

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. 162

HOUSE OF REPRESENTATIVES
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Introduced by REP. FELICIANO BELMONTE, JR.

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**EXPLANATORY NOTE**

This bill seeks to introduce structural and institutional reforms in our present immigration system, which is governed by Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940. For 72 years, despite the countless developments in international migration brought about by political, social, and economic changes, our immigration law has largely remained untouched.

Commonwealth Act No. 613 was anchored on the principle that the entry and admission of foreigners into the Philippines is a matter of privilege, a principle consistent with the exercise of a state's fundamental right as a self-governing nation – the right to protect and defend its territory against any form of attack. It is in this light that the present Bureau of Immigration functions as a gatekeeper, performing duties and exercising powers that will uphold the principle of sovereignty.

Globalization has brought about mass human migration and ushered in the birth of international criminal syndicates engaged in human trafficking, drug trafficking, and terrorism. These criminal activities have become more complex, threatening the integrity of our borders, national security, national sovereignty and the rule of law. Fighting these crimes in the 21<sup>st</sup> century is the agenda of virtually every nation in the world, including the Philippines. With the advent of dramatically improved, more efficient and easily accessible transport and communications facilities, the international dimension of criminal law enforcement has emerged.

Aside from law enforcement, the impact of globalization on immigration can be felt in our economy, as evidenced by the influx of foreigners coming to the Philippines for business, pleasure, or employment. The country has embarked on numerous programs to boost tourist and foreign investor arrivals, and these efforts should be coupled with a more responsive immigration law that will create an environment conducive to travelers. The Bureau of Immigration should be clothed 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.

There is a need to equip the Bureau of Immigration with the necessary legal and administrative tools to effectively carry out these gargantuan tasks. This bill seeks to reorganize the Bureau of Immigration, converting it into a Commission with expanded jurisdiction and streamlined powers and functions to eliminate red tape and enhance efficiency and efficacy in the bureaucracy, taking into account the principles of national sovereignty, territorial integrity, national security, and the right to self-determination.

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



FELICIANO BELMONTE, JR.

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 162**

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Introduced by Representative Feliciano Belmonte, Jr.

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**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                           **SECTION 1. Short Title.** – This Act shall be known as the "Philippine  
4                           Immigration and Registration of Foreign Nationals Act".  
5

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

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

4                 (b) The need to support the country's technological and scientific  
5 development;

6                 (c) Promotion of conditions for social welfare and economic security of the  
7 people;

8                 (d) Compliance with obligations and standards set by international law in  
9 the admission or exclusion of foreign nationals;

10                 (e) Promotion of international order and justice by preventing and  
11 denying the use of Philippine territory to persons who are engaged or likely to  
12 engage in terrorism, human smuggling and trafficking, criminal and other nefarious  
13 activities;

14                 (f) Modernization of structures and mechanisms necessary for the  
15 administration of immigration laws in keeping with the changing demands of the  
16 country's role in the global community; and

17                 (g) Professionalization of the immigration service by instituting a rigid  
18 system of screening and selection of immigration officials and employees and  
19 promoting their development.

20  
21                 **SEC. 3. *Definition of Terms.*** — As used in this Act, the following terms are  
22 defined as follows:

23                 (a) "Admission" refers to the process by which a foreign national arriving  
24 at a port of entry in the Philippines is allowed into the country by the immigration  
25 authorities;

26                 (b) "Board" refers to the Board of Commissioners;

27                 (c) "Border Control Officer" refers to any person tasked to man the Border  
28 Control Station as provided under Section 28 of this Act;

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

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

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

2 Section 1, Article IV of the Constitution of the Republic of the Philippines;

3                 (g) "Commission" refers to the Commission on Immigration;

4                 (h) "Commissioner" and "Deputy Commissioner" refer to the

5 Commissioner of Immigration and the Deputy Commissioner of Immigration,

6 respectively;

7                 (i) "Commitment Order" refers to an order issued by the Commissioner

8 under Section 7(c)(2) of this Act that directs the taking into custody of a foreign

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

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

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

12 foreign national: *Provided*, That such custody shall not exceed three (3) months,

13 unless there exists other legal grounds for continued custody;

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

15 the Department of Foreign Affairs who has been duly granted a consular

16 commission for the purpose of issuing visas under this Act;

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

18 documents relating to immigration consisting of the following:

