

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 327

RECEIVED	
DATE:	30 JUN 2016
TIME:	3:37 PM
BY:	<i>[Signature]</i>
REGISTRATION UNIT	
FILE AND INDEX SERVICE	

Introduced by Representative Xavier Jesus D. Romualdo

EXPLANATORY NOTE

This bill was originally filed by the late Representative Pedro P. Romualdo. The Bicameral Conference Committee Report on this bill was not ratified on the last session day of the 14th Congress due to a lack of quorum. It was subsequently refiled by Representative Romualdo in the 15th Congress and was referred to the Committee on Justice. However, the Committee on Justice was unable to take up the resulting draft committee report. The same thing happened in the 16th Congress.

The Explanatory Note of the late Representative Romualdo is herein reproduced and adopted as part of the explanation for the filing of this bill:

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

This landmark legislation will ensure a vibrant, dynamic and more structured agency to be known as the Commission on Immigration and Naturalization that will be tasked to perform a twin function — gatekeeper and economic agent. As a gate keeper, the new Commission shall have the power to control and regulate the immigration of aliens in the country consistent with its duty to safeguard our borders, national security, national sovereignty and public safety. As an agent of economic development, the

new commission will be tasked to develop effective mechanisms and procedures on immigration and naturalization that will foster investments through a vibrant tourism industry and higher government revenue. This twin-function reflects the demands of the present time.

This bill will empower the current Bureau of Immigration to simplify further its requirements for visa applications or visa extension and expedite its processing and issuance of visas, alien certificates of registration, and other travel documents. Indeed, an orderly and simplified procedures will streamline the duties and functions of their officials and employees, improve the delivery of services by the commission, provide convenience and satisfaction to the public in general and the foreigners in particular, and more importantly, reduce if not eliminate red tape which breeds graft and corruption. Consequently, more foreigners will be enticed to visit the country for tourism or to seek investment opportunities, and those residing in the Philippines will be motivated to report regularly to the immigration office and avail of the various immigration services of the Commission.

Industry data shows that tourist arrivals in 2011 were estimated at 3.917 million with visitor receipts estimated at 129,689.33 million as reported in the Department of Tourism website. We believe these figures will double if the commission will simplify further their immigration policies and procedures without neglect of its duty as the government's gatekeeper.

With the advent of globalization characterized by shrinking space and time and disappearing political and economic borders, the country has not been exempted from the scourge of terrorism and other transnational and/or syndicated crimes such as drug trafficking, human smuggling and trafficking in person, and kidnapping, among others, that have likewise taken their toll in the economy. Local and foreign investors alike cannot be blamed of their capital flight as they have a second look in further investing in the country taking into consideration the peace and order situation. Hence, this bill will add credence to our fight against these nefarious criminal activities by allowing the Commission to strengthen further their existing procedures and policies on border control and management. This is the essence of a gatekeeper.

It was the Second Assembly of the Philippine Commonwealth that enacted the Philippine Immigration Act of 1940 on 22 January 1940 known as Commonwealth Act No. 613. It created the Bureau of Immigration under the administrative supervision of the Office of the President. Then, it later became an attached agency of the department of justice and was later returned to the administrative control of the Office of the President.

In 1941, the bureau was once again under the Department of Justice and, in 1945, it was put under the supervision and control of the Department of Labor as part of the reorganization plan of the government. In 1948, the

Bureau was again returned to the Department of Justice where it remains up to this time.

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

Seventy-two (72) years after its creation, it is only now that we are giving this agency the preferential attention it deserves considering its dual functions and significant contributions in national development. It is only fitting that we provide the proposed Commission with the renewed mandate to develop and execute sound policies and procedures that will professionalize the immigration service, foster tourism and foreign investment without sacrificing national security, national sovereignty and public safety, and enhance revenue collection for the government.

Under this bill, the proposed Commission shall be principally responsible for the administration and enforcement of immigration, alien registration, citizenship and administrative naturalization laws, and shall continue to be under the administrative supervision of the Department of Justice.

In view of the foregoing, the support of the Members of Congress for the timely passage of this measure is earnestly requested.



Xavier Jesus D. Romualdo

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 327

Introduced by Representative Xavier Jesus D. Romualdo

**AN ACT
CREATING THE COMMISSION ON IMMIGRATION, DEFINING ITS POWERS AND
FUNCTIONS, EXPANDING, RATIONALIZING, AND PROFESSIONALIZING ITS
ORGANIZATION, PROVIDING FOR 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:*

1 **TITLE I**
2

3 **GENERAL PROVISIONS**
4

5 **SECTION 1. Short Title.** — This Act shall be known as the *Philippine Immigration Act*.
6

7 **SEC. 2. Declaration of Policy.** — In the conduct of its relation with other States,
8 the Philippines shall give paramount consideration to national sovereignty, territorial
9 integrity, national security, national interest, the right to self-determination,
10 enhancement of economic diplomacy, as well as the protection of overseas Filipinos in
11 destination countries, as it adheres to the policy of peace, cooperation, and amity with
12 all nations. Toward this end, Philippine immigration policies, rules, and regulations
13 under this Act shall be applied and administered as instruments for the promotion of
14 domestic and external interests of the Philippines, in recognition of:

15 (a) The admission of foreign nationals for the purpose of encouraging and
16 enhancing capital investments, trade and commerce, cultural exchanges, and other
17 forms of friendly relations and cooperation;

1 (b) The need to support the country's technological and scientific

2 development;

3 (c) Promotion of conditions for social welfare and economic security of the

4 people;

5 (d) Compliance with obligations and standards set by international law in the

6 admission or exclusion of foreign nationals;

7 (e) Promotion of international order and justice by preventing and denying the

8 use of Philippine territory to persons who are engaged or likely to engage in terrorism,

9 human smuggling and trafficking, criminal and other nefarious activities;

10 (f) Modernization of structures and mechanisms necessary for the

11 administration of immigration laws in keeping with the changing demands of the

12 country's role in the global community; and

13 (g) Professionalization of the immigration service by instituting a rigid system

14 of screening and selection of immigration officials and employees and promoting their

15 development.

16
17 **SEC. 3. *Definition of Terms.*** — As used in this Act, the following terms are

18 hereby defined as follows:

19 (a) "Admission" – refers to the process by which a foreign national arriving at

20 a port of entry in the Philippines is allowed into the country by the immigration

21 authorities;

22 (b) "Board" – refers to the Board of Commissioners;

23 (c) "Border Control Officer" – refers to any person tasked to man the Border

24 Control Station as provided under Section 27 of this Act;

25 (d) "Captain" – refers to the master of a vessel or pilot of an aircraft;

26 (e) "Child" – refers to a person below eighteen (18) years of age;

27 (f) "Citizen" – refers to any person who is a citizen of the Philippines under

28 the 1987 Constitution of the Republic of the Philippines;

29 (g) "Commission" – refers to the Commission on Immigration;

1 (h) "Chief Commissioner" and "Commissioner" – refer to the Chief

2 Commissioner of Immigration and a Commissioner of Immigration, respectively;

3 (i) "Commitment Order" – refers to an order issued by the Chief

4 Commissioner under Section 7(c) of this Act that directs the taking into custody of a

5 foreign national after it has been determined that a probable cause exists that the

6 foreign national committed acts and/or omissions in violation of Philippine immigration

7 laws, rules, and regulations, or during the pendency of deportation case against such

8 foreign national; *Provided*, That such custody shall not exceed three (3) months, unless

9 there exists other legal grounds for continued custody of the foreign national;

10 (j) "Consular Officer" – refers to any consular, diplomatic, or other officer of

11 the Department of Foreign Affairs who has been duly granted a consular commission for

12 the purpose of issuing visas under this Act;

13 (k) "Derogatory Information" – refers to details about persons and travel

14 documents relating to immigration consisting of the following:

15 (1) "Blacklist Order" - refers to an order issued by the Chief Commissioner

16 that prevents a foreign national from entering the territorial jurisdiction of the

17 Philippines;

18 (2) "Hold Departure Order" – refers to a directive from the Chief

19 Commissioner preventing a foreign national from leaving the territorial jurisdiction

20 of the Philippines in cases of grant of bail and recognizance pending

21 implementation of a Summary Deportation Order, or an order implementing a

22 directive from the courts to prevent a person from leaving the Philippines to any

23 place outside thereof; and

24 (3) "Watchlist Order" – refers to an order issued by the Chief

25 Commissioner under this Act that requires immigration personnel to monitor the

26 travel of any person for a period of sixty (60) days, extendible for another sixty

27 (60) days, and to notify the concerned government agencies of the Philippines;

28 *Provided*, that the issuance of a Watchlist Order shall not have the effect of

29 preventing a person from leaving the Philippines to any place outside thereof.

1 (i) "Entry" – refers to the arrival of a foreign national into any designated port
2 of entry in the Philippines from a place outside thereof. A foreign national having a
3 lawful permanent residence in the Philippines shall not be regarded as making an entry
4 for the purpose of this Act if such foreign national proves that the departure to a place
5 outside the Philippines was for a temporary or limited period, or the continued absence
6 from the Philippines was occasioned by deportation proceedings, extradition, or other
7 legal process;

8 (m) "Exclusion" – refers to the act of an Immigration Officer denying the
9 admission of a foreign national into the country on grounds provided for in this Act;

10 (n) "Foreign National" – refers to any person who is not a citizen of the
11 Philippines;

12 (o) "Immigrant" – refers to any foreign national departing from any place
13 outside the Philippines destined for the Philippines, other than a Non-Immigrant;

14 (p) "Immigration laws" – refers to this Act and any other law presently existing
15 or which may hereafter be enacted relating to movement of natural persons to and from
16 the Philippines;

17 (q) "Immigration Officer" – refers to a person appointed under Section 24 of
18 this Act or a employee of the Commission designated by the Chief Commissioner to
19 perform the powers, duties, and functions of an Immigration Officer as specified under
20 this Act;

21 (r) "Interception" – refers to the act of Immigration Officers denying departure
22 clearance to any person leaving the country on grounds provided for in this Act;

23 (s) "Non-Immigrant" – refers to any foreign national departing from any place
24 outside the Philippines who is allowed entry and admission into the Philippines for a
25 temporary or limited period of stay;

26 (t) "Non-refoulement" – refers to the principle of international law which
27 prohibits the forced return of a refugee to a state or territory where his or her life or
28 liberty would be threatened;

