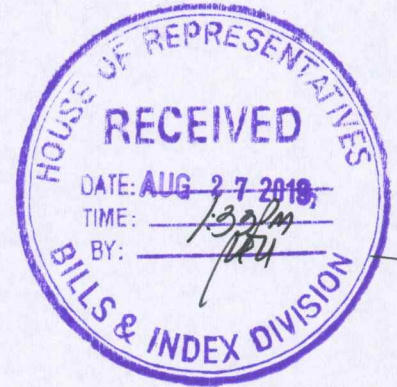




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
First Regular Session

4178
H. B. No. _____

Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
REORGANIZING THE BUREAU OF IMMIGRATION, CREATING THE
IMMIGRATION ACT OF THE PHILIPPINES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Our Philippine Immigration Act which was enacted in 1940 or about seventy-nine years ago, is already outdated. There have been numerous changes in immigration policies not only locally but also in abroad. It is about time that we revisit the said law in order to address the present concerns of our country with regard to immigration.

This bill seeks to reorganize the Bureau of Immigration and create the Commission on Immigration in its stead to be the government agency primarily responsible for implementing and enforcing the country's laws, regulations and rules concerning the entry and admission into, stay, and departure from the Philippines of all persons.

In view of the foregoing, the immediate approval of this measure is hereby sought.


TEODORICO "NONONG" T. HARESCO, JR.

Introduced by Representative TEODORICO “NONONG” T. HARESCO, JR.

AN ACT

REORGANIZING THE BUREAU OF IMMIGRATION, CREATING THE
IMMIGRATION ACT OF THE PHILIPPINES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

TITLE I

GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the *“Immigration Act of the Philippines of 2019.”*

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

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

- (a) **Admission** refers to the process by which a foreign national arriving at a port of entry in the Philippines is allowed into the country by the immigration authorities;
- (b) **Board** refers to the Board of Commissioners;
- (c) **Border Control Stations** refers to immigration offices located in strategic locations, as determined by the Board, and authorized to conduct border control, monitoring, and surveillance to enforce immigration laws and regulations in border checkpoints;
- (d) **Captain** refers to the master of a vessel or pilot of an aircraft;
- (e) **Child** refers to a person below eighteen (18) years of age;

- 1 (f) **Citizen** refers to any person who is a citizen of the Philippines under Section 1,
2 Article IV of the 1987 Constitution of the Republic of the Philippines;
3
- 4 (g) **Commissioner** and **Deputy Commissioner** refer to the Commissioner of
5 Immigration and the Deputy Commissioner of Immigration, respectively;
6
- 7 (h) **Commitment Order** refers to an order issued by the Commissioner under Section
8 10 (c) of this Act, that directs the taking into custody of a foreign national after it
9 has been determined that a probable cause exists that the foreign national
10 committed acts or omissions in violation of Philippine immigration laws, rules and
11 regulations, or during the pendency of deportation proceedings against such
12 foreign national: *Provided, That, such custody shall not exceed three (3) months,*
13 *unless there exists other legal grounds for continued custody;*
14
- 15 (i) **Consular Officer** refers to any consular, diplomatic or other officer of the
16 Department of Foreign Affairs who has been duly granted a diplomatic mission
17 for the purpose of issuing visas under this Act;
18
- 19 (j) **Derogatory Information** refers to details about persons and travel documents
20 relating to immigration consisting of the following:
21
- 22 (1) **Blacklist Order** refers to an order issued by the Commissioner that prevents a
23 foreign national from entering the territorial jurisdiction of the Philippines;
24
- 25 (2) **Hold Departure Order** refers to an order issued by the Commissioner
26 preventing a foreign national from leaving the territorial jurisdiction of the
27 Philippines in cases where bail or recognizance is granted pending
28 implementation of a Summary Deportation Order, or a directive implementing
29 an order from the Regional Trial Courts, the *Sandiganbayan*, or other appellate
30 courts, to prevent a person from leaving the territorial jurisdiction of the
31 Philippines; and
32
- 33 (3) **Watchlist Order** refers to an order issued by the Commissioner under this Act
34 that requires Immigration Officer and other Immigration personnel to monitor
35 the travel of any person for a period of sixty (60) days, extendible for another
36 sixty (60) days, and to notify the concerned government agencies of the
37 Philippines;
38
- 39 (k) **Entry** refers to the arrival of a foreign national into any designated port of entry in
40 the Philippines from a place outside the Philippine territorial jurisdiction. A
41 foreign national having a lawful permanent residence in the Philippines shall not
42 be regarded as making an entry for the purpose of this Act if such foreign national
43 proves that the departure to a place outside the Philippines was for a temporary
44 or limited period, or the continued absence from the Philippines was occasioned
45 by deportation proceedings, extradition, or other legal process;
46
- 47 (l) **Exclusion** refers to the act of an Immigration Officer denying admission of a
48 foreign national into the country on grounds provided for in this Act;
49
- 50 (m) **Foreign National** refers to any person who is not a citizen of the Philippines;
51
- 52 (n) **Immigrant** refers to any foreign national, other than a non-immigrant, departing
53 from any place outside the Philippines destined for the Philippines;

- 1
2 (o) **Immigration Laws** refer to this Act and any other law presently existing or which
3 may hereafter be enacted relating to the movement of natural persons to and from
4 the Philippines;
5
6 (p) **Immigration Officer** refers to any person appointed under this Act or any
7 employee designated by the Commissioner to perform the powers, duties and
8 functions of an Immigration Officer as specified under this Act;
9
10 (q) **Interception** refers to the act of Immigration Officer denying departure clearance
11 to any person leaving the Philippines on grounds provided for in this Act;
12
13 (r) **Non-immigrant** refers to any foreign national departing from any place outside
14 the Philippines who is allowed entry and admission into the Philippines for a
15 temporary or limited period of stay;
16
17 (s) **Non-refoulement** refers to a principle of international law which prohibits the
18 forced return of refugees to the state or territory where their lives or liberty would
19 be threatened;
20
21 (t) **Passport** refers to a document issued by the Philippine government to its citizens
22 pursuant to Republic Act No. 8239, otherwise known as "*The Philippine Passport*
23 *Act of 1996*," as amended;
24
25 (u) **Person** refers to a natural or juridical person such as but not limited to
26 partnerships, corporations, companies, and associations;
27
28 (v) **Port of Entry** refers to any port designated by the Commissioner through which a
29 foreign national may enter or exit the Philippines;
30
31 (w) **President** refers to the President of the Republic of the Philippines;
32
33 (x) **Refugee** refers to a person who, owing to a well-founded fear of being persecuted
34 for reasons of race, religion, nationality, membership in a particular social group,
35 or political opinion, is outside the country of nationality, and is unable or, owing
36 to such fear, is unwilling to avail of the protection of that country; or who, not
37 having a nationality and being outside the country of former habitual residence,
38 is unable or, owing to such fear, is unwilling to return to it;
39
40 (y) **Seaman, Seafarer, or Crewmember** refers to a person actually employed in the
41 operation or service in any capacity on board a vessel;
42
43 (z) **Stateless Person** refers to a person who is not considered a national by any State
44 under the operation of its laws;
45
46 (aa) **Travel Document** refers to a certification or identifying document containing the
47 description and other personal circumstances of its bearer, issued for direct travel
48 to and from the Philippines valid for short periods or a particular trip. It is issued
49 only to persons whose claim to Philippine citizenship is doubtful or who fall under
50 the category enumerated in Section 13 of Republic Act No. 8239, otherwise known
51 as "*The Philippine Passport Act of 1996*;"
52
53 (bb) **Vessel** refers to all means of conveyances, whether aircraft or sea craft; and

1
2 (cc) **Visa** refers to an endorsement on a passport or any travel document issued by a
3 Consular Officer abroad authorizing the holder thereof to proceed to a designated
4 port of entry in the Philippines and there to apply for entry and admission under
5 the status specified therein; or immigration status granted and/or issued to
6 foreign nationals by the Commissioner or the Board under this Act.
7

8
9 **TITLE II**
10 **COMMISSION ON IMMIGRATION**
11

12 **Chapter 1**
13 **Commission on Immigration**
14

15 **SEC. 4. Creation.** – The Commission on Immigration is hereby created. It shall be
16 principally responsible for the administration and enforcement of this Act, and the
17 implementation of all laws, rules, regulations or orders of any competent authority
18 concerning the entry and admission into, stay in, and the departure from the Philippines
19 of all persons.
20

21 **SEC. 5. Composition and Qualification.** – The Commission shall be administered by the
22 Board of Commissioners headed by the Commissioner as Chairperson, and four (4)
23 Deputy Commissioners as members, all of whom shall be natural-born citizens of the
24 Philippines and, at the time of their appointment, at least thirty-five (35) years of age,
25 holders of a college degree and with proven capacity for administration: *Provided, That,*
26 the majority of the members shall be members of the Philippine Bar in good standing for
27 at least five (5) years.
28
29

30 **Chapter 2**
31 **The Board of Commissioners**
32

33 **SEC. 6. Powers and Functions of the Board.** – The Board shall have the following powers
34 and functions:
35

36 **(a) Quasi-judicial:**
37

38 (1) Decide on applications or cases relative to:
39

- 40 i. Deportation;
41 ii. Revocation of immigration status;
42 iii. Issuance and Revocation of all visas and permits;
43 iv. Determine/increase the number of Quota visa allocations;
44 v. Prescribe rules and regulations for temporary and permanent resident
45 visa holders;
46 vi. Forfeiture and Cancellation of visas and permits;
47 vii. Lifting of Backlist due to Indigency;
48 viii. Legalization of residence in accordance with law.
49

50 (2) Cite and punish for contempt in relation to the discharge of its quasi-judicial
51 functions in accordance with the Rules of Court.
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- The Board shall also perform such other powers and functions as provided in this Act and other existing laws, rules and regulations not inconsistent with any of the provisions of this Act.