19                         (1) "Blacklist Order" refers to an order issued by the Commissioner  
20 that prevents a foreign national from entering the territorial jurisdiction;

21                         (2) "Hold Departure Order" refers to a directive from the  
22 Commissioner preventing a foreign national from leaving the territorial  
23 jurisdiction of the Philippines in cases of grant of bail and recognizance  
24 pending implementation of Summary Deportation Order, or an order  
25 implementing a directive from the Regional Trial Courts, *Sandiganbayan*, and  
26 appellate courts to prevent a person from leaving the Philippines to any place  
27 outside thereof; and

28                         (3) "Watchlist Order" refers to an order issued by the Commissioner  
29 under this Act that requires immigration personnel to monitor the travel of  
30 any person for a period of sixty (60) days, extendible for another sixty (60)  
31 days and to notify the concerned government agencies of the Philippines.

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

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

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

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

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

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

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

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

26                 (t) "Non-refoulement" refers to a principle of international law which  
27 prohibits the forced return of a refugee to the state or territory where one's life or  
28 liberty would be threatened;

29                 (u) "Passport" refers to a document issued by the Philippine government  
30 to its citizens pursuant to Republic Act No. 8239, otherwise known as "*The Philippine*  
31 *Passport Act of 1996*";

1                 (v) "Person" refers to a natural or juridical person such as but not limited  
2 to partnerships, corporations, companies, and associations;

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

5                 (x) "President" refers to the President of the Republic of the Philippines;

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

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

14                 (aa) "Secretary" refers to the Secretary of the Department of Justice;

15                 (bb) "Stateless Person" refers to a person who is not considered a national  
16 by any State under its laws;

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

23                 (dd) "Vessel" refers to all means of conveyances, whether aircraft or sea  
24 craft; and

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

1

**TITLE II**

2

**COMMISSION ON IMMIGRATION**

3

4

**CHAPTER 1**

5

**THE COMMISSION**

6

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

12

13       **SEC. 5. *Composition and Qualification.*** — The Commission shall be  
14 administered by the Board of Commissioners headed by the Commissioner as  
15 Chairperson, and four (4) Deputy Commissioners as members, all of whom shall be  
16 natural-born citizens of the Philippines and, at the time of their appointment, at least  
17 thirty-five (35) years of age, holders of a college degree and with proven capacity for  
18 administration: *Provided*, That the majority or three (3) members including the  
19 Chairperson of the Commission shall be members of the Philippine Bar in good  
20 standing for at least five (5) years.

21

22

**CHAPTER 2**

23

**THE COMMISSIONER**

24

25       **SEC. 6. *Appointment and Rank of the Commissioner.*** — The Commissioner  
26 shall be appointed by the President and shall have the same rank, salary, and  
27 privileges of an Undersecretary of a Department.

28

29       **SEC. 7. *Powers and Functions of the Commissioner.*** — In addition to the  
30 duties as Chairperson of the Board of Commissioners, the Commissioner shall  
31 exercise the following powers and functions:

- 32           (a) Supervise, direct and coordinate the overall operations of the

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

- 1 the concurrence of the Board;
- 2       (l) Authorize and prescribe the forms and the amount of cash bonds for
- 3 the provisional release of respondents in deportation proceedings;
- 4       (m) Impose reasonable fines and penalties for violation of immigration and
- 5 alien registration laws in accordance with this Act and the guidelines adopted by the
- 6 Commission;
- 7       (n) Provide an express lane for the rendition of services upon payment of
- 8 prescribed fees by persons served and to deposit in a government authorized
- 9 depository bank all such fees received under a trust fund that may be made available
- 10 for the payment of allowances to employees of the Commission, subject to existing
- 11 auditing and accounting rules and regulations;
- 12       (o) Accept donation of materials, equipment or technical services from any
- 13 foreign government, international or domestic organization, to upgrade the
- 14 efficiency and operations of the Commission;

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

8               (q) Assign immigration employees to do overtime work or services  
9 pursuant to rules and regulations to be prescribed and at the rates fixed by the  
10 Commissioner when the work or service to be rendered is to be paid by shipping  
11 companies and airlines or other persons served;

12 (r) Determine the manning levels of immigration officers of the  
13 Commission nationwide in accordance with the number of arrivals in each port of  
14 entry as determined by the Board: *Provided*, That the number of employees, as  
15 provided in the staffing pattern in accordance with Section 120 of the Act, shall not  
16 be decreased:

17 (s) Prepare and submit supplemental budget of the Commission for the  
18 consideration of the Department of Budget and Management;

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

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

23 (v) Perform such other functions inherent to the Commission.