1 (u) "Passport" – refers to a document issued by the Philippine government to
2 its citizens pursuant to Republic Act No. 8239, otherwise known as the *Philippine*
3 *Passport Act of 1996*;

4 (v) "Person" – refers to a natural or juridical person;

5 (w) "Port of entry" – refers to any port designated by the Chief Commissioner
6 through which a foreign national may enter or exit the Philippines;

7 (x) "President" – refers to the President of the Philippines;

8 (y) "Refugee" – refers to a person who, owing to a well-founded fear of being
9 persecuted for reasons of race, religion, nationality, membership of a particular social
10 group, or political opinion, is outside the country of his or her nationality, and is unable
11 or, owing to such fear, is unwilling to avail of the protection of that country; or who, not
12 having a nationality and being outside the country of his or her former habitual
13 residence, is unable or, owing to such fear, is unwilling to return to it;

14 (z) "Seaman," "Seafarer," or "Crewmember" – refers to a person actually
15 employed in the operation or service in any capacity on board a vessel;

16 (aa) "Stateless Person" – refers to a person who is not considered a national or
17 citizen by any country under its laws;

18 (bb) "Travel document" – refers to a certification or identifying document
19 containing the description and other personal circumstances of its bearer, issued for
20 direct travel to and from the Philippines valid for short periods or a particular trip. It is
21 issued only to persons whose claim to Philippine citizenship is doubtful or who fall under
22 the category enumerated in Section 13 of Republic Act No. 8239, otherwise known as
23 the *Philippine Passport Act of 1996*;

24 (cc) "Vessel" – refers to all means of conveyances, whether aircraft or sea
25 craft; and

26 (dd) "Visa" – refers to an endorsement on a passport or any travel document
27 issued by a Consular Officer abroad authorizing the holder thereof to proceed to a
28 designated port of entry in the Philippines and there to apply for entry and admission
29 under the status specified therein; or immigration status granted and/or issued to foreign
30 nationals by the Chief Commissioner or the Board of Commissioners under this Act.

1

2 **TITLE II**

3
4 **COMMISSION ON IMMIGRATION**

5
6 **CHAPTER 1**

7
8 **THE COMMISSION**

9
10 **SEC. 4. Creation.** — The Commission on Immigration is hereby created and
11 attached to the Department of Justice. The Commission shall be principally responsible
12 for the administration and enforcement of this Act, and the implementation of all laws,
13 rules, regulations, or orders of any competent authority concerning the entry and
14 admission into, stay in, and the departure from the Philippines of all persons.

15
16 **SEC. 5. Composition and Qualification.** — The Commission shall be
17 administered by the Board of Commissioners headed by the Chief Commissioner as
18 Chairperson, and four (4) Commissioners as members, all of whom shall be natural-
19 born citizens of the Philippines, holders of at least a college degree, and with proven
20 capacity for administration: *Provided*, That at least three (3) members, including the
21 Chairperson of the Commission, shall be members of the Philippine Bar in good
22 standing for at least five (5) years.

23

24 **CHAPTER 2**

25 **THE CHIEF COMMISSIONER**

26
27 **SEC. 6. Appointment and Rank of the Chief Commissioner.** — The Chief
28 Commissioner shall be appointed by the President and shall have the same rank,
29 compensation, and privileges of an Undersecretary.

30
31 **SEC. 7. Powers and Functions of the Chief Commissioner.** — In addition to
32 his or her duties as Chairperson of the Board of Commissioners, the Chief

- 1 Commissioner shall exercise the following powers and functions:
- 2 (a) Supervise, direct, and coordinate the overall operations of the
3 Commission;
- 4 (b) Exercise control and supervision over the officers and personnel of the
5 Commission, including, but not limited to, appointments, promotions, reassessments,
6 and other personnel movements, subject to existing civil service laws, rules, and
7 regulations;
- 8 (c) Issue, (1) letter orders after determination of the existence of probable
9 cause for the purpose of deportation; (2) commitment or release orders; (3) warrants of
10 deportation; (4) orders to inspect the documents, premises and, records of persons
11 covered by this Act and (5) derogatory information orders as defined in Section 3(k) of
12 this Act;
- 13 (d) Delegate authority to subordinate officers and employees of the
14 Commission, except with regard to powers and functions enumerated in the
15 immediately preceding paragraph, which may be delegated only to the Commissioners;
- 16 (e) Act on applications for issuance and extension or on petitions for
17 conversion, adjustment, and amendment of visas;
- 18 (f) Act on petitions for declaration of indigency;
- 19 (g) Declare such control posts, landing places, airports or ports as points of
20 entry or exit, whether limited or unlimited;
- 21 (h) Increase, reduce or waive immigration fees, fines, penalties, and other
22 charges;
- 23 (i) Act on applications for retention or reacquisition of citizenship in
24 accordance with Republic Act No. 9225, otherwise known as the *Citizenship Retention*
25 and *Re-acquisition Act of 2003*, based on the recommendations of the concerned office
26 of the Commission in consultation with the Department of Foreign Affairs;
- 27 (j) Issue Certificates of Identification to foreign nationals who have obtained
28 Filipino citizenship;
- 29 (k) Deputize any official or employee of the national government and local
30 government units, including uniformed personnel of the Armed Forces of the

1 Philippines, the Philippine National Police, and the Philippine Coast Guard to assist
2 immigration personnel in the performance of their duties and functions subject to the
3 concurrence of the Board of Commissioners;

4 (l) Authorize and prescribe the forms and the amount of cash bonds for the
5 provisional release of respondents in deportation proceedings;

6 (m) Impose reasonable fines and penalties for violation of immigration and
7 alien registration laws in accordance with this Act and the guidelines adopted by the
8 Commission;

9 (n) Provide an express lane for the rendition of services upon payment of
10 prescribed fees by persons served and to deposit in a government authorized
11 depository bank all such fees received under a trust fund that may be made available
12 for the payment of allowances to employees of the Commission, subject to existing
13 auditing and accounting rules and regulations;

14 (o) Accept donation of materials, equipment, or technical services from any
15 foreign government, international or domestic organization, to upgrade the efficiency
16 and operations of the Commission;

17 (p) Submit to the President and Congress, annually or as may be directed, a
18 report on the: (1) number and status of foreign nationals in the Philippines; (2) foreign
19 nationals admitted or granted a change of status as permanent residents; (3) foreign
20 nationals who have been excluded or deported from the Philippines; (4) estimated
21 number of illegal foreign nationals in the Philippines each calendar year, by nationality,
22 and for each region and province in the Philippines, and actions taken to arrest them;
23 and (5) such other transactions of the Commission;

24 (q) Assign immigration personnel to do overtime work or services, pursuant to
25 rules and regulations to be prescribed, and at the rates fixed by the Chief
26 Commissioner, when the work or service to be rendered is to be paid for by shipping or
27 airline companies or other persons served;

28 (r) Determine the manning levels of immigration officers of the Commission
29 nationwide in accordance with the number of arrivals in each port of entry as
30 determined by the Board of Commissioners; *Provided*, That the number of employees,

1 as provided in the staffing pattern in accordance with Section 120 of the Act, shall not
2 be decreased;

3 (s) Prepare and submit supplemental budgets of the Commission for the
4 consideration of the Department of Budget and Management;

5 (t) Prescribe such rules, regulations, or other administrative issuances to
6 carry out the provisions of this Act; and

7 (u) Prescribe the appropriate forms, bonds, reports, entries, and other papers
8 in accordance with this Act.

9

10 **CHAPTER 3**

11 **THE COMMISSIONERS**

13 **SEC. 8. Appointment and Rank of Commissioners.** — There shall be four (4)
14 Commissioners who shall be appointed by the President. They shall have the same
15 rank, compensation, and privileges of an Assistant Secretary.

16

17 **SEC. 9. Duties of Commissioners.** — In addition to their duties as members of
18 the Board, the Commissioners may be assigned by the Chief Commissioner to
19 supervise the operations of the different divisions of the Commission clustered as
20 follows: (a) regulatory cluster, (b) border control cluster, (c) enforcement cluster, and (d)
21 management support cluster.

22

23 **CHAPTER 4**

24 **THE BOARD OF COMMISSIONERS**

26 **SEC. 10. Powers and Functions of the Board.** — The Board of Commissioners
27 shall have the following powers and functions:

28 (a) Decide on applications and/or cases relative to:

29 (1) Deportation;

30 (2) Revocation of immigration status;

- (3) Recognition of Philippine citizenship by reason of birth or marriage;
 - (4) Issuance and revocation of all visas;
 - (5) Declaration of indigency; and
 - (6) Legalization of residence in accordance with law;

(b) Prescribe and promulgate rules of proceedings before it;

(c) Cite and punish for contempt in relation to the discharge of its quasi-judicial functions in accordance with the Rules of Court;

(d) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public;

(e) Formulate policies, directives, programs, and projects of the Commission; and

(f) Perform such other powers and functions as provided by existing laws, rules, and regulations not inconsistent with any of the provisions of this Act.

SEC. 11. Decisions of the Board. – In all cases or proceedings before the Board of Commissioners, the decision of the majority shall prevail. Decisions of the Board of Commissioners shall become final and executory fifteen (15) days from receipt thereof. Only one (1) motion for reconsideration shall be allowed.

Decisions in deportation cases may be appealed to the Secretary of Justice within fifteen (15) days from receipt thereof, whose decision shall be final and executory, unless stayed by an order of the Court of Appeals.

SEC. 12. *Period for Decision by the Board.* – The Board of Commissioners shall decide deportation cases within thirty (30) days from the date they are submitted for decision or resolution.

SEC. 13. *Meetings of the Board.* – In all cases, the Board of Commissioners shall convene and act as a collegial body in all matters referred to in Section 10 of this Act. The Board shall meet at least once a week or as often as may be necessary to effectively perform its functions. Members of the Board shall be notified of their

1 meetings accordingly and the presence of the Chairperson and two (2) members shall
2 constitute a quorum.

3

4 CHAPTER 5

5

6 THE EXECUTIVE DIRECTOR

7

8 **SEC. 14. Appointment and Tenure.** – There shall be an Executive Director of
9 the Commission who shall be appointed by the President, upon the recommendation of
10 the Chief Commissioner and endorsement by the Secretary of Justice. The Executive
11 Director must be a natural-born citizen of the Philippines, a Career Executive Service
12 eligible, and a member of the Philippine Bar in good standing for at least five (5) years
prior to his or her appointment.

