

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 3753

EXPLANATORY NOTE

The power to exclude or admit foreigners is an incident of sovereignty. It is an accepted maxim in International Law that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominion, or to admit them only in such cases and upon such conditions as it may see fit to prescribe. Thus, it has always been the policy of the State to regulate and control the entry and stay of aliens in the country in recognition of its inherent responsibility to protect the interest and ensure the security of the people. Such a policy, however, cannot exist without complex regulations, a good many of which appear to be restrictive in nature but the policy should always be interpreted in positive terms.

Despite numerous developments in technology and communication, there are several antiquated laws in our statute books which are no longer relevant to modern times. One of them is Commonwealth Act No. 613, otherwise known as the "Philippine Immigration Act of 1940". Although some amendments and revisions have been effected on this law, many of its provisions have ceased to be responsive to present day conditions and realities and there are still many problematic areas and concerns that have not been adequately addressed.

Events of recent years have disclosed that many aliens in the country have been involved, at one time or another, in organized crimes like illegal recruitment, prostitution, drug trafficking, terrorism, human smuggling and the like, all of which greatly resulted in the general impression of both Filipinos and foreigners alike that some aliens have contributed to a sufficient degree to the rise in criminality in our country.

Under these circumstances, it cannot be overemphasized that there is an urgent need to adopt stricter rules and regulations to protect the security, morals, safety and health of our people and the country in general. This bill seeks to grant legal residence status to certain aliens in the Philippines. The purpose of the bill is to permit immigration, not prevent it, consistent with the imperatives of promptly addressing the issue of undesirable aliens, who, because of their nefarious activities in the Philippines pose a clear and present danger to the national security, public safety, public health and national interest.

This bill seeks to define the Philippines' immigration policy to foreigners who wish to come here from abroad in such a manner as to promote the domestic and international interest of the Philippines, thereby legalizing their stay in the Philippines through a legislation which would be less expensive, more practical, more humanitarian and in the long run, more beneficial considering the undeniable fact that these aliens also contribute to the country's economic growth through their investments as shown by previous experience with the promulgation of Executive Order No. 324 in 1988 and the enactment of in 1995 of Republic Act No. 7919.

This bill accentuates the imperative necessity of recognizing the need:



- a. to facilitate the entry of visitors into the Philippines for the purpose of fostering trade and commerce, tourism, cultural and scientific activities and international understanding;
- b. to ensure that any person who seeks admission to the Philippines on whether a permanent or temporary basis is subject to standards of admission that do not discriminate in a manner consistent with internationally recognized human rights and freedoms, the basic principles of justice and fair play, the generally accepted principles of International Law and State obligations under treaties and international agreements that the Philippines is a party to;
- c. to foster the development of a strong and viable Philippine economy;
- d. to maintain and protect health, safety and good order of Philippine society; and
- e. to promote international order and justice by denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal and other nefarious activities.

The national government stands to benefit substantially with the approval of this bill in terms of additional revenues in the form of application fees and other related fees raised thereby, which revenues can be used to support and give funding to numerous governmental projects and services. Significantly, alien beneficiaries of this bill will be protected from unscrupulous persons who victimize them.

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


RUFUS B. RODRIGUEZ

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3753**

AN ACT
GRANTING LEGAL RESIDENCY STATUS TO CERTAIN ALIENS IN THE PHILIPPINES
UNDER CERTAIN CONDITIONS

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

SECTION 1. Short Title – This Act shall be known as the “**Alien Social Integration Act**”.

SEC. 2. Declaration of Policy – The State shall control and regulate the admission and integration of aliens into its territory and body politic. Towards this end, aliens with unlawful residence shall be integrated into the mainstream of Philippine society.

SEC. 3. Coverage – Upon effectivity of this Act, all aliens whose stay in the Philippines is otherwise illegal under existing laws, and who have entered the country prior to June 30, 2013, excluding those who already availed in good faith the benefits of Executive Order No 324 and Republic Act 7919 whose application has been duly approved, are hereby granted legal residence status upon compliance with the provisions of this Act, and shall not be prosecuted for crimes defined under Commonwealth Act No. 613, otherwise known as the Immigration Act of 1940, which are inherent to illegal residence such as the absence of valid travel documents or visa: *Provided*, that in no case shall alien refugees in the Philippines be qualified to apply under this Act.

The bar to prosecution shall apply only to such crimes or felonies committed due to acts necessary or essential to maintain a false, fraudulent or illegal residence, such as falsification of marriage, birth or baptismal certificates or travel documents such as visas or alien certificates of registration.

SEC. 4. Integration Requirements and Fees – The social integration of aliens established under Section 3 shall be effective and its benefits enjoyed by illegal residents upon completion of all the following acts:

4.1. Filing of registration forms with the following agencies:

- (1) the civil register of his place of residence;
- (2) the Bureau of Internal Revenue (BIR);
- (3) the Bureau of Immigration (BI);
- (4) the National Bureau of Investigation (NBI); and
- (5) the commercial or universal bank to which the alien pays the integration fee as hereinafter provided.

In lieu of the foregoing, the filing of registration forms may be done in five (5) sets with a commercial or universal bank certified by thru BIR as authorized collectors for income tax.

4.2. The registration forms shall contain:

- (1) the applicant's full name and one alias by which he may be known;

- (2) proof of his identity, good moral character and financial capacity through affidavits from two (2) Filipino citizens of good reputation in his/her place of residence;
- (3) history of stay in the Philippines;
- (4) residential address for the immediate past five (5) years;
- (5) four (4) passport size pictures; and
- (6) a complete fingerprint card for each of the agencies mentioned in 4.1, including his/her most recent dental records which shall be submitted to the NBI.