CHAPTER 3

## THE DEPUTY COMMISSIONERS

**SEC. 8. Appointment and Rank of Deputy Commissioners.** – There shall be four (4) Deputy Commissioners who shall be appointed by the President. They shall have the same rank, salary and privileges of an Assistant Secretary of a Department.

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

## CHAPTER 4

### THE BOARD OF COMMISSIONERS

10 SEC. 10. *Powers and Functions of the Board.* – The Board shall have the  
11 following powers and functions:

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

13               (1) Deportation;

14               (2) Revocation of immigration status;

15               (3) Recognition of Philippine citizenship by reason of birth or

16               marriage;

17               (4) Issuance and revocation of all visas;

18               (5) Declaration of indigency; and

19               (6) Legalization of residence in accordance with law;

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

21           (c) Cite and punish for contempt in relation to the discharge of its quasi-

22           judicial functions in accordance with the Rules of Court;

23           (d) Prepare and publish operations manual and rules of procedure,

24           including schedule of fees, for all transactions entered into by the Commission with

25           the public;

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

27           Commission; and

28           (f) Perform such other powers and functions as provided by existing laws,

29           rules and regulations not inconsistent with any of the provisions of this Act.

**SEC. 11. Decisions of the Board.** - In all cases or proceedings before the Board, the decision of the majority shall prevail. Decisions of the Board shall become

1 final and executory fifteen (15) days from receipt thereof. Only one (1) motion for  
2 reconsideration shall be filed with the Board.

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

6

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

10

11 **SEC. 13. Meetings of the Board.** – In all cases, the Board of Commissioners  
12 shall convene and act as a collegial body in all matters referred to in Section 10 of  
13 this Act. The Board shall meet at least once a week or, if necessary, twice a week.  
14 Members of the Board shall be notified accordingly and the presence of the  
15 Chairperson and two (2) members shall constitute a quorum.

16

17 **CHAPTER 5**

18 **THE EXECUTIVE DIRECTOR**

19

20 **SEC. 14. Appointment and Tenure.** – There shall be an Executive Director of  
21 the Commission who shall be appointed by the President upon the recommendation  
22 of the Commissioner and endorsement by the Secretary. The Executive Director  
23 must be a natural-born citizen of the Philippines, at least thirty (30) years of age,  
24 Career Executive Service (CES) eligible and a member of the Philippine Bar in good  
25 standing for at least five (5) years prior to the appointment.

26

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

28 (a) Act as the Board Secretary in the meetings of the Board;

29 (b) Advise and assist the Commissioner in the formulation and  
30 implementation of the objectives, policies, plans and programs of the Commission;

31 (c) Supervise all the operational activities of the Commission;

32 (d) Coordinate the programs and projects of the Commission and be

1 responsible for its economical, efficient and effective administration;

2 (e) Administer oaths in connection with all matters relating to the business  
3 of the Commission; and

4 (f) Perform such other duties as may be assigned by the Commissioner.

5

6 **CHAPTER 6**

7 **THE BOARD OF SPECIAL INQUIRY**

8

9 **SEC. 16. Constitution of Boards of Special Inquiry.** – There shall be  
10 constituted as many Boards of Special Inquiry (BSI) as required in the exigency of  
11 service but not more than twelve (12). Each Board shall be composed of a  
12 Chairperson and two (2) members. The Overall Chairman of the BSI shall sit as the  
13 Chairperson of the First Board of the BSI. The BSI shall be designated according to  
14 their areas of specialization to be determined by the Board.

15

16 **SEC. 17. Appointment and Qualification of the Chairpersons and Members of**  
17 **the BSI.** – The Chairpersons and members of the BSI shall be appointed by the  
18 Commissioner, all of whom shall be natural-born citizens of the Philippines and, at  
19 the time of their appointment, at least thirty (30) years of age, members of the  
20 Philippine Bar in good standing, and engaged in the practice of law for at least three  
21 (3) years.

