

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 339



Introduced by Representative Xavier Jesus D. Romualdo

EXPLANATORY NOTE

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

Last Congress, the bill was for sponsorship at the Committee on Justice before Congress adjourned.

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

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

This landmark legislation will ensure a vibrant, dynamic and more structured agency to be known as the Commission on Immigration and Naturalization that will be tasked to perform a twin function — gatekeeper and economic agent. As a gate keeper, the new Commission shall have the power to control and regulate the immigration of aliens in the country consistent with its duty to safeguard our borders, national security, national sovereignty and public safety. As an agent of economic development, the new commission will be tasked to develop effective mechanisms and procedures on immigration and naturalization that will foster investments through a vibrant tourism industry and higher government revenue. This twin-function reflects the demands of the present time.

This bill will empower the current Bureau of Immigration to simplify further its requirements for visa applications or visa extension and expedite its

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

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

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

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

In 1941, the bureau was once again under the Department of Justice and, in 1945, it was put under the supervision and control of the Department of Labor as part of the reorganization plan of the government. In 1948, the Bureau was again returned to the Department of Justice where it remains up to this time.

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

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

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

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



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XAVIER JESUS D. ROMUALDO

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HOUSE BILL NO. 339

INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

AN ACT

CREATING THE COMMISSION ON IMMIGRATION, DEFINING ITS POWERS AND FUNCTIONS, EXPANDING, RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, AND APPROPRIATING FUNDS THEREFOR

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

1 **TITLE I**
2 **GENERAL PROVISIONS**

3
4 **SECTION 1. Short Title.** — This Act shall be known as the "Philippine
5 Immigration Act".

6
7 **SEC. 2. Declaration of Policy.** — In the conduct of its relations with other
8 States, the Philippines shall give paramount consideration to national sovereignty,
9 territorial integrity, national security, national interest, the right to self-
10 determination, the enhancement of economic diplomacy, and the protection of
11 overseas Filipinos in destination countries, as it adheres to the policy of peace,
12 cooperation and amity with all nations.

13
14 To this end, Philippine immigration policies, rules and regulations under this
15 Act shall be applied and administered as instruments for the promotion of domestic
16 and external interests of the Philippines, in recognition of:

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

21
22 (b) the need to support the country's technological and scientific
23 development;

24
25 (c) the promotion of conditions for social welfare and economic security of
26 the people;

27
28 (d) the fulfillment of obligations and compliance with standards set by
29 international law in the admission or exclusion of foreign nationals;

30
31 (e) the promotion of international order and justice by preventing and
32 denying the use of Philippine territory to persons who are engaged or likely to

1 engage in terrorism, human smuggling and trafficking, criminal and other nefarious
2 activities;

3

4 (f) the modernization of structures and mechanisms necessary for the
5 administration of immigration laws in keeping with the changing demands of the
6 country's role in the global community; and

7

8 (g) the professionalization of the immigration service by instituting a rigid
9 system of screening and selection of immigration officials and employees and
10 promoting their development.

11

12 **SEC. 3. *Definition of Terms.*** — As used in this Act:

13

14 (a) *Admission* refers to the process by which a foreign national arriving at
15 a port of entry in the Philippines is allowed into the country by the immigration
16 authorities;

17

18 (b) *Border Control Officer* refers to any person tasked to man the Border
19 Control Station as provided under Section 36 of this Act;

20

21 (c) *Captain* refers to the master of a vessel or pilot of an aircraft;

22

23 (d) *Child* refers to a person below eighteen (18) years of age;

24

25 (e) *Citizen* refers to any person who is a citizen of the Philippines under
Section 1, Article IV of the Constitution;

26

27 (f) *Commitment Order* refers to an order issued by the Commissioner
28 under Section 11(c)(2) of this Act that directs the taking into custody of a foreign
29 national after it has been determined that probable cause exists that the foreign
30 national committed acts or omissions in violation of Philippine immigration laws,
31 rules and regulations, or during the pendency of deportation proceedings against
32 such foreign national: *Provided*, That such custody shall not exceed three (3)
33 months, unless there exists other legal grounds for continued custody;

34

35 (g) *Consular Officer* refers to any consular, diplomatic, or other officer of
36 the Department of Foreign Affairs (DFA) who has been duly granted a consular
37 commission for the purpose of issuing visas under this Act;

38

39 (h) *Derogatory Information* refers to details about persons and travel
40 documents relating to immigration consisting of the following:

41

42 (1) *Blacklist Order* refers to an order issued by the Commissioner
43 that prevents a foreign national from entering the territorial
44 jurisdiction of the Philippines;

45

46 (2) *Hold Departure Order* refers to an order issued by the Commissioner
47 preventing a foreign national from leaving the territorial
48 jurisdiction of the Philippines in cases where bail or recognizance is
49 granted pending implementation of a Summary Deportation Order, or
50 a directive implementing an order from the Regional Trial Courts, the
51 *Sandiganbayan*, or the appellate courts to prevent a person from
52 leaving the territorial jurisdiction of the Philippines; and

53

54 (3) *Watchlist Order* refers to an order issued by the Commissioner
55 under this Act that requires immigration personnel to monitor the
56 travel of any person for a period of sixty (60) days, extendible for
57 another sixty (60) days and to notify the concerned government
58 agencies of the

1 Philippines;

2

3 (i) *Entry* refers to the arrival of a foreign national into any designated port
4 of entry in the Philippines from a place outside the Philippine territorial jurisdiction.
5 A foreign national with a lawful permanent residence in the Philippines shall not be
6 regarded as making an entry under this Act if such foreign national proves that the
7 departure to a place outside the Philippines is for a temporary or limited period, or
8 thecontinued absence from the Philippines is occasioned by deportation
9 proceedings, extradition, or other legal process;

10 (j) *Exclusion* refers to the act of Immigration Officers denying admission
11 of a foreign national into the country on any of the grounds provided under Section
12 78, Chapter 4, Title IV of this Act;

13 (k) *Foreign National* refers to any person who is not a citizen of the
14 Philippines;

15

16 (l) *Immigrant* refers to any foreign national, other than a non-immigrant,
17 departing from any place outside the Philippines destined for the Philippines;

18

19 (m) *Immigration laws* refer to this Act and any other laws presently
20 existing or which may hereafter be enacted relating to the movement of natural
21 persons to and from the Philippines;

22

23 (n) *Immigration Officer* refers to any person appointed under Section 26 of
24 this Act or any employee of the Commission designated by the Commissioner to
25 perform the powers, duties and functions of an Immigration Officer as specified in
26 this Act;

27

28 (o) *Non-immigrant* refers to any foreign national departing from any place
29 outside the Philippines who is allowed entry and admission into the Philippines for a
30 temporary or limited period of stay;

31

32 (p) *Non-refoulement* refers to a principle of international law which
33 prohibits the forced return of refugees to the state or territory where their lives or
34 liberty would be threatened;

35

36 (q) *Passport* refers to a document issued by the Philippine government to
37 its citizens pursuant to Republic Act No. 8239, otherwise known as "*The Philippine*
38 *Passport Act of 1996*", as amended;

39

40 (r) *Person* refers to a natural or juridical person such as partnerships,
41 corporations, companies, and associations;

42

43 (s) *Port of entry* refers to any port designated by the Commissioner
44 through which a foreign national may enter or exit the Philippines;

45

46 (t) *Refugee* refers to a person who, owing to a well-founded fear of being
47 persecuted for reasons of race, religion, nationality, membership in a particular
48 social group, or political opinion, is outside such person's country of nationality, and
49 is unable or, owing to such fear, is unwilling to avail of the protection of that
50 country; or who, not having a nationality and being outside the country of former
51 habitual residence, is unable or, owing to such fear, is unwilling to return to it;

52

53 (u) *Seaman, Seafarer or Crewmember* refers to a person actually
54 employed in the operation or service in any capacity on board a vessel;

55

56 (v) *Stateless Person* refers to a person who is not considered a national by
57 any State under the operation of its laws;

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

(x) *Vessel* refers to all means of conveyances, whether aircraft or sea craft; and

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

TITLE II COMMISSION ON IMMIGRATION

CHAPTER 1

THE COMMISSION

SEC. 4. *Creation.* — The Commission on Immigration, hereinafter referred to as the Commission, is hereby created, under the control and supervision of the Department of Justice (DOJ). The Commission shall be principally responsible for the administration and enforcement of this Act, and the implementation of all laws, rules, regulations or orders of any competent authority concerning the entry and admission into, stay in, and the departure from the Philippines of all persons. Its personnel shall be considered as the gatekeepers and border control officers of the country.

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

CHAPTER 2

THE BOARD OF COMMISSIONERS

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

(a) Quasi-judicial:

(1) Decide on applications or cases relative to:

- i. Deportation;
- ii. Revocation of Immigration status;
- iii. Reacquisition and retention of Philippine citizenship under Republic Act No. 9225, otherwise known as the "Citizenship Retention and Reacquisition Act of 2003".

- iv. Issuance and revocation of all visas and permits;
v. Declaration of indigence; and
vi. Legalization of residence in accordance with law.

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

(b) Rule-making:

- (1) Prescribe and promulgate rules of procedure for proceedings before it;
- (2) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public; and
- (3) Formulate policies, directives, programs and projects of the Commission.

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.

SEC. 7. Decisions of the Board.— All cases or proceedings before the Board shall be decided with the concurrence of a majority of the members of the Board. Decisions of the Board shall become final and executory fifteen (15) days after the date of receipt thereof by the concerned parties. Only one (1) motion for reconsideration shall be allowed.

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

SEC. 8. Period for Decision by the Board. – The Board of Commissioners shall decide deportation cases within thirty (30) days from the date they are submitted for resolution.

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

CHAPTER 3 THE COMMISSIONER AND THE DEPUTY COMMISSIONERS

SEC. 10. Appointment and Rank of the Commissioner. —The Commissioner shall be appointed by the President and shall have the same rank, salary, and privileges of an Undersecretary of a Department.