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

The Commissioner and the Deputy Commissioners

SEC. 10. *Powers and Functions of the Commissioner.* - In addition to the duties as Chairperson of the Board of Commissioners, the Commissioner shall exercise the following powers and functions:

- (a) Supervise, direct, and coordinate the overall operations of the Office of the Commissioner;
- (b) Exercise direct control and supervision over officers and personnel of the Commission, including, but not limited to, appointments, promotion, reassignments and other personnel movements, subject to existing laws, rules and regulations;
- (c) Issue the following: (1) Letter Orders after determination of the existence of probable cause for the purpose of deportation; (2) Commitment or Release Orders; (3) Warrant of Deportation; (4) Order to Inspect the documents, premises and records of persons covered by this Act; (5) Mission Orders, including the authority to carry government-issued firearms; and (6) Derogatory Information Orders

1 defined in Section 3 (j) of this Act;

- 2
- 3 (d) Delegate authority to subordinate Immigration officers and Immigration
- 4 employees, except the powers and functions enumerated in the immediately
- 5 preceding paragraph, which may be delegated only to Deputy Commissioners;
- 6
- 7 (e) Act on Applications for Issuance and Extension or on Petitions for Conversion,
- 8 Adjustment and Amendment of Visas and Permits;
- 9
- 10 (f) Act on Petitions for Declaration of Indigency;
- 11
- 12 (g) Control the opening and closure of posts, landing places, airports or ports
- 13 classified as points of entry or exit, whether limited or unlimited;
- 14
- 15 (h) Increase or reduce immigration fees, fines, penalties, and other charges, and waive
- 16 immigration fines and penalties;
- 17
- 18 (i) Act on Applications for Retention or Reacquisition of Citizenship in accordance
- 19 with Republic Act Number 9225 and other existing laws, based on the
- 20 recommendations of the Board of Special Inquiry;
- 21
- 22 (j) Issue Certificates of Identification to foreign nationals who have been granted
- 23 Philippine citizenship;
- 24
- 25 (k) Deputize, subject to the concurrence of the Board, any official or employee of the
- 26 national government and local government units, including uniformed personnel
- 27 of the Armed Forces of the Philippines, the Philippine National Police, and the
- 28 Philippine Coast Guard, to assist Immigration Officers and other Immigration
- 29 employees in the performance of their duties and functions, subject to the
- 30 concurrence of the Board;
- 31
- 32 (l) Authorize and prescribe the form and the amount of cash bonds for the provisional
- 33 release of respondents in deportation proceedings;
- 34
- 35 (m) Impose reasonable fines and penalties for violations of immigration and alien
- 36 registration laws in accordance with this Act, other existing laws, rules and
- 37 regulations not inconsistent with any of the provisions of this Act and the
- 38 guidelines adopted by the Board;
- 39
- 40 (n) Provide an express lane for the rendition of services upon payment of prescribed
- 41 fees by persons served;
- 42
- 43 (o) Accept donation of materials, equipment or technical services from any foreign
- 44 government, international or domestic organization, to upgrade the efficiency and
- 45 operations of the Commission;
- 46
- 47 (p) Submit to the President, the Department of Foreign Affairs, and Congress,
- 48 annually or as may be directed, a report on: (1) the number and status of foreign
- 49 nationals in the Philippines; (2) foreign nationals admitted or granted change of
- 50 status as permanent residents; (3) foreign nationals who have been excluded or
- 51 deported from the Philippines; (4) the estimated number of illegal foreign
- 52 nationals in the Philippines in each calendar year and actions taken to arrest them,
- 53 grouped by nationality, for each region in the Philippines; and (5) such other

1 transactions of the Commission;

- 2
- 3 (q) Assign immigration employees to do overtime work or services pursuant to
- 4 existing rules and regulations;
- 5
- 6 (r) Determine the manning levels of immigration officers and personnel nationwide
- 7 in accordance with the number of arrivals in each port of entry as determined by
- 8 the Board: *Provided, That, for every three hundred (300) passengers, there shall be*
- 9 *one (1) Immigration Officer in an eight-hour shift; Provided, further, That, for every*
- 10 *two (2) Immigration Officer, additional positions shall be created accordingly;*
- 11
- 12 (s) Exercise disciplinary authority over the Commission’s employees;
- 13
- 14 (t) Prepare and submit a supplemental budget for the consideration of the
- 15 Department of Budget and Management;
- 16
- 17 (u) Prescribe, with the concurrence of the Board, the appropriate forms, bonds,
- 18 reports, entries and other papers in accordance with this Act; and
- 19
- 20 (v) Perform such other functions inherent to the Commission and coordinate with
- 21 relevant government agencies in the administration of immigration laws.
- 22

23 **SEC. 11. *Appointment, Rank and Duties of Deputy Commissioners.*** – There shall be four

24 (4) Deputy Commissioners who shall be appointed by the President. They shall have the

25 same rank, salary and privileges of an Assistant Secretary of a Department. In addition

26 to their duties as members of the Board, the Deputy Commissioners may be assigned by

27 the Commissioner to supervise different divisions of the Commission clustered as

28 follows: (a) Regulatory; (b) Border Control; (c) Enforcement; and (d) Management

29 Support.

30

31 **SEC. 12. *Creation of Positions and Compensation for Co-Terminus Officials and***

32 ***Employees.*** – The following co-terminus positions are hereby created for the Office of the

33 Commissioner and Deputy Commissioners, except for the position of Executive Officer

34 III/Board Secretary, which shall be assigned only to the Office of the Commissioner. The

35 basic monthly compensation of the following co-terminus officials and employees shall

36 be as follows:

37

38

39

<u>POSITION</u>	<u>SALARY GRADE</u>
Board Secretary	29
Executive Officer IV	23
Executive Officer III	21
Administrative Officer II	13

40

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47 **Chapter 4**

48 **The Board Secretary**

49

50 **SEC. 13. *Qualification of Board Secretary.*** – There shall be a Board Secretary who shall

51 be appointed by the Commissioner and must be a member of the Philippine Bar.

52

53 **SEC. 14. *Powers and Duties.*** – The Board Secretary shall exercise the following functions:

- 1
2 (a) Act as the Board Secretary in the meetings of the Board;
3
4 (b) Prepare the agenda for the deliberations of the Board on deportation cases; and
5
6 (c) Such other functions as may be assigned by the Board.
7
8

9
10 **Chapter 5**
11 **The Boards of Special Inquiry**

12 **SEC. 15. Constitution of the Boards of Special Inquiry.** – There shall be constituted as
13 many Boards of Special Inquiry (BSI) as required in the exigency of service: *Provided, That,*
14 there shall be at least four (4) existing and operating Boards of Special Inquiry, each for
15 the Main Office, Luzon, Visayas, and Mindanao, at any given time. Each Board shall be
16 composed of a Chairperson and two (2) members. The Overall Chairperson of the BSI
17 shall sit as the Chairperson of the First Board of the BSI and shall have the same position
18 as a Director with a Salary Grade of 26. The BSI shall be designated according to their
19 areas of specialization to be determined by the Board. At ports where it is not convenient
20 or necessary to organize Boards of Special Inquiry, the President may designate any other
21 employee of the government to perform the Boards' functions.
22

23 **SEC. 16. Appointment and Qualification of the Chairpersons and Members of the BSI.** –
24 The Chairpersons and members of the BSI shall be appointed by the President, all of
25 whom shall be citizens of the Philippines and, at the time of their appointment, at least
26 thirty (30) years of age, members of the Philippine Bar in good standing, and engaged in
27 the practice of law for at least three (3) years.
28

29 **SEC. 17. Powers and Functions of the BSI.** – The BSI shall:
30

- 31 (a) Recommend to the Board for final resolution in cases and applications relative to:
32
33 (1) Deportation;
34
35 (2) Revocation of immigration status;
36
37 (3) Recognition of Philippine citizenship by reason of, among others, birth,
38 naturalization, election or marriage;
39
40 (4) Reacquisition/Retention of Philippine citizenship under Republic Act No.
41 9225 and other related laws;
42
43 (5) Legalization of residence in accordance with law; and
44
45 (6) Issuance of visa for stateless person/refugee.
46
47 (b) Issue *subpoenas* in cases being heard by the BSI;
48
49 (c) Cite and punish for contempt in the exercise of their quasi-judicial functions, in
50 accordance with the Rules of Court;
51
52 (d) Recommend to the Board the imposition, waiver, or reduction of fees, fines,
53 penalties, and other charges subject to existing laws, rules and regulations;

1
2 (e) Administer oaths;
3

4 (f) Promulgate rules and regulations governing matters within its assigned mandate
5 subject to the approval of the Board; and
6

7 (g) Perform such other duties and functions as may be directed by the Commissioner
8 and the Board.
9

10 **Sec. 18. *Proceedings Before the BSI and Resolutions.*** – The proceedings before the BSI
11 shall be public and recorded. In all cases, the BSI shall meet and act as a collegial body.
12 Only members of the Philippine Bar shall appear for and in behalf of any party before the
13 BSI.
14

15
16 **Chapter 6**
17 **Divisions and Other Operating Offices**
18

19 **SEC. 19. *Divisions and Other Operating Offices.*** – The Commission shall have the
20 following divisions and other operating offices, namely:
21

22 **A. Divisions:**
23

24 (1) Finance and Administration;
25

26 (2) Information and Communications Technology;
27

28 (3) Planning and Research;
29

30 (4) Alien Registration;
31

32 (5) Immigration Regulation;
33

34 (6) Intelligence and Investigation;
35

36 (7) Law Enforcement;
37

38 (8) Port Operations; and
39

40 (9) Legal.
41

42 **B. Regional Offices** shall be created according to political regions.
43

44 **SEC. 20. *Heads of the Divisions and Other Operating Units.*** – Each Division shall be
45 headed by a Director II with a Salary Grade of 26 and assisted by a Deputy Director with
46 a Salary Grade of 25: *Provided, That, the Directors and Deputy Directors shall be*
47 *appointed by the Secretary, upon recommendation of the Commissioner. Provided,*
48 *further, That, the Director for Legal and Complaint and Prosecution Divisions shall be a*
49 *member of the Philippine Bar in good standing and must have been engaged in the*
50 *practice of law for at least three (3) years. The Director for the Finance Division shall be a*
51 *Certified Public Accountant in good standing for at least three (3) years.*
52

1 **SEC. 21. *Duties and Functions of the Divisions and Other Operating Offices.*** - The
2 different divisions and other operating offices shall have such number of Immigration
3 Officers and other Immigration employees to carry out their respective duties and
4 functions as may be defined by the Commissioner in the implementing rules and
5 regulations.
6