22

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

24 (a) Recommend to the Board for final resolution cases and/or applications  
25 relative to:

- 26 (1) Deportation;  
27 (2) Revocation of immigration status;  
28 (3) Recognition of Philippine citizenship by reason of birth or  
29 marriage;  
30 (4) Legalization of residence in accordance with law; and  
31 (5) Issuance of visa for stateless person;
- 32 (b) Issue subpoena in cases being heard by the BSI;

- 1                             (c) Cite and punish for contempt in the exercise of their quasi-judicial  
2 functions and in accordance with the Rules of Court;  
3                             (d) Recommend to the Board the imposition, waiver or reduction of fees,  
4 fines, penalties and other charges subject to existing laws, rules and regulations;  
5                             (e) Administer oaths;  
6                             (f) Promulgate rules and regulations governing matters within its  
7 assigned mandate subject to the approval of the Board; and  
8                             (g) Perform such other duties and functions as may be directed by the  
9 Commissioner and the Board.

10

11                         **SEC. 19. Proceedings Before the BSI.** – The proceedings before the BSI shall be  
12 public and recorded. In all cases, the BSI shall meet and act as a collegial body. Only  
13 members of the Philippine Bar in good standing shall appear for and in behalf of any  
14 party before the BSI.

15

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

19

20                         **CHAPTER 7**  
21                         **DIVISIONS OF THE COMMISSION**

22

23                         **SEC. 21. Divisions and Other Operating Offices of the Commission.** – The  
24 Commission shall have the following divisions and other operating offices, namely:  
25                             (1) Administration;  
26                             (2) Finance;  
27                             (3) Information and Communications Technology;  
28                             (4) Planning and Research;  
29                             (5) International Policies and Cooperation;  
30                             (6) Social Integration;  
31                             (7) Intelligence;  
32                             (8) Law Enforcement;

- (9) Fraud Prevention;
- (10) Legal;
- (11) Immigration Regulation;
- (12) Registration;
- (13) Visa and Special Permit;
- (14) Complaint and Prosecution;
- (15) Internal Audit Office;
- (16) National Operations Center; and
- (17) Immigration Academy of the Philippines.

**SEC. 22. *Heads of the Divisions and Other Operating Offices.*** — Each Division and other operating offices shall be headed by a Director to be appointed by the Secretary, upon recommendation of the Commissioner: *Provided, however,* That Directors for the Division for Legal and the Division for Complaint and Prosecution shall be members of the Philippine Bar in good standing, and must have been engaged in the practice of law for at least three (3) years. The Director for Finance Division shall be a Certified Public Accountant in good standing for at least three (3) years.

**SEC. 23. *Duties and Functions of the Divisions and Other Operating Offices.*** — The different divisions and other operating offices of the Commission shall have such number of officers and employees to carry out their respective duties and functions as may be defined by the Commissioner in the implementing rules and regulations.

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

- 1                 (a) Examine, with the assistance and advice of medical authorities in  
2 appropriate cases, foreign nationals at the port of entry concerning their  
3 admissibility to enter and their qualifications to remain in the Philippines;
- 4                 (b) Exclude foreign nationals not properly documented, and to admit  
5 foreign nationals complying with the applicable provisions of immigration and  
6 related laws;
- 7                 (c) Administer oaths in connection with the performance of their duties;
- 8                 (d) Search for foreign nationals on any vessel believed to be used to  
9 illegally bring foreign nationals into the Philippines, and to take into custody  
10 without warrant any foreign national who in ones presence or view is entering or is  
11 about to enter the Philippines in violation of immigration and related laws, rules and  
12 regulations;
- 13                 (e) Act as control officer with authority to prevent the departure of  
14 passengers not complying with departure requirements; and
- 15                 (f) Perform such other functions as may be assigned by the Commissioner  
16 from time to time.

17

18                 **SEC. 25. Deployment of Immigration Personnel Abroad.** – Within ninety (90)  
19 days from the effectivity of this Act, the Department of Foreign Affairs and the  
20 Commission shall promulgate the implementing rules and regulations on the  
21 assignment and deployment of immigration personnel to select consular posts  
22 abroad who shall, subject to the pertinent provisions of Republic Act No. 7157 or the  
23 “Philippine Foreign Service Act of 1991”, perform immigration duties, except  
24 diplomatic and consular functions.

