota immigrants:

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

**SECTION 39. Allotment of Quota.** – The Commissioner shall, with respect to the first preference, allot not more than fifty percent (50%) of the annual quota allotment up to the end of June of each year: Provided, That if the fifty percent (50%) allotment for the first preference by any nationality is not utilized, the balance thereof shall be given to the second, third, and fourth preferences for the same nationality in accordance with the preceding section. Any unused quota allotment for a calendar year shall not be carried over and utilized for the ensuing calendar year.

**SECTION 40. Basis in Determination of Quota Allotment.** – The numerical limitation imposed under Section 38 of this Act shall be on the country of which the immigrant is a national or a citizen.

**SECTION 41. 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**

**SECTION 42. *Status of Children Born to Immigrants.*** – A child born in the Philippines to a parent who is a foreign national and a lawful resident of the Philippines shall be deemed a native-born permanent resident.

**SECTION 43. *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**

**SECTION 44. *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
- (c) a quota immigrant visa is immediately available to the foreign national at the time of application, without the need of first departing from the Philippines.

In all such cases, the personal appearance of the foreign national shall be required during the consideration of the application.

**SECTION 45. *Effect of Approval on Application for Adjustment.*** – Upon the approval of an application for adjustment of status under the preceding section, the Commissioner shall record the foreign national's lawful admission as a permanent resident as of the date of the approval of the application.

**SECTION 46. *Adjustment of Status, When Not Allowed.*** – Adjustment of status under this Act shall not be applicable to:

- (a) foreign nationals who have violated or are in violation of immigration laws, rules and regulations, unless the violation is for purely technical reasons or without the fault of the foreign national; and
- (b) transients.

**SECTION 47. *Loss of Status.*** – A registered foreign national, except a temporary visitor, who fails to return to the Philippines within a period of one (1) year from departure shall lose the status granted under this Act. Such foreign national may apply for an extension of the period within which to return prior to its expiration and pay the prescribed fees and charges in order to maintain the status or type of visa granted.

## **CHAPTER 5 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS**

**SECTION 48. *Documentary Requirements of Non-immigrants.*** – Non-immigrants must present for admission into the Philippines valid passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their nationality and identity as prescribed by regulations, a valid visa granted by the Consular Officer, if required, and such other relevant documents as may be required under existing laws, rules, regulations, or multilateral or bilateral agreements.

**SECTION 49. *Conditions and Period of Authorized Stay of Temporary Visitors.*** – The initial period of authorized stay of a foreign national admitted as a temporary visitor under Section 37(a) of this Act shall not exceed fifty-nine (59) calendar days from the date of arrival, subject to bilateral, regional and multilateral visa agreements entered into by the Philippines: Provided, That the conditions for extensions and total period of authorized stay shall be prescribed by the Commissioner: Provided, further, That during the foreign national's authorized stay, such foreign national shall not:

- (a) take any employment, whether paid or unpaid;
- (b) establish or join in any business; or
- (c) enroll or become a student at a school, college, university, academy, or other educational institution, unless granted, upon proper application, a conversion to another immigration status provided under this Act.

**SECTION 50. *Submission of Crew List and Passenger Manifest.*** – Simultaneous to the vessel's departure from the port of origin, the master, captain, agent, owner or consignee of any vessel arriving in the Philippines shall submit to the Bureau, within a reasonable time prior to such arrival, the crew lists, passenger manifests and such other information concerning the persons arriving on such a vessel. In the same manner and condition, the master, captain, agent, owner or consignee of any vessel departing from any port in the Philippines shall submit to the Bureau, within a reasonable time prior to such departure, the crew list, passenger manifest and such other information concerning the persons departing on such vessel. The crew list of an incoming sea craft shall contain the appropriate visa granted by the Consular Officer.

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

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

## CHAPTER 6 DOCUMENTATION AND ADMISSION OF IMMIGRANTS

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

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

## CHAPTER 7 VISA ISSUANCE

**SECTION 54. *Nature of Visa.*** – A visa by itself does not authorize or guarantee entry into the Philippines. Nothing in this Act shall be construed to automatically entitle any foreign national, to whom a visa or other travel document has been issued, to enter the Philippines if, upon arrival at a port of entry, such foreign national is found to be inadmissible under this Act or any other law.

**SECTION 55. *Visa Policy.*** – The procedure for the application and issuance of visas referred to in this Act shall be formulated by the Bureau, in consultation with the DFA and other concerned government agencies and offices when appropriate.