SEC. 11. 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 Commission;

1 (b) Exercise control and supervision over the officers and personnel of the
2 Commission, including the power to appoint, promote, and reassign personnel,
3 subject to existing civil service laws, rules and regulations: *Provided*, That the
4 promotions and original appointments to positions higher than *Immigration Officer I*
5 shall be made by the Secretary of the DOJ, upon the recommendation of the
6 Commissioner;

7 (c) Issue, (1) letter orders after determination of the existence of
8 probable cause for the purpose of deportation; (2) commitment or release orders;
9 (3) warrant of deportation; (4) order to inspect the documents, premises and
10 records of persons covered by this Act and (5) derogatory information orders as
11 defined in Section 3(h) of this Act;

12 (d) Delegate authority to subordinate officers and employees of the
13 Commission, except the powers and functions enumerated in paragraph (c) of this
14 Section, which may be delegated only to a Deputy Commissioner;

15 (e) Act on applications for extension of visas;

16 (f) Control the opening and closure of posts, landing places, airports or
17 ports classified as points of entry or exit, whether limited or unlimited;

18 (g) Increase, reduce or waive immigration fees, fines, penalties and other
19 charges, upon the approval of the Board;

20 (h) Issue Certificates of Naturalization and Identification to foreign
21 nationals who have been granted Philippine citizenship;

22 (i) Deputize, subject to the concurrence of the Board, any official or
23 employee of the national government and local government units, including
24 uniformed personnel of the Armed Forces of the Philippines, the Philippine National
25 Police and the Philippine Coast Guard to assist immigration personnel in the
26 performance of their duties and functions;

27 (j) Authorize and prescribe, with the concurrence of the Board, the form
28 and the amount of cash bonds for the provisional release of respondents in
29 deportation proceedings;

30 (k) Impose reasonable fines and penalties for violations of immigration
31 and alien registration laws in accordance with this Act and the guidelines adopted
32 by the Board;

33 (l) Accept donation of materials, equipment or technical services from any
34 foreign government, international or domestic organization, to upgrade the
35 efficiency and operations of the Commission;

36 (m) Submit to the President and Congress, annually or as may be directed,
37 a report on: (1) the number and status of foreign nationals in the Philippines; (2)
38 foreign nationals admitted or granted change of status as permanent residents; (3)
39 foreign nationals who have been excluded or deported from the Philippines; (4) the
40 estimated number of illegal foreign nationals in the Philippines in each calendar
41 year and actions taken to arrest them, grouped by nationality, for each region in
42 the Philippines; and (5) such other transactions of the Commission;

43 (n) Determine the manning levels of immigration officers of the
44 Commission nationwide in accordance with the number of arrivals in each port of
45 entry as determined by the Board: *Provided*, That for every three hundred (300)
46 passengers there shall be one (1) immigration officer in an eight-hour shift;

1 (o) Exercise disciplinary authority over personnel of the Commission
2 charged with less grave and light administrative offenses, in accordance with the
3 Revised Rules on Administrative Cases in the Civil Service (RRACS); *Provided*, That
4 the disciplinary authority over those charged with grave administrative offenses
5 under the RRACS shall belong to the Secretary of the DOJ;

6 (p) Prepare and submit a supplemental budget of the Commission for the
7 consideration of the Department of Budget and Management (DBM);

8 (q) Prescribe, with the concurrence of the Board, the appropriate forms,
9 bonds, reports, entries and other papers in accordance with this Act; and

10 (r) Perform such other functions and exercise such other powers inherent
11 to the functions of the Commission.

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

16 **SEC. 13. Duties of Deputy Commissioners.** — In addition to their duties
17 as members of the Board, the Deputy Commissioners shall supervise a minimum of
18 two (2) Directorates and one (1) regional office each as determined by the
19 Commissioner.

20 **SEC. 14. Creation of Positions and Compensation for Co-Terminus
21 Officials and Employees.** — The following co-terminus positions with the
22 corresponding salary grades are hereby created:

POSITION	SALARY GRADE
Head Executive Assistant	27
Executive Assistant VI	25
Executive Assistant V	24
Executive Assistant IV	22

34 **CHAPTER 4**
35 **THE BOARD SECRETARY**

36 **SEC. 15. Qualifications of the Board Secretary.** —There shall be a
37 Secretary of the Board of Commissioners who must be a natural-born citizen of the
38 Philippines, at least thirty (30) years of age and a member of the Philippine Bar in
39 good standing for at least five (5) years prior to the appointment.

40 **SEC. 16. Powers and Duties.** — The Board Secretary shall:

- 41 (a) Attend in and take minutes of all meetings of the Board;
- 42 (b) Prepare the agenda for the deliberation of the Board on visa
43 application;
- 44 (c) Prepare the agenda for the deliberation of the Board on deportation
45 cases, as endorsed by a Member of the Board after initial review;
- 46 (d) Implement the decision of the Board approving visa applications,
47 including revalidation;
- 48 (e) Keep and manage all records of the deliberations of the Board;

- (f) Advise the members of the Board on all matters relative to compliance with relevant laws and requirements of regulatory authorities; and
 - (g) All other functions as may be directed by the Board.

CHAPTER 5

THE BOARDS OF SPECIAL INQUIRY

SEC. 17. Constitution of the Boards of Special Inquiry. – There shall be constituted as many Boards of Special Inquiry (BSI) as required in the exigency of service but not more than twelve (12). Each Board shall be composed of a Chairperson and two (2) members. The Overall Chairperson of the BSI shall sit as the Chairperson of the First Board of the BSI. The BSI shall be designated according to their areas of specialization to be determined by the Board.

SEC. 18. Appointment and Qualification of the Chairpersons and Members of the BSI. – The Chairpersons and members of the BSI shall be appointed by the Commissioner, all of whom shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing, and engaged in the practice of law for at least three (3) years.

SEC. 19. Powers and Functions of the BSI. – The BSI shall:

SEC. 20. Proceedings Before the BSI.— The proceedings before the BSI shall be public and recorded. In all cases, the BSI shall meet and act as a collegial body. Only members of the Philippine Bar in good standing shall appear for and in behalf of any party before the BSI.

1 **SEC. 21. *Resolutions of the BSI.***— Cases before the BSI shall be resolved
2 within five (5) working days from the date the cases are submitted for resolution.
3 The resolution of the BSI shall be submitted immediately to the Board for action.

4 **SEC. 22. *Creation of Positions; BSI.*** – The following positions with the
5 corresponding salary grades are hereby created under the BSI:

POSITION	SALARY GRADE
Special Inquiry Officer II	25
Special Inquiry Officer I	24

10

CHAPTER 6

DIRECTORATES AND OTHER OPERATING OFFICES OF THE COMMISSION

11 **SEC. 23. *Directorates and Other Operating Offices of the***
12 ***Commission.*** — The Commission shall have the following directorates and other
13 operating offices,namely:

14 **A.Directories:**

- 15 (1) Administration;
16 (2) Finance and Logistics;
17 (3) Information and Communications Technology;
18 (4) Planning and Research;
19 (5) Alien Registration;
20 (6) Immigration Regulation;
21 (7) Intelligence;
22 (8) Law Enforcement;
23 (9) Operations;
24 (10) Legal Affairs; and
25 (11) Human Resource Management and Development

26 **B.Regional Offices** that shall be created by the Board according to
27 political oradministrative regions.

28 **C.Districts:**

- 29 (1) Major Airports; and
30 (2) Seaports

31 **SEC. 24. *Heads of the Directorates and Other Operating Offices.*** —
32 Each Directorate shall be headed by a Director with a Salary Grade of 28: *Provided,*
33 That the Director for Legal Affairs shall be a member of the Philippine Bar in good
34 standing who must have been engaged in the practice of law for at least three (3)
35 years, and that the Director for Finance and Logistics shall be a Certified Public
36 Accountant in good standing for at least three (3) years. The Regional Offices shall
37 be headed by a Regional Director with a Salary Grade of 27, while the District
38 Offices shall be headed by a District Supervisor with a Salary Grade of 26.

39 **SEC. 25. *Duties and Functions of the Directorates and Other***
40 ***Operating Offices.*** – The different directorates and other operating offices of the
41 Commission shall have such number of officers and employees as may be
42 determined by the Board to ensure the effective performance of their respective
43 mandates.

44

CHAPTER 7

IMMIGRATION OFFICERS

1 **SEC. 26. *Immigration Officers, Immigration Inspectors and Immig***

2 duties and functions. No person shall be appointed to the position of Immigration
3 Officer, Immigration Inspector or Immigration Agent unless such person meets the
4 qualification standards set by the Commission, which shall include the following
5 determinative factors in setting said qualification standards for each position:

- 6
- 7 a) Educational Attainment
- 8 b) Civil Service Eligibility
- 9 c) Relevant Experience
- 10 d) Training
- 11 (1) Basic
- 12 (2) Advanced
- 13 (3) Executive
- 14 e) Agility

15 **SEC. 27. *Powers and Functions of Immigration Officers.*** – The

16 Immigration Officers shall have the following powers and functions:

18 (a) Examine, with the assistance and advice of medical authorities in
19 appropriate cases, foreign nationals at the port of entry concerning their
20 admissibility to enter and their qualifications to remain in the Philippines;

22 (b) Exclude foreign nationals not properly documented, and to admit
23 foreign nationals complying with the applicable provisions of immigration and
24 related laws;

26 (c) Administer oaths in connection with the performance of their duties;

28 (d) Search for foreign nationals on any vessel believed to be used to
29 illegally bring foreign nationals into the Philippines, and to take into custody without
30 warrant any foreign national who in one's presence or view is entering or is about
31 to enter the Philippines in violation of immigration and related laws, rules and
32 regulations;

34 (e) Act as control officer with authority to prevent the departure of
35 passengers who do not comply with duly published departure requirements;

37 (f) Detect and report violations of the immigration and registration laws
38 and, in appropriate cases, take the required necessary action upon the instructions
39 of the Commissioner, including monitoring the status of non-immigrants to prevent
40 overstaying;

42 (g) Detect and report subversive activities of aliens in the interest of
43 national security;

45 (h) Investigate any case at the instance of the Commissioner and submit
46 the required reports;

48 (i) Report on the activities of aliens inimical to national interest with a
49 view to taking appropriate action in accordance with law;

51 (j) Locate, conduct surveillance operations against and arrest foreign
52 nationals who violate or are in violation of immigration laws, rules and regulations;

1 (k) Provide actionable operational, tactical, and strategic intelligence to
2 the operating units;

3 (l) Conduct case build up, analysis and other in-depth research, as well as
4 provide analytical reports on foreign nationals who violate or are in violation of
5 immigration laws, rules and regulations;

6 (m) Coordinate with other local and international law enforcement agencies
7 in the gathering of intelligence information related to immigration law violations;

8 (n) Conduct counter intelligence operations;

9 (o) Enforce the immigration laws relating to the exclusion, deportation and
10 repatriation of aliens;

11 (p) Take charge of the physical detention of aliens pending their exclusion,
12 deportation or repatriation;

13 (q) Attend to the deportation of aliens;

14 (r) Monitor all arriving and departing suspected terrorists, drug couriers
15 and members of crime syndicates;

16 (s) Assist and escort deportees, excluded passengers and transiting
17 restricted passengers until finally boarded;

18 (t) Assist in the queuing of passengers at the arrival and departure areas;

19 (u) Investigate and escort from ports of entry intercepted passengers who
20 are found in possession of spurious travel documents;

21 (v) Implement Warrants of Deportation (WOD) and Mission Orders
22 involving foreign nationals who violate or are in violation of immigration laws, rules
23 and regulations; and,

24 (w) Perform such other functions as may be assigned by the Commissioner
25 from time to time.