25

26    **CHAPTER 8**

27    **OTHER OFFICES**

28

29                 **SEC. 26. Field Offices of the Commission.** – The Commission shall operate  
30 and maintain a field office in each of the administrative regions including the  
31 National Capital Region.

1           The field offices of the Commission shall each be headed by at least an  
2 Immigration Officer II, all of whom shall be designated by the Commissioner.

3

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

8           **SEC. 28. Border Control Stations.** – There shall be established Border Control  
9 Stations which shall be manned by Border Control Officers appointed by the  
10 Commissioner. The Border Control Stations shall be placed in specific areas in the  
11 Philippines which shall be determined by the Board.

12

13           **TITLE III**  
14           **IMMIGRATION**

15

16           **CHAPTER 1**  
17           **NON-IMMIGRANTS**

18

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

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

25           (1)     Business (A-1 Visa): Temporary visitors engaged in activities of a  
26 commercial or professional nature for a foreign employer or for  
27 themselves that will not result in gainful employment in the  
28 Philippines. As used herein, the term “business” refers to  
29 conventions, conferences, consultations and other legitimate activities  
30 of a commercial or a professional nature, but does not include local  
31 employment or labor for hire;

1                   (2) Pleasure (A-2 Visa): Temporary visitors who stay in the Philippines  
2                   for holiday, including sightseeing, recreation or visiting relatives; and  
3                   (3) Health (A-3 Visa): Temporary visitors who stay in the Philippines  
4                   to avail of medical treatment.

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

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

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

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

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

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

30                   i. Heads of State and/or Heads of Government and their personal  
31                   representatives;

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

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

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

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

(3) Persons eligible for E-3 Visa: The E-3 visa shall be issued to an official of a foreign government recognized by the Philippines, is a national of the country whose government he represents, and is proceeding to the

1 Philippines on a short-term basis in connection with official business  
2 for his/her government.

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

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

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

17 All visas under Section 29(e) of this Act shall be exclusively issued and  
18 renewed by the Department of Foreign Affairs, which shall also determine the  
19 type of E-Visa of Foreign Government Officials not identified in the foregoing  
20 lists. The grant of immunities and privileges shall be subject to applicable  
21 domestic and international law and international agreements to which the  
22 Philippines is a party, as well as in consideration of the principle of  
23 reciprocity.

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

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

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

12                 (i) Representatives of International Organizations and Government  
13 Agencies (I Visa): For purposes of this Act, the term "accredited international  
14 organization", includes any public international organization in the activities of  
15 which the Philippines participates pursuant to any treaty or under the authority of  
16 any act of the Congress of the Philippines authorizing such participation or making  
17 an appropriation for such participation and such other international organizations,  
18 institutions, agencies, programs, foundations and entities which are recognized by  
19 the government of the Republic of the Philippines, including those existing and  
20 already recognized as such at the time of the effectivity of this Act.

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

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

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

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

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

7                         All visas under Section 29(i) of this Act shall be exclusively issued and  
8                         renewed by the Department of Foreign Affairs, which shall also determine the type  
9                         of I-Visa of officials and staff of International Organizations who are not identified in  
10                         the foregoing lists. The grant of immunities and privileges shall be subject to  
11                         applicable domestic and international law, relevant Headquarters Agreements, and  
12                         international agreements to which the Philippines is a party.

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

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

23                         (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as  
24                         defined in Section 3 (z) 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 he may prescribe, shall be issued L-2 Visa;

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

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

7

## 8                                  CHAPTER 2

### 9                                  IMMIGRANTS

10

11                         SEC. 30. *Quota Immigrants.* – Subject to conditions set forth in this Act,  
12 there may be admitted into the Philippines, immigrants, otherwise known as “*quota*  
13 *immigrants*”, not to exceed two hundred (200) of any one nationality based on  
14 immigration reciprocity for any one calendar year and upon allotment by the  
15 Commissioner of the corresponding quota number. In the allotment of quota  
16 numbers, the following order of preference shall be observed:

17                         (a) First Preference: Those whose service and qualifications show high  
18 educational attainment, technical training, specialized experience, or exceptional  
19 ability in the sciences, arts, professions, or business as would reasonably enhance  
20 and contribute substantial benefits prospectively to the national economy, or cultural  
21 or educational interests or welfare of the Philippines, including their family  
22 members, accompanying or following to join them, who shall likewise be allotted  
23 individual quota numbers;

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

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

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

29

30                         SEC 31. *Allotment of Quota.* – The Commissioner shall, with respect to the  
31 first preference, allot not more than fifty percent (50%) of the annual quota allotment  
32 up to the end of June each year: *Provided, however,* That if the fifty percent (50%) is

1 not utilized by the first preference, the balance thereof shall be given to the second,  
2 third, and fourth preferences in accordance with Section 30 of this Act. Any unused  
3 quota allotment for a calendar year cannot be carried over and utilized for the  
4 ensuing calendar year.