## CHAPTER 8 RE-ENTRY AND EMIGRATION CLEARANCE

**SECTION 56. *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 re-entry permit or, if the authorized stay is less than one (1) year, a Special Return Certificate, and pay the corresponding fees and charges therefor.

**SECTION 57. *Emigration Clearance.*** – A registered foreign national who departs permanently from the Philippines shall surrender all Philippine immigration documents and apply for and be issued an Emigration Clearance Certificate, subject to the following conditions:

- (a) The immigrant has no pending obligation with the government or any of its agencies or instrumentalities;
- (b) The immigrant has no pending criminal, civil, or administrative proceeding which requires continued presence in the country; and

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

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

## **CHAPTER 9 PRESIDENTIAL PREROGATIVES**

**SECTION 58. *Presidential Prerogatives.*** – Any provision of this Act to the contrary notwithstanding, the President may:

- (a) Deny the entry and admission into the Philippines of, or impose such restrictions as may be deemed appropriate on, any foreign national or a class of foreign nationals, whenever the President finds that such entry would be detrimental to the interest of the Philippines;
- (b) Waive passport or documentary requirements for non-immigrants and immigrants under such terms and conditions as may be prescribed;
- (c) Change the status of non-immigrants by allowing them to acquire permanent residence status without necessity of a visa;
- (d) Deport any foreign national, subject to the requirement of due process;
- (e) Admit non-immigrants not otherwise provided for in this Act for humanitarian considerations and when not detrimental to public interest, under such terms and conditions as may be prescribed; and
- (f) Exercise, with respect to foreign nationals in the Philippines, such powers as are recognized by the generally accepted principles of international law.

## **TITLE IV PROVISIONS RELATING TO ENTRY**

### **CHAPTER 1 CLASSIFICATION OF PORTS OF ENTRY**

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

### **CHAPTER 2 PROCEDURES ON ARRIVAL**

**SECTION 60. *Arrival Formalities.*** – 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 Immigration Officer to admit 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 or his/her authorized representative. The resolution shall be reflected in the system of the Bureau.

**SECTION 61. *Arrival Notice Requirements of Vessel.*** – The immigration authorities shall be given prior notice of the arrival of any vessel before such vessel comes into any area in the Philippines from any place outside thereof.

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**

**SECTION 62. *Conditional Permit to Disembark.*** – A foreign crewmember of a vessel under Section 37(c) of this Act may be granted a conditional permit, in a form prescribed by regulations, to disembark temporarily from the vessel on which such crewmember arrived while the vessel remains in port under such terms and conditions as may be prescribed by the Commissioner.

**SECTION 63. *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.

**SECTION 64. *Liability for Overstaying Foreign Crewmember.*** – 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 109 of this Act. 25

**SECTION 65. *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 or his/her authorized representative. 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.

**SECTION 66. *Duty to Report Desertion or Illegal Landing 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 facilitate their apprehension.

**SECTION 67. 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.

**SECTION 68. 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**

**SECTION 69. 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 Grounds
  - (1) Those who are found to be suffering from a communicable, dangerous or contagious disease, unless excepted under existing laws, rules and regulations;
  - (2) Those who are found to be suffering from psychiatric disorder that may pose a threat to persons or danger to property; and
  - (3) Those who are found to be suffering from addiction to prohibited or regulated substance;
- (b) Economic Grounds
  - (1) Those likely to become a public charge; and
  - (2) Those seeking entry for the purpose of unskilled manual labor;
- (c) Moral Grounds
  - (1) Those coming to the Philippines to practice polygamy or who advocate the practice of polygamy unless the person's religion allows such practices;
  - (2) Those who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes;

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

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

(d) National Security, Public Order and Public Safety Grounds

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

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

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

(4) Those who are fugitives from justice;

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

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

(ii) any activity aimed to promote membership in an organization of syndicated criminal activities;

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

(iv) 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 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; and

(9) Those who are under fifteen (15) years of age and unaccompanied by or not coming to join a parent, except if otherwise admissible and with a written

consent to travel from either parent and affirmed by a Consular Officer, citing the purpose thereof.

**SECTION 70. *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 owner, operator, master, captain, pilot, agent or consignee of the carrying vessel.