13

14 **SEC. 15. Powers and Duties.** – The Executive Director shall:

- 15 (a) Act as the secretary in the meetings of the Board of Commissioners;
- 16 (b) Advise and assist the Chief Commissioner in the formulation and
17 implementation of the objectives, policies, plans and programs of the Commission;
- 18 (c) Supervise all the operational activities of the Commission;
- 19 (d) Coordinate the programs and projects of the Commission and be
20 responsible for its economical, efficient, and effective administration;
- 21 (e) Administer oaths in connection with all matters relating to the business of
22 the Commission; and
- 23 (f) Perform such other duties as may be assigned by the Chief
24 Commissioner.

25

26 CHAPTER 6

27

28 THE BOARD OF SPECIAL INQUIRY

29

30 **SEC. 16. Constitution of Boards of Special Inquiry.** – There shall be

constituted as many Boards of Special Inquiry (BSI) as required in the exigency of

1 service but not more than twelve (12). Each Board shall be composed of a Chairperson
2 and two (2) members. The Overall Chairman of the BSI shall sit as the Chairperson of
3 the First Board of the BSI. The BSI shall be designated according to their areas of
4 specialization to be determined by the Board of Commissioners.

5

6 ***SEC. 17. Appointment and Qualification of the Chairpersons and Members***

7 ***of the BSI.*** – The Chairpersons and members of the BSI shall be appointed by the
8 Board of Commissioners, all of whom shall be natural-born citizens of the Philippines,
9 members of the Philippine Bar in good standing for at least three (3) years prior to their
10 appointment.

11

12 ***SEC. 18. Powers and Functions of the BSI.*** – The BSI shall:

13 (a) Recommend to the Board of Commissioners for final resolution cases
14 and/or applications relative to:

15 (1) Deportation;
16 (2) Revocation of immigration status;
17 (3) Recognition of Philippine citizenship by reason of birth or marriage;
18 (4) Legalization of residence in accordance with law; and
19 (5) Issuance of visa for stateless person;

20 (b) Issue subpoena in cases being heard by the BSI;

21 (c) Cite and punish for contempt in the exercise of their quasi-judicial
22 functions and in accordance with the Rules of Court;

23 (d) Recommend to the Board of Commissioners the imposition, waiver, or
24 reduction of fees, fines, penalties, and other charges subject to existing laws, rules, and
25 regulations;

26 (e) Administer oaths;

27 (f) Promulgate rules and regulations governing matters within its assigned
28 mandate subject to the approval of the Board; and

29 (g) Perform such other duties and functions as may be directed by the Board
30 of Commissioners.

SEC. 19. Proceedings Before the BSI. – The proceedings before the BSI shall be public and recorded. In all cases, the BSI shall meet and act as a collegial body. Members of the Philippine Bar in good standing shall appear for and in behalf of the parties before the BSI.

SEC. 20. Resolutions of the BSI. – Cases before the BSI shall be resolved five (5) working days from the date the same are submitted for resolution. Said action shall be submitted immediately to the Board for action.

CHAPTER 7

DIVISIONS OF THE COMMISSION

SEC. 21. Divisions and Other Operating Offices of the Commission. — The

Commission shall have the following divisions and operating offices, namely:

- (1) Administration;
 - (2) Finance;
 - (3) Information and Communications Technology;
 - (4) Planning and Research;
 - (5) International Policies and Cooperation;
 - (6) Social Integration;
 - (7) Intelligence;
 - (8) Law Enforcement;
 - (9) Fraud Prevention;
 - (10) Legal Affairs;
 - (11) Immigration Regulation;
 - (12) Registration;
 - (13) Visas and Special Permits;
 - (14) Complaints and Prosecution;
 - (15) Internal Audit Office;

- 1 (16) National Operations Center; and
2 (17) Immigration Academy of the Philippines.

3

4 **SEC. 22. Heads of the Divisions and Operating Offices.** — Each Division and
5 operating office shall be headed by a Director to be appointed by the Secretary of
6 Justice, upon the recommendation of the Chief Commissioner; *Provided, however,* That
7 Directors for the Division for Legal Affairs and the Division for Complaints and
8 Prosecution shall be members of the Philippine Bar in good standing for at least three
9 (3) years prior to their appointments. The Director for the Finance Division shall be a
10 Certified Public Accountant in good standing for at least three (3) years.

11

12 **SEC. 23. Duties and Functions of the Divisions and Operating Offices.** –
13 The different divisions and operating offices of the Commission shall have such number
14 of officers and employees to carry out their respective duties and functions as may be
15 defined by the Chief Commissioner in the implementing rules and regulations of this
16 Act.

17

18 **SEC. 24. Immigration Officers.** – No person shall be appointed to the position
19 of Immigration Officer unless he or she is a holder of a bachelor's degree and a first
20 grade civil service eligible. The Immigration Officers shall perform the following duties:

- 21 (a) Examine, with the assistance and advice of medical authorities in
22 appropriate cases, foreign nationals at the port of entry concerning their admissibility to
23 enter and their qualifications to remain in the Philippines;
- 24 (b) Exclude foreign nationals not properly documented and admit foreign
25 nationals compliant with the applicable provisions of immigration and related laws;
- 26 (c) Administer oaths in connection with the performance of their duties;
- 27 (d) Search for foreign nationals on any vessel believed to be used to illegally
28 bring foreign nationals into the Philippines, and to take into custody without need of a
29 warrant any foreign national who in ones presence or view is entering or is about to
30 enter the Philippines in violation of immigration and related laws, rules, and regulations;

- 1 (e) Act as a Border Control Officer with the authority to prevent the departure
2 of passengers not complying with departure requirements; and
3 (f) Perform such other functions as may be assigned by the Chief
4 Commissioner from time to time.

5

6 CHAPTER 8

7 OTHER OFFICES

8

9 **SEC. 25. *Field Offices of the Commission.*** — The Commission shall establish
10 and maintain a Field Office in every region of the Philippines, including the National
11 Capital Region.

12 The Field Offices of the Commission shall each be headed by at least an
13 Immigration Officer II, all of whom shall be designated by the Chief Commissioner.

14

15 **SEC. 26. *Changes in the Composition, Distribution, and Assignment of***
16 ***Field Offices.*** — The Chief Commissioner may make changes in the composition,
17 distribution, and assignment of Field Offices, as well as its personnel, based on the
18 demographics of the foreign nationals and as the exigency of the service requires.

19

20 **SEC. 27. *Border Control Stations.*** — There shall be established Border Control
21 Stations, which shall be manned by Border Control Officers appointed by the Chief
22 Commissioner. The Border Control Stations shall be placed in specific areas in the
23 Philippines determined by the Board of Commissioners.

24

25

TITLE III

26 IMMIGRATION

27

28

CHAPTER 1

29 NON-IMMIGRANTS

30

1 **SEC. 28. Categories of Non-Immigrants and Types of Visa Issued.** – Foreign

2 nationals departing from any place outside the Philippines who are otherwise admissible
3 and who qualify under any one of the following visa categories may be admitted as Non-
4 Immigrants:

5 (a) Temporary Visitors (A Visas): Foreign nationals coming to the Philippines
6 for a temporary period for reasons of business, pleasure, or health:

7 (1) Business (A-1 Visa): Temporary visitors engaged in activities of a
8 commercial or professional nature for a foreign employer or for
9 themselves that will not result in gainful employment in the Philippines.
10 As used herein, the term "business" refers to conventions, conferences,
11 consultations, and other legitimate activities of a commercial or a
12 professional nature, but does not include local employment or labor for
13 hire;

14 (2) Pleasure (A-2 Visa): Temporary visitors who stay in the Philippines for a
15 holiday, including tourism, recreation, or visiting relatives; and

16 (3) Health (A-3 Visa): Temporary visitors who stay in the Philippines to avail
17 of medical treatment.

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

21 (c) Crew Members (C Visa): Members of the crew of vessels required for the
22 normal operation and servicing of the vessels who come to the Philippines temporarily
23 as part of their jobs, either arriving with or coming to join the vessels;

24 (d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens from a
25 country that has a trade treaty with the Philippines, and their family members, who are
26 coming to work in the Philippines for either a company they own or one that is at least
27 fifty percent (50%) owned by nationals of their home country and which company is
28 engaged in substantial trade between the Philippines and their home country shall be
29 granted a D-1 Visa.

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

6 (e) Accredited Foreign Government Officials, Their Families, and Household
7 Members (E Visas): Foreign government officials, their families, and household
8 members coming to the country for an official purpose, pursuant to international
9 conventions and bilateral agreements, shall be granted E Visas divided into four (4)
10 types, namely:

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

- 13 i. Heads of State and Heads of Government and their personal
14 representatives;
- 15 ii. Members of reigning royal families from countries recognized by
16 the Philippine Government;
- 17 iii. Governors-General, Governors, and High Commissioners of
18 dependent territories and their personal representatives;
- 19 iv. Cabinet ministers and their deputies, and officials with cabinet rank
20 of ministers;
- 21 v. Presiding officers of national legislative bodies;
- 22 vi. Justices or judges of the highest national judicial bodies;
- 23 vii. Diplomats and career consular officials on foreign assignment in
24 the Philippines;
- 25 viii. Military, naval, air, and other attaches assigned to a diplomatic
26 mission; and
- 27 ix. Accompanying spouses and unmarried dependents of foreigners
28 within the abovementioned category;

29 (2) Foreign nationals eligible for an E-2 Visa: The E-2 visa shall be issued to
30 an official of a foreign government recognized by the Philippines, is a

1 national of the country whose government he or she represents, and is
2 proceeding to the Philippines on a long-term basis in connection with
3 official business for his or her government. This category includes,
4 among others, the following classes of foreign nationals:

- 5 i. Administrative and technical members of the staff of a diplomatic or
6 consular mission;
- 7 ii. Official participating in programs under the auspices of the
8 Philippine Government or recognized international institutions; and
- 9 iii. Accompanying spouses and unmarried dependents of foreigners
10 within the abovementioned category;

11 (3) Foreign nationals eligible for an E-3 Visa: The E-3 visa shall be issued to
12 an official of a foreign government recognized by the Philippines, is a
13 national of the country whose government he or she represents, and is
14 proceeding to the Philippines on a short-term basis in connection with
15 official business for his or her government. This category includes, among
16 others, the following classes of foreign nationals:

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

23 (4) Foreign nationals eligible for an E-4 Visa: The E-4 Visa shall be issued
24 to the private employees and household members of persons to whom
25 E-1 and E-2 visas have been granted, as well as their immediate
26 dependents;

27 All visas under Section 28(e) of this Act shall be exclusively issued and
28 renewed by the Department of Foreign Affairs, which shall also determine the
29 type of E-Visa for Foreign Government Officials not identified in the foregoing
30 lists. The grant of immunities and privileges shall be subject to applicable

1 domestic and international law and international agreements to which the
2 Philippines is a party, as well as in consideration of the principle of reciprocity.