7
8 **Chapter 7**
9 **Immigration Officials and Personnel**
10

11 **SEC. 22. *Officials and personnel.*** - The following are the officials and personnel of the
12 Commission who shall perform the duties and functions enumerated in this Act. The
13 basic monthly compensation of the following officials and employees of the Commission
14 shall be as follows:
15

<u>ITEMS</u>	<u>SALARY GRADE</u>
Commissioner III	30
Deputy Commissioner III	29
Executive Director	28
Director II	26
Deputy Director	25
Chief Special Inquiry Officer	28
Chief Immigration Prosecutor	28
Special Inquiry Officer III	25
Special Inquiry Officer II	24
Special Inquiry Officer I	23
Immigration Prosecutor III	26
Immigration Prosecutor II	25
Immigration Prosecutor I	24
Immigration Investigator II	17
Immigration Investigator I	16
Immigration Translator II	12
Immigration Legal Assistant	10
Chief District Officer	27

Supervising Immigration Officer	26
Senior Immigration Officer	24
Border Control Officer	22
Immigration Officer III	21
Immigration Officer II	18
Immigration Officer I	16
Immigration Agent III	15
Immigration Agent II	13
Immigration Agent I	11
Immigration Assistant	9

On recommendation of the Commissioner, the Board shall have the authority to reorganize, upgrade, or otherwise make adjustments in the items of the personnel and offices as required by the implementation of this Act: *Provided, That*, to the extent possible, the incumbent chiefs of sections or divisions whose offices are thus affected may be upgraded to positions of comparable rank in the reorganization. For the new division to be created under this Act, the Commissioner shall designate the chiefs thereof.

SEC. 23. Powers and Functions of Immigration Officers. – The Immigration Officers shall have the following powers and functions:

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

1 (g) Perform such other functions as may be assigned by the Commissioner from time
2 to time.

3
4 **SEC. 24. *Appointment of Immigration Officers.*** – No person shall be appointed to the
5 position of Immigration Officer unless he or she is a holder of a bachelor’s degree and a
6 first-grade civil service eligible.

7
8 **SEC. 25. *Deployment of Immigration Officers Abroad.*** – Within ninety (90) days from the
9 effectivity of this Act the Commission shall promulgate the implementing rules and
10 regulations on the assignment and deployment of Immigration Officers to select consular
11 posts abroad who shall, subject to the pertinent provisions of Republic Act No. 7157 or
12 the “*Philippine Foreign Service Act of 1991*,” perform immigration duties, except diplomatic
13 and consular functions.

14
15
16 **Chapter 8**
17 **Other Offices**
18

19 **SEC. 26. *Field Offices.*** – The Commission shall operate and maintain a field office in
20 each of the administrative or political regions including the National Capital Region. The
21 field offices of the Commission shall each be headed by at least an Immigration Officer
22 II, all of whom shall be designated by the Commissioner.

23
24 **SEC. 27. *Changes in the Composition, Distribution of Assignment of Field Offices.*** – The
25 Commissioner may make changes in the composition, distribution and assignment of
26 field offices, as well as its personnel, based on the demographics of the foreign nationals
27 and as the exigency of the service requires.

28
29 **SEC. 28. *Border Control Stations.*** – There shall be established Border Control Stations
30 which shall be manned by Border Control Officers appointed by the Commissioner. The
31 Border Control Stations shall be placed in specific areas in the Philippines which shall be
32 determined by the Board.

33
34
35 **TITLE III**
36 **IMMIGRATION**
37

38 **Chapter 1**
39 **Non-Immigrants**
40

41 **SEC. 29. *Categories of Non-immigrants and Types of Visa Issued.*** – Foreign nationals
42 departing from any place outside the Philippines who are otherwise admissible and who
43 qualify under any one of the following categories may be admitted as non-immigrants:

44
45 (a) Temporary Visitors (A Visas): Visitors coming to the Philippines for a temporary
46 period for reasons of business, pleasure or health;

47
48 (1) Business (A-1 Visa): Temporary visitors engaged in activities of a commercial
49 or professional nature for a foreign employer or for themselves that will not
50 result in gainful employment in the Philippines. As used herein, the term
51 “business” refers to conventions, conferences, consultations and other
52 legitimate activities of a commercial or a professional nature, but does not
53 include local employment or labor for hire;

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

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

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

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

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

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

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

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

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

ix. Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;

(2) Persons Eligible for E-2 Visa: The E-2 visa shall be issued to an official of a foreign government recognized by the Philippines and who is a national of the country whose government he represents, and is proceeding to the Philippines on a long-term basis in connection with official business for such foreign official's government.

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

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

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

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

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

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

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

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

1 (g) Employment (G Visa): Foreign nationals coming to the Philippines on prearranged
2 employment, including their family members accompanying or following to join
3 them within the period of their employment. The grantee of this type of visa who
4 intends to engage in gainful employment in the Philippines must, within a
5 reasonable time upon arriving in the Philippines, secure an Alien Employment
6 Permit from the Department of Labor and Employment, in accordance with the
7 DOLE's rules and regulations. This category includes intra-company transferees,
8 professionals, performing artists, athletes, and cultural exchange workers under a
9 work exchange program;

10
11 (h) Religious Workers (H Visa): Duly ordained or professional missionaries and
12 religious ministers, including members of their family, coming to the Philippines
13 to join a religious congregation or denomination duly registered with the
14 Securities and Exchange Commission, upon invitation, sponsorship or guarantee
15 of such religious congregation or denomination, solely for the purpose of
16 propagating, teaching and disseminating their faith or religion;

17
18 (i) Representatives of Accredited International Organizations and Government
19 Agencies (I Visa): Foreign officials and staff of accredited international
20 organizations, including their dependent family members, staff, and household
21 members shall be granted I Visas divided into four (4) types, namely:

22
23 (1) Persons Eligible for I-1 Visa: The I-1 Visa shall be issued to the principal
24 officials of international organizations, as well as their accompanying wives
25 and dependents;

26 (2) Persons Eligible for I-2 Visa: The I-2 visa shall be issued to the other officials
27 and staff of international organizations, as well as their accompanying wives
28 and dependents;

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

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

35
36 The term "accredited international organization" includes any public international
37 organization engaged in activities of which the Philippines participates pursuant
38 to any treaty or under the authority of any act of the Congress of the Philippines
39 authorizing such participation or making an appropriation for such participation
40 and such other international organizations, institutions, agencies, programs,
41 foundations and entities which are recognized by the government of the Republic
42 of the Philippines, including those existing and already recognized as such at the
43 time of the effectivity of this Act.

44
45 All visas under this Act shall be exclusively issued and renewed by the
46 Department of Foreign Affairs, which shall also determine the type of I Visa of
47 officials and staff of International Organizations who are not identified in the
48 foregoing list. The grant of immunities and privileges shall be subject to applicable
49 domestic and international law, relevant Headquarters Agreements, and
50 international agreements to which the Philippines is a party.
51

- 1 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly
2 accredited by the government agency concerned, who are bona fide
3 representatives of a foreign press, radio, satellite, television, film, or other
4 information media, and are coming to the Philippines solely to engage in gathering
5 information principally for dissemination abroad, including their family members
6 accompanying or following to join them during the period of the assignment in
7 the Philippines;
8
- 9 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines to teach,
10 study, observe, conduct research or receive training in a specific Exchange Visitor
11 Program duly approved by the Philippine Government;
12
- 13 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined in Section
14 3 (x) hereof shall be issued L-1 Visa. Stateless persons, whose admission for
15 humanitarian reasons and not inimical to public interest has been approved by the
16 Commissioner or the President in such cases and under such conditions as he may
17 prescribe, shall be issued L-2 Visa;
18
- 19 (m) Bridging Visa (M Visa): A temporary visa which allows a foreign national
20 to stay in the Philippines after the expiration of the current visa, other than
21 temporary visitor visa under Section 29 (a), and while an application for
22 adjustment of status is being processed;
23
- 24 (n) Special Non-Immigrants (N Visas): Such other foreign nationals including their
25 family members who may be admitted as non-immigrants under special laws or
26 foreign nationals not otherwise provided for by this Act who are coming for
27 temporary periods only, and whose admission is authorized by the Board of
28 Commissioners in the interest of the public or for humanitarian considerations and
29 under such conditions as he may prescribe.
30
31

32 Chapter 2 33 Immigrants 34

35 **SEC. 30. Quota Immigrants.** – Subject to the conditions set forth in this Act, there may
36 be admitted into the Philippines, immigrants, otherwise known as “*quota immigrants*”,
37 not to exceed two hundred (200) of any one nationality, subject to reciprocal rights and
38 benefits granted to Philippine citizens by the country of nationality, for any one calendar
39 year and upon allotment by the Commissioner of the corresponding quota number. In
40 the allotment of quota numbers, the following order of preference shall be observed:
41

- 42 (a) **First Preference:** Those whose service and qualifications show high educational
43 attainment, technical training, specialized experience, or exceptional ability in the
44 sciences, arts, professions, or business as would reasonably enhance and
45 contribute substantial benefits prospectively to the national economy, or cultural
46 or educational interests or welfare of the Philippines, including their family
47 members, accompanying or following to join them, who shall likewise be allotted
48 individual quota numbers;
49
- 50 (b) **Second Preference:** Parents of a naturalized Philippine citizen;
51

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

3
4 (d) **Fourth Preference:** Parents of foreign nationals who are lawful permanent
5 residents of the Philippines.
6

7 **SEC. 31. Allotment of Quota.** — The Commissioner shall, with respect to the first
8 preference, allot not more than fifty (50%) of the annual quota allotment up to the end of
9 June of each year: *Provided, however,* That, if the fifty percent (50%) is not utilized by the
10 first preference, the balance thereof shall be given to the second, third, and fourth
11 preferences in accordance with the preceding section. Any unused quota allotment for a
12 calendar year cannot be carried over and utilized for the ensuing calendar year.
13