**SECTION 71. *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.

**SECTION 72. *Authority to Waive Grounds for Exclusion.*** – The Commissioner may waive any of the grounds for exclusion mentioned in Section 69 of this Act, except for the grounds of exclusion under Section 69(d), subparagraphs 1 to 8.

**SECTION 73. *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.

**SECTION 74. *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.

**SECTION 75. *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.

**SECTION 76. *Penalty for Non-compliance of Obligation.*** – The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violates Section 75 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

**SECTION 77. *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, or those who in any manner whatsoever extend assistance, financial or otherwise, in the dissemination of such doctrines;
- (g) Those who engage in, abet, aid or finance any terrorist activity;

- (h) Those who, at any time after entry, are charged of a crime involving acts or omissions punishable under Philippine penal laws cognizable by the Regional Trial Courts and the Sandiganbayan;
- (i) Those who are convicted by final judgment of a crime involving moral turpitude punishable under Philippine penal laws;
- (j) Those who were admitted as non-immigrants and who obtained an adjustment of their admission status for convenience, or through fraud, falsification of documents, misrepresentations or concealment of material facts;
- (k) Those who violated Philippine labor and taxation laws, rules and regulations;
- (l) Those who are found to be undesirable and whose further stay in the Philippines is inimical to public welfare and interest, or the dignity of Filipinos or the Republic of the Philippines as a sovereign nation;
- (m) Those who forge, counterfeit, alter or falsely make any document; or use, attempt to use, possess, obtain, accept or receive, or provide any forged, counterfeit, altered or falsely made document; or use, attempt to use, provide, attempt to provide, accept or receive a genuine document, even of another person, without authority to do so for the purpose of satisfying or complying with the requirements of the Bureau;
- (n) Those whose presence or activities in the country may result in adverse consequences to Philippine foreign policies as determined by the Secretary of Foreign Affairs;
- (o) Those who misrepresented themselves as Filipino citizens in all immigration matters; and
- (p) Those who violate any of the provisions of this Act, independent of any criminal action which may be brought against them: Provided, That in the case of a foreign national who, for any reason, is convicted and sentenced to suffer both imprisonment and deportation, said foreign national shall first serve the entire period of the sentence before being deported.

## CHAPTER 2 DEPORTATION PROCEEDINGS

**SECTION 78. *Nature of Deportation Proceedings.*** – Deportation proceedings shall be independent of any action that may be instituted against a foreign national: *Provided*, That no deportation order shall be issued against foreign nationals facing preliminary investigation, prosecution and trial before competent authorities.

**SECTION 79. *Non-Prescription of Deportation Cases.*** – The right of the State to initiate deportation proceedings shall not prescribe.

**SECTION 80. *Formal Charge of Deportation.*** – A formal charge for deportation shall be issued upon determination of the existence of a prima facie case against the foreign national.

**SECTION 81. *Bail.*** – Pending final determination of the foreign national's deportation case, the foreign national shall, upon the discretion of the Commissioner, remain under detention or be released on bail or recognizance. The bail may be revoked and confiscated in favor of the

government if there is sufficient evidence that the foreign national is evading the proceedings or is attempting to abscond, in which case such foreign national shall be taken into custody and placed under detention by order of the Commissioner.

**SECTION 82. *Custody of a Foreign National Convicted of a Felony or an Offense.*** – After service of the sentence or compliance with the conditions of parole or probation, as the case may be, the foreign national shall be taken into custody for immediate deportation by order of the Board.

**SECTION 83. *Voluntary Deportation, When Authorized.*** – The Commissioner may waive the deportation proceedings and order the departure of the foreign national within the period specified in the voluntary deportation order if the foreign national does not contest the formal charge and opts to voluntarily leave the country and pays for all expenses: *Provided*, That the foreign national has not committed any criminal offense or has no pending criminal investigation: *Provided*, further, That the said foreign national so deported shall be barred from re-entering the country without prior written authorization from the Commissioner.

**SECTION 84. *Period to Enforce Order of Deportation.*** – The order of deportation shall be enforced immediately but in no case shall exceed three (3) months from the date it has become final and executory. If deportation is not enforced within the prescribed period, the foreign national may be released on bail or recognizance.

**SECTION 85. *Suspension of Deportation Order.*** – The Commissioner may suspend the implementation of the deportation order and order the release of the foreign national on bail or recognizance, taking into account the following factors:

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

**SECTION 86. *Reinstatement of a Deportation Order.*** – A deportation order previously implemented against a foreign national who unlawfully re-entered the Philippines shall be deemed automatically reinstated and shall be implemented in accordance with this Act. This provision shall also apply to a foreign national who departed voluntarily under Section 83 of this Act and re-entered the Philippines unlawfully or without prior written authorization from the Commissioner.