3 (f) Students (F Visa): Foreign nationals who are students having means
4 sufficient for their support and education in the Philippines who seek to enter the
5 Philippines temporarily for the sole purpose of taking up a course of study higher than
6 high school at a university, seminary, academy, or college accredited to admit such
7 foreign students by the Commission on Higher Education in coordination with the
8 Commission, including the monitoring of the status of activities of such foreign students
9 in the Philippines;

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

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

21 (i) Representatives of International Organizations and Government Agencies
22 (I Visa): For purposes of this Act, the term *accredited international organization*,
23 includes any public international organization in the activities of which the Philippines
24 participates pursuant to any treaty or under the authority of an act of the Congress of
25 the Philippines authorizing such participation or making an appropriation for such
26 participation and such other international organizations, institutions, agencies,
27 programs, foundations, and entities which are recognized by the government of the
28 Republic of the Philippines, including those existing and already recognized as such at
29 the time of the effectivity of this Act.

1 Foreign officials and staff members of accredited international organizations,
2 including their dependent family members, staff, and household members shall be
3 granted I-Visas divided into four (4) types, namely:

4 (1) Foreign nationals eligible for an I-1 Visa: The I-1 Visa shall be issued to the
5 principal officials of international organizations, as well as their
6 accompanying spouses and dependents.

7 (2) Foreign nationals eligible for an I-2 Visa: The I-2 visa shall be issued to other
8 officials and staff members of international organizations, as well as their
9 accompanying spouses and dependents.

10 (3) Foreign nationals eligible for an I-3 Visa: The I-3 visa shall be issued to
11 officials and staff members of international organizations who will perform
12 short-term official work with the international organization upon its invitation.

13 (4) Foreign nationals eligible for an I-4 Visa: The I-4 Visa shall be issued to
14 the private employees and household members of persons to whom I-1 and I-
15 2 visas have been granted, as well as their immediate dependents.

16 All visas under Section 28(i) of this Act shall be exclusively issued and renewed
17 by the Department of Foreign Affairs, which shall also determine the type of I-Visa of
18 officials and staff members of International Organizations who are not identified in the
19 foregoing lists. The grant of immunities and privileges shall be subject to applicable
20 domestic and international law, relevant headquarters agreements, and international
21 agreements to which the Philippines is a party to.

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

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

1 (I) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees, as
2 defined under this Act, shall be issued L-1 Visas. Stateless persons, who are admitted
3 for humanitarian reasons and whose admission is determined not inimical to public
4 interest as approved by the Chief Commissioner or the President in such cases and
5 under such conditions as they may prescribe, shall be issued L-2 Visas;

6 (m) Bridging Visa (M Visa): A foreign national who wishes to stay in the
7 Philippines after his or her current visa, which is not a Temporary Visitor visa (A Visa),
8 expires and while his or her application for adjustment of status is being processed.

9 (n) Special Non-Immigrants (N Visas): Such other foreign nationals, including
10 their family members, who may be admitted as non-immigrants under special laws, or
11 foreign nationals not otherwise provided for by this Act who are coming for temporary
12 periods only, and whose admission is authorized by the Chief Commissioner or the
13 President in the interest of the public or for humanitarian considerations and under such
14 conditions as they may prescribe.

15

16

CHAPTER 2

17

IMMIGRANTS

18

19 **SEC. 29. Quota Immigrants.** — Subject to conditions set forth in this Act, there
20 may be admitted into the Philippines, immigrants, otherwise known as *Quota*
21 *Immigrants*, not to exceed two hundred (200) of any one nationality based on
22 immigration reciprocity for any one calendar year and upon allotment by the Chief
23 Commissioner of the corresponding quota number. In the allotment of quota numbers,
24 the following order of preference shall be observed:

25 (a) First Preference: Those whose service and qualifications show high
26 educational attainment, technical training, specialized experience, or exceptional ability
27 in the sciences, arts, professions, or business as would reasonably enhance and
28 contribute substantial benefits prospectively to the national economy, or cultural or
29 educational interests or welfare of the Philippines, including their family members

1 accompanying or following to join them, who shall likewise be allotted individual quota
2 numbers;

3 (b) Second Preference: Parents of a naturalized citizen of the Philippines;

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

6 (d) Fourth Preference: Parents of foreign nationals who are lawful permanent
7 residents of the Philippines.

8

9 **SEC 30. Allotment of Quota.** — The Chief Commissioner shall, with respect to
10 the first preference, allot not more than fifty percent (50%) of the annual quota allotment
11 up to the end of June each year; *Provided, however,* that if the fifty percent (50%) is not
12 utilized by the first preference, the balance thereof shall be given to the second, third,
13 and fourth preferences in accordance with Section 29 of this Act. Any unused quota
14 allotment for a calendar year cannot be carried over and utilized for the ensuing
15 calendar year.

16

17 **SEC. 31. Basis in Determination of Quota Allotment.** — The nationality of an
18 immigrant whose admission is subject to the numerical limitation imposed by Section 29
19 of this Act shall be that of the country of which the immigrant is a national or a citizen.
20 The nationality of an immigrant possessing dual nationality may be that of either of the
21 two countries regarding him or her as a national or citizen, if he or she applies for a visa
22 in a third country. If he or she applies for a visa within one of the two countries regarding
23 him or her as a national or citizen, his or her nationality shall be that of the country in
24 which he or she files his or her application for a visa to enter the Philippines.

25

26 **SEC. 32. Non-Quota Immigrants.** — The following immigrants, known as *Non-*
27 *Quota Immigrants*, may be admitted without regard to numerical limitation and
28 immigration reciprocity:

29 (a) The spouse of a citizen of the Philippines; *Provided,* That the
30 abandonment and failure to give support by the foreign spouse to his or her Filipino

1 spouse or family, legal separation, or termination of the marital status by annulment,
2 declaration of nullity of marriage, or divorce, where the cause is attributable to the
3 foreign spouse, shall constitute grounds for cancellation of the immigrant visa issued to
4 the foreign spouse;

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

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

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

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

15 (f) A natural-born citizen of the Philippines who becomes a naturalized citizen
16 of a foreign country and is returning to the Philippines for permanent residence therein,
17 including his or her spouse and minor children accompanying or following to join him or
18 her; and

19 (g) A spouse, parent, child, or legitimate sibling of a foreign national who is
20 gainfully employed and holder of a permanent resident status for at least seven (7)
21 years.

22

23 CHAPTER 3

24

NATIVE-BORN FOREIGN NATIONALS

25

26 **SEC. 33. Status of Children Born to Immigrants.** — A child born in the
27 Philippines to parents who are foreign nationals and lawful residents of the Philippines
28 shall be deemed a native-born permanent resident.

SEC. 34. 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 he or she reaches the age of eighteen (18) years while continuously residing in the Philippines, in which case he or she may apply for naturalization under existing laws or for an appropriate visa.

CHAPTER 4

ADJUSTMENT OF STATUS

SEC. 35. Conditions for Adjustment of Status of Foreign Nationals. — The status of a foreign national admitted into the Philippines as a Non-Immigrant may be adjusted by the Board of Commissioners 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, if such is the case, is immediately available to him or her at the time of his or her application, without the need of first departing from the Philippines. In all such cases, the personal appearance of the foreigner shall be required during the consideration of his or her application.

22 **SEC. 36. *Effect of Approval on Application for Adjustment.*** — Upon the
23 approval of an application for adjustment of status under the preceding section, the
24 Chief Commissioner shall record the foreign national's lawful admission as a permanent
25 resident as of the date of the approval of the application and shall be included as part of
26 the quota for the calendar year in accordance with Section 29 of this Act.

SEC. 37. When Adjustment of Status is Not Allowed. — Adjustment of status under Section 35 of this Act shall not be applicable to a foreign national who has violated or is in violation of immigration laws, rules, and regulations, unless the same is

1 without the fault of the foreign national or for purely technical reasons, or who is a
2 transient.

3

SEC 38. 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 his or her departure shall lose his or her status as such. A registered 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 therefor in order to maintain his or her visa category.

9

CHAPTER 5

DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

12

SEC. 39. 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.

19

SEC. 40. 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 28(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 Chief Commissioner; *Provided, further*, that during the foreign national's authorized stay: (a) he or she shall not take any employment, whether paid or unpaid; (b) he or she shall not establish or take part in any business; or (c) he or she shall not enroll and become a student at a school, college, university, academy, or other educational institution, unless he or she is

1 granted, upon proper application, a conversion to another immigration status provided
2 under this Act.

3

4 **SEC. 41. *Conditions for Issuance of Pre-arranged Employment Visas.*** — A
5 foreign national who is coming to the Philippines for pre-arranged employment shall not
6 be issued a non-immigrant visa referred to in Section 28(g) until the Consular Officer
7 shall have received authorization for the issuance of the same. Such authorization shall
8 be given only upon the filing of a petition with the Board establishing, among others, that
9 no person can be found in the Philippines willing and competent to perform the work or
10 service for which the foreigner is desired and that the admission would be beneficial to
11 the public interest. The petition shall be under oath by the prospective employer or the
12 latter's representative in the form and manner prescribed by the Board.

13 If the Board finds that the petition complies with the requirements of the
14 preceding paragraph and of other regulations, it shall grant the petition and shall
15 promptly transmit the authorization to the Department of Foreign Affairs.