4.3. Payment of the integration fees to any duly licensed commercial or universal bank accredited by the BIR as authorized to receive income tax payments in the following amounts:

4.3.1. A onetime payment of Three Hundred Thousand Pesos (P300,000) for the principal applicant upon filing of the registration forms with the bank: *Provided*, that the BIR may promulgate rules and regulations for other modes of payment through installment scheme.

4.3.2. A single payment of Twenty Five Thousand Pesos (P25,000) for the spouse and Twenty Five Thousand Pesos (P25,000) for each legitimate child below eighteen (18) years of age.

4.3.3. Children born after June 30, 2000 of parents who received the benefits of this Act shall, upon proper registration with the BI become legal residents.

4.3.4. The integration fees paid by an alien shall be in lieu of all immigration fees and fines said alien may have incurred during his unlawful residence in the country.

4.4. Submission of a medical certificate stating that the applicant is not a user of prohibited drugs or otherwise a drug addict and that he/she is not afflicted with Acquired Immune Deficiency Syndrome (AIDS).

4.5. Submission of a medical certificate stating that the applicant is mentally and psychologically healthy.

SEC. 5. Official Receipt – The commercial or universal bank shall issue an official receipt acknowledging receipt of the integration fee, upon payment by the applicant of a processing fee of One Thousand Pesos (P1,000). In the event the registration was effected under paragraph 2 of subsection 4.1, the bank shall furnish copies of the registration document to the following agencies:

- (1) the civil register of the applicant's place of residence;
- (2) the BIR; and
- (3) the NBI

Thereafter, the bank shall issue a certification to this effect in favor of the applicant.

SEC. 6. Duties of the BI – Upon presentation by the applicant of the official receipt from the bank, together with a certification from the bank or agency concerned, as the case may be that the civil registrar, the BIR and the NBI received copies of the registration forms defined in Subsection 4.2 hereof, the BI shall immediately issue an alien certificate of registration (ACR) to the applicant. The legal residence granted under this Act shall commence from the date the BI issues the ACR.

The BI shall publish, at the applicant's expense, the names, ages, addresses and a photograph of each of the applicants in a national newspaper of general circulation at the end of each calendar month during the effectivity of the application period, as herein after provided in Section 8. The banks authorized under this Act to collect the fees herein required shall collect a publication fee of Five Thousand Pesos (P5,000) from the applicant.

SEC. 7. Ministerial Duty of the Civil Registrar, the BIR and the NBI – The Civil Registrar, the BIR and the NBI shall have the ministerial duty to accept the registration forms required under Section 4. Each of these agencies may charge no more than One Hundred Pesos (P100) for the filing of the registration forms. Upon payment of the filing fee, the agency concerned shall issue a certification that the alien has filed with said office by himself/herself or through the bank, all the forms required under Section 4.

SEC. 8. Application Period – The benefits extended by Section 3 can be availed of within two (2) years from the effectivity of this Act.

SEC. 9. Administrative Confirmation – The procedure herein provided may be availed of by any alien who may want a confirmation of his stay in the Philippines.

SEC. 10. Eligibility for Citizenship – Aliens granted legal residence under this Act shall be eligible to apply for naturalization after five (5) years from the approval of his/her application.

SEC. 11. Compliance Report and Oversight Functions – The BI shall submit to the chair of the Committees on Justice of each chamber of Congress, copy furnished the Senate President and the Speaker of the House of Representatives, a written report on the developments in the implementation of this Act every six (6) months from the effectivity of this Act for purposes of oversight functions.

SEC. 12. Revocation of Resident Status – Deceit or misrepresentation on the part of any applicant to enable them to obtain legal status under this Act shall be a ground for cancellation or revocation of their resident status. The BI shall promulgate rules and regulations to determine the authenticity of the documents submitted by the applicants. The BI may revoke applicants or legalized aliens on the basis of substantial evidence.

SEC. 13. Perjury – All applications shall be under oath or affirmation, which oath or affirmation shall be required for their registration. Applicants who violate their oath or affirmation by knowingly making untruthful statements on any material matter in their application shall be liable for perjury under the Revised Penal Code.

In addition to the penalty imposed on perjury, the subsequent convictions of the applicant shall revoke the legal residence granted him/her and shall subject the applicant to deportation proceedings.

SEC. 14. Appropriations – There is hereby appropriated, out of the payments received under Section 4 hereof, an amount of Five Million Pesos (P5,000,000) to cover administrative and other expenses to be incurred in the implementation of this Act.

SEC. 15. Privacy Clause – Information submitted by an alien applicant pursuant to this Act, shall be used only for the purpose of determining the veracity of the factual statements by the applicant or for enforcing the penalties prescribed by this Act.

SEC. 16. Rule-making Powers – The provisions of this Act are self-executory and shall not be dependent on the issuance of any rules or regulations. The Secretary of Justice is hereby authorized, however, to promulgate only such rules and regulations as may be needed to efficiently and administratively implement the provisions of this Act.

SEC. 17. Separability Clause – If any provision of this Act is declared unconstitutional or invalid, such sections or parts not affected thereby shall remain in full force and effect.

SEC. 18. *Repealing Clause* – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 19. *Effectivity Clause* – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,