26 Qualified Immigration Officers, Immigration Inspectors and Immigration
27 Agents with the requisite training and experience may be assigned to the
28 Intelligence, Law Enforcement or Operations Directorates depending on the
29 exigencies of the Commission. The Board may, in the exigencies of service,
30 designate certain duties and responsibilities listed in this section to other officers
31 and employees in the Intelligence, Law Enforcement or Operations Directorates in
32 an acting capacity: *Provided*, That such designation shall not exceed a period of one
33 (1) year.

34 **SEC. 28. Deployment of Immigration Personnel Abroad.** – Within
35 ninety (90) days from the effectivity of this Act, the Secretary of the Department of
36 Foreign Affairs (DFA) and the Commission shall promulgate the implementing rules
37 and regulations on the assignment and deployment of immigration personnel to
38 select consular posts abroad who shall, subject to the pertinent provisions of
39 Republic Act No. 7157 or the "Philippine Foreign Service Act of 1991", perform
40 immigration duties, except diplomatic and consular functions.

41 **CHAPTER 8**
42 **PLANNING AND RESEARCH**

1 **SEC.29. *Immigration Research Specialist.*** – No person shall be
2 appointed to the position of Immigration Research Specialist unless such person
3 meets the qualification standards set by the Commission. The Immigration
4 Research Specialists shall perform the following duties:

- 5 (a) Formulate and implement the Bureau's planning programs, projects
6 and processes;
- 7 (b) Facilitate and organize Commission-wide strategic planning sessions;
- 8 (c) Conduct workload assessment and forecasting;
- 9 (d) Provide assistance to the Commission in the implementation and
10 establishment of a risk management process;
- 11 (e) Implement a monitoring feedback measurement and evaluation
12 system for the implementation of projects and programs;
- 13 (f) Represent the Commission in meetings relating to Planning and
14 Research; and
- 15 (g) Perform such other tasks as may be directed by the Commissioner.

16 **SEC. 30. *Creation of Positions; Directorate for Planning and Research.***

17 – The following positions with the corresponding salary grades are hereby created:

POSITION	SALARY GRADE
Chief Immigration Research Specialist	28
Supervising Immigration Research Specialist	25
Immigration Research Officer III	23
Immigration Research Officer II	21
Immigration Research Officer I	17
Immigration Research Assistant	15

34 **CHAPTER 9**
35 **HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT**

36 **SEC. 31. *Human Resource Management Officer.*** – No person shall be
37 appointed to the position of Human Resource Management Officer unless such
38 person meets the qualification standards set by the Commission. The Human
39 Resource Management Officers shall perform the following duties:

- 40 (a) Develop and execute human resource strategies in support of the
41 overall plan and strategic direction of the Commission especially in the areas of
42 selection, hiring and promotion;
- 43 (b) Design employee training modules;
- 44 (c) Develop comprehensive strategic recruiting and retention plans to
45 meet the human capital needs of strategic goals;
- 46 (d) Oversee the recruitment, selection and promotion of employees;
- 47 (e) Prepare schemes to strengthen the relationship between management
48 and employees;

1 (f) Set qualification standards and implement competency-based hiring
2 and promotion policies;

3 (g) Set performance standards for the employees of the Commission in
4 order to meet the objectives, plans and programs of the Commission; and

5 (h) Perform such other tasks as may be directed by the Commissioner.

6
7 **SEC. 32. Creation of Positions; Directorate for Human Resources**
8 **Management and Development.** – The following positions with the corresponding
9 salary grades are hereby created under the Directorate for Human Resources
10 Management and Development:

POSITION	SALARY GRADE
Chief Human Resource Management Officer	28
Supervising Human Resource Management Officer	25
HR Management Officer III	23
HR Management Officer II	21
HR Management Officer I	17
HR Management Assistant	15

20

21 **CHAPTER 10**
22 **CAREER DEVELOPMENT PATTERN**

23 **SEC.33. Career Development.** The Commission shall:

- 24
- 25 a) Establish and strengthen the Philippine Immigration Academy which
26 shall be under the control and supervision of the Commissioner;
- 27
- 28 b) Create a continuing program to enhance the knowledge, skills and
29 competence of Immigration Officers, Immigration Inspectors,
30 Immigration Agents and other personnel through a career
31 advancement training and education prior to their promotion; and
- 32
- 33 c) Formulate training requirements to implement the provisions in this
34 Title.
- 35

36

37 **CHAPTER 11**
38 **OTHER OPERATING OFFICES**

39 **SEC. 34. Field Offices of the Commission.** — The Commission shall
40 operate and maintain a field office in each of the administrative regions including
41 the National Capital Region.

42 **SEC. 35. Changes in the Composition, Distribution and Assignment of**
43 **Field Offices.** – The Commissioner may make changes in the composition,
44 distribution and assignment of field offices, as well as its personnel, based on the
45 demographics of foreign nationals and as the exigency of the service requires.

46 **SEC. 36. Border Control Stations.** –There shall be established Border
47 Control Stations which shall be manned by Border Control Officers appointed by the
48 Commissioner. The Border Control Stations shall be placed in specific areas in the
49 Philippines which shall be determined by the Board.

1
2 **CHAPTER 1**
3 **NON-IMMIGRANTS**

4
5 **SEC. 37. Categories of Non-immigrants and Types of Visa Issued.** –
6 Foreign nationals departing from any place outside the Philippines who are
7 otherwise admissible and who qualify under any one of the following categories may
8 be admitted as non-immigrants:

9
10 (a) Temporary visitors (A Visas): Visitors coming to the Philippines for a
11 temporary period for reasons of business, pleasure or health:

- 12
13 (1) Business (A-1 Visa): Temporary visitors engaged in activities of a
14 commercial or professional nature for a foreign employer or for
15 themselves that will not result in gainful employment in the
16 Philippines. As used herein, the term "business" refers to conventions,
17 conferences, consultations and other legitimate activities of a
18 commercial or a professional nature, but does not include local
19 employment or labor for hire;
- 20 (2) Pleasure (A-2 Visa): Temporary visitors who stay in the Philippines for
21 holiday, including sightseeing, recreation or visiting relatives; and
- 22 (3) Health (A-3 Visa): Temporary visitors who stay in the Philippines to
23 avail of medical treatment.

24
25 (b) Transit Persons (B Visa): Persons passing through the Philippines
26 solely for a "stop over" who have confirmed connecting flights to another country or
27 passengers in immediate and continuous transit to destinations outside the
28 Philippines;

29
30 (c) Crew members (C Visa): Members of the crew of vessels required for
31 the normal operation and servicing of the vessels who come to the Philippines
32 temporarily as part of their jobs, either arriving with or coming to join the vessels;

33
34 (d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens
35 from a country that has a trade treaty with the Philippines, including their family
36 members, and who come to work in the Philippines for either a company they own
37 or one that is at least fifty percent (50%) owned by nationals of their home country
38 and which company is engaged in substantial trade between the Philippines and
39 their home country shall be granted a D-1 visa.

40
41 Citizens from a country that has an investor treaty with the Philippines,
42 including their family members, and who come to work in the Philippines for a
43 business they own or one that is at least fifty percent (50%) owned by nationals of
44 their home country and which business is supported by a substantial investment
45 from nationals of their home country shall be granted a D-2 visa;

46
47 (e) Accredited Foreign Government Officials, their Families and Household
48 Member (E Visas): Foreign government officials, their families and household
49 members coming to the country for official purpose, pursuant to international
50 conventions and bilateral agreements, shall be granted E Visas, divided into four
51 (4) types, namely:

- 52
53 (1) Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the
54 following classes of foreign nationals:
55 i. Heads of State and/or Heads of Government and their personal
 representatives;

- 1 ii. Members of reigning royal families from countries recognized by
- 2 the Philippine Government;
- 3 iii. Governors-General, Governors, and High Commissioners of
- 4 dependent territories and their personal representatives;
- 5 iv. Cabinet ministers and their deputies, and officials with cabinet
- 6 rank or ministers;
- 7 v. Presiding officers of national legislative bodies;
- 8 vi. Justices or judges of the highest national judicial bodies;
- 9 vii. Diplomats and career consular officials on foreign assignment in
- 10 the Philippines;
- 11 viii. Military, naval, air and other attaches assigned to a diplomatic
- 12 mission; and
- 13 ix. Accompanying spouses and unmarried dependents of foreigners
- 14 within the abovementioned categories;

15

16 (2) Persons eligible for E-2 Visa: The E-2 visa shall be issued to an official

17 of a foreign government recognized by the Philippines and who is a

18 national of the country whose government such official represents,

19 and is proceeding to the Philippines on a long-term basis in

20 connection with official business for such foreign official's

21 government.

22

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

24 nationals:

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

32

33 (3) Persons eligible for E-3 Visa: The E-3 visa shall be issued to an official

34 of a foreign government recognized by the Philippines and who is a

35 national of the country whose government such official represents,

36 and is proceeding to the Philippines on a short-term basis in

37 connection with official business for such foreign official's

38 government.

39

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

41 nationals:

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

51

52 (4) Persons eligible for E-4 Visa: The E-4 Visa shall be issued to the

53 private employees and household members of persons to whom E-1

54 and E-2 visas have been granted, as well as their immediate

55 dependents;

1 All types of visas enumerated in Section 37(e) of this Act shall be exclusively
2 issued and renewed by the DFA, which shall also determine the type of E-Visa to be
3 issued to Foreign Government Officials not identified in the foregoing lists. The
4 grant of immunities and privileges shall be subject to applicable domestic and
5 international law and international agreements to which the Philippines is a party,
6 with due consideration to the principle of reciprocity.