14 **SEC. 32. Basis in Determination of Quota Allotment.** — The nationality of immigrants
15 whose admission is subject to the numerical limitation imposed by Section 31 of this Act
16 shall be that of the country of which the immigrant is a national or a citizen. The
17 nationality of immigrants possessing dual nationality may be that of either of the two
18 countries regarding them as a national or citizen if they apply for a visa in a third country.
19 If such immigrants apply for a visa within one of the two countries regarding them as a
20 national or citizen, their nationality shall be that of the country in which they filed their
21 application for a visa to enter the Philippines.
22

23 **SEC. 33. Non-Quota Immigrants.** — The following immigrants, known as “*non-quota*
24 *immigrants*,” may be admitted without regard to numerical limitation and immigration
25 reciprocity:
26

27 (a) The spouse of a Philippine citizen: *Provided, That,* abandonment by the foreign
28 spouse, the failure to give support by the foreign spouse to the Filipino spouse and
29 family, and the legal separation or termination of the marital status by annulment,
30 declaration of nullity of marriage or divorce where the cause is attributable to the
31 foreign spouse, shall constitute grounds for cancellation of the immigrant visa
32 issued to the foreign spouse;
33

34 (b) A person of Filipino descent regardless of generation;
35

36 (c) A child born to a foreigner mother during her temporary visit abroad, the mother
37 being a lawful permanent resident of the Philippines, if accompanied by or coming
38 to join the mother who applies for admission within five (5) years from the birth
39 of the child;
40

41 (d) A child born subsequent to the issuance of an immigrant visa to the accompanying
42 parent, the visa not having expired or revoked;
43

44 (e) A foreign national who had been previously lawfully admitted into the
45 Philippines for permanent residence who is returning from a temporary visit
46 abroad to an unrelinquished residence in the Philippines;
47

48 (f) A natural-born citizen who becomes a naturalized citizen of a foreign country and
49 is returning to the Philippines for permanent residence therein, including the
50 spouse and minor children accompanying or following to join such person; and
51

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

1
2
3 **Chapter 3**
4 **Cessation of Native-Born Registration**
5

6 **SEC. 34. *Cessation of Native-Born Registration.*** – At the effectivity of this Act, the
7 Commission shall no longer receive new Native Born (NB) applications. Instead,
8 applicants for NB registration shall be directed to file for an immigrant visa under Section
9 33 (d) of this Act.

10
11 **SEC. 35. *Existing NB Registration.*** – Existing NB registrations shall be respected and
12 shall remain in effect.

13
14 Existing NB-registered foreigners shall be allowed to renew their registration in
15 accordance with the lawful permanent resident status previously granted them.

16
17 Upon renewal of registration for NB, the ARD shall register them as Section 33 (d)
18 immigrant visa holders without need of new application for said immigrant visa.
19

20
21 **Chapter 4**
22 **Adjustment of Status**
23

24 **SEC. 36. *Conditions for Adjustment of Status of Foreign Nationals.*** – The status of a
25 foreign national admitted into the Philippines as non-immigrant may be adjusted by the
26 Board to that of a foreigner lawfully admitted as a permanent resident if:
27

28 (a) the foreigner makes an application for such adjustment;
29

30 (b) the foreigner is eligible to receive a quota or non-quota immigrant visa and is
31 admissible to the Philippines as a permanent resident; and
32

33 (c) a quota immigrant visa, if such is the case, is immediately available to the foreign
34 national at the time of application, without the need of first departing from the
35 Philippines.
36

37 In all such cases, the personal appearance of the foreigner shall be required during the
38 consideration of the application.
39

40 **SEC. 37. *Effect of Approval on Application for Adjustment.*** – Upon the approval of an
41 application for adjustment of status under the preceding section, the Commissioner shall
42 record the foreign national's lawful admission as a permanent resident as of the date of
43 the approval of the application and shall be included as part of the quota for the calendar
44 year in accordance with Section 30 of this Act.
45

46 **SEC. 38. *Adjustment of Status, When Not Allowed.*** – Adjustment of status under this
47 Act shall not be applicable to:
48

1 (a) A foreign national who has violated or is in violation of immigration laws, rules
2 and regulations unless the violation is without the fault of the foreign national or
3 for purely technical reasons; and
4

5 (b) Transients.
6

7 **SEC. 39. *Loss of Status.*** – A registered foreign national, except a temporary visitor, who
8 fails to return to the Philippines within a period of one (1) year from departure shall lose
9 the status granted under Title III of this Act. Such foreign national may apply for an
10 extension of the period within which to return prior to its expiration and pay the
11 prescribed fees and charges in order to maintain the status granted or visa category.
12
13

14 **Chapter 5**
15 **Documentation and Admission of Non-Immigrants**
16

17 **SEC. 40. *Documentary Requirements of Non-immigrants.*** – Non-immigrants must
18 present for admission into the Philippines valid passports issued by the governments of
19 the countries to which they owe allegiance or other travel documents showing their
20 nationality and identity as prescribed by regulations, a valid visa granted by the
21 Philippine Consular Officer, if required, and such other relevant documents as may be
22 required under existing laws, rules, regulations, or multilateral or bilateral agreements.
23

24 **SEC. 41. *Conditions and Period of Authorized Stay of Temporary Visitors.*** – The initial
25 period of authorized stay of a foreign national admitted as a temporary visitor under
26 Section 29 (a) of this Act shall not exceed fifty-nine (59) calendar days from the date of
27 arrival, subject to bilateral, regional, and multilateral visa agreements entered into by the
28 Philippines: *Provided, That,* the conditions for extensions and total period of authorized
29 stay shall be prescribed by the Commissioner: *Provided, further, That,* during the foreign
30 national's authorized stay, such foreign national: (a) shall not take any employment,
31 whether paid or unpaid; (b) shall not establish or join in any business; and (c) shall not
32 enroll or become a student at a school, college, university, academy, or other educational
33 institution, unless granted, upon proper application, a conversion to another immigration
34 status provided under this Act.
35

36 **SEC. 42. *Conditions for Issuance of Pre-Arranged Employment Visas.*** – A foreign
37 national who is coming to the Philippines for prearranged employment shall not be
38 issued a non-immigrant visa referred to in Section 36 (g) until the Consular Officer shall
39 have received authorization for the issuance of the same. Such authorization shall be
40 given only upon the filing of a petition with the Board establishing, among others, that
41 no person can be found in the Philippines willing and competent to perform the work or
42 service for which the foreigner is desired and that the admission would be beneficial to
43 the public interest. The petition shall be under oath by the prospective employer or the
44 latter's representative in the form and manner prescribed by the Board.
45

46 If the Board finds that the petition complies with the requirements of the preceding
47 paragraph and of other regulations, it shall grant the petition and shall promptly transmit
48 the authorization to the Immigration Attaché.
49

50 **SEC. 43. *Submission of Crew List and Passenger Manifest.*** – Simultaneous to the vessel's
51 departure from the port of origin, the master, captain, agent, owner, or consignee of any
52 commercial vessel arriving to the Philippines shall submit, within a reasonable time prior
53 to such arrival, the crew lists, passenger manifests and such other information concerning

1 the persons arriving on such a vessel. In the same manner and condition, the master,
2 captain, agent, owner or consignee of any commercial vessel departing from any port in
3 the Philippines shall submit, within a reasonable time prior to such departure, the crew
4 list, passenger manifest and such other information concerning the persons departing on
5 such vessel. The crew list of an incoming sea craft shall contain the appropriate visa
6 granted by the Immigration Attaché.

7
8 **SEC. 44. *Inspection of Crewmembers.*** – It shall be the duty of the master, captain, agent,
9 owner or consignee of any vessel arriving in the Philippines to have available on board,
10 for inspection by the Immigration Officers, any foreign crewmember employed on such
11 vessel and, when required by the immigration authorities, to detain such crewmember
12 on board after inspection or to remove such crewmember. No crewmember on board
13 such vessel shall be discharged while the vessel is in port without the permission of the
14 Commissioner.

15
16 **SEC. 45. *Permission for Temporary Landing of a Foreign Crewmember.*** – A foreign
17 crewmember on a vessel arriving in the Philippines may be permitted to land temporarily
18 under such conditions as may be prescribed by the Commissioner. All expenses incurred
19 by the Office while the crewmember is on land shall be borne by the master, captain,
20 agent, owner, or consignee of the carrying vessel.

21 22 23 **Chapter 6** 24 **Documentation and Admission of Immigrants** 25

26 **SEC. 46. *Documentary Requirements of Immigrants; Instances When Not Required.*** –
27 Immigrants must present for admission into the Philippines valid passports or travel
28 documents issued by the government of the country to which they owe allegiance,
29 showing their nationality and identity and valid immigrant visas indicating the date of
30 issue and the period of validity thereof. Immigrant visas shall not be required of the
31 following:

- 32
33 (a) A child born subsequent to the issuance of a valid immigrant visa to the
34 accompanying parent;
35
36 (b) A child born during the temporary visit abroad of the mother who is a lawful
37 permanent resident of the Philippines and a holder of a valid re-entry permit, if
38 the child is accompanied by either parent within five (5) years from the date of the
39 child's birth; and
40
41 (c) A foreign national who is returning to an unrelinquished lawful permanent
42 residence in the Philippines after a temporary residence abroad and presents for
43 admission a valid re-entry permit.
44
45

46 **Chapter 7** 47 **Visa Issuance** 48

49 **SEC. 47. *Nature of Visa.*** – Nothing in this Act shall be construed to automatically entitle
50 any foreign national to whom a visa or other travel document has been issued to enter
51 the Philippines if, upon arrival at a port of entry, he/she is found to be inadmissible under
52 this Act or any other law.
53

1 **SEC. 48. *Visa Policy.*** – The policies governing the issuance, extension, renewal and
2 conversion of visas referred to in this Act shall be formulated by the Commission and,
3 when appropriate, in consultation with concerned government agencies and offices.
4

5 **SEC. 49. *Visa Issuance Abroad.*** – All visas issued abroad shall be done by Consular
6 Officers assigned at Philippine Foreign Service posts in the following manner:
7

8 (a) Upon approval by the Commissioner and recommendation by a Consular Officer,
9 a quota immigrant visa may only be issued to a foreign national who has made a
10 proper application therefor, which shall specify the nationality to which the quota
11 number is assigned, the immigrant's particular status in such country, the
12 preference to which the foreign national is classified, the date on which the validity
13 of the visa shall expire, and such additional information as may be required; and
14