**SECTION 87. *Country of Destination of a Deportee.*** – Except as provided for under an existing treaty or international agreement, a foreign national shall be deported to the country of which the person is a citizen or national, or the foreign national's country of birth, or the country of which the foreign national is a resident, or the country from which the foreign national embarked for the Philippines, subject to the acceptance by the receiving country.

**SECTION 88. *Cost of Deportation.*** – The owner, operator, captain, master, pilot, agent or consignee of a vessel shall bear the cost of deportation of any of its foreign crewmembers deemed deportable under Section 77 of this Act. In all other cases, the cost of deportation shall be borne either by the deportee, by the concerned consular office, nongovernment organizations or people's organizations with which the Bureau has an agreement on this matter, or shall be charged to the appropriations for the implementation of this Act.

**SECTION 89. *Liability of Owner, Operator, Captain, Master, Pilot, Agent or Consignee of a Vessel.*** – Failure or refusal on the part of the owner, operator, captain, master, pilot,

agent or consignee of a vessel to take on board, guard safely and transport the deportee to the foreign national's country of destination, or to shoulder the cost of deportation of the foreign crew member as provided in the preceding Section, shall be subject to the administrative fines prescribed under Chapter 6, Title VI of this Act.

**SECTION 90. *Designation of Accompanying Person.*** – The Commissioner may, for security reason or by reason of the mental or physical condition of the deportee, direct an employee of the Bureau to accompany such deportee to the country of the deportee's destination, subject to the provisions of Section 88 of this Act.

### **CHAPTER 3 INDIGENT FOREIGN NATIONALS**

**SECTION 91. *Removal of Indigent Foreign Nationals.*** – At any time after entry, the Commissioner may remove indigent foreign nationals from the Philippines to either the country of which they are citizens or nationals, their country of birth, or their country of residence, as the case may be. The cost of deportation may be charged against the available funds of the Bureau. Any foreign national removed under this section shall be barred re-admission except upon written authorization of the Board.

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

### **TITLE VI MISCELLANEOUS PROVISIONS**

#### **CHAPTER 1 REGISTRATION OF FOREIGN NATIONALS**

**SECTION 92. *Requirement of Registraton.*** – All foreign nationals, regardless of any exemption provided by law, shall register with the Bureau or any Immigration Office nearest to their place of residence on or before the sixtieth (60th) day of their latest arrival in the Philippines.

**SECTION 93. *Registration Form and Oath.*** – Applications for registration shall be under oath and in such form as prescribed by the Bureau. Upon registration, a certificate of registration shall be issued to the registrant.

**SECTION 94. *Amendment of Registration.*** – Registered foreign nationals shall notify the Bureau in writing of any change of information in their registration documents not later than seven (7) days from such change.

**SECTION 95. *Presentation of Certificate of Registration.*** – Every foreign national required to register under this Act or the parent or guardian of such foreign national shall present, upon demand by any personnel authorized by the Commissioner, a certificate of registration of such individual, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

**SECTION 96. *Reportorial Requirements.*** – Every foreign national registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Bureau. The Commissioner may exempt personal appearance of foreign nationals registered under this Act subject to certain requirements and conditions as may be prescribed in the rules and regulations issued for the purpose.

**SECTION 97. *Failure to Comply with Requirements.*** – A foreign national, or the parent or guardian of the foreign national, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by the individual to be false, or who utilizes registration documents other than that of the individual, shall be dealt with in accordance with the provisions of this Act and other existing laws.

**SECTION 98. *Cancellation of Registration of Foreign National.*** – In case of death of a foreign national registered under the provisions of this Act, the legal heir, representative or administrator of the foreign national must inform the Bureau within sixty (60) days from such death, and the Bureau shall cancel the registration of the deceased foreign national. The Local Civil Registrar or other civil registry officer of the locality where said foreign national died shall furnish the Bureau with a copy of the Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements specified in this Section shall be dealt with pursuant to the provisions of existing laws.