7

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

14

15 (g) Prearranged Employment (G Visa): Foreign nationals coming to the
16 Philippines on prearranged employment, including their family members
17 accompanying or following to join them within the period of their employment. This
18 category includes intra-company transferees, professionals, performing artists,
19 athletes, and cultural exchange workers under a work exchange program;

20

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

27

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

32

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

36

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

40

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

45

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

49 Accredited international organizations include any public international
50 organization engaged in activities of which the Philippines participates pursuant to
51 any treaty or under the authority of any act of the Congress of the Philippines
52 authorizing such participation or making an appropriation for such participation and
53 such other international organizations, institutions, agencies, programs, foundations
54 and entities which are recognized by the government of the Republic of the

1 Philippines, including those existing and already recognized as such at the time of
2 the effectivity of this Act.

3
4 All types of visas under Section 37(i) of this Act shall be exclusively issued
5 and renewed by the DFA, which shall also determine the type of I Visa of officials
6 and staff of International Organizations who are not identified in the foregoing list.
7 The grant of immunities and privileges shall be subject to applicable domestic and
8 international law, relevant Headquarters Agreements, and international agreements
9 to which the Philippines is a party.

10
11 (j) Media Workers (J Visa): Foreign media personnel or correspondents,
12 duly accredited by the government agency concerned, who are bona fide
13 representatives of a foreign press, radio, satellite, television, film, or other
14 information media, and are coming to the Philippines solely to engage in gathering
15 information principally for dissemination abroad, including their family members
16 accompanying or joining them during the period of the assignment in the
17 Philippines;

18
19 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines
20 to teach, study, observe, conduct research or receive training in a specific Exchange
21 Visitor Program duly approved by the Philippine Government;

22
23 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as
24 defined in Section 3 (u) hereof shall be issued L-1 Visa. Stateless persons, whose
25 admission for humanitarian reasons and not inimical to public interest has been
26 approved by the Commissioner or the President in such cases and under such
27 conditions as may be prescribed, shall be issued L-2 Visa;

28
29 (m) Bridging Visa (M Visa): A temporary visa which allows a foreign
30 national to stay in the Philippines after the expiration of the current visa, other than
31 temporary visitor visa under Section 37(a), and while an application for adjustment
32 of status is being processed.

33
34 (n) Special Non-Immigrants (N Visas): Such other foreign nationals
35 including their family members who may be admitted as non-immigrants under
36 special laws or foreign nationals not otherwise provided for by this Act who are
37 coming for temporary periods only, and whose admission is authorized by the
38 Board or the President in the interest of the public or for humanitarian
39 considerations and under such conditions as may be prescribed.

40
41
42 **CHAPTER 2**
43 **IMMIGRANTS**

44
45 **SEC. 38. Quota Immigrants.**—Subject to the conditions set forth in this
46 Act, there may be admitted into the Philippines, immigrants, otherwise known as
47 "quota immigrants", not to exceed two hundred (200) of any one nationality based
48 on immigration reciprocity for any one calendar year and upon allotment by the
49 Commissioner of the corresponding quota number. In the allotment of quota
50 numbers, the following order of preference shall be observed:

51
52 (a) First Preference: Those whose service and qualifications show high
53 educational attainment, technical training, specialized experience, or exceptional
54 ability in the sciences, arts, professions, or business as would reasonably enhance
55 and contribute substantial benefits prospectively to the national economy, or
56 cultural or educational interests or welfare of the Philippines, including their family

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

(b) Second Preference: Parents of a naturalized Philippine citizen;

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

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

SEC. 39. Allotment of Quota. — The Commissioner shall, with respect to the first preference, allot not more than fifty percent (50%) of the annual quota allotment up to the end of June each year: *Provided*, That if the fifty percent (50%) is not utilized by the first preference, the balance thereof shall be given to the second, third, and fourth preferences in accordance with Section 38 of this Act. Any unused quota allotment for a calendar year shall not be carried over and utilized for the ensuing calendar year.

SEC. 40. Basis in Determination of QuotaAllotment. — The nationality of immigrants whose admission is subject to the numerical limitation imposed by Section 38 of this Act shall be that of the country of which the immigrant is a national or a citizen. The nationality of immigrants possessing dual nationality may be either of the two countries regarding them as a national or citizen if they apply for a visa in a third country. If such immigrants apply for a visa in one of the two countries regarding them as a national or citizen, their nationality shall be that of the country in which they filed their application for a visa to enter the Philippines.

SEC. 41. *Non-Quota Immigrants*. — The following immigrants, known as “*non-quota immigrants*”, may be admitted without regard to numerical limitation and immigration reciprocity:

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

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

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

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

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

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

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

CHAPTER 3

NATIVE-BORN FOREIGN NATIONAL

SEC. 42. Status of Children Born to Immigrants. — A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident.

SEC. 43. Status of Children Born to Non-immigrants. —A child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless the child reaches the age of eighteen (18) years while continuously residing in the Philippines, in which case such child may apply for naturalization under existing laws or for an appropriate visa.

CHAPTER 4

ADJUSTMENT OF STATUS

SEC. 44. Conditions for Adjustment of Status of Foreign Nationals. — The status of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board to that of a foreigner lawfully admitted as a permanent resident if:

- (a) the foreigner makes an application for such adjustment;
 - (b) the foreigner is eligible to receive a quota or non-quota immigrant visa admissible to the Philippines as a permanent resident; and
 - (c) a quota immigrant visa is immediately available to the foreign national at time of application, without the need of first departing from the Philippines.

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

SEC. 45. Effect of Approval on Application for Adjustment. — Upon the approval of an application for adjustment of status under the preceding section, the Commissioner shall record the foreign national's lawful admission as a permanent resident as of the date of the approval of the application and shall be included as part of the quota for the calendar year in accordance with Section 38 of this Act.

SEC. 46. Adjustment of Status, When Not Allowed. — Adjustment of status under this Act shall not be applicable to:

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

SEC. 47. *Loss of Status.* - A registered foreign national, except a temporary visitor, who fails to return to the Philippines within a period of one (1) year from departure shall lose the status granted under Title III of this Act. Such foreign national may apply for an extension of the period within which to return

1 prior to its expiration and pay the prescribed fees and charges in order to maintain
2 the status or type of visa granted.

3

4 CHAPTER 5

5 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

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

13

14 **SEC. 49. Conditions and Period of Authorized Stay of Temporary**
15 **Visitors.**— The initial period of authorized stay of a foreign national admitted as a
16 temporary visitor under Section 37(a)of this Act shall not exceed fifty-nine (59)
17 calendar days from the date of arrival, subject to bilateral, regional and multilateral
18 visa agreements entered into by the Philippines: *Provided*, That the conditions for
19 extensions and total period of authorized stay shall be prescribed by the
20 Commissioner: *Provided, further*, That during the foreign national's authorized stay,
21 such foreign national: (a) shall not take any employment, whether paid or unpaid;
22 (b) shall not establish or join in any business; and (c) shall not enroll or become a
23 student at a school, college, university, academy, or other educational institution,
24 unless granted, upon proper application, a conversion to another immigration
25 status provided under this Act.

26

27 **SEC. 50. Conditions for Issuance of Pre-Arranged Employment**
28 **Visas.**—A foreign national who is coming to the Philippines for prearranged
29 employment shall not be issued a non-immigrant visa referred to in Section 37(g)
30 until the Consular Officer shall have received authorization from the Board for the
31 issuance of the same. Such authorization shall be given only upon the filing of a
32 petition with the Board establishing, among others, that no person can be found in
33 the Philippines willing and competent to perform the work or service for which the
34 foreigner is desired and that the admission would be beneficial to the public
35 interest. The petition shall be under oath by the prospective employer or the latter's
36 representative in the form and manner prescribed by the Board.

37

38 If the Board finds that the petition complies with the requirements of the
39 preceding paragraph and of other regulations, it shall grant the petition and shall
40 promptly transmit the authorization to the DFA.

41

42 **SEC. 51. Submission of Crew List and Passenger Manifest to the**
43 **Commission.**—Simultaneous to the vessel's departure from the port of origin, the
44 master, captain, agent, owner or consignee of any commercial vessel arriving in the
45 Philippines shall submit to the Commission, within a reasonable time prior to such
46 arrival, the crew lists, passenger manifests and such other information concerning
47 the persons arriving on such a vessel. In the same manner and condition, the
48 master, captain, agent, owner or consignee of any commercial vessel departing
49 from any port in the Philippines shall submit to the Commission, within a reasonable
50 time prior to such departure, the crew list, passenger manifest and such other
51 information concerning the persons departing on such vessel. The crew list of an
52 incoming sea craft shall contain the appropriate visa granted by the Consular
53 Officer.

54

55 **SEC. 52. Inspection of Crewmembers.** — It shall be the duty of the
56 master, captain,agent, owner or consignee of any vessel arriving in the Philippines
to have available on board, for inspection by the Immigration Officer, any foreign

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

SEC. 53. Permission for Temporary Landing of a Foreign Crewmember. — A foreign crewmember on a vessel arriving in the Philippines may be permitted to land temporarily under such conditions as may be prescribed by the Commissioner. All expenses incurred by the Commission while the crewmember is on land shall be borne by the master, captain, agent, owner or consignee of the carrying vessel.

CHAPTER 6

DOCUMENTATION AND ADMISSION OF IMMIGRANTS

SEC. 54. Documentary Requirements of Immigrants; Instances When Not Required. — Immigrants must present for admission into the Philippines valid passports or travel documents issued by the government of the country to which they owe allegiance, showing their nationality and identity and valid immigrant visas indicating the date of issue and the period of validity thereof. Immigrant visas shall not be required of the following:

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

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

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

CHAPTER 7

VISA ISSUANCE

SEC. 55. *Nature of Visa.* — Nothing in this Act shall be construed to automatically entitle any foreign national to whom a visa or other travel document has been issued to enter the Philippines if, upon arrival at a port of entry, such foreign national is found to be inadmissible under this Act or any other law.

SEC. 56. Visa Policy. – The policies governing the issuance, extension, renewal and conversion of visas referred to in this Act shall be jointly formulated by the Commission and the DFA and, when appropriate, in consultation with concerned government agencies and offices.

SEC. 57. Visa Issuance Abroad. – All visas issued abroad shall be done by Consular Officers assigned at Philippine Foreign Service posts in the following manner:

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

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

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

SEC. 58. Requirements for Physical and Mental Examination Prior to

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

SEC. 59. Visa Validity Period. — A single-entry non-immigrant or

immigrant visa issued by a Consular Officer abroad pursuant to Section 57 of this Act shall be valid for a period not exceeding three (3) months: *Provided*, That in prescribing the validity period of a single-entry non-immigrant visa, the Consular Officer may allow a longer validity period based on reciprocity as accorded by the foreign country to citizens of the Philippines who are within a similar class.

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

SEC. 60. Denial of Visa; Grounds. — The Consular Officer may deny the

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

SEC. 61. Revocation of Visa Issued by Consular Officer. — The

Commissioner may, for valid cause and upon confirmation by the DFA, revoke the visa issued by any Consular Officer. If the notice of revocation is not received and the visa holder applies for admission into the Philippines, the admission or entry of the foreign national shall be determined by the Immigration Officer upon arrival at the port of entry.