15 (b) The Department of Foreign Affairs, through its Consular Office abroad and/or the
16 Office of the Visa Director, shall approve the issuance of non-quota immigrant and
17 non-immigrant visas to a foreign national who has made a proper application
18 therefor.
19

20 The issuance of special non-immigrant visas falling under the jurisdiction of a particular
21 government office or agency can only be done in coordination with and upon
22 recommendation of the government agency or office concerned.
23

24 **SEC. 50. *Requirements for Physical and Mental Examination Prior to Issuance of***
25 ***Immigrant Visa.*** – Prior to the issuance of an immigrant visa to any foreign national, the
26 Consular Officer shall require such person to submit to a physical and mental
27 examination in accordance with such regulations as may be prescribed by the
28 Commissioner.
29

30 **SEC. 51. *Visa Validity Period.*** – A single-entry non-immigrant or immigrant visa issued
31 by a Consular Officer abroad pursuant to Section 41 of this Act shall be valid for a period
32 not exceeding three (3) months: *Provided, That, in prescribing the validity period of a*
33 *single-entry non-immigrant visa, the Immigration Attaché may allow a longer validity*
34 *period based on reciprocity as accorded by the foreign country to citizens of the*
35 *Philippines who are within a similar class.*
36

37 An immigrant visa may be replaced under the original number during the calendar year
38 in which the original visa was issued to a foreign national who establishes to the
39 satisfaction of the Immigration Attaché that the original immigrant visa was not used
40 during the period of its validity for reasons beyond the visa holder's control: *Provided,*
41 *That, the foreign national is found by the Immigration Attaché to be eligible for another*
42 *immigrant visa and has paid all the fees.*
43

44 **SEC. 52. *Denial of Visa; Grounds.*** – The Consular Officer may deny the application for
45 visa (a) if it appears from the statements in the application or in the documents submitted
46 the applicant is not eligible for a visa under this Act; or (b) if the applicant fails to comply
47 with the requirements of the provisions of this Act.
48

49 **SEC. 53. *Revocation of Visa Issued by Consular Officer.*** – The Commissioner may, for
50 valid cause and upon confirmation by the Department of Foreign Affairs, revoke a visa
51 issued by any Consular Officer. If the notice of revocation is not received and the visa
52 holder applies for admission into the Philippines, the admission or entry of the foreign
53 national shall be determined by the Immigration Officer upon arrival at the port of entry.

1 Chapter 8
2 Re-Entry and Emigration Clearance
3

4 **SEC. 54. *Re-entry.*** – In all instances when a registered foreign national, except a
5 temporary visitor, departs or is about to depart temporarily from the Philippines with
6 the intention to return within one (1) year from departure, the foreign national must
7 secure a re-entry permit or, if the authorized stay is less than one (1) year, a Special Return
8 Certificate, and pay the corresponding fees and charges therefor.
9

10 **SEC. 55. *Emigration Clearance.*** – A registered foreign national who departs permanently
11 from the Philippines shall surrender all Philippine immigration documents and apply for
12 and be issued an Emigration Clearance Certificate, subject to the following conditions:
13

- 14 (a) The immigrant has no pending obligation with the government or any of its
15 agencies or instrumentalities;
16
17 (b) The immigrant has no pending criminal, civil, or administrative proceeding which
18 requires continued presence in the country; and
19
20 (c) There is no ongoing legislative inquiry where the immigrant is called upon to
21 testify as a witness.
22

23 A temporary visitor departing from the Philippines shall, after the expiration of the initial
24 authorized stay, apply for emigration clearance and pay the prescribed fees and charges
25 therefor.
26

27 Chapter 9
28 Presidential Prerogatives
29

30
31 **SEC. 56. *Presidential Prerogatives.*** – Any provision of this Act to the contrary
32 notwithstanding, the President may:
33

- 34 (a) Deny the entry and admission into the Philippines of, or impose such restrictions
35 as may be deemed appropriate on, any foreign national or a class of foreign
36 nationals, whenever the President finds that such entry would be detrimental to
37 the interest of the Philippines;
38
39 (b) Waive passport or documentary requirements for non-immigrants and
40 immigrants under such terms and conditions as may be prescribed;
41
42 (c) Change the status of non-immigrants by allowing them to acquire permanent
43 residence status without necessity of a visa;
44
45 (d) Deport any foreign national, subject to the requirement of due process;
46
47 (e) Admit non-immigrants not otherwise provided for in this Act for humanitarian
48 considerations and when not detrimental to public interest, under such terms and
49 conditions as he or she may prescribe;
50
51 (f) Prohibit the departure from the Philippines of any person who is likely to disclose
52 information affecting national security, or who is likely to organize a rebellion

abroad against the Philippines, or whose presence in the country is necessary to face, or be a witness in, criminal proceedings; and

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

TITLE IV
PROVISIONS RELATING TO ENTRY

Chapter 1

Classification of Ports of Entry

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

Chapter 2

Procedures on Arrival

SEC. 58. *Inspection by Immigration Officer.* – A foreign national seeking admission or readmission shall present a valid passport and visa, if required, to the Immigration Officer at the port of entry and shall be subject to primary inspection. The decision of the examining Immigration Officer, if favorable to the admission of any foreigner, may be challenged by another Immigration Officer on any ground provided in this Act. The final determination on the admissibility of such foreign national shall be determined by the Commissioner 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. 59. *Detention or Quarantine for Examination.* – For the purpose of determining whether a foreign national arriving at any port in the Philippines belongs to any of the classes excludable under this Act by reason of being afflicted with any of the contagious or communicable disease or mental disorder as set forth under Section 69 (a) of this Act or whenever the Commissioner has received information showing that foreigners 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 officers and medical officers to subject such person to observation and examination.

SEC. 60. *Medical Examination Requirement.* – Any arriving foreign national whom the examining Immigration Officer believes to belong under the class of excludable foreign nationals specified in Section 69 (a) of this Act shall be referred to designated medical officers for physical and mental examination. Such medical officer shall certify the findings of the examination for the information of the Immigration Officer.

SEC. 61. *Arrival Notice Requirements of Vessel.* – The immigration authorities shall be given prior notice of the arrival of any civilian vessel before such vessel comes into any

1 area in the Philippines from any place outside thereof. Such prior notice shall not be
2 required in the case of vessels with scheduled arrivals filed with the Immigration Officer
3 in charge at the international port of entry.

4
5 If, upon arrival in any area other than the designated port and there is no available
6 Immigration Officer therein, the master, pilot, captain, agent or consignee shall not allow
7 the passengers and crew members to disembark or leave the primary inspection area until
8 the Immigration Officer shall have conducted the primary inspection formalities.

9
10 **SEC. 62. *Contents of Notice of Arrival.*** – The advance notice of arrival required in the
11 preceding section shall specify the following:

12
13 (a) Type of vessel and registration marks;

14
15 (b) Duly visaed crewlist;

16
17 (c) Passenger manifest;

18
19 (d) Port of last departure;

20
21 (e) International port of intended destination, or other place authorized by the
22 Commissioner;

23
24 (f) Estimated time of arrival; and

25
26 (g) Authorized agent or representative at the place of arrival.

27
28
29 **Chapter 3**
30 **Foreign Crewmember**
31

32 **SEC. 63. *Conditional Permit to Disembark.*** – A foreign crewmember of a vessel under
33 Section 43 of this Act may be granted a conditional permit, in a form prescribed by
34 regulations, to disembark temporarily from the vessel on which such crewmember
35 arrived while the vessel remains in port under such terms and conditions as may be
36 prescribed by the Commissioner.

37
38 **SEC. 63. *Confiscation and Cancellation of Permit; Deportation from the Philippines.*** –
39 Upon the determination that the foreign national is not a bona fide crewmember or does
40 not intend to depart on the vessel that brought him, the Commissioner shall cancel and
41 confiscate the conditional permit already issued, take such foreign national into custody,
42 and require the owner, operator, captain, master, pilot, agent or consignee of the vessel
43 on which the foreigner arrived to receive and detain the foreigner on board. The expenses
44 for removal of the foreign national, including the cost of detention and other expenses
45 incidental thereto, shall be borne by the owner, operator, captain, master, pilot, agent or
46 consignee of such vessel.

47
48 **SEC. 64. *Liability for Overstaying Foreign Crewmen.*** – A foreign crewmember who
49 remains in the Philippines in excess of the period allowed in the conditional permit issued
50 shall be solidarily liable with the owner, operator, captain, master, pilot, agent or
51 consignee of the vessel to pay the penalties prescribed in Section 111 of this Act.
52

1 **SEC. 65. *Liability for Unauthorized Discharge of Foreign Crewmember.*** — It shall be
2 unlawful for any person, including the owner, operator, captain, master, pilot, agent or
3 consignee of any vessel to discharge any foreign crewmember employed by a vessel
4 arriving in the Philippines and while in port, without first obtaining the prior permission
5 of the Commissioner. Otherwise, such person or owner, operator, captain, master, pilot,
6 agent or consignee of the vessel shall pay such fines as may be prescribed under this Act.
7 No vessel shall be granted clearance from any port in the Philippines while such fines
8 remain unpaid or while the validity thereof is being determined: *Provided, That, a*
9 *clearance may be granted prior to such determination upon deposit of a sum or cash bond*
10 *sufficient to cover such fines as approved by the Commissioner.*

11
12 **SEC. 66. *Duty to Report Desertion or Illegal Landing of Foreign Crewmember.*** — The
13 owner, operator, captain, master, pilot, agent, or consignee of any vessel shall
14 immediately report, in writing, to the Immigration Officer all cases of desertion or illegal
15 disembarkation in the Philippines from the vessel, together with a description of such
16 foreign nationals and any information that shall result in their apprehension.