16

17 **SEC. 42. *Submission of Crew List and Passenger Manifest to the
Commission.*** — Simultaneous to the vessel's departure from the port of origin, the
18 master, captain, agent, owner, or consignee of any commercial vessel arriving to the
19 Philippines shall submit to the Commission, within a reasonable time prior to such
20 arrival, the crew lists, passenger manifests, and such other information concerning the
21 persons arriving on such a vessel. In the same manner and condition, the master,
22 captain, agent, owner, or consignee of any commercial vessel departing from any port
23 in the Philippines shall submit to the Commission, within a reasonable time prior to such
24 departure, the crew list, passenger manifest, and such other information concerning the
25 persons departing on such vessel. The crew list of an incoming sea craft shall contain
26 the appropriate visas granted by the Consular Officer.

27

28

29 **SEC. 43. *Inspection of Crewmembers.*** — It shall be the duty of the master,
30 captain, agent, owner, or consignee of any vessel arriving in the Philippines to have

1 available on board, for inspection by the Immigration Officer, any foreign crewmember
2 employed on such vessel and to detain such crewmember on board after inspection and
3 to remove such crewmember when required by the immigration authorities. No
4 crewmember on board such vessel shall be discharged while the vessel is in port
5 without the permission of the Chief Commissioner.

6

7 ***SEC. 44. Permission for Temporary Landing of a Foreign Crewmember. —***

8 A foreign crewmember on a vessel arriving in the Philippines may be permitted to land
9 temporarily under such conditions as may be prescribed by the Chief Commissioner. All
10 expenses incurred by the Commission while the crewmember is on land shall be borne
11 by the master, captain, agent, owner, or consignee of the carrying vessel.

12

13 **CHAPTER 6**

14 **DOCUMENTATION AND ADMISSION OF IMMIGRANTS**

15

16 ***SEC. 45. Documentary Requirements of Immigrants; Instances When Not***
17 ***Required. —*** Immigrants must present for admission into the Philippines valid
18 passports or travel documents issued by the government of the country to which they
19 owe allegiance, showing their nationality and identity and valid immigrant visas
20 indicating the date of issue and the period of validity thereof. Immigrant visas shall not
21 be required of the following:

22 (a) A child born subsequent to the issuance of a valid immigrant visa to the
23 accompanying parent;

24 (b) A child born during the temporary visit abroad of the mother who is a
25 lawful permanent resident of the Philippines and a holder of a valid reentry permit, if the
26 child is accompanied by either parent within five (5) years from the date of the child's
27 birth; and

28 (c) A foreign national who is returning to an unrelinquished lawful permanent
29 residence in the Philippines after a temporary residence abroad and presents for
30 admission a valid reentry permit.

1

CHAPTER 7

2

VISA ISSUANCE

3

4

5 **SEC. 46. *Nature of Visa.*** – Nothing in this Act shall be construed to
6 automatically entitle any foreign national to whom a visa or other travel document has
7 been issued to enter the Philippines if, upon arrival at a port of entry, he or she is found
8 to be inadmissible under this Act or any other law.

9

10 **SEC 47. *Visa Policy.*** – The policies governing the issuance, extension, renewal,
11 and conversion of visas referred to in Sections 28 and 32 hereof shall be jointly
12 formulated by the Commission and the Department of Foreign Affairs and, when
13 appropriate, in consultation with concerned government agencies and offices.

14

15 **SEC. 48. *Visa Issuance Abroad.*** - All visas issued abroad shall be done by
16 Consular Officers assigned at Philippine Foreign Service posts in the following manner:

17 (a) Upon approval by the Chief Commissioner and recommendation of a
18 Consular Officer, a quota immigrant visa may only be issued to a foreign national who
19 has made a proper application therefor, which shall specify the foreign country, if any, to
20 which the quota the number is assigned, the immigrant's particular status in such
21 country, the preference to which the foreign national is classified, the date on which the
22 validity of the visa shall expire, and such additional information as may be required; and

23 (b) The Department of Foreign Affairs, through its Consular Office abroad and/or
24 the Office of the Visa Director, shall approve the issuance of non-quota immigrant and
25 non-immigrant visas to a foreign national who has made a proper application therefor.

26 The issuance of special non-immigrant visas falling under the jurisdiction of a
27 particular government office or agency can only be done in coordination with and upon
28 recommendation of the government agency or office concerned.

1 **SEC. 49. Requirements for Physical and/or Mental Examination Prior to**

2 ***Issuance of Immigrant Visa.*** – Prior to the issuance of an immigrant visa to any
3 foreign national, the Consular Officer shall require such person to submit to a physical
4 and mental examination in accordance with such regulations as may be prescribed by
5 the Commissioner.

6

7 **SEC. 50. Visa Validity Period.** — A single-entry non-immigrant or immigrant

8 visa issued by a Consular Officer abroad pursuant to Section 48 of this Act shall be
9 valid for a period not exceeding three (3) months: *Provided:* That in prescribing the
10 validity period of a single-entry non-immigrant visa, the Consular Officer may, insofar as
11 practicable, allow a longer validity period based on reciprocity as accorded by the
12 foreign country to citizens of the Philippines who are within a similar class.

13 An immigrant visa may be replaced under the original number during the

14 calendar year in which the original visa was issued for a foreign national who
15 establishes to the satisfaction of the Consular Officer that he or she was unable to use
16 the original immigrant visa during the period of its validity for reasons beyond his or her
17 control; *Provided,* that the foreign national is found by the Consular Officer to be eligible
18 for another immigrant visa and has paid all the fees.

19

20 **SEC. 51. Denial of Visa, Grounds Thereof.** — The Consular Officer may deny

21 the application for visa if (a) it appears from the statements in the application or in the
22 documents submitted the applicant is not eligible for a visa under this Act or (b) he or
23 she fails to comply with the requirements of the provisions of this Act.

24

25 **SEC. 52. Revocation of Visa Issued by Consular Officer.** — The Chief

26 Commissioner may, for valid cause and upon confirmation by the Department of
27 Foreign Affairs, revoke the visa issued by any Consular Officer. If the notice of
28 revocation is not received and the visa holder applies for admission into the Philippines,
29 his or her admission or entry shall be determined by the Immigration Officer upon his or
30 her arrival at the port of entry.

1

2 **CHAPTER 8**

3 **RE-ENTRY AND EMIGRATION CLEARANCE**

4

5 **SEC. 53. *Re-entry.*** — Every time a registered foreign national, except a
6 temporary visitor, departs or is about to depart temporarily from the Philippines with the
7 intention to return within one (1) year from departure, the foreign national must secure
8 from the Commission a re-entry permit, or if his or her authorized stay is less than one
9 (1) year, a Special Return Certificate, and pay the corresponding fees and charges
10 therefor.

11

12 **SEC. 54. *Emigration Clearance.*** – A registered foreign national who departs
13 permanently from the Philippines shall surrender all Philippine immigration documents
14 to the Commission and apply for and be issued an Emigration Clearance Certificate,
15 subject to the following conditions:

- 16 (a) The immigrant has no pending obligation with the government or any of its
17 agencies or instrumentalities;
- 18 (b) The immigrant has no pending criminal, civil, or administrative proceeding
19 which requires continued presence in the country; and
- 20 (c) There is no ongoing legislative inquiry where the immigrant is called upon to
21 testify as a resource person or witness.

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

25

26 **CHAPTER 9**

27 **PRESIDENTIAL PREROGATIVES**

28

29 **SEC. 55. *Presidential Prerogatives.*** — Any provision of this Act to the contrary
30 notwithstanding, the President may:

(a) Deny the entry and admission into the Philippines of any foreign national

2 or a class of foreign nationals whenever the President finds that the entry would be

3 detrimental to the interest of the Philippines or impose such restrictions as he or she

4 may deem appropriate;

(b) Waive passport and documentary requirements for Non-Immigrants and

6 Immigrants under such terms and conditions as he or she may prescribe;

(c) Change the status of Non-Immigrants by allowing them to acquire

8 permanent residence status without the necessity of a visa;

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

(e) Admit Non-Immigrants not otherwise provided for in this Act for

¹¹ humanitarian considerations and when not detrimental to public interest, under such

12 terms and conditions as he or she may prescribe; and

(f) Exercise, with respect to foreign nationals in the Philippines, such powers

¹⁴ as are recognized by the generally accepted principles of international law.

TITLE IV

PROVISIONS RELATING TO ENTRY

CHAPTER 1

CLASSIFICATION OF PORTS OF ENTRY

SEC. 56. Authority to Classify Ports. – The Chief Commissioner shall classify

23 and designate, from among the ports of entry established by law for immigration

24 purposes, limited or unlimited ports of entry through which foreign nationals may be

25 admitted into the Philippines. Only such classes of foreign nationals as provided under

26 the rules and regulations prescribed by the Chief Commissioner may be admitted at

27 limited ports of entry. The Chief Commissioner may, after due notice to the public, close

28 designated ports of entry in the interest of national security or public safety.

CHAPTER 2

PROCEDURES ON ARRIVAL

SEC. 57. Inspection by Immigration Officer. — A foreign national seeking admission or readmission shall present his or her valid passport and visa, if required, to an immigration officer at the port of entry and shall be subject to primary inspection. The decision of the examining Immigration Officer, if favorable to the admission of any foreigner, may be challenged by another Immigration Officer. The final determination of the admissibility of such foreign national shall be determined by the Chief Commissioner in case no resolution is reached between the Immigration Officers on the challenged admission. In case of admission, the Immigration Officer shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

SEC. 58. Detention or Quarantine for Examination. — For the purpose of determining whether a foreign national arriving at any port in the Philippines belongs to any of the classes excludable under this Act by reason of being afflicted with any of the dangerous or communicable diseases or mental disorders set forth under Section 69(a) of this Act or whenever the Chief Commissioner has received information showing that such persons are coming from a country or a place where any of such diseases are prevalent or widespread, the foreigner shall be detained or quarantined for a reasonable period of time to enable the immigration and medical officers to subject such person to investigation and examination.

SEC. 59. Medical Examination Requirement. – Any arriving foreign national whom the examining Immigration Officer believes to belong under the class of admissible foreign nationals specified in Section 69(a) herein shall be referred to designated medical officers for physical and mental examination. Such medical officer shall certify his or her findings for the information of the Immigration Officer.

1 **SEC. 60. Arrival Notice Requirements of Vessel.** — The immigration authorities

2 shall be given prior notice of the arrival of any civilian vessel before such vessel comes
3 into any area in the Philippines from any place outside thereof. Such prior notice shall
4 not be required in the case of vessels with scheduled arrivals filed with the Immigration
5 Officer in charge at the international port of entry.