CHAPTER 8

RE-ENTRY AND EMIGRATION CLEARANCE

SEC. 62. Re-entry. — In all instances when a registered foreign national,

except a temporary visitor, departs or is about to depart temporarily from the Philippines with the intention to return within one (1) year from departure, the foreign national must secure from the Commission a re-entry permit or, if the authorized stay is less than one (1) year, a Special Return Certificate, and pay the corresponding fees and charges therefor.

SEC. 63. *Emigration Clearance.* — A registered foreign national who

departs permanently from the Philippines shall surrender all Philippine immigration documents to the Commission and apply for and be issued an Emigration Clearance Certificate, subject to the following conditions:

(a) The immigrant has no pending obligation with the government or any of its agencies or instrumentalities;

1 (b) The immigrant has no pending criminal, civil, or administrative
2 proceeding which requires continued presence in the country; and

3
4 (c) There is no ongoing legislative inquiry where the immigrant is called
5 upon to testify as a witness.

6
7 A temporary visitor departing from the Philippines shall, after the expiration
8 of the initial authorized stay, apply for emigration clearance with the Commission
9 and pay the prescribed fees and charges therefor.

10
11 **CHAPTER 9**
12 **PRESIDENTIAL PREROGATIVES**

13
14 **SEC. 64. Presidential Prerogatives.** — Any provision of this Act to the
15 contrary notwithstanding, the President may:

16
17 (a) deny the entry and admission into the Philippines of, or impose such
18 restrictions as may be deemed appropriate to, any foreign national or a class of
19 foreign nationals, whenever the President finds that such entry would be
20 detrimental to the interest of the Philippines;

21 (b) waive passport or documentary requirements for non-immigrants and
22 immigrants under such terms and conditions as may be prescribed;

23 (c) change the status of non-immigrants by allowing them to acquire
24 permanent residence status without necessity of a visa;

25 (d) deport any foreign national, subject to the requirement of due
26 process;

27
28 (e) admit non-immigrants not otherwise provided for in this Act for
29 humanitarian considerations and when not detrimental to public interest, under
30 such terms and conditions as may be prescribed;

31
32 (f) prohibit the departure from the Philippines of any person who is likely
33 to disclose information affecting national security, or who is likely to organize a
34 rebellion abroad against the Philippines, or whose presence in the country is
35 necessary to face, or be a witness in, criminal proceedings; and

36
37 (g) exercise, with respect to foreign nationals in the Philippines, such
38 powers as are recognized by the generally accepted principles of international law.

39
40 **TITLE IV**
41 **PROVISIONS RELATING TO ENTRY**

42
43 **CHAPTER 1**
44 **CLASSIFICATION OF PORTS OF ENTRY**

45
46 **SEC. 65. Authority to Classify Ports.**— The Commissioner shall classify and
47 designate, from among the ports of entry established by law for immigration
48 purposes, limited or unlimited ports of entry through which foreign nationals may
49 be admitted into the Philippines. Only such classes of foreign nationals as provided
50 under the rules and regulations prescribed by the Commissioner may be admitted
51 at limited ports of entry. The Commissioner may, after due notice to the public,
52 close designated ports of entry in the interest of national security or public safety.

53

CHAPTER 2

PROCEDURES ON ARRIVAL

SEC. 66. 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 within forty-eight (48) hours 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. 67. 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 78(a) of this Act, or when the Commissioner has received information showing that a foreign national comes 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 immigration and medical officers to subject such person to observation and examination.

SEC. 68. Medical Examination Requirement. - An arriving foreign national whom the examining Immigration Officer believes to belong under the class of excludable foreign nationals specified in Section 78(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. 69. Arrival Notice Requirements of Vessel. – Immigration authorities shall be given prior notice of the arrival of any civilian vessel before such vessel comes into any area in the Philippines from any place outside it. Such prior notice shall not be required in the case of vessels with scheduled arrivals filed with the Immigration Officer in charge at the international port of entry.

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

SEC. 70. *Contents of Notice of Arrival.* — The advance notice of arrival required in the preceding section shall specify the following:

- (a) Type of vessel and registration marks;
 - (b) Duly visaed crewlist;
 - (c) Passenger manifest;
 - (d) Port of last departure;
 - (e) International port of intended destination, or other place authorized by the Commissioner;
 - (f) Estimated time of arrival; and

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

CHAPTER 3

FOREIGN CREWMEMBER

SEC. 71. Conditional Permit to Disembark. — A foreign crewmember of a vessel under Section 37(c) of this Act may be granted a conditional permit, in a form prescribed by regulations, to disembark temporarily from the vessel on which such crewmember arrived while the vessel remains in port under such terms and conditions as may be prescribed by the Commissioner.

SEC. 72. Confiscation and Cancellation of Permit; Deportation from the Philippines.—Upon the determination that the foreign national is not a bona fide crewmember or does not intend to depart on the same vessel, the Commissioner shall cancel and confiscate the conditional permit already issued, take such foreign national into custody, and require the owner, operator, captain, master, pilot, agent or consignee of the vessel on which the foreigner arrived to receive and detain the foreigner on board. The expenses for removal of the foreign national, including the cost of detention and other expenses incidental thereto, shall be borne by the owner, operator, captain, master, pilot, agent or consignee of such vessel.

SEC. 73. Liability of Overstaying Foreign Crewmember.—A foreign crewmember who willfully remains in the Philippines beyond the period allowed in the conditional permit issued shall be solidarily liable with the owner, operator, captain, master, pilot, agent or consignee of the vessel to pay the fines prescribed in Section 121 of this Act.

SEC. 74. Liability for Unauthorized Discharge of Foreign Crewmember. — It shall be unlawful for any person, including the owner, operator, captain, master, pilot, agent or consignee of any vessel to discharge any foreign crewmember employed by a vessel arriving in the Philippines and while in port, without first obtaining the prior permission of the Commissioner. Otherwise, such person or owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay the fine prescribed under this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That a clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

SEC. 75. Duty to Report Desertion or Illegal Landing of Foreign Crewmember. —The owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately report, in writing, to the Immigration Officer all cases of desertion or illegal disembarkation in the Philippines from the vessel, together with a description of such foreign nationals and any information that shall result in their apprehension.

SEC. 76. Requirement for Submission of List of Newly Employed, Discharged and Illegally Landed Foreign Crewmember. — Prior to the departure of any vessel from the last port in the Philippines destined to any place outside thereof, the owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to the Immigration Officer at that port a list containing:

(a) The names of crewmembers who were not employed thereon at the time of the vessel's arrival on such port but will depart thereat on the same vessel;

- (b) The names of those who have been discharged, if any;
 - (c) The names of those who have deserted or illegally landed at that port, if any; and
 - (d) Such other additional information as the Commissioner deems necessary.

SEC. 77. Liability for Failure to Submit Complete, True and Correct Report of Foreign Crewmember. — The owner, operator, captain, master, pilot, agent, or consignee who fails to submit a true and complete list or report of foreign crewmembers or to report cases of desertion or illegal landing shall be subject to a fine prescribed under Section 117 of this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

CHAPTER 4 EXCLUSIONS

SEC. 78. *Exclusion Grounds.* - The following classes of foreign national shall not be allowed entry and shall be excluded from the Philippines:

- (a) Health Related Grounds
 - 1.Those who are found to be suffering from a communicable, dangerous or contagious disease, unless excepted under existing laws, rules and regulations;
 - 2.Those who are found to be suffering from mental disorder or associated behavior that may pose a threat to persons or danger to property;
 - 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;
 - 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;
 - 4.Those who, at the time of primary inspection, by the Immigration Officer exhibit any obnoxious behavior, contempt or disrespect for the said officer or any government official or employee of the Commission;
 - 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;

- 1 2.Those who have been convicted, or who admit having committed, or
2 3 are committing acts which constitute the elements of a violation or
3 4 conspiracy to violate any law or regulation of the Philippines or a
4 5 foreign country relating to a controlled, regulated or prohibited
5 6 substance, or who admit having attempted or conspired to commit
6 the crime;
- 7 3.Those that the Philippine Government knows or has reason to
8 9 believe is a trafficker of any controlled, regulated or prohibited
9 10 substance or knows or has reason to believe is or has been an
10 11 accomplice, accessory, abettor, or co-conspirator in the illicit
11 12 trafficking of any controlled, regulated or prohibited substance;
- 12 4.Those who are fugitives from justice;
- 13 5.Those who seek to enter the Philippines to engage in:
- 14 a. Espionage or sabotage, or a violation or evasion of any law
15 16 prohibiting export of goods, technology or sensitive
16 17 information;
- 17 b. Any activity aimed to promote membership in an organization
18 19 of syndicated criminal activities;
- 18 c. Any activity, the purpose of which is to overthrow the
19 20 Philippine government by force, violence or other unlawful
20 21 means; and
- 21 d. Any other unlawful activity.
- 22 6. Those who are engaged or believed to be engaged or likely to
23 24 engage in, aid, abet or finance any terrorist activity and members
24 25 or representatives of a foreign terrorist organization;
- 25 7. Those who have been identified by competent authorities, local or
26 27 foreign, as having engaged or are engaging in human trafficking
27 28 and smuggling;
- 28 8. Those who are under fifteen (15) years of age and unaccompanied
29 30 by or not coming to a parent, except that they may be admitted at
30 31 the discretion of the Commissioner, if otherwise admissible:
31 32 *Provided*, That they present a written consent to travel from either
32 33 parent citing the purpose thereof and affirmed by a Consular
33 34 Officer; and
- 34 9. Those who have been identified by competent authorities, local and
35 36 foreign, as having engaged or are engaging in importation of
36 37 contraband and other prohibited articles into the country.

38 **SEC. 79. Temporary Custody of Excludable Foreign Nationals.** — For
39 40 the purpose of ascertaining whether a foreign national arriving in the Philippines
40 41 belongs to any of the excludable classes of foreign national provided for in this Act
41 42 or related laws, the Immigration Officer, for a period not exceeding seventy-two
42 43 (72) hours, may temporarily take into custody for investigation such foreign
43 44 national either on board the vessel or at a place designated for the purpose at the
44 45 expense of the master, captain, agent, owner or consignee of the carrying vessel.

46 **SEC. 80. Finality of Exclusion Order.**— An order by the Immigration
47 48 Officer to exclude a foreign national who is excludable under this Act is final and
48 49 executory unless revoked by the Commissioner upon a timely appeal prior to the
49 50 implementation of the exclusion order.