17
18 **SEC. 67. *Requirement for Submission of List of Newly Employed, Discharged and***
19 ***Illegally Landed Foreign Crewmember.*** — Prior to the departure of any vessel from the
20 last port in the Philippines destined to any place outside thereof, the owner, operator,
21 captain, master, pilot, agent or consignee thereof shall deliver to the Immigration Officer
22 at that port a list containing:

- 23
24 (a) The names of crewmembers who were not employed thereon at the time of the
25 vessel's arrival on such port but will depart thereat on the same vessel;
26
27 (b) The names of those who have been discharged, if any;
28
29 (c) The names of those who have deserted or illegally landed at that port, if any; and
30
31 (d) Such other additional information as the Commissioner deems necessary.
32

33 **SEC. 68. *Liability for Failure to Submit Complete, True and Correct Report.*** — The
34 owner, operator, captain, master, pilot, agent, or consignee who fails to submit a true and
35 complete list or report of foreign nationals or to report cases of desertion or illegal landing
36 shall pay such sum as may be prescribed under this Act. No vessel shall be granted
37 clearance from any port in the Philippines while such fines remain unpaid or while the
38 validity thereof is being determined: *Provided, That, clearance may be granted prior to*
39 *such determination upon deposit of a sum or cash bond sufficient to cover such fines as*
40 *approved by the Commissioner.*

41
42
43 **Chapter 4**
44 **Exclusions**
45

46 **SEC. 69. *Exclusion Grounds.*** — The following classes of foreign national shall not be
47 allowed entry and shall be excluded from the Philippines:

48
49 **(a) Health Related Grounds**
50

- 51 1. Those who are found to be suffering from a communicable, dangerous or
52 contagious disease, unless excepted under existing laws, rules and regulations;
53

2. Those who are found to be suffering from mental disorder or associated behavior that may pose a threat to persons or danger to property; or
3. Those who are found to be suffering from addiction to prohibited or regulated substance;

(b) Economic Grounds

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

(c) Moral Grounds

1. Those coming to the Philippines to practice polygamy or who advocate the practice of polygamy unless the person's religion allows such practices;
2. Those who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes;
3. Those who are engaged or who seek to engage in prostitution or to procure or attempt to procure prostitutes, or who receives in whole or in part the proceeds of prostitution; or
4. Those who, at the time of primary inspection, by the Immigration Officer exhibit any obnoxious behavior, contempt or disrespect for the said personnel or any government official or employee;

(d) Criminal and Security Grounds

1. Those who have been convicted of a crime involving moral turpitude or who admit to the Immigration Officer 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;
 8. Those who are under fifteen (15) years of age and unaccompanied by or not coming to a parent, except that they may be admitted at the discretion of the Commissioner, if otherwise admissible: *Provided, That, they present a written consent to travel from either parent citing the purpose thereof and affirmed by a Consular Officer; and*
 9. Those who have been identified by competent authorities, local and foreign, as having engaged or are engaging in importation of contrabands and other prohibited articles into the country.

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

SEC. 71. *Finality of Exclusion Order.* – An order by the Immigration Officer to exclude a foreign national who is excludable under this Act is final and executory unless revoked by the Commissioner upon a timely appeal prior to the implementation of the exclusion order.

SEC. 72. *Authority to Waive Grounds for Exclusion.* – Except for grounds of exclusion under Section 69 (d), subparagraphs 1 to 7 and 9, the Commissioner may waive any of the grounds for exclusion mentioned in Section 69 of this Act.

SEC. 73. *Procedure of Removal and Cost Thereof.* – Foreign nationals arriving in the Philippines who are ordered excluded shall be immediately removed in the same accommodation to the country where they boarded the vessel on which they arrived, unless the Commissioner determines that immediate removal is not proper and practicable, in which case such excluded foreign nationals shall be ordered detained. The cost of detention and other expenses incidental thereto shall be borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel on which such foreigners arrived.

1
2 **SEC. 74. *Country Where Removal is to be Directed.*** — If the government of the country
3 designated in the preceding section will not accept the foreign national into its territory,
4 the removal of the foreign national shall be directed, at the Commissioner's discretion
5 and without necessarily giving preference, either to:

- 6
7 (a) The country which the excluded foreigner is a citizen or national;
8
9 (b) The country of birth;
10
11 (c) The country of the foreign national's habitual residence; or
12
13 (d) The country willing to accept the foreign national into its territory, if removal to
14 any of the foregoing countries is impractical or impossible.
15

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

- 19
20 (a) Board a foreign national ordered excluded and removed in the same vessel or
21 another vessel owned or operated by the same company;
22
23 (b) Detain a foreign national on board any such vessel at the port of arrival when
24 required by this Act or when so ordered by an Immigration Officer;
25
26 (c) Deliver a foreign national for medical or other examinations when so ordered by
27 an Immigration Officer;
28
29 (d) Remove a foreign national from the Philippines to the country to which the
30 individual's removal has been directed; or
31
32 (e) Pay the cost of detention and other expenses incidental thereto incurred while the
33 excluded foreign national is being detained as required by Section 73 of this Act
34 or other costs necessary or incidental to his removal as provided in this Act.
35

36 **SEC. 76. *Penalty for Non-compliance of Obligation.*** — The owner, operator, master,
37 captain, pilot, agent, or consignee of a vessel who violates Section 75 of this Act shall pay
38 the fines prescribed in this Act. No vessel shall be granted clearance from any port in the
39 Philippines while such fines remain unpaid or while the validity thereof is being
40 determined: Provided, That, clearance may be granted prior to such determination upon
41 deposit of a sum or cash bond sufficient to cover such fines as approved by the
42 Commissioner.
43
44

45 **TITLE V**
46 **DEPORTATION**

47
48 **Chapter 1**
49 **Deportable Foreign Nationals**
50

51 **SEC. 77. *Classes of Deportable Foreign Nationals.*** — The following foreign nationals shall
52 be taken into custody upon the order of the Commissioner and deported upon
53 recommendation by the Board of Special Inquiry and its approval by the Board:

- 1
2 (a) Those who entered the Philippines: (1) by means of misrepresentations or false or
3 misleading statements or documents, or (2) without inspection and admission by
4 the immigration authorities;
5
6 (b) Those who entered the Philippines who were not lawfully admissible at the time
7 of entry;
8
9 (c) Those who abet or aid in the practice of prostitution, including the owner or
10 manager of a prostitution den, or who are pedophiles;
11
12 (d) Those who, at any time after the date of entry, have become a public charge;
13
14 (e) Those who remain in the Philippines in violation of any period of limitation or
15 condition under which they were admitted;
16
17 (f) Those who believe in, advise, advocate or teach the overthrowing by force and
18 violence the Government of the Republic of the Philippines or any duly
19 constituted authority, or those who do not believe in or are opposed to organized
20 governments, or those who advise, advocate or teach the assault or assassination
21 of public officials, or those who advise, advocate or teach the unlawful destruction
22 of property, or those who are members of or affiliated with any organization
23 entertaining, advocating or teaching such doctrines, or those who in any manner
24 whatsoever extend assistance, financial or otherwise, in the dissemination of such
25 doctrines;
26
27 (g) Those who, at any time after entry, engage in, abet, aid or finance any terrorist
28 activity;
29
30 (h) Those who, at any time after entry, are charged of a crime involving acts or
31 omissions punishable under Philippine penal laws cognizable by the Regional
32 Trial Courts and the *Sandiganbayan*;
33
34 (i) Those who, at any time after entry, are convicted by final judgment of a crime
35 involving moral turpitude punishable under Philippine penal laws;
36
37 (j) Those who were admitted as non-immigrants and who obtained an adjustment of
38 their admission status for convenience, or through fraud, falsification of
39 documents, misrepresentations or concealment of material facts;
40
41 (k) Those who violated Philippine labor and taxation laws, rules and regulations;
42
43 (l) Those who are found to be undesirable and whose further stay in the Philippines
44 is inimical to public welfare and interest, or the dignity of the Filipinos, or the
45 Republic of the Philippines as a sovereign nation;
46
47 (m) Those who forge, counterfeit, alter or falsely make any document; or use,
48 attempt to use, possess, obtain, accept or receive or provide any forged,
49 counterfeit, altered or falsely made document; or use, attempt to use, provide,
50 attempt to provide, accept or receive a genuine document, even of another person,
51 without authority to do so for the purpose of satisfying or complying with the
52 requirements of the Commission;
53

- 1 (n) Those whose presence or activities in the country may result in adverse
2 consequences to Philippine foreign policies as determined by the Secretary of the
3 Department of Foreign Affairs;
4
5 (o) Those who misrepresented themselves as Filipino citizens in all immigration
6 matters; and,
7
8 (p) Those who commit any violation of the provisions of this Act, independent of any
9 criminal action which may be brought against them: *Provided, That*, in case of a
10 foreign national who, for any reason, is convicted and sentenced to suffer both
11 imprisonment and deportation, said foreign national shall first serve the entire
12 period of the sentence before being deported.
13

14 The following cases shall be subject to summary proceedings in accordance with the rules
15 and regulations issued by the Board:
16

- 17 (a) Overstaying foreigners;
18
19 (b) Undocumented foreigners;
20
21 (c) Foreign fugitives from justice; and
22
23 (d) Foreigners who have fully served the sentence for crimes involving moral
24 turpitude.
25

26 **SEC. 78. *Non-Prescription of Deportation Cases.*** – The right of the State to initiate at any
27 time deportation proceedings shall not prescribe.
28

29 **SEC. 79. *Nature of Deportation Proceedings.*** – Deportation proceedings shall be
30 independent of any action that may be instituted against a foreign national: *Provided*,
31 That, no deportation orders shall be issued against foreign nationals facing preliminary
32 investigation, prosecution and trial before competent authorities.
33

34 35 Chapter 2 36 Deportation of Foreign Nationals 37

38 **SEC. 80. *Formal Charge of Deportation.*** – A formal charge for deportation shall be issued
39 upon determination of the existence of a *prima facie* case against the foreign national.
40

41 **SEC. 81. *Bail.*** – Pending final determination of the foreign national's deportation case,
42 the foreign national shall, upon the discretion of the Commissioner: (a) remain under
43 detention; or (b) be released on bail or recognizance. The bail may be revoked and
44 confiscated in favor of the government if there is sufficient evidence that the foreign
45 national is evading the proceedings or is attempting to abscond, in which case such
46 foreign national shall be taken into custody and placed under detention by order of the
47 Commissioner.
48

49 **SEC. 82. *Custody of a Foreign National Convicted of a Felony or an Offense.*** – After
50 service of the sentence or compliance with the conditions of parole or probation, as the
51 case may be, the foreign national shall be taken into custody for immediate deportation
52 by order of the Board.
53

1 **SEC. 83. *Voluntary Deportation, When Authorized.*** – In case the foreign national does
2 not contest the formal charge and opts to voluntarily leave the country at the own expense
3 of the foreign national, the Commissioner may waive the deportation proceedings and
4 order the departure of the foreign national within the period specified in the voluntary
5 deportation order: *Provided, That, the foreign national has not committed any criminal*
6 *offense or has no pending criminal investigation: Provided, further, That, the said foreign*
7 *national so deported shall be barred from re-entering the country without prior written*
8 *authorization from the Commissioner.*

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

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

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

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

38 **SEC. 87. *Country of Destination of a Deportee.*** – Except as provided for under an
39 existing treaty or international agreement, a foreign national shall be deported to the
40 country of which the person is a citizen or national, or to the country of birth of the
41 individual, or to the country of which the individual is a resident, or to the country from
42 which the individual embarked for the Philippines, subject to the acceptance by the
43 receiving country.