5

6       **SEC. 32. Basis in Determination of Quota Allotment.** — The nationality of an  
7 immigrant whose admission is subject to the numerical limitation imposed by  
8 Section 30 of this Act shall be that of the country of which the immigrant is a national  
9 or a citizen. The nationality of an immigrant possessing dual nationality may be that  
10 of either of the two countries regarding him/her as a national or citizen if he/she  
11 applies for a visa in a third country. If he/she applies for a visa within one of the two  
12 countries regarding him/her as a national or citizen, his/her nationality shall be that  
13 of the country in which he/she files his/her application for a visa to enter the  
14 Philippines.

15

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

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

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

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

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

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

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

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

11

## 12                   CHAPTER 3

### 13                   NATIVE-BORN FOREIGN NATIONAL

14

15                   SEC. 34. *Status of Children Born to Immigrants.* – A child born in the  
16 Philippines to parents who are foreign nationals and lawful residents of the  
17 Philippines shall be deemed a native-born permanent resident.

18

19                   SEC. 35. *Status of Children Born to Non-immigrants.* – A child born to  
20 parents who are both non-immigrants shall be deemed a native-born non-immigrant  
21 or temporary resident and may remain in the Philippines only during the period of  
22 authorized stay of the parents, unless he/she reaches the age of eighteen (18) years  
23 while continuously residing in the Philippines, in which case he/she may apply for  
24 naturalization under existing laws or for an appropriate visa.

25

## 26                   CHAPTER 4

### 27                   ADJUSTMENT OF STATUS

28

29                   SEC. 36. *Conditions for Adjustment of Status of Foreign Nationals.* – The  
30 status of a foreign national admitted into the Philippines as non-immigrant may be  
31 adjusted by the Board to that of a foreigner lawfully admitted as a permanent  
32 resident if: (a) the foreigner makes an application for such adjustment; (b) the

1     foreigner is eligible to receive a quota or non-quota immigrant visa and is admissible  
2     to the Philippines as a permanent resident; and (c) a quota immigrant visa, if such is  
3     the case, is immediately available to him/her at the time of his/her application,  
4     without the need of first departing from the Philippines. In all such cases, the  
5     personal appearance of the foreigner shall be required during the consideration of  
6     his/her application.

7

8                 **SEC. 37. *Effect of Approval on Application for Adjustment.*** — Upon the  
9     approval of an application for adjustment of status under the preceding section, the  
10    Commissioner shall record the foreign national's lawful admission as a permanent  
11    resident as of the date of the approval of the application and shall be included as  
12    part of the quota for the calendar year in accordance with Section 30 of this Act.

13

14                 **SEC. 38. *Adjustment of Status, When Not Allowed.*** — Adjustment of status  
15    under Section 36 of this Act shall not be applicable to a foreign national: (a) who has  
16    violated or is in violation of immigration laws, rules and regulations unless the  
17    violation is without the fault of the foreign national or for purely technical reasons;  
18    and (b) transients.

19

20                 **SEC 39. *Loss of Status.*** — A registered foreign national, except a temporary  
21    visitor, who fails to return to the Philippines within a period of one (1) year from  
22    departure shall loss his status. Otherwise, such foreign national shall apply for an  
23    extension of the period within which to return prior to its expiration and pay the  
24    prescribed fees and charges therefor in order to maintain ones visa category.

25

26    **CHAPTER 5**

27    **DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS**

28

29

30                 **SEC. 40. *Documentary Requirements of Non-immigrants.*** — Non-immigrants  
31    must present for admission into the Philippines valid passports issued by the  
32    governments of the countries to which they owe allegiance or other travel  
   documents showing their nationality and identity as prescribed by regulations,

1 valid visa granted by the Philippine Consular Officer, if required, and such other  
2 relevant documents as may be required under existing laws, rules, regulations, or  
3 multilateral or bilateral agreements.