51 **SEC. 81. Authority to Waive Grounds for Exclusion.** — Except for
52 53 grounds of exclusion under Section 78(d), subparagraphs 1 to 7 and 9, the
53 54 Commissioner may waive any of the grounds for exclusion mentioned in Section 78
54 55 of this Act.

55 **SEC. 82. Procedure of Removal and Cost Thereof.** — Foreign nationals
56 57 arriving in the Philippines who are ordered excluded shall be immediately removed
57 58 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.

SEC. 83. *Country Where Removal is to be Directed.* — If the government of the country designated in the preceding section will not accept the foreign national into its territory, the removal of the foreign national shall be directed, at the Commissioner's discretion, to any of the following:

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

SEC. 84. *Obligation of Owner, Operator, Master, Captain, Pilot, Agent or Consignee.* — It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a vessel to refuse or fail to:

- 23 (a) Board a foreign national ordered excluded and removed in the same
24 vessel or another vessel owned or operated by the same company;
25
26 (b) Detain a foreign national on board any such vessel at the port of
27 arrival when required by this Act or when so ordered by an Immigration Officer;
28
29 (c) Deliver a foreign national for medical or other examinations when so
30 ordered by an Immigration Officer;
31
32 (d) Remove a foreign national from the Philippines to the country to which
33 the individual's removal has been directed; or
34
35 (e) Pay the cost of detention and other expenses incidental thereto
36 incurred while the excluded foreign national is being detained as required by
37 Section 83 of this Act or other costs necessary or incidental to his removal as
38 provided in this Act.

SEC. 85. Penalty for Non-compliance of Obligation. — The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violates Section 84 of this Act shall pay the fines prescribed in Section 118 of this Act. No vessel shall be granted clearance from any port in the Philippines while such fines remain unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fines as approved by the Commissioner.

TITLE V DEPORTATION

CHAPTER 1

DEPORTABLE FOREIGN NATIONALS

1 **SEC. 86. *Classes of Deportable Foreign Nationals.***—The following
2 foreign nationals shall be taken into custody upon the order of the Commissioner
3 and deported upon recommendation by the BSI and approval by the Board:

4 (a) Those who entered the Philippines: (1) by means of
5 misrepresentations or false or misleading statements or documents, or (2) without
6 inspection and admission by the immigration authorities;

7 (b) Those who were not lawfully admissible at the time of entry;

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

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

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

14 (f) Those who believe in, advise, advocate or teach the overthrowing by
15 force and violence of the Government of the Republic of the Philippines or any duly
16 constituted authority, or those who do not believe in or are opposed to organized
17 governments, or those who advise, advocate or teach the assault or assassination
18 of public officials, or those who advise, advocate or teach the unlawful destruction
19 of property, or those who are members of or affiliated with any organization
20 entertaining, advocating or teaching such doctrines, or those who, in any manner
21 whatsoever, extend assistance, financial or otherwise, in the dissemination of such
22 doctrines;

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

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

28 (i) Those who, at any time after entry, are convicted by final judgment of
29 a crime involving moral turpitude punishable under Philippine penal laws;

30 (j) Those who were admitted as non-immigrants and who obtained an
31 adjustment of their admission status for convenience, or through fraud, falsification
32 of documents, misrepresentations or concealment of material facts;

33 (k) Those who violated Philippine labor and taxation laws, rules and
34 regulations;

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

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

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

4 (o) Those who misrepresented themselves as Filipino citizens in all
5 immigration matters; and,

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

11 **SEC. 87. Non-Prescription of Deportation Cases.** –The right of the State
12 to initiate deportation proceedings shall not prescribe.

13 **SEC. 88. Nature of Deportation Proceedings.** – Deportation proceedings
14 shall be independent of any action that may be instituted against a foreign national:
15 *Provided*, That no deportation order shall be issued against foreign nationals facing
16 preliminary investigation, prosecution and trial before competent authorities.

17 CHAPTER 2
18 **DEPORTATION OF FOREIGN NATIONALS**

19 **SEC. 89. Formal Charge of Deportation.** – A formal charge for deportation
20 shall be issued upon determination of the existence of a *prima facie* case against
21 the foreign national.

22 **SEC. 90. Bail.** – Pending final determination of the foreign national's
23 deportation case, the foreign national shall, upon the discretion of the
24 Commissioner: (a) remain under detention; or (b) be released on bail or
25 recognizance. The bail may be revoked and confiscated in favor of the government
26 if there is sufficient evidence that the foreign national is evading the proceedings or
27 is attempting to abscond, in which case such foreign national shall be taken into
28 custody and placed under detention by order of the Commissioner.

29 **SEC. 91. Custody of a Foreign National Convicted of a Felony or an**
30 **Offense.** –After service of the sentence or compliance with the conditions of parole
31 or probation, as the case may be, the foreign national shall be taken into custody
32 for immediate deportation by order of the Board.

33 **SEC. 92. Voluntary Deportation, When Authorized.** – The Commissioner
34 may waive deportation proceedings and order the departure of the foreign national
35 within the period specified in the voluntary deportation order if the foreign national
36 does not contest the formal charge and opts to voluntarily leave the country and
37 pays for all expenses: *Provided*, That the foreign national has not committed any
38 criminal offense or has no pending criminal investigation: *Provided, further*, That
39 the said foreign national so deported shall be barred from re-entering the country
40 without prior written authorization from the Commissioner.

41 **SEC. 93. Period to Enforce Order of Deportation.** – The order of
42 deportation shall be enforced immediately but in no case shall exceed three (3)
43 months from the date it has become final and executory. If deportation is not
44 enforced within the prescribed period, the foreign national may be released on bail
45 or recognizance.

1 **SEC. 94. Suspension of Deportation Order.** – The Commissioner may
2 suspend the implementation of a deportation order and order the release of a
3 foreign national on bail or recognizance, taking into account the following factors:

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

10 **SEC. 95. Reinstatement of a Deportation Order.** – A deportation order
11 previously implemented against a foreign national who unlawfully re-entered the
12 Philippines shall be deemed automatically reinstated and shall be implemented in
13 accordance with this Act. This provision shall also apply to a foreign national who
14 departed voluntarily under Section 92 and re-entered the Philippines unlawfully or
15 without prior written authorization from the Commissioner.

16 **SEC. 96. Country of Destination of a Deportee.** – Except as provided for
17 under an existing treaty or international agreement, a foreign national shall be
18 deported to the country where such person is a citizen or national, or the foreign
19 national's country of birth, or the country wherein the foreign national is a resident,
20 or the country from which the foreign national embarked for the Philippines, subject
21 to the acceptance by the receiving country.

22 **SEC. 97. Cost of Deportation.** – The cost of deportation shall be borne by
23 the owner, operator, captain, master, pilot, agent or consignee of a vessel in case
24 its foreign crewmember is to be deported under Section 86 of this Act. In all other
25 cases, the cost of deportation shall be borne either by the deportee, by the
26 concerned consular office, non-government organization or people's organization
27 with which the Commission has an agreement on this matter, or from the funds
28 appropriated for the implementation of this Act.

29 **SEC. 98. Liability of Owner, Operator, Captain, Master, Pilot, Agent
30 or Consignee of a Vessel.** – The owner, operator, captain, master, pilot, agent or
31 consignee of a vessel who fails or refuses to take on board, guard safely and
32 transport the deportee to the foreign national's country of destination, or to
33 shoulder the cost of deportation of the foreign crew member as provided in the
34 preceding Section, shall be subject to the administrative fines prescribed in Section
35 118 of this Act.

36 **SEC. 99. Expenses of Accompanying Person.** – The Commissioner may,
37 for security reason or by reason of the mental or physical condition of the deportee,
38 direct an employee of the Commission to accompany such deportee to the country
39 of the deportee's destination, subject to the provisions of Section 97.

40

CHAPTER 3

INDIGENT FOREIGN NATIONAL

41 **SEC. 100. Removal of Indigent Foreign National.** – At any time after
42 entry, the Commissioner may remove indigent foreign nationals from the Philippines
43 and return them to the country of which they are citizens or nationals, or their
44 countries of birth, or their countries of residence, as the case may be. The cost of
45 deportation may be charged against the available funds of the Commission. Any
46 foreign national removed under this section shall not be readmitted except upon
47 written authorization of the Board of Commissioners.

48 This provision shall not apply to a foreign national declared as an indigent by
49 any Philippine court for purposes of filing a case or to pursue an action which

1 resulted in the individual's indigency until such case or action is resolved with
2 finality: *Provided*, That no other grounds for deportation exist during the pendency
3 of such case or action.

TITLE VI MISCELLANEOUS PROVISIONS

CHAPTER 1

REGISTRATION OF FOREIGN NATIONALS

SEC. 101. Requirement of Registration. — All foreign nationals shall register with the Commission or any Immigration Office nearest to their place of residence on or before the sixtieth (60th) day of their latest arrival in the Philippines.

SEC. 102. Registration Form and Oath. — Applications for registration shall be under oath and in such form as prescribed by the Commission. Upon registration, a certificate of registration shall be issued by the Commission to the registrant. In case of loss or destruction of the certificate, a replacement certificate may be issued by the Commission upon proper application and payment of prescribed fees.

SEC. 103. Amendment of Registration. — A registered foreign national shall notify the Commission in writing of any change of information in the person's registration documents not later than seven (7) days from such change.

SEC. 104. *Presentation of Certificate of Registration.* — Every foreign national required to register under this Act or the parent or guardian of such foreign national shall, upon demand by any personnel authorized by the Commissioner, present a certificate of registration of such individual, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

SEC. 105. Reportorial Requirements. — Every foreign national registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Commission. The Commissioner may exempt personal appearance of foreign nationals registered under this Act subject to certain requirements and conditions as may be prescribed in the rules and regulations issued for the purpose.

SEC. 106. Failure to Comply with Requirements. — A foreign national, or the parent or guardian of the foreign national, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by the individual to be false, or who utilizes registration documents other than that of the individual, shall be dealt with in accordance with the provisions of this Act and other existing laws.

SEC. 107. Cancellation of Registration of Foreign National. — In case of death of a foreign national registered under the provisions of this Act, the legal heir, representative or administrator of the foreign national must inform the Commission within sixty (60) days from such death, and the Commission shall cancel the registration of the deceased foreign national. The Local Civil Registrar or other civil registry officer of the locality where said foreign national died shall furnish the Commission with a copy of the Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements specified in this Section shall be dealt with pursuant to the provisions of existing laws.