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

11 **SEC. 61. Contents of Notice of Arrival.** — The advance notice of arrival
12 required in the preceding section shall specify the following:

- 13 (a) Type of vessel and registration marks;
14 (b) Crew list;
15 (c) Passenger manifest;
16 (d) Port of last departure;
17 (e) International port of intended destination, or other place authorized by the
18 Chief Commissioner;
19 (f) Estimated time of arrival; and
20 (g) Authorized agent or representative at the place of arrival.

21

22 **CHAPTER 3**

23 **FOREIGN CREWMEMBER**

24

25 **SEC. 62. Conditional Permit to Disembark.** — A foreign crewmember of a
26 vessel under Section 28(c) of this Act may be granted a conditional permit, in a form
27 prescribed by regulations, to disembark temporarily from the vessel on which he or she
28 arrived while such vessel remains in port under such terms and conditions as may be
29 prescribed by the Commissioner.

1 **SEC. 63. Confiscation and Cancellation of Permit; Deportation from the**

2 **Philippines.** — Upon the determination that the foreign national is not a *bona fide*
3 crewmember or does not intend to depart on the vessel that brought him, the Chief
4 Commissioner shall cancel and confiscate the conditional permit already issued, take
5 such foreign national into custody, and require the owner, operator, captain, master,
6 pilot, agent, or consignee of the vessel on which the foreigner arrived to receive and
7 detain him or her on board. The expenses for removal of the foreign national, including
8 the cost of detention and other expenses incidental thereto, shall be borne by the
9 owner, operator, captain, master, pilot, agent, or consignee of such vessel.

10

11 **SEC. 64. Liability for Overstaying Foreign Crewmen.** — A foreign
12 crewmember who remains in the Philippines in excess of the period allowed in the
13 conditional permit issued to him shall be solidarily liable with the owner, operator,
14 captain, master, pilot, agent, or consignee of the vessel to pay the penalties prescribed
15 in Section 114 of this Act.

16

17 **SEC. 65. Liability for Unauthorized Discharge of Foreign Crewmember.** — It
18 shall be unlawful for any person, including the owner, operator, captain, master, pilot,
19 agent, or consignee of any vessel to discharge any foreign crewmember employed by a
20 vessel arriving in the Philippines and whilst in port, without first obtaining the prior
21 permission of the Chief Commissioner. Otherwise, such person or owner, operator,
22 captain, master, pilot, agent, or consignee of the vessel shall pay the Commission such
23 fines as may be prescribed under this Act. No such vessel shall be granted clearance
24 from any port in the Philippines while such fines remain unpaid or while the validity
25 thereof is being determined; *Provided*, that a clearance may be granted prior to such
26 determination upon deposit of a sum or cash bond sufficient to cover such fines as
27 approved by the Chief Commissioner.

28

29 **SEC. 66. Duty to Report Desertion or Illegal Landing of Foreign**
30 **Crewmember.** —The owner, operator, captain, master, pilot, agent, or consignee of

1 any vessel shall immediately report, in writing, to the Immigration Officer all cases of
2 desertion or illegal disembarkation in the Philippines from the vessel, together with a
3 description of such foreign nationals and any information that shall result in their
4 apprehension.

5

6 **SEC. 67. Requirement for Submission of List of Newly Employed,
7 Discharged, and Illegally Landed Foreign Crewmember.** — Prior to the departure of
8 any vessel from the last port in the Philippines destined to any place outside thereof, the
9 owner, operator, captain, master, pilot, agent, or consignee thereof shall deliver to the
10 Immigration Officer at that port a list containing:

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

18

19 **SEC. 68. Liability for Failure to Submit Complete, True, and Correct Report.**
20 — The owner, operator, captain, master, pilot, agent, or consignee who fails to submit a
21 true and complete list or report of foreign nationals or to report cases of desertion or
22 illegal landing shall pay to the Commission such sum as may be prescribed under this
23 Act. No such vessel shall be granted clearance from any port in the Philippines while
24 such fines remain unpaid or while the validity thereof is being determined; *Provided*, that
25 clearance may be granted prior to such determination upon deposit of a sum or cash
26 bond sufficient to cover such fines as approved by the Chief Commissioner.

27

28

CHAPTER 4

29

EXCLUSIONS

30

1 **SEC. 69. *Exclusion Grounds.*** - The following classes of foreign national shall

2 not be allowed entry and shall be excluded from the Philippines:

3 (a) Health Related Grounds

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

12 (b) Economic Grounds

- 13 1. Those likely to become a public charge;
- 14 2. Those seeking entry for the purpose of performing skilled or unskilled
15 labor, without a permit from the Secretary of Labor and Employment,
16 as required by law;

17 (c) Moral Grounds

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

29 (d) Criminal and Security Grounds

1. Those who have been convicted of a crime involving moral turpitude or who admit to the Immigration Officer to having committed such crime, or who attempt and conspire to commit the crime;
 2. Those who have been convicted, 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 the crime;
 3. Those that the Philippine Government knows or has reason to believe is a trafficker of any controlled, regulated, or prohibited substance or knows or has reason to believe is or has been an accomplice, accessory, abettor, or co-conspirator 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:
 - a. Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology, or sensitive information;
 - b. Any activity aimed to promote membership in an organization of syndicated criminal activities;
 - c. Any activity the purpose of which is to overthrow the Philippine government by force, violence or other unlawful means; and
 - d. Any other unlawful activity.
 6. Those who are engaged or believed to be engaged or likely to engage in, aid, abet, or finance any terrorist activity and members or representatives of a foreign terrorist organization;
 7. Those who have been identified by competent authorities, local or foreign, as having engaged or are engaging in human trafficking and smuggling;

- 1 8. Those who are under fifteen (15) years of age and unaccompanied by
2 or not coming to a parent, except that they may be admitted in the
3 discretion of the Chief Commissioner, if otherwise admissible;
4 Provided, that they present a written consent to travel from either
5 parent citing the purpose thereof and affirmed by a Consular Officer;
6 and
7 9. Those who have been identified by competent authorities, local and
8 foreign, as having engaged or are engaging in importation of
9 contrabands and other prohibited articles into the country.

10

11 **SEC. 70. Temporary Custody of Excludable Foreign Nationals.** — For the
12 purpose of ascertaining whether a foreign national arriving in the Philippines belongs to
13 any of the excludable classes of foreign national provided for in this Act or related laws,
14 the Immigration Officer, for a period not exceeding seventy-two (72) hours, may
15 temporarily take into custody for investigation such foreign national either on board the
16 vessel or at a place designated for the purpose at the expense of the master, captain,
17 agent, owner, or consignee of the carrying vessel.

18

19 **SEC. 71. Finality of Exclusion Order.** — An order by the Immigration Officer to
20 exclude a foreign national who is excludable under Section 69 hereof is final and
21 executory unless revoked by the Chief Commissioner upon a timely appeal prior to the
22 implementation of the exclusion order.

23

24 **SEC. 72. Authority to Waive Grounds for Exclusion.** — Except for grounds of
25 exclusion under Section 69(d), subparagraphs 1 to 7 and 9, the Chief Commissioner
26 may waive any of the grounds for exclusion mentioned therein.

27

28 **SEC. 73. Procedure of Removal and Cost Thereof.** — Any foreign national
29 arriving in the Philippines who is ordered excluded shall be immediately removed in the
30 same accommodation to the country where he or she boarded the vessel on which he

1 or she arrived, unless the Chief Commissioner determines that immediate removal is
2 not proper and practicable. The cost of detention and other expenses incidental thereto
3 shall be borne by the owner, operator, master, pilot, captain, agent, or consignee of the
4 vessel on which he or she arrived.

5

6 **SEC. 74. Country Where Removal is to be Directed.** — If the government of
7 the country designated in the preceding section will not accept the foreign national into
8 its territory, the removal of the foreign national shall be directed under the Chief
9 Commissioner's discretion and without necessarily giving preference, either to:

- 10 (a) The country which he or she is a citizen or national;
11 (b) The country of the foreign national's birth;
12 (c) The country of the foreign national's habitual residence; or
13 (d) The country willing to accept the foreign national into its territory, if removal
14 to any of the foregoing countries is impractical or impossible.

15

16 **SEC. 75. Obligation of Owner, Operator, Master, Captain, Pilot, Agent, or**
17 **Consignee.** — It shall be unlawful for an owner, operator, master, captain, pilot, agent,
18 or consignee of a vessel to refuse or fail to:

- 19 (a) Board a foreign national ordered excluded and removed under Section 69
20 hereof in the same vessel or another vessel owned or operated by the same company;
21 (b) Detain a foreign national on board any such vessel at the port of arrival
22 when required by this Act or when so ordered by an Immigration Officer;
23 (c) Deliver a foreign national for medical or other examinations when so
24 ordered by such officer;
25 (d) Remove a foreign national from the Philippines to the country to which the
26 individual's removal has been directed; or
27 (e) Pay the cost of detention and other expenses incidental thereto of a foreign
28 national incurred while being detained as required by Section 73 of this Act or other
29 costs necessary or incidental to his removal as provided in this Act.

30

1 **SEC. 76. Penalty for Non-compliance of Obligation.** — The owner, operator,

2 master, captain, pilot, agent, or consignee of a vessel who violated Section 75 hereof
3 shall pay the fines prescribed under this Act. No such vessel shall be granted
4 clearance from any port in the Philippines while such fines remain unpaid or while the
5 validity thereof is being determined; *Provided*, that clearance may be granted prior to
6 such determination upon deposit of a sum or cash bond sufficient to cover such fines
7 as approved by the Chief Commissioner.