4

5       **SEC. 41. *Conditions and Period of Authorized Stay of Temporary Visitors.*** –  
6 The initial period of authorized stay of a foreign national admitted as a temporary  
7 visitor under Section 29(a) of this Act shall not exceed fifty-nine (59) calendar days  
8 from the date of arrival, subject to bilateral, regional and multilateral visa  
9 agreements entered into by the Philippines; *Provided*, That the conditions for  
10 extensions and total period of authorized stay shall be prescribed by the  
11 Commissioner; *Provided further*, That during the foreign national's authorized stay:  
12 (a) he/she shall not take any employment, whether paid or unpaid; (b) he/she shall  
13 not establish or join in any business; or (c) he/she shall not enroll and become a  
14 student at a school, college, university, academy, or other educational institution,  
15 unless he/she is granted, upon proper application, a conversion to another  
16 immigration status provided under this Act.

17

18       **SEC. 42. *Conditions for Issuance of Pre-arranged Employment Visas.*** – A  
19 foreign national who is coming to the Philippines for prearranged employment shall  
20 not be issued a non-immigrant visa referred to in Section 29(g) until the Consular  
21 Officer shall have received authorization for the issuance of the same. Such  
22 authorization shall be given only upon the filing of a petition with the Board  
23 establishing, among others, that no person can be found in the Philippines willing  
24 and competent to perform the work or service for which the foreigner is desired and  
25 that the admission would be beneficial to the public interest. The petition shall be  
26 under oath by the prospective employer or the latter's representative in the form and  
27 manner prescribed by the Board.

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

1           **SEC. 43. Submission of Crew List and Passenger Manifest to the**  
2       **Commission.** – Simultaneous to the vessel's departure from the port of origin, the  
3       master, captain, agent, owner or consignee of any commercial vessel arriving to the  
4       Philippines shall submit to the Commission, within a reasonable time prior to such  
5       arrival, the crew lists, passenger manifests and such other information concerning  
6       the persons arriving on such a vessel. In the same manner and condition, the master,  
7       captain, agent, owner or consignee of any commercial vessel departing from any  
8       port in the Philippines shall submit to the Commission, within a reasonable time  
9       prior to such departure, the crew list, passenger manifest and such other information  
10      concerning the persons departing on such vessel. The crew list of an incoming sea  
11      craft shall contain the appropriate visa granted by the Consular Officer.

12

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

20

21           **SEC. 45. Permission for Temporary Landing of a Foreign Crewmember.** – A  
22       foreign crewmember on a vessel arriving in the Philippines may be permitted to  
23       land temporarily under such conditions as may be prescribed by the Commissioner.  
24       All expenses incurred by the Commission while the crewmember is on land shall be  
25       borne by the master, captain, agent, owner or consignee of the carrying vessel.

## 26                   CHAPTER 6

### 27                   DOCUMENTATION AND ADMISSION OF IMMIGRANTS

28

29           **SEC. 46. Documentary Requirements of Immigrants; Instances When Not**  
30       **Required.** – Immigrants must present for admission into the Philippines valid  
31       passports or travel documents issued by the government of the country to which  
32       they owe allegiance, showing their nationality and identity and valid immigrant

1 visas indicating the date of issue and the period of validity thereof. Immigrant visas  
2 shall not be required of the following:

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

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

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

12

## 13                         CHAPTER 7

### 14                         VISA ISSUANCE

15

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

20

21        **SEC 48. Visa Policy.** – The policies governing the issuance, extension, renewal  
22 and conversion of visas referred to in Sections 29 and 33 hereof shall be jointly  
23 formulated by the Commission and the Department of Foreign Affairs and, when  
24 appropriate, in consultation with concerned government agencies and offices.

25

26        **SEC. 49. Visa Issuance Abroad.** - All visas issued abroad shall be done by  
27 Consular Officers assigned at Philippine Foreign Service posts in the following  
28 manner:

29           (a) Upon approval by the Commissioner and recommendation of a Consular  
30 Officer, a quota immigrant visa may only be issued to a foreign national who has  
31 made a proper application therefor, which shall specify the foreign country, if any, to  
32 which the quota number is assigned, the immigrant's particular status in such

1 country, the preference to which the foreign national is classified, the date on which  
2 the validity of the visa shall expire, and such additional information as may be  
3 required; and

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

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

11

12 **SEC. 50. Requirements for Physical and/or Mental Examination Prior to**  
13 *Issuance of Immigrant Visa.* – Prior to the issuance of an immigrant visa to any  
14 foreign national, the Consular Officer shall require such person to submit to a  
15 physical and mental examination in accordance with such regulations as may be  
16 prescribed by the Commissioner.