CHAPTER 2

BONDS AND DEPOSITS

1 **SEC. 108. Bonds, When Required.** — The Commission shall have the
2 authority to require cash bonds in such amounts and under such conditions as it
3 may prescribe in order to:

- 4
- 5 (a) control and regulate the admission into, and departure from, the
6 Philippines of foreign nationals applying for temporary admission;
7 (b) insure against foreign passengers liable to be excluded due to a
8 likelihood of becoming public charges; and
9 (c) ensure the appearance of foreign nationals released from custody
10 during the course of deportation proceedings instituted against them.

11

12 **SEC. 109. Requirement of Cash Deposits for Services Rendered.** — The
13 Commission shall likewise have the authority to require cash deposits in such
14 amounts as may be necessary from a vessel's owner, operator, captain, master,
15 pilot, agent, or consignee or other persons served for services rendered as
16 established by the implementing rules and regulations.

17

18 **SEC. 110. Cancellation and Forfeiture of Bonds.** — When the conditions
19 of the bond are fulfilled, or in case the Commissioner determines that the likelihood
20 that a foreign national shall become a public charge no longer exists, or in case of
21 death of the foreign national in whose behalf the bond is posted, the bond shall be
22 cancelled and released to the depositor or the legal representative of the foreign
23 national. In case of violation of the conditions of the bond, the same shall be
24 forfeited and deposited in a trust fund account which may be utilized for the
25 purchase of passage tickets for the removal of indigent foreign nationals and to
26 cover the costs of operations in locating deportees who jump bail.

27

28 **CHAPTER 3**
29 **RECOGNIZANCE**

30

31 **SEC. 111. Petitions for Recognizance, Sanction for Breach of
Conditions.** — The Commissioner may order the release of a foreign national upon
32 recognizance of the foreign national's lawyer or a person who is of good standing in
33 the community, under such terms and conditions as the Board may prescribe.
34 Failure to comply with the terms and conditions of the recognizance shall subject
35 said lawyer or person to a fine of not less than Fifty thousand pesos (₱50,000.00)
36 but not more than One hundred thousand pesos (₱100,000.00), without prejudice
37 to other administrative sanctions or proceedings against the erring party.

38

39 **CHAPTER 4**
40 **COOPERATION AND COORDINATION WITH OTHER OFFICES**

41

42 **SEC. 112. Working Cooperation with the Department of Foreign
Affairs (DFA).** — For purposes of efficient implementation and administration of this
43 Act, the Commission shall maintain a working cooperation with the DFA.

44

45 **SEC. 113. Working Cooperation with the Commission on Higher
Education (CHED).** — The Commission shall maintain a working cooperation with
46 the CHED with respect to the accreditation of schools and learning centers for
47 enrollment of foreign students as authorized under this Act.

48

49 **SEC. 114. Working Cooperation with the Civil Aviation Authority of
the Philippines (CAAP).** — The Commission shall maintain a working cooperation
50 with the CAAP with respect to accreditation of flying schools for the enrollment of
51 foreign students.

52

53 **SEC. 115. Coordination with Law Enforcement, Security and Other
Offices.** — The Commissioner shall have the authority to maintain coordination

1 with the National Security Council, the Philippine National Police (PNP), and other
2 law enforcement agencies of the government.

3

4 CHAPTER 5 5 FEES AND CHARGES

6

7 **SEC. 116. Authority of the Board to Prescribe, Impose and**
8 **Collect Fees and Charges.** — The Board is authorized to prescribe, impose and
9 collect fees, fines and other charges pursuant to the provisions of this Act.

10

11 CHAPTER 6 12 ADMINISTRATIVE FINES

13

14 **SEC. 117. Fine for Failing to Submit Crew List or Passenger Manifest,**
15 **or Failure to Account Every Passenger and Crew.** — Any owner, operator,
16 master, captain, pilot, agent, or consignee of a vessel arriving at any port in the
17 Philippines from a place outside its territory who fails to submit to the immigration
18 authorities a complete and accurate crew list or passenger manifest, or fails to
19 produce or account every crewmember or passenger whose name appears in said
20 list or manifest, shall be subject to fines of One hundred thousand pesos
21 (₱100,000.00) and Fifty thousand pesos (₱50,000.00) for each unaccounted
22 person, respectively.

23

24 **SEC. 118. Fine for Violating Obligation on the Landing, Removal, or**
25 **Deportation of Foreign Nationals.** — Any owner, operator, master, captain,
26 pilot, agent, or consignee of any vessel arriving at a port of the Philippines from a
27 place outside its territory that has a foreign national on board in violation of this Act
28 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:

29

30 (a) Failure to prevent the landing of such foreign national in the
31 Philippines at any time or place other than as designated by the Immigration
Officer;

32

33 (b) Refusal or failure to detain a foreign national on board any such vessel
34 at the port of arrival when required by this Act or when so ordered by an
Immigration Officer;

35

36 (c) Refusal or failure to deliver a foreign national for medical or other
examinations when so ordered by an Immigration Officer;

37

38 (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;

39

40 (e) Refusal or failure 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 Sections 82 and 97 of this Act;

41

42 (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;

43

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

1 **SEC. 119. Fine for Bringing Undocumented Foreign National, or**
2 **Foreign National Afflicted with Communicable or Contagious Disease, or**
3 **Suffering from Mental Disorder.** — The owner, operator, master, captain, pilot,
4 agent, or consignee of the vessel arriving at a port in the Philippines from a place
5 outside its territory bringing on board an undocumented foreign national shall be
6 fined One hundred thousand pesos (₱100,000.00) for each foreign national. If the
7 foreign national is afflicted with a communicable or contagious disease or is suffering
8 from mental disorder, the fine shall be not less than Two hundred thousand pesos
9 (₱200,000.00) but not more than Three hundred thousand pesos (₱300,000.00) for
10 each foreign national.

11 **SEC. 120. Fine for Bringing a Foreign National to Assist the Illegal**
12 **Entry or Misrepresenting a Foreign National as a Member of the Crew.** —
13 The owner, operator, master, captain, pilot, agent, or consignee of a vessel arriving
14 at any port in the Philippines from a place outside its territory bringing on board a
15 foreign national bound for the Philippines to assist the illegal entry of the foreign
16 national, or misrepresenting the foreign national to the Immigration Officer at the
17 port of arrival as a bona fide member of the crew, shall be fined not less than One
18 hundred thousand pesos (₱100,000.00) but not more than Two hundred thousand
19 pesos (₱200,000.00) for each foreign national.

20 **SEC. 121. Fine for an Overstaying Crewmember.** Any foreign
21 crewmember who wilfully remains in the Philippines beyond the period allowed for
22 temporary landing shall be fined not less than Fifty thousand pesos (₱50,000.00)
23 but not more than One hundred thousand pesos (₱100,000.00). The owner,
24 operator, master, captain, pilot, agent, or consignee of the vessel shall be solidarily
25 liable for the fine imposed on such overstaying crewmember.

26 **SEC. 122. Fine for Assaulting an Immigration Officer.** — Any form of
27 assault directed to an immigration officer is an act of disrespect. In case the
28 assault is committed by a foreign national at the ports of entry and exit, such
29 foreign national shall be excluded or deported, as the case may be, and shall be
30 fined Two hundred thousand pesos (₱200,000.00) without prejudice to the right of
31 the aggrieved immigration officer to file appropriate criminal, civil or administrative
32 cases against such person.

33 For purposes of this Act, an immigration officer shall be considered a person
34 in authority while in the performance of official duty.

35 **SEC. 123. Fine for Violating Other Provisions of this Act.** — The owner,
36 operator, master, captain, pilot, agent, or consignee of any vessel arriving at any
37 port of the Philippines from a place outside thereof who violates any other provision
38 of this Act not specifically covered by this Chapter shall be fined not less than Fifty
39 thousand pesos (₱50,000.00) but not more than Two hundred thousand pesos
40 (₱200,000.00) for each violation.

41 CHAPTER 7

42 **PENAL PROVISIONS**

43 **SEC. 124. Prohibited Acts and Penalties.** — Any person who shall commit
44 any of the acts specified hereunder shall, upon conviction, suffer the penalty of
45 imprisonment for not less than five (5) years but not more than ten (10) years, or a
46 fine of not less than One hundred thousand pesos (₱100,000.00) but not more than
47 Five hundred thousand pesos (₱500,000.00), or both imprisonment and fine, at the
48 discretion of the court:

1 (a) Impersonating another individual, or falsely appearing in the name of
2 a deceased individual, or evading immigration laws by using an assumed or
3 fictitious name when applying for an immigration document;

4 (b) Issuing or otherwise delivering an immigration document or an
5 immigration accountable form to any person not authorized by law to receive such
6 documents;

7 (c) Obtaining, manufacturing, printing, accepting or using any immigration
8 or travel document knowing it to be false, or using an immigration accountable
9 form that is not legally issued;

10 (d) Entering the Philippines without inspection and admission by the
11 immigration authorities, or obtaining entry into the Philippines through fraud,
12 misrepresentation, or concealment of material facts;

13 (e) Misrepresenting oneself to be a citizen of the Philippines;

14 (f) Knowingly making any false statement under oath regarding any
15 immigration matter; or

16 (g) Bringing into, or landing in the Philippines, or concealing, harboring,
17 employing, or giving comfort to, any person not duly admitted by an Immigration
18 Officer or not lawfully entitled to enter into or reside within the Philippines, or
19 attempting, conspiring with, or aiding another to commit any such acts.

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

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

37 **SEC. 125. Penalty for Aiding the Escape of Detained Foreign National.**

38 — Any person who shall be found to have helped, assisted, supported, caused or
39 ministered the escape, including harboring and concealing, of a detained foreign
40 national shall, upon conviction, be imprisoned for not less than five (5) years but
41 not more than ten (10) years and a fine of not less than Two hundred thousand
42 pesos (₱200,000.00): *Provided*, That if the person liable is a foreign national, such
43 person shall be deported after service of sentence: *Provided, further*, That any
44 tool, equipment, implement or vehicle used in the escape of a detained foreign
45 national shall be destroyed or forfeited in favor of the government.

46 **SEC. 126. Penalty for Non-compliance of Subpoena.** — Any person who,

47 having been duly served with a *subpoena*, fails to comply without valid and
48 justifiable reasons, shall suffer the penalty of imprisonment of not more than fifteen
49

1 (15) days, or a fine of not more than One thousand pesos (₱1,000.00), or both, at
2 the discretion of the court.

3

4 **SEC. 127. *Imposition of Maximum Penalty, When Applicable.*** –A
5 person convicted under Republic Act No. 3019, as amended, otherwise known as
6 the “*Anti-Graft and Corrupt Practices Act*”, or other laws against corruption and
7 briberyin relation toany violation or circumvention of any provision of this Act shall
8 suffer the maximum penalty provided under the said Republic Act or other laws
9 against corruption and bribery, as the case may be.