8

9 **TITLE V**

10 **DEPORTATION**

11 **CHAPTER 1**

12 **DEPORTABLE FOREIGN NATIONALS**

13

14 **SEC. 77. Classes of Deportable Foreign Nationals.** — The following foreign

15 nationals shall be taken into custody upon the order of the Chief Commissioner and
16 deported upon recommendation by the Board of Special Inquiry and approval by the
17 Board:

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

21 (b) Those who entered the Philippines who were not lawfully admissible at the
22 time of entry;

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

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

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

29 (f) Those who believe in, advise, advocate, or teach the overthrowing by force
30 and violence of the Government of the Republic of the Philippines, or duly constituted

1 authority, or those who do not believe in or are opposed to organized governments, or
2 those who advise, advocate, or teach the assault or assassination of public officials by
3 reason of their office, or those who advise, advocate, or teach the unlawful destruction
4 of property, or those who are members of or affiliated with any organization entertaining,
5 advocating, or teaching such doctrines, or those who in any manner whatsoever extend
6 assistance, financial or otherwise, in the dissemination of such doctrines;

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

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

12 (i) Those who, at any time after entry, are convicted by final judgment of a
13 crime involving moral turpitude which is punishable under Philippine penal laws and
14 cognizable by the first level courts;

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

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

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

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

27 (n) Those whose presence or activities in the country may result in adverse
28 consequences to Philippine foreign policies as determined by the Secretary of Foreign
29 Affairs;

30 (o) Those who misrepresented themselves as Filipino citizens in all immigration

1 matter; and

2 (p) Those who commit any violation of the provisions of this Act, independent of
3 any criminal action which may be brought against them; *Provided, however,* that in the
4 case of a foreign national who, for any reason, is convicted and sentenced to suffer both
5 imprisonment and deportation, said foreign national shall first serve the entire period of
6 the sentence before being deported.

7

8 **SEC. 78. Non-Prescription of Deportation Cases.** – The right of the State to
9 initiate at any time deportation proceedings shall not prescribe.

10

11 **SEC. 79. Nature of Deportation Proceedings.** – Deportation proceedings shall
12 be independent of any action that may be instituted against a foreign national; *Provided,*
13 that no deportation orders shall be issued against foreign nationals facing preliminary
14 investigation, prosecution, and trial before competent authorities.

15

16 CHAPTER 2

17 DEPORTATION OF FOREIGN NATIONALS

18

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

22

23 **SEC 81. Bail.** – Pending final determination of the foreign national's deportation
24 case, the foreign national shall, upon the discretion of the Chief Commissioner: (a)
25 remain under detention; or (b) be released on bail or recognizance. The bail may be
26 revoked and confiscated in favor of the government if there is sufficient evidence that
27 the foreign national is evading the proceedings or is attempting to abscond, in which
28 case he or she shall be taken into custody and placed under detention by order of the
29 Chief Commissioner.

30

1 **SEC. 82. Custody of a Foreign National Convicted of a Felony or an**

2 **Offense.** – After service of the sentence or compliance with the conditions of parole or
3 probation, as the case may be, the foreign national shall be taken into custody for
4 immediate deportation by order of the Board.

5

6 **SEC. 83. Voluntary Deportation, When Authorized.** – In case the foreign

7 national does not contest the formal charge against him or her and opts to voluntarily
8 leave the country at his or her own expense, the Chief Commissioner may waive the
9 deportation proceedings and order the departure within the period specified in the
10 voluntary deportation order; *Provided*, that the foreign national has not committed any
11 criminal offense or has no pending criminal investigation; *Provided, further*, that the said
12 foreign national so deported shall be barred from re-entering the country without prior
13 written authorization from the Chief Commissioner.

14

15 **SEC. 84. Period to Enforce Order of Deportation.** – The order of deportation

16 shall be enforced immediately but in no case shall exceed three (3) months from the
17 date it has become final and executory. If deportation is not enforced within the
18 prescribed period, the foreign national may be released on bail or recognizance.

19

20 **SEC. 85. Suspension of Deportation Order.** – The Chief Commissioner may

21 suspend the implementation of the deportation order and order the release of the
22 foreign national on bail or recognizance, taking into account the following factors:

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

29

30 **SEC. 86. Reinstatement of a Deportation Order.** – A deportation order

1 previously implemented against a foreign national who unlawfully re-entered the
2 Philippines shall be deemed automatically reinstated and shall be implemented in
3 accordance with this Act. This provision shall also apply to a foreign national who
4 departed voluntarily under Section 83 hereof.

5

6 **SEC. 87. *Country of Destination of a Deportee.*** – Except as provided for
7 under existing treaty or international agreement, a foreign national shall be deported to
8 the country of which he or she is a citizen or national, or to the country of his or her
9 birth, or to the country of which he or she is a resident, or to the country from which the
10 he or she embarked for the Philippines, subject to the acceptance by the receiving
11 country.

12

13 **SEC. 88. *Cost of Deportation.*** – The cost of deportation shall be borne by the
14 owner, operator, captain, master, pilot, agent, or consignee of a vessel in case its
15 foreign crewmember is to be deported for violation of Section 89 of this Act. In all other
16 cases, the cost of deportation shall be borne by the deportee himself or herself, the
17 concerned consular office, nongovernment organizations, or people's organizations with
18 which the Commission has an agreement on this matter, or from the appropriations for
19 the enforcement of this Act.

20

21 **SEC. 89. *Liability of Owner, Operator, Captain, Master, Pilot, Agent, or
22 Consignee of a Vessel.*** – Failure or refusal on the part of the owner, operator, captain,
23 master, pilot, agent, or consignee of a vessel to take on board, guard safely and
24 transport the deportee to the foreign national's country of destination, or to shoulder the
25 cost of deportation of the foreign crew member as provided in Section 88 hereof, shall
26 be punished by an administrative penalty prescribed under this Act.

27

28 **SEC. 90. *Expenses of Accompanying Person.*** – The Chief Commissioner
29 may, for by reason of security or the mental or physical condition of the deportee, direct
30 an employee of the Commission to accompany such deportee to the country of the

1 person's destination, subject to the provisions of the immediately preceding sections.

2

3 CHAPTER 3

4 INDIGENT FOREIGN NATIONAL

5

6 **SEC. 91. Removal of Indigent Foreign National.** — At any time after entry, the
7 Chief Commissioner may remove indigent foreign nationals from the Philippines to the
8 country of which they are citizens or nationals, or the country of their birth, or the
9 country of their residence, as the case may be. The cost of deportation may be charged
10 against the available funds of the Commission. Any foreign national removed under this
11 section shall be barred re-admission, except upon written authorization of the Board of
12 Commissioners.

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

17

18 TITLE VI

19 MISCELLANEOUS PROVISIONS

20

21 CHAPTER 1

22 REGISTRATION OF FOREIGN NATIONALS

23

24 **SEC. 92. Requirement of Registration.** — All foreign nationals shall register
25 with the Commission or any Immigration Office nearest to the place of residence on or
26 before the sixtieth (60th) day of his or her latest arrival in the Philippines.

27

28 **SEC. 93. Registration Form and Oath.** — Applications for registration shall be
29 under oath and in such form as prescribed by the Commission. Upon registration, a
30 certificate of registration shall be issued by the Commission to the registrant. In case of

1 loss or destruction of the certificate, a replacement thereof may be issued by the
2 Commission upon proper application and payment of prescribed fees.
3

4 **SEC. 94. Amendment of Registration.** — A registered foreign national shall
5 notify the Commission in writing of any change of information in the person's registration
6 documents not later than seven (7) days thereof.
7

8 **SEC. 95. Presentation of Certificate of Registration.** — Every foreign national
9 required to register under this Act or the parent or guardian of such foreign national
10 shall, upon demand of any person authorized by the Chief Commissioner, present his or
11 her certificate of registration, and failure to do so without justifiable cause shall be dealt
12 with in accordance with the provisions of this Act.
13

14 **SEC. 96. Reportorial Requirements.** — Every foreign national registered under
15 this Act shall, within the first sixty (60) days of every calendar year, report in person to
16 the Commission. The Chief Commissioner may exempt personal appearance of foreign
17 nationals registered under this Act subject to certain requirements and conditions as
18 may be prescribed in the rules and regulations issued for the purpose.
19

20 **SEC. 97. Failure to Comply with Requirements.** — A foreign national, or the
21 parent or guardian of the foreign national, as the case may be, who, without justifiable
22 reason, fails to comply with all the requirements under this Act, or who files an
23 application for registration containing statements known by the individual to be false, or
24 who utilizes registration documents other than that of the individual, shall be dealt with
25 in accordance with the provisions of this Act and other existing laws.
26

27 **SEC. 98. Cancellation of Registration of Foreign National.** — In case of death
28 of a foreign national registered under the provisions of this Act, the legal heir,
29 representative, or administrator of the foreign national must inform the Commission
30 within sixty (60) days from death and the Commission shall cancel such registration.

1 The Local Civil Registrar or other civil registry officer of the locality where said foreign
2 national died shall furnish the Commission with a copy of the Certificate of Death within
3 thirty (30) days from issuance thereof. Failure on the part of the persons concerned to
4 comply with the requirements of this section shall be dealt with pursuant to the
5 provisions of existing laws.

CHAPTER 2

BONDS AND DEPOSITS

SEC. 99. Bonds, When Required. — The Commission shall have the authority

11 to require cash bonds in such amounts and under such conditions as it may prescribe:

(a) To control and regulate the admission into, and departure from, the Philippines of foreign nationals applying for temporary admission;

14 (b) To insure against foreign passengers liable to be excluded as likely to
15 become public charges; and

16 (c) To insure the appearance of foreign nationals released from custody during
17 the course of deportation proceedings instituted against them.

SEC. 100. Requirement of Cash Deposits for Overtime Services. – The

20 Commission shall likewise have the authority to require cash deposits in such amounts
21 as may be necessary from vessel's owner, operator, captain, master, pilot, agent, or
22 consignee or other persons served to cover payments for overtime services to be
23 performed by officers and employees of the Commission.

SEC. 101. CANCELLATION AND FORFEITURE OF BONDS. – When the conditions of the

bond are fulfilled, or in case of a bond posted to insure against a foreign national becoming a public charge, when the Chief Commissioner decides that the likelihood no longer exists, or 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

1 forfeited and deposited in a trust fund account, which may be utilized for the purchase of
2 passage tickets for removal of indigent foreign nationals and to cover the costs of
3 operations in locating deportees who jump bail.

CHAPTER 3

RECOGNIZANCE

SEC. 102. Petitions for Recognizance, Sanction for Breach of Conditions.

9 — The Chief Commissioner may order the release of a foreign national upon
10 recognition of the individual's lawyer or a person who is of good standing in the
11 community, under such terms and conditions as he or she may prescribe. Failure to
12 comply with the terms and conditions of the recognizance shall subject the said lawyer
13 or person to an administrative fine of not less than Fifty Thousand Pesos (P50,000.00)
14 but not more than One Hundred Thousand Pesos (P100,000.00), without prejudice to
15 other administrative sanctions or proceedings against the erring party.