45 **SEC. 88. *Cost of Deportation.*** – The cost of deportation shall be borne by the owner,
46 operator, captain, master, pilot, agent or consignee of a vessel in case its foreign
47 crewmember is to be deported under Section 85 of this Act. In all other cases, the cost of
48 deportation shall be borne either by the deportee, by the concerned consular office,
49 nongovernment organizations or people's organizations with which the Commission has
50 an agreement on this matter, or from the appropriations for the enforcement of this Act.

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

1 or consignee of a vessel to take on board, guard safely and transport the deportee to the
2 foreign national's country of destination, or to shoulder the cost of deportation of the
3 foreign crew member as provided in the preceding Section, shall be punished by an
4 administrative penalty prescribed under Section 111 of this Act.

5
6 **SEC. 90. Expenses of Accompanying Person.** – The Commissioner may, for security
7 reason or by reason of the mental or physical condition of the deportee, direct an
8 employee of the Commission to accompany such deportee to the country of the
9 deportee's destination, subject to the provisions of Section 87 of this Act.

10
11
12 **Chapter 3**
13 **Indigent Foreign National**
14

15 **SEC. 91. Removal of Indigent Foreign National.** – At any time after entry, the
16 Commissioner may remove indigent foreign nationals from the Philippines to the
17 country of which they are citizens or nationals, their country of birth, or their country of
18 residence, as the case may be. The cost of deportation may be charged against the
19 available funds of the Commission. Any foreign national removed under this section
20 shall be barred re-admission except upon written authorization of the Board of
21 Commissioners.

22
23 This provision shall not apply to a foreign national declared as an indigent by any
24 Philippine court for purposes of filing a case or to pursue an action which resulted in the
25 individual's indigency until such case or action is resolved with finality: *Provided, That,*
26 no other grounds for deportation exist during the pendency of such case or action.

27
28
29 **TITLE VI**
30 **MISCELLANEOUS PROVISIONS**
31

32 **Chapter 1**
33 **Registration of Foreign Nationals**
34

35 **SEC. 92. Requirement of Registration.** – All foreign nationals shall register with the
36 Commission or any Immigration Office nearest to their place of residence on or before
37 the sixtieth (60th) day of their latest arrival in the Philippines.

38
39 **SEC. 93. Registration Form and Oath.** – Applications for registration shall be under oath
40 and in such form as prescribed by the Office. Upon registration, a certificate of
41 registration shall be issued to the registrant. In case of loss or destruction of the certificate,
42 a replacement certificate may be issued upon proper application and payment of
43 prescribed fees.

44
45 **SEC. 94. Amendment of Registration.** – A registered foreign national shall notify the
46 Commission in writing of any change of information in the person's registration
47 documents not later than seven (7) days from such change.

48
49 **SEC. 95. Presentation of Certificate of Registration.** – Every foreign national required
50 to register under this Act or the parent or guardian of such foreign national shall, upon
51 demand by any personnel authorized by the Commissioner, present a certificate of
52 registration of such individual, and failure to do so without justifiable cause shall be dealt
53 with in accordance with the provisions of this Act.

1
2 **SEC. 96. Reportorial Requirements.** — Every foreign national registered under this Act
3 shall, within the first sixty (60) days of every calendar year, report in person to the
4 Commission. The Commissioner may exempt personal appearance of foreign nationals
5 registered under this Act subject to certain requirements and conditions as may be
6 prescribed in the rules and regulations issued for the purpose.
7

8 **SEC. 97. Failure to Comply with Requirements.** — A foreign national, or the parent or
9 guardian of the foreign national, who, without justifiable reason, fails to comply with all
10 the requirements under this Act, or who files an application for registration containing
11 statements known by the individual to be false, or who utilizes registration documents
12 other than that of the individual, shall be dealt with in accordance with the provisions of
13 this Act and other existing laws.
14

15 **SEC. 98. Cancellation of Registration of Foreign National.** — In case of death of a foreign
16 national registered under the provisions of this Act, the legal heir, representative or
17 administrator of the foreign national must inform the Commission within sixty (60) days
18 from such death, and the Office shall cancel the registration of the deceased foreign
19 national. The Local Civil Registrar or other civil registry officer of the locality where said
20 foreign national died shall furnish the Commission with a copy of the Certificate of Death
21 within thirty (30) days from issuance thereof. Failure on the part of the persons concerned
22 to comply with the requirements specified in this section shall be dealt with pursuant to
23 the provisions of existing laws.
24
25

26 **Chapter 2**

27 **Bonds and Deposits**

28

29 **SEC. 99. Bonds, When Required.** — The Commission shall have the authority to require
30 cash bonds in such amounts and under such conditions as it may prescribe:
31

- 32 (a) To control and regulate the admission into, and departure from, the Philippines of
33 foreign nationals applying for temporary admission;
34
35 (b) To insure against foreign passengers liable to be excluded as likely to become
36 public charges; and
37
38 (c) To ensure the appearance of foreign nationals released from custody during the
39 course of deportation proceedings instituted against them.
40

41 **SEC. 100. Cancellation and Forfeiture of Bonds.** — When the conditions of the bond are
42 fulfilled, or in case of a bond posted to insure against a foreign national becoming a public
43 charge under Section 69 (b) when the Commissioner decides that the likelihood no longer
44 exists, or in case of death of the foreign national in whose behalf the bond is posted, the
45 bond shall be cancelled and released to the depositor or the legal representative of the
46 foreign national. In case of violation of the conditions of the bond, the same shall be
47 forfeited and deposited in a trust fund account which may be utilized for the purchase of
48 passage tickets for the removal of indigent foreign nationals and to cover the costs of
49 operations in locating deportees who jump bail.
50
51
52
53

1 Chapter 3
2 Recognizance
3

4 **SEC. 101. *Petitions for Recognizance, Sanction for Breach of Conditions.*** – The
5 Commissioner may order the release of a foreign national upon recognizance of the
6 foreigner’s lawyer or a person who is of good standing in the community, under such
7 terms and conditions as the Commissioner may prescribe. Failure to comply with the
8 terms and conditions of the recognizance shall subject said lawyer or person to a fine of
9 not less than Fifty Thousand Pesos (₱50,000.00) but not more than One Hundred
10 Thousand Pesos (₱100,000.00), without prejudice to other administrative sanctions or
11 proceedings against the erring party.
12
13

14 Chapter 4
15 Cooperation and Coordination with Other Offices
16

17 **SEC. 102. *Working Cooperation with the Department of Foreign Affairs.*** – For purposes
18 of efficient implementation and administration of this Act, the Commission shall
19 maintain a working cooperation with the Department of Foreign Affairs.
20

21 **SEC. 103. *Working Cooperation with the Commission on Higher Education.*** – The
22 Commission shall maintain a working cooperation with the Commission on Higher
23 Education with respect to the accreditation of schools and learning centers for enrollment
24 of foreign students as authorized under this Act.
25

26 **SEC. 104. *Working Cooperation with the Civil Aviation Authority of the Philippines.*** –
27 The Commission shall maintain a working cooperation with the Civil Aviation Authority
28 of the Philippines (CAAP) with respect to accreditation of flying schools for the
29 enrollment of foreign students.
30

31 **SEC. 105. *Coordination with Law Enforcement, Security and Other Offices.*** – The
32 Commissioner shall have the authority to maintain coordination with the National
33 Security Council, the Philippine National Police, and other law enforcement agencies of
34 the government.
35
36

37 Chapter 5
38 Fees and Charges
39

40 **SEC. 106. *Authority of the Commissioner to Prescribe, Impose and Collect Fees and***
41 ***Charges.*** – The Commissioner is authorized to prescribe, impose and collect fees and
42 charges for services rendered pursuant to the provisions of this Act.
43

44 **SEC. 107. *Retention and Use of Income.*** – For a more effective implementation of this Act,
45 the Commission shall be authorized to retain and, subject to the approval of the President,
46 use thirty percent (30%) of collection of its annual collections from express lane fees and
47 charges to augment the salaries of the Commission’s employees who render services
48 beyond regular office hours and to establish a Provident Fund for the benefit of the
49 Commission’s employees. The Department of Budget and Management and the
50 Department of Justice shall, upon approval of the President, jointly issue the necessary
51 guidelines to implement this section.
52

Chapter 6
Administrative Fines against Vessels

SEC. 108. *Fine for Failure to Submit Crew List or Passenger Manifest, or Failure to Account Every Passenger and Crew.* — Any owner, operator, master, captain, pilot, agent, or consignee of a vessel arriving at any port in the Philippines from a place outside thereof who fails to submit to the immigration authorities a complete and accurate crew list or passenger manifest, or fails to produce or account every crewmember or passenger whose name appears in said list or manifest shall be subject to fines of One Hundred Thousand Pesos (₱100,000.00) and Fifty Thousand Pesos (₱50,000.00) for each unaccounted person, respectively.