10

11 **CHAPTER 8**

12 **UPGRADING OF COMPENSATION AND BENEFITS**

13

14 **SEC. 128. *Creation of New Positions, Reclassification of Existing***
15 ***Positions andUpgrading of Salary Grade Levels.*** – The following positions in
16 the Commission are hereby created, and the existing positions reclassified, with the
17 corresponding salary grade levels:

EXISTING POSITION	RECLASSIFIED POSITION	SALARY GRADE
Commissioner	Commissioner III	30
Deputy Commissioner	Deputy Commissioner III	29
Attorney V (Board of Special Inquiry)	Chief Special Inquiry Officer (Overall Chairperson, BSI)	28
Chief Administrative Officer (Administrative Division)	Chief Administrative Officer (Director for Administration)	28
Chief Administrative Officer (Finance and Management Division)	Chief Finance and Logistics Officer (Director for Finance and Logistics)	28
Information Technology Officer III	Chief Information and Communications Technology Officer (Director for ICT)	28
Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer (Director for Alien Registration)	28
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Officer for Immigration Regulation (Director for Immigration Regulation)	28
Chief Intelligence Officer (Intelligence Division)	Chief Immigration Officer for Intelligence (Director for Intelligence)	28
Chief Immigration Officer (Port Operations Division)	Chief Immigration Officer for Operations (Director for Operations)	28
Attorney V (Legal Division)	Chief Immigration Officer for Legal Affairs (Director for Legal Affairs)	28
	Chief Immigration Officer for Law Enforcement (Director for Law Enforcement)	28
	Chief Planning and Research Specialist (Director for Planning and Research)	28
	Chief Human Resource Management Officer (Director for Human Resource)	28

	Management and Development)	
	Regional Director	27
Attorney IV (BSI)	Special Inquiry Officer IV (Chairperson, BSI)	27
Attorney IV (Legal Division)	Immigration Prosecutor IV	27
Attorney III (BSI)	Special Inquiry Officer III (Member, BSI)	26
Attorney III (Legal Division)	Immigration Prosecutor III	26
Supervising Immigration Officer	Supervising Immigration Officer	26
Supervising Administrative Officer	Supervising Administrative Officer	26
Medical Officer III	Immigration Physician	26
	Supervising Human Resource Management Officer	26
	District Supervisor	26
Attorney II (Legal Division)	Immigration Prosecutor II	25
Intelligence Officer IV	Senior Immigration Officer	25
Accountant III	Immigration Accountant V	25
Dentist II	Immigration Dental Officer	25
	Supervising Immigration Research Specialist	25
Attorney I (Legal Division)	Immigration Prosecutor I	24
Senior Immigration Officer	Immigration Officer IV	24
Administrative Officer IV	Immigration Administrative Officer IV	24
Information Technology Officer I	Information and Communications Technology Officer I	24
Nurse II	Immigration Healthcare Officer	23
	Immigration Research Officer III	23
	HR Management Officer III	23
Accountant II	Immigration Accountant II	22
Information System Analyst	Immigration Information System Analyst	22
Immigration Officer III	Immigration Officer III	21
	Immigration Research Officer II	21
	HR Management Officer II	21
Accountant I	Immigration Accountant I	19
Computer Programmer II	Immigration Computer Programmer II	19
Computer Maintenance Technologist II	Immigration Information Technologist II	19
Immigration Officer II	Immigration Officer II	19
Intelligence Officer II		
Special Investigator II		
Immigration Officer I		
Intelligence Officer I	Immigration Officer I	17
Special Investigator I		

Fingerprint Examiner IV	Alien Fingerprint Examiner IV	17
	Immigration Research Officer I	17
	HR Management Officer I	17
Immigration Assistant	Immigration Inspector	15
Intelligence Agent II	Immigration Agent II	15
Administrative Officer II	Immigration Administrative Officer II	15
	Immigration Research Assistant	15
	HR Management Assistant	15
Fingerprint Examiner III	Alien Fingerprint Examiner III	15
Administrative Aide VI	Immigration Aide VI	14
Administrative Assistant III	Immigration Administrative Assistant III	13
Administrative Aide V	Immigration Aide V	13
Fingerprint Examiner II	Alien Fingerprint Examiner II	13
Security Guard II	Civil Security Officer II	13
Intelligence Agent I	Immigration Agent I	13
Translator II	Immigration Translator II	12
Administrative Assistant II	Immigration Administrative Assistant II	12
Administrative Aide IV	Immigration Aide IV	12
Administrative Aide III	Immigration Aide III	11
Nursing Attendant	Immigration Healthcare Assistant	11
Fingerprint Examiner I	Alien Fingerprint Examiner I	11
Security Guard I	Civil Security Officer I	11
Seaman		
Launch Patron		
Marine Engineman		
Quartermaster		
Legal Aide	Immigration Legal Assistant	10
Administrative Assistant I	Immigration Administrative Assistant IV	10
Administrative Aide II	Immigration Administrative Assistant II	8

1

2

3 Upon the recommendation of the Board, the Secretary of the DOJ shall reorganize,
4 upgrade, or otherwise make adjustments in the offices of the Commission as
5 required by the implementation of this Act: *Provided*, That to the extent possible,
6 the incumbent chiefs of sections and divisions whose offices are hereby affected
7 may be upgraded to positions of comparable rank in the reorganization: *Provided*,
8 *further*, That for the new directorates and positions created under this Act, the
9 Board shall designate the directors and officers thereof.

10

1 **SEC. 129. Additional Grant of Benefits.** — The Commission shall provide
2 its employees with the following benefits:

- 3 (1) Health care services through an accredited Health Maintenance
4 Organization for its regular employees;
- 5 (2) Accident insurance policies for all employees;
- 6 (3) Night shift differential and overtime pay for actual work rendered, in
7 accordance with existing guidelines;
- 8 (4) Longevity pay, subject to guidelines that shall be issued by the Board in
9 accordance with existing laws and regulations and subject to the
10 approval of the Secretary of the DBM;
- 11 (5) Transportation benefits;
- 12 (6) Dislocation allowance; and,
- 13 (7) Hazard pay amounting to twenty five percent (25%) of basic salary to
14 qualified employees as may be determined by the Board.

15 **SEC. 130. Retention and Use of Immigration Fees, Fines, and Other**
16 **Income; Immigration Trust Fund.** — The Board is hereby authorized to retain
17 and use every year thirty per cent (30%) of its collections from immigration fees,
18 fines and penalties, and other income that may be collected by the Commission for
19 the effective implementation of this Act.

20 There is hereby created an Immigration Trust Fund (ITF) sourced from the
21 collections mentioned in this section. The ITF shall be administered by the Board in
22 accordance with existing government auditing rules and regulations, and shall be
23 used exclusively as follows:

- 24 (a) 40% for the modernization of equipment, facilities and offices used by
25 employees of the Commission, including capital outlay for the
26 establishment of new buildings and field offices for the effective
27 implementation of this Act;
- 28 (b) 30% for the payment of employee benefits provided in this Act, and as
29 may be hereafter provided by the Board with the approval of the
30 Secretary of the DOJ; and,
- 31 (c) 30% for the further professionalization of the employees of the
32 Commission including trainings, seminars and other career advancement
33 programs.

34 All interest income, dividends and earnings accrued from the ITF shall also
35 form part of the Trust Fund. No portion of the ITF shall revert to the general fund of
36 the National Government, except when the ITF is no longer necessary for the
37 purposes for which it was established.

CHAPTER 9 TRANSITORY PROVISIONS

SEC. 131. *Interim Period.* — The incumbent Commissioner and the two Deputy Commissioners, if qualified under this Act, shall continue to discharge the functions of their positions unless otherwise removed by the President. All personnel of the present Bureau of Immigration shall continue to discharge the functions of their positions pending the reorganization as provided in this Act.

SEC. 132. *Reorganization of the Commission.* — Upon approval of this Act, all employees of the Bureau of Immigration covered by the civil service law and regulations shall continue to hold their present positions pending the reorganization of the Commission in accordance with the new staffing pattern: *Provided*, That the salaries, wages, allowances and other benefits of incumbent officers and employees of the Commission shall not be subject to diminution: *Provided,further*, That employees who have been dismissed for cause shall no longer qualify for any position in the Commission.

SEC. 133. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities and Obligations to the Commission.* — All buildings, properties, equipment, facilities, accounts, other assets, liabilities and other obligations as well as records of the Bureau of Immigration shall be properly inventoried and transferred to the Commission.

SEC. 134. *Treaty or Agreement.* – Any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act shall remain in force and effect.

SEC. 135. *Pending Cases.* – Any prosecution, suit, action, proceeding, or any act or matter, civil or criminal, pending at the time of the effectiveness of this Act shall not be affected by any of the provisions of this Act unless otherwise explicitly stated herein.

CHAPTER 10

ADMINISTRATION AND IMPLEMENTATION

SEC. 136. *Administration and Implementation Abroad.* – The administration and implementation of this Act abroad, including the rules and regulations, and specific visa policies or guidelines, shall be the responsibility of the DFA, with due notice to the Commission and other concerned agencies and offices.

SEC. 137. *Implementing Rules and Regulations.* — Within sixty (60) days from the effectivity of this Act, the Commission shall, in coordination with the Secretaries of the DBM, the DOJ and the DFA, promulgate the rules and regulations for its effective implementation.

SEC. 138. *Appropriations.* – The amount necessary to cover the initial implementation of this Act shall be charged against the following:

- (a) Current year's appropriation of the Bureau of Immigration; and
 - (b) Immigration fees, fines and other income authorized under Section 130 of this Act.

Thereafter, such sums as may be needed for its continued implementation shall be included in the annual General Appropriations Act and from the Immigration Trust Fund.

CHAPTER 11 FINAL PROVISIONS

SEC. 139. *Retroactive Application.* - The renaming of positions with the corresponding increase in salary grade and benefits enumerated in Title VI, Chapter 8 shall be effective January 1, 2017.

SEC. 140. Separability Clause.— Should any provision of this Act be declared invalid, the remaining provisions shall continue to be in force and effect.

SEC. 141. Repealing Clause.— Commonwealth Act No. 613, otherwise known as the “*Philippine Immigration Act of 1940*”, as amended, and Republic Act No. 750, are hereby repealed. All other laws, presidential decrees, executive orders, proclamations, memorandum orders, instructions, rules and regulations or parts thereof inconsistent with this Act are hereby amended or modified accordingly.

SEC. 142. Effectivity.— This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,