17

18 **SEC. 51. Visa Validity Period.** – A single-entry non-immigrant or immigrant  
19 visa issued by a Consular Officer abroad pursuant to Section 49 of this Act shall be  
20 valid for a period not exceeding three (3) months: *Provided:* That in prescribing the  
21 validity period of a single-entry non-immigrant visa, the Consular Officer may,  
22 insofar as practicable, allow a longer validity period based on reciprocity as  
23 accorded by the foreign country to citizens of the Philippines who are within a  
24 similar class.

25 An immigrant visa may be replaced under the original number during the  
26 calendar year in which the original visa was issued for a foreign national who  
27 establishes to the satisfaction of the Consular Officer that he/she was unable to use  
28 the original immigrant visa during the period of its validity for reasons beyond  
29 his/her control: *Provided,* That the foreign national is found by the Consular Officer  
30 to be eligible for another immigrant visa and has paid all the fees.

31

1           **SEC. 52. Denial of Visa, Grounds Thereof.** – The Consular Officer may deny  
2 the application for visa (a) if it appears from the statements in the application or in  
3 the documents submitted the applicant is not eligible for a visa under this Act; or (b)  
4 if he/she fails to comply with the requirements of the provisions of this Act.

5

6           **SEC. 53. Revocation of Visa Issued by Consular Officer.** – The  
7 Commissioner may, for valid cause and upon confirmation by the Department of  
8 Foreign Affairs, revoke the visa issued by any Consular Officer. If the notice of  
9 revocation is not received and the visa holder applies for admission into the  
10 Philippines, his/her admission or entry shall be determined by the Immigration  
11 Officer upon his/her arrival at the port of entry.

12

13    **CHAPTER 8**

14    **RE-ENTRY AND EMIGRATION CLEARANCE**

15

16           **SEC. 54. Re-entry.** – Every time a registered foreign national, except a  
17 temporary visitor, departs or is about to depart temporarily from the Philippines  
18 with the intention to return within one (1) year from departure, the foreign national  
19 must secure from the Commission a re-entry permit or if his/her authorized stay is  
20 less than one (1) year, a Special Return Certificate and pay the corresponding fees  
21 and charges therefor.

22

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

- 27                 (a) The immigrant has no pending obligation with the government or any of  
28 its agencies or instrumentalities;
- 29                 (b) The immigrant has no pending criminal, civil, or administrative  
30 proceeding which requires continued presence in the country; and
- 31                 (c) There is no ongoing legislative inquiry where the immigrant is called upon  
32 to testify as a witness.

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

4

## 5                             CHAPTER 9 6                             PRESIDENTIAL PREROGATIVES

7

8       SEC. 56. *Presidential Prerogatives.* – Any provision of this Act to the  
9   contrary notwithstanding, the President may:

10          (a) Deny the entry and admission into the Philippines of any foreign  
11   national or a class of foreign nationals whenever the President finds that the entry  
12   would be detrimental to the interest of the Philippines or impose such restrictions as  
13   he/she may deem appropriate;

14          (b) Waive passport and/or documentary requirements for non-  
15   immigrants and immigrants under such terms and conditions as he/she may  
16   prescribe;

17          (c) Change the status of non-immigrants by allowing them to acquire  
18   permanent residence status without necessity of a visa;

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

20          (e) Admit non-immigrants not otherwise provided for in this Act for  
21   humanitarian considerations and when not detrimental to public interest, under  
22   such terms and conditions as he/she may prescribe;

23          (f) Prohibit the departure from the Philippines of any person who is likely  
24   to disclose national security information, or who is likely to organize a rebellion  
25   abroad against the Philippines, or whose presence in the country is necessary to face,  
26   or be a witness in, criminal proceedings; and

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

29

## 30                             TITLE IV 31                             PROVISIONS RELATING TO ENTRY

32

1

**CHAPTER 1**