## **CHAPTER 2 BONDS AND DEPOSITS**

**SECTION 99. *Bonds, When Required.*** – The Bureau shall have the authority to require cash bonds in such amounts and under such conditions as it may prescribe in order to:

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

**SECTION 100. *Requirement of Cash Deposits for Services Rendered.*** – The Bureau shall likewise have the authority to require cash deposits in such amounts as may be necessary from a vessel's owner, operator, captain, master, pilot, agent, or consignee or other persons served for services rendered as established by the implementing rules and regulations.

**SECTION 101. *Cancellation and Forfeiture of Bonds.*** – When the conditions of the bond are fulfilled, or in case the Commissioner determines that the likelihood that a foreign national shall become a public charge no longer exists, or in case of death of the foreign national in whose behalf the bond is posted, the bond shall be cancelled and released to the depositor or the legal representative of the foreign national. In case of violation of the conditions of the bond, the same shall be forfeited and deposited in a trust fund account which may be utilized for the purchase of passage tickets for the removal of indigent foreign nationals and to cover the costs of operations in locating deportees who jump bail.

## **CHAPTER 3 RECOGNIZANCE**

**SECTION 102. *Petitions for Recognizance, Sanction for Breach of Conditions.*** – The Commissioner may order the release of a foreign national upon recognizance of the foreign national's lawyer or a person who is of good standing in the community, under such terms and conditions as the Board may prescribe. Failure to comply with the terms and conditions of the recognizance shall subject said lawyer or person to a fine of not less than Fifty thousand pesos

(P50,000.00) but not more than One hundred thousand pesos (P100,000.00), without prejudice to other administrative sanctions or proceedings against the erring party.

#### **CHAPTER 4 COOPERATION AND COORDINATION WITH OTHER OFFICES**

**SECTION 103. *Interoperability.*** – The Bureau shall cooperate and coordinate with relevant government agencies and offices for purposes of the implementation of this Act.

#### **CHAPTER 5 FEES AND CHARGES**

**SECTION 104. *Authority of the Board to Prescribe, Impose and Collect Fees and Charges.*** – The Board is authorized to prescribe, impose, and collect fees and charges for services rendered, pursuant to the provisions of this Act.

#### **CHAPTER 6 ADMINISTRATIVE FINES**

**SECTION 105. *Fine for Failing to Submit Crew List or Passenger Manifest, or Failure to Account Every Passenger and Crew.*** – Any owner, operator, master, captain, pilot, agent, or consignee of a vessel arriving at any port in the Philippines from a place outside thereof who fails to submit to the immigration authorities a complete and accurate crew list or passenger manifest, or fails to produce or account every crewmember or passenger whose name appears in said list or manifest shall be subject to fines of One hundred thousand pesos (P100,000.00) and Fifty thousand pesos (P50,000.00) for each unaccounted crewmember or passenger, respectively.

**SECTION 106. *Fine for Violation of Obligation on the Landing or Removal of Foreign Nationals.*** – Any owner, operator, master, captain, pilot, agent, or consignee of any vessel arriving at a port of the Philippines from a place outside thereof having a foreign national on board in violation of this Act 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 act or violation consisting of:

- (a) Failure to prevent the landing of such foreign national in the Philippines at any time or place other than as designated by the Immigration Officer;
- (b) Refusal or failure to detain a foreign national on board any such vessel at the port of arrival when required by this Act or so ordered by an Immigration Officer;
- (c) Refusal or failure to deliver a foreign national for medical or other examinations when so ordered by an Immigration Personnel;
- (d) Refusal or failure to pay the cost of maintenance and other costs, as required by this Act, of such foreign national when temporarily removed from the vessels for examination by order of the Immigration Officer;
- (e) Refusal to receive such foreign national on board for removal from the Philippines if the foreign national is excluded, or to pay the cost of removal as required under this Act;

- (f) Refusal or failure to take on board, guard safely and transport the deportee to the foreign national's country of destination, or to shoulder the cost of deportation of the foreign crew member; and
- (g) Making any charge against such foreign national for the cost referred to in item (d) above, or for the cost of the removal of the foreign national from the Philippines if the latter is excluded or taking any security from the foreign national or the payment of any such costs.

**SECTION 107. *Fine for Bringing Undocumented Foreign National, or Foreign National Afflicted with Communicable or Contagious Disease, or Suffering from Mental Disorder.***

– The owner, operator, master, captain, pilot, agent, or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board an undocumented foreign national shall be fined One hundred thousand pesos (P100,000.00) for each foreign national. If the foreign national is afflicted with a communicable or contagious disease or is suffering from psychiatric disorder that may pose a threat to persons or danger to property as stated in Section 69 of this Act, the fine shall be not less than Two hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00) for each foreign national.