SEC. 109. *Fine for Violation of Obligation on the Landing or Removal of Foreign Nationals.* — Any owner, operator, master, captain, pilot, agent, or consignee of any vessel arriving at a port of the Philippines from a place outside thereof having a foreign national on board in violation of this Act shall be fined not less than Fifty Thousand Pesos (₱50,000.00) but not more than Two Hundred Thousand Pesos (₱200,000.00) for each act or violation consisting of:

- (a) Failure to prevent the landing of such foreign national in the Philippines at any time or place other than as designated by the Immigration Officer;
- (b) Refusal or failure to pay the cost of maintenance and other costs, as required by this Act, of such foreign national when temporarily removed from the vessels for examination by order of the Immigration Officer;
- (c) Refusal or failure to deliver a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by an Immigration Officer;
- (d) Refusal or failure to pay the cost of maintenance and other costs, as required by this Act, of such foreign national when temporarily removed from the vessels for examination by order of the Immigration Officer;
- (e) Refusal to receive such foreign national on board for removal from the Philippines if the foreign national is excluded, or to pay the cost of removal as required under Section 73 and 88 of this Act;
- (f) Refusal or failure to take on board, guard safely and transport the deportee to the foreign national's country of destination, or to shoulder the cost of deportation of the foreign crew member; or
- (g) Making any charge against such foreign national for the cost referred to in (b) above, or for the cost of the removal of the foreign national from the Philippines if the latter is excluded, or taking any security from the foreign national for the payment of any such costs.

SEC. 110. *Fine for Bringing Undocumented Foreign National, or Foreign National Afflicted with Communicable or Contagious Disease, or Suffering from Mental Disorder.* — The owner, operator, master, captain, pilot, agent, or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board an undocumented foreign national shall be fined One Hundred Thousand Pesos (₱100,000.00) for each foreign national. If the foreign national is afflicted with a

1 communicable or contagious disease or is suffering from mental disorder, the fine shall
2 be not less than Two Hundred Thousand Pesos (₱200,000.00) but not more than Three
3 Hundred Thousand Pesos (₱300,000.00) for each foreign national.

4
5 **SEC. 111. *Fine for Bringing a Foreign National to Assist His Illegal Entry or***
6 ***Misrepresenting a Foreign National as a Member of the Crew.*** — The owner, operator,
7 master, captain, pilot, agent, or consignee of the vessel arriving at any port in the
8 Philippines from a place outside thereof bringing on board a foreign national bound for
9 the Philippines to assist the illegal entry of the foreign national, or misrepresenting the
10 foreign national to the Immigration Officer at the port of arrival as a bona fide member
11 of the crew, shall be fined not less than One Hundred Thousand Pesos (₱100,000.00) but
12 not more than Two Hundred Thousand Pesos (₱200,000.00) for each foreign national.

13
14 **SEC. 112. *Fine for an Overstaying Crewmember.*** — Any foreign crewmember who
15 willfully remains in the Philippines beyond the period allowed for temporary landing
16 shall be fined not less than Fifty Thousand Pesos (₱50,000.00) but not more than One
17 Hundred Thousand Pesos (₱100,000.00). The owner, operator, master, captain, pilot,
18 agent, or consignee of the vessel shall be solidarily liable for the fine imposed on such
19 overstaying crewmember.

20 21 22 **Chapter 7** 23 **Other Penal Provisions** 24

25 **SEC. 113. *Other Prohibited Acts and Penalties.*** – Any person who shall commit any of
26 the acts specified hereunder shall, upon conviction, suffer the penalty of imprisonment
27 for not less than five (5) years but not more than ten (10) years, or a fine of not less than
28 One Hundred Thousand Pesos (₱100,000.00) but not more than Five Hundred Thousand
29 Pesos (₱500,000.00), or both imprisonment and fine, at the discretion of the court:

- 30
31 (a) Impersonating another individual, or falsely appearing in the name of a deceased
32 individual, or evading immigration laws by using an assumed or fictitious name
33 when applying for an immigration document;
34
35 (b) Issuing or otherwise disposing of an immigration document or an immigration-
36 accountable form to any person not authorized by law to receive such documents;
37
38 (c) Obtaining, manufacturing, printing, accepting or using any immigration or travel
39 document knowing it to be false, or using an immigration accountable form that
40 is not legally issued;
41
42 (d) Entering the Philippines without inspection and admission by the immigration
43 authorities, or obtaining entry into the Philippines through fraud,
44 misrepresentation, or concealment of material facts;
45
46 (e) Misrepresenting oneself to be a citizen of the Philippines;
47
48 (f) Knowingly making any false statement under oath regarding any immigration
49 matter; or
50
51 (g) Bringing into, or landing in the Philippines, or concealing, harboring, employing,
52 or giving comfort to, any person not duly admitted by an Immigration Officer or

1 not lawfully entitled to enter into or reside within the Philippines, or attempting,
2 conspiring with, or aiding another to commit any such acts.
3

4 Where the offender of any acts specified in paragraph (g) of this section is a corporation,
5 partnership or other juridical entity, the president, general manager, managing partner,
6 or chief executive officer thereof shall be held liable. Dismissal of the employee by the
7 employer before or after apprehension shall not relieve such employer from any liability
8 arising from the offense: *Provided, That*, if the offender is the owner, operator, master,
9 captain, pilot, agent, or consignee, or other person in charge of the vessel that brought the
10 foreign national into the Philippines from any place outside thereof, the fine imposed
11 under this section shall constitute a lien against the vessel which may be enforced in the
12 same manner as fines are collected and enforced under existing laws. Such vessel shall
13 not be allowed to depart without prior clearance issued by the Commission. Where
14 forfeiture is justified under the particular circumstances of the case, the forfeiture of the
15 vessel in favor of the government in lieu of the fine shall be decreed.
16

17 Conviction by final judgment of any offense punishable under this Act or other related
18 laws shall result in the automatic revocation or cancellation of any immigration
19 document issued to the offender, including that of the foreign national's spouse and
20 unmarried children, if applicable.
21

22 **SEC. 114. *Penalty for Aiding the Escape of Detained Foreign National.*** – Any person
23 who shall be found to have helped, assisted, supported, caused or ministered the escape,
24 including harbouring and concealing, of a detained foreign national shall, upon
25 conviction, be imprisoned for not less than five (5) years but not more than ten (10) years
26 and a fine of not less than Two Hundred Thousand Pesos (₱200,000.00): *Provided, That*, if
27 the person liable is a foreign national, such person shall be deported after service of
28 sentence: *Provided, further, That*, any tool, equipment, implement or vehicle used in the
29 escape of a detained foreign national shall be destroyed or forfeited in favor of the
30 government.
31

32 **SEC. 115. *Penalty for Non-compliance of Subpoena.*** – Any person who, having been
33 duly served with a *subpoena*, fails to comply without valid and justifiable reasons shall
34 suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of not more
35 than One Thousand Pesos (₱1,000.00), or both, at the discretion of the court.
36

37 **SEC. 116. *Imposition of Maximum Penalty, When Applicable.*** – A person convicted
38 under Republic Act No. 3019, as amended, otherwise known as the "*Anti-Graft and*
39 *Corrupt Practices Act*," or other laws against corruption and bribery in relation to any
40 violation or circumvention of any provision of this Act shall, upon conviction, suffer the
41 maximum penalty for such offense.
42
43

44 Chapter 8 45 Transitory Provisions 46

47 **SEC. 117. *Interim Period.*** – The incumbent Commissioner and the two Deputy
48 Commissioners, if qualified under this Act, shall continue to discharge the functions of
49 their position unless otherwise removed by the President. All personnel of the present
50 Immigration shall continue to discharge the functions of their position pending the
51 reorganization as provided in this Act. Qualified Personnel with training or experience
52 shall be recruited or appointed to fill up vacant positions for proper implementation of
53 this Act.

1
2 **SEC. 118. *Reorganization.*** — Upon approval of this Act, all employees of the Bureau of
3 Immigration covered by the civil service law and regulations shall continue to hold
4 their present positions pending the reorganization of the Commission in accordance
5 with the new staffing pattern: *Provided, That,* the salaries, wages, allowances and other
6 benefits of incumbent officers and employees of the Commission shall not be subject to
7 diminution: *Provided, further, That,* employees who have been dismissed for cause shall
8 no longer qualify for any position in the Commission.
9

10 To carry out the provisions of this Act, the Commissioner shall submit a new staffing
11 pattern and salary schedule for personnel services to the Secretary of the Department of
12 Budget and Management taking into account the Salary Standardization Law and other
13 applicable laws under the National Compensation and Classification Plan.
14

15 **SEC. 119. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities and***
16 ***Obligations to the Commission.*** — All buildings, properties, equipment, facilities,
17 accounts, other assets, liabilities and other obligations as well as records of the Bureau of
18 Immigration shall be properly inventoried and transferred to the Commission.
19

20 **SEC. 120. *Treaty or Agreement.*** — Any treaty or agreement entered into between the
21 Philippines and any foreign state before the effectivity of this Act shall remain in force
22 and effect.
23

24 **SEC. 121. *Pending Cases.*** — Any prosecution, suit, action, proceeding, or any act or
25 matter, civil or criminal, pending at the time of the effectivity of this Act shall not be
26 affected by any of the provisions of this Act unless otherwise explicitly stated herein.
27
28

29 Chapter 9 30 Administration and Implementation 31

32 **SEC. 122. *Administration and Implementation Abroad.*** — The administration and
33 implementation of this Act abroad, including the rules and regulations, and specific visa
34 policies or guidelines, shall be the responsibility of the Department of Foreign Affairs,
35 with due notice to the Commission and other concerned agencies and offices.
36

37 **SEC. 123. *Implementing Rules and Regulations.*** — The Commission, in coordination
38 with the Department of Budget and Management, shall promulgate the rules and
39 regulations for the effective implementation of this Act within sixty (60) days from its
40 effectivity.
41

42 **SEC. 124. *Appropriations.*** — The amount necessary to cover the initial implementation of
43 this Act shall be charged against the current year's appropriation of the Bureau of
44 Immigration, immigration fees, fines and other income authorized under this Act.
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46 Thereafter, such sums as maybe needed for its continued implementation shall be
47 included in the annual general appropriations act and from the immigration trust fund.
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SEC. 126. *Retroactive Application.* – The renaming of positions with the corresponding increase in salary grade and allowances enumerated in Title II of this Act shall be effective January 1, 2019.

SEC. 128. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,