CHAPTER 4

COOPERATION AND COORDINATION WITH OTHER OFFICES

SEC. 103. Working Cooperation with the Department of Foreign Affairs. –

21 For purposes of efficient implementation and administration of this Act, the Commission
22 shall maintain a working cooperation with the Department of Foreign Affairs.

SEC. 104. Working Cooperation with the Commission on Higher Education.

25 – The Commission shall maintain a working cooperation with the Commission on Higher
26 Education with respect to accreditation of schools and learning centers for enrolment of
27 foreign students as authorized under this Act.

SEC. 105. Coordination with Law Enforcement, Security, and Other Offices.

30 — The Chief Commissioner shall have authority to maintain coordination with the

6 **SEC. 106. Authority of the Chief Commissioner to Prescribe, Impose, and**

7 **Collect Fees and Charges.** — The Chief Commissioner is authorized to prescribe,
8 impose, and collect fees and charges for services rendered pursuant to the provisions
9 of this Act.

10

11 **CHAPTER 6**

12 **ADMINISTRATIVE FINES AGAINST VESSELS**

13

14 **SEC. 107. Fine for Failure to Submit Crew List or Passenger Manifest, or**

15 **Failure to Account Every Passenger and Crew.** — Any pilot, master, agent, owner, or
16 consignee of a vessel arriving at any port in the Philippines from a place outside thereof
17 who fails to submit to the immigration authorities a complete and accurate crew list or
18 passenger manifest, or fails to produce or account every crewmember or passenger
19 whose name appears in said list or manifest shall be subject to fines of One Hundred
20 Thousand Pesos (P100,000.00) and Fifty Thousand Pesos (P50,000.00) for each
21 unaccounted person, respectively.

22

23 **SEC. 108. Fine for Violation of Obligation on the Landing or Removal of**

24 **Foreign Nationals.** — A pilot, master, agent, owner, or consignee of any vessel arriving
25 at a port of the Philippines from a place outside thereof for having a foreign national on
26 board in violation of this Act shall be fined not less than Fifty Thousand Pesos
27 (P50,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) for each
28 act of violation consisting of:

29 (a) Failure to prevent the landing of such foreign national in the Philippines at

30 any time or place other than as designated by the Immigration Officer;

1 (b) Refusal or failure to pay the cost of maintenance and other costs, as
2 required by Section 70 of this Act, of such foreign national when temporarily removed
3 from the vessels for examination by order of the immigration officer;

4 (c) Refusal to receive such foreign national on board for removal from the
5 Philippines if the foreign national is excluded, or to pay the cost of removal, if by another
6 vessel as required under Section 75 of this Act;

7 (d) Making any charge against such foreign national for the cost referred to in
8 (b) above, or for the cost of the removal of the foreign national from the Philippines if the
9 latter is excluded, or taking any security from the foreign national for the payment of any
10 such costs.

11 **SEC. 109. Fine for Bringing an Undocumented Foreign National.** — The
12 pilot, master, agent, owner, or consignee of the vessel arriving at a port in the
13 Philippines from a place outside thereof bringing on board an undocumented foreign
14 national shall be fined One Hundred Thousand Pesos (P100,000.00) for each foreign
15 national. If such foreign national is afflicted with a communicable or contagious disease
16 or is suffering from mental disorder, the fine shall be not less than Two Hundred
17 Thousand Pesos (P200,000.00) but not more than Three Hundred Thousand Pesos
18 (P300,000.00) for each foreign national.

19
20 **SEC. 110. Fine for Bringing a Foreign National to Assist His Illegal Entry or**
21 **Misrepresenting a Foreign National as a Member of the Crew.** — The pilot, master,
22 agent, owner, or consignee of the vessel arriving at any port in the Philippines from a
23 place outside thereof bringing on board a foreign national bound for the Philippines to
24 assist the illegal entry of the foreign national, or misrepresenting the foreign national to
25 the Immigration Officer at the port of arrival as a *bona fide* member of the crew, shall be
26 fined not less than One Hundred Thousand Pesos (P100,000.00) but not more than
27 Two Hundred Thousand Pesos (P200,000.00) for each foreign national.

28
29 **SEC. 111. Fine for Violation of Other Provisions of this Act.** — The pilot,
30 master, agent, owner, or consignee of any vessel arriving at any port of the Philippines

1 from a place outside thereof who violates any other provision of this Act not specifically
2 provided in this Chapter shall be fined not less than Fifty Thousand Pesos (P50,000.00)
3 but not more than Two Hundred Thousand Pesos (P200,000.00) for each violation.

4

5 **CHAPTER 7**

6 **OTHER PENAL PROVISIONS**

7

8 **SEC. 112. Other Prohibited Acts and Penalties Thereof.** – Any person who
9 shall commit any of the acts specified hereunder shall, upon conviction, suffer the
10 penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum
11 period or a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not
12 more than Five Hundred Thousand Pesos (P500,000.00) or both, at the discretion of the
13 court:

14 (a) Impersonates another individual, or falsely appears in the name of a
15 deceased individual, or evades the immigration laws by using an assumed or fictitious
16 name when applying for an immigration document;

17 (b) Issues or otherwise disposes of an immigration document or an immigration
18 accountable form, to any person not authorized by law to receive such documents;

19 (c) Obtains, manufactures, prints, accepts, or uses any immigration or travel
20 document knowing it to be false or uses an immigration accountable form that is not
21 legally issued;

22 (d) Enters the Philippines without inspection and admission by the immigration
23 authorities, or obtains entry into the Philippines by fraud, misrepresentation, or
24 concealment of material facts;

25 (e) Misrepresents himself or herself to be a Philippine citizen;

26 (f) Knowingly makes under oath any false statement regarding any immigration
27 matter; or

28 (g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or
29 gives comfort to any person not duly admitted by any Immigration Officer or not lawfully

1

2 **CHAPTER 8**

3

4

5 **UPGRADING OF COMPENSATION AND BENEFITS**

6

7

8 **SEC. 115. *Creation and Upgrading of Compensation.*** — The basic
9 compensation of the following officials and employees of the Commission shall be as
10 follows:

	Position	Salary Grade	
		From	To
10	Chief Commissioner III	30	30
11	Commissioner III	29	29
12	Executive Director	-	28
13	Attorney V	25	28
14	Deputy Executive Director I	25	27
15	Chief Administrative Officer	24	27
16	Chief Immigration Officer	24	27
17	Intelligence Officer V	24	27
18	Information Technology Officer III	24	27
19	Attorney IV	23	27
20	Attorney III	21	26
21	Attorney II	18	25
22	Intelligence Officer IV	22	25
23	Supervising Immigration Officer	22	25
24	Supervising Administrative Officer	22	25
25	Accountant III	19	25
26	Attorney I	16	24
27	Senior Immigration Officer	19	23
28	Administrative Officer V	18	23
29	Border Control Officer	-	22
30	Intelligence Officer III	18	21

1	Immigration Officer III	16	21
2	Intelligence Officer II	15	19
3	Immigration Officer II	13	19
4	Immigration Office I	11	17
5	Intelligence Officer I	11	17

6

7 On the recommendation of the Chief Commissioner, the Board shall have the
 8 authority to reorganize, upgrade, or otherwise make adjustments in the offices of the
 9 Commission as required by the implementation of this Act; *Provided*, that to the extent
 10 possible, the incumbent chiefs of sections or divisions whose offices are thus affected
 11 may be upgraded to positions of comparable rank in the reorganization; for the new
 12 division created under this Act, the Chief Commissioner shall designate the chiefs
 13 thereof.

14

15 CHAPTER 9

16 TRANSITORY PROVISIONS

17

18 **SEC. 116. *Interim Management*.** — The incumbent Commissioner and two
 19 Deputy Commissioners of the Bureau of Immigration, if qualified under this Act, shall
 20 discharge the functions of Chief Commissioner and Commissioners of the Commission,
 21 unless new officials are appointed by the President. All personnel of the Bureau of
 22 Immigration shall continue to discharge the functions of their position.

23

24 **SEC. 117. *Staffing Pattern and Salary Schedule*.** – To carry out the provisions
 25 of this Act, the Chief Commissioner shall submit a new staffing pattern and salary
 26 schedule for personnel services to the Secretary of Budget and Management in
 27 accordance with Section 115 taking into account the Salary Standardization Law and
 28 other applicable laws under the National Compensation and Classification Plan.

1 This provision shall also apply and benefit public officers who are sued for
2 acts committed in their official capacity, there being no grave abuse of authority, and
3 done in the course of enforcing this Act, its rules, regulations and guidelines.
4

5 SEC. 28. *Burden of Proof of Product Safety.* – The burden of proof to prove the
6 exercise of due diligence, compliance with this Act and other laws, rules and
7 regulations relating to consumer products, precaution, and to prove the absence of
8 fault and/or negligence shall lie with the manufacturer, producer, assembler,
9 importer, and/or seller of the children's product involved or concerned.

10 SEC. 29. *Appropriations.* – The amount as may be necessary to implement the
11 provisions of this Act shall be included in the annual appropriations of the DOH
12 under the General Appropriations Act.
13

14 SEC. 30. *Congressional Oversight Committee.* – The joint Congressional Oversight
15 Committee created under Republic Act No. 9711, or the "Food and Drug
16 Administration (FDA) Act of 2009", shall function as the oversight committee to
17 monitor and evaluate the implementation of this Act.
18

19 SEC. 31. *Suppletory Provision.* – Pertinent provisions of Republic Act No. 7394,
20 otherwise known as the "Consumer Act of the Philippines", shall have suppletory
21 effect in the implementation of this Act.
22

23 SEC. 32. *Implementing Rules and Regulations.* – Within sixty (60) days after the
24 effectivity of this Act, the DOH, in coordination with the DTI, the DENR and the DOF,
25 through the BOC, shall issue the rules and regulations to implement the provisions of
26 this Act.
27

28 SEC. 33. *Separability Clause.* – If, for any reason, any provision or part hereof is
29 declared invalid, the other provisions not affected thereby shall remain in full force
30 and effect.
31

32 SEC. 34. *Repealing Clause.* – All laws, decrees, executive orders, rules and
33 regulations or parts thereof inconsistent with the provisions of this Act are hereby
34 repealed, amended or modified accordingly.

- 1 SEC. 35. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
- 2 in the *Official Gazette* or in a newspaper of general circulation.