**SECTION 108. *Fine for Bringing a Foreign National to Assist His Illegal Entry or Misrepresenting a Foreign National as a Member of the Crew.***

– The owner, operator, master, captain, pilot, agent, or consignee of the vessel arriving at any port in the Philippines from a place outside thereof bringing on board a foreign national bound for the Philippines to assist the illegal entry of the foreign national, or misrepresenting the foreign national to the Immigration Officer at the port of arrival as a bona fide member of the crew, shall be fined not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each foreign national.

**SECTION 109. *Fine for an Overstaying Crewmember.***

– Any foreign crewmember who willfully remains in the Philippines beyond the period allowed for temporary landing shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00). The owner, operator, master, captain, pilot, agent, or consignee of the vessel shall be solidarily liable for the fine imposed on such overstaying crewmember.

**SECTION 110. *Fine for Assaulting Immigration Personnel.***

– Any form of assault directed to any personnel of the Bureau is an act of disrespect. In case the assault is committed by a foreign national at the ports of entry and exit, such foreign national shall be excluded or deported, as the case may be, and shall be fined Two hundred thousand pesos (P200,000.00) without prejudice to the right of the aggrieved Immigration Personnel to file appropriate criminal, civil or administrative cases against such person.

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

**SECTION 111. *Fine for Violation of Other Provisions of this Act.***

– The owner, operator, master, captain, pilot, agent, or consignee of any vessel arriving at any port of the Philippines from a place outside thereof who violates any other provision of this Act 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**

**SECTION 112. *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.

**SECTION 113. *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 detained 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: *Provided*, further, That any tools, equipment, implements or vehicles used in the escape of a detained foreign national shall be destroyed or forfeited in favor of the government.

**SECTION 114. *Penalty for Failure to Comply with Subpoena.*** – Any person who, having been duly served with a subpoena, fails to comply without valid and justifiable reasons, shall suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of not more than One thousand pesos (P1,000.00), or both, at the discretion of the court.

**SECTION 115. *Imposition of Maximum Penalty, When Applicable.*** – A person convicted under Republic Act No. 3019, as amended, otherwise known as the “Anti-Graft and Corrupt Practices Act”, or other laws against corruption and bribery, in relation to any violation or circumvention of any provision of this Act, shall suffer the maximum penalty under the said Republic Act or other laws against corruption and bribery, as the case may be.

**CHAPTER 8  
UPGRADING OF POSITIONS, COMPENSATION AND BENEFITS**

**SECTION 116. *Creation of New Positions, Reclassification of Existing Positions and Upgrading of Salary Levels.*** – The following positions in the Bureau are hereby created, and the existing positions reclassified or upgraded, with the 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
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)	Chief Immigration Officer (Chief Alien Registration Officer)	24	24

Division)			
Intelligence Officer V (Intelligence Division)	Intelligence Officer V (Chief Immigration Intelligence Officer)	24	24
Chief Immigration Officer (Law Enforcement Division)	Chief Immigration Officer (Chief Immigration Law Enforcement Officer)		24
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Officer (Chief Immigration Regulation Officer)	24	24
Chief Personnel Specialist	Chief Personnel Specialist (Chief Human Resource Management Officer)		24
	Supervising Human Resource Management Officer		22
Chief Administrative Officer (Finance and Management Division)	Chief Administrative Officer (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 Div)	Information Technology Officer III (Chief Information and Communications Technology Officer)	24	24
Supervising Immigration Officer (IRD, ARD, POD)	Supervising Immigration Officer	22	22
Intelligence Officer IV	Senior Immigration Officer	19	20
Senior Immigration Officer			
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			
<b>EXISTING POSITION</b>	<b>RECLASSIFIED POSITION/ NEWLY CREATED POSITION</b>	<b>SALARY GRADE</b>	
Immigration Officer I	Immigration Officer I	11	13
Intelligence Officer I			
Special Investigator I			

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)			
Computer Programmer II	Information Technology Officer I	15	19
Computer Maintenance Technologist II			
	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.

**SECTION 117. *Additional Grant of Benefits.*** – The Bureau shall provide its employees with the following benefits:

- (a) Night shift differential which shall be subject to Republic Act No. 11701; and
- (b) Overtime pay for actual work rendered in accordance with the existing rules and regulations.

**SECTION 118. *Establishment of Immigration Trust Fund.*** – An Immigration Trust Fund (ITF) is hereby created sourced from thirty percent (30%) of the 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 shall not exceed One billion two hundred million pesos (P1,200,000,000.00) every year: Provided, further,

That any excess in the collections under this paragraph shall accrue to the general fund of the national government. The ITF shall be managed by the Board in accordance with

existing government auditing rules and regulations, and shall be used exclusively for the following:

- (a) 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) 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) 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 (n) of this Act shall not form part of the ITF, and shall be used strictly in accordance with the said provision.

## **CHAPTER 9 ELECTRONIC TRANSACTIONS**

**SECTION 119. *Development and Implementation of Electronic Systems.*** – The Bureau shall develop and implement electronic systems to facilitate transactions through the use of digital and electronic technology, including the processing of admission, visa transactions, citizenship, and alien registration, as well as the submission of reports, notices and documents required under this Act.

The Bureau shall develop and implement an infrastructure plan to facilitate the electronic transmission and conveyance of government services in order to:

- (a) Facilitate convenience in arrival and departure processes through e-systems;
- (b) Accept the creation, filing or retention of such documents in the form of electronic data messages or electronic documents;
- (c) Issue permits, visas, certification or approval in the form of electronic data messages or electronic documents;
- (d) Require or accept payments, and issue receipts acknowledging such payments, through systems using electronic data messages or electronic documents; and
- (e) Accept or issue any document in the form of electronic data messages or electronic documents upon the adoption, promulgation and publication of appropriate rules, regulations and guidelines.

## **CHAPTER 10 TRANSITORY PROVISIONS**

**SECTION 120. *Interim Period.*** – The incumbent Commissioner and the two Deputy Commissioners, if qualified under this Act, shall continue to discharge the functions of their position unless otherwise removed by the President. All personnel of the present Bureau of Immigration shall continue to discharge the functions of their positions pending the reorganization as provided in this Act.

**SECTION 121. *Reorganization of the Bureau.*** – Upon approval of this Act, all employees of the Bureau of Immigration covered by civil service rules and regulations shall continue to hold their present positions pending the reorganization of the Bureau in accordance with the new staffing pattern: Provided, That the salaries, wages, allowances and other benefits of incumbent officers and employees of the Bureau shall not be subject to diminution: Provided, further, That employees who have been dismissed for cause shall no longer qualify for any position in the Bureau.

**SECTION 122. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities and Obligations to the Commission.*** – All buildings, properties, equipment, facilities, accounts, other assets, liabilities and other obligations as well as records of the Bureau of Immigration shall be properly inventoried and transferred to the Bureau.

**SECTION 123. *Force of Treaty or Agreement.*** – Any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act shall remain in force and effect.

**SECTION 124. *Pending Cases.*** – Any prosecution, suit, action, proceeding, or any act or matter, civil or criminal, pending at the time of the effectivity of this Act shall not be affected by any of the provisions of this Act unless otherwise explicitly stated herein.

## **CHAPTER 11 ADMINISTRATION AND IMPLEMENTATION**

**SECTION 125. *Implementing Rules and Regulations.*** – Within sixty (60) days from the effectivity of this Act, the Commissioner shall, in coordination with the Secretaries of Justice, Foreign Affairs and Budget and Management, promulgate the rules and regulations for the effective implementation of this Act.

**SECTION 126. *Appropriations.*** – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriation of the Bureau of Immigration. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

## **CHAPTER 12 FINAL PROVISIONS**

**SECTION 127. *Separability Clause.*** – Should any provision of this Act be declared invalid, the remaining provisions shall continue to be in force and effect.

**SECTION 128. *Repealing Clause.*** – Commonwealth Act No. 613, otherwise known as the "Philippines Immigration Act of 1940", as amended, Republic Act No. 562 entitled "Alien Registration Act of 1950", as amended, and Republic Act No. 750 entitled "An Act Designating as Special Agents of the Bureau of Immigration All Provincial, City and Municipal Treasurers, and Providing for the Allocations to the Provincial, City, and Municipal Governments of Ten Per Centum of Certain Fees Collected in Their Respective Territorial Limits", are hereby repealed. All other laws, presidential decrees, executive orders, proclamations, memorandum orders, instructions, rules and regulations or parts thereof inconsistent with this Act are hereby amended or modified accordingly.

**SECTION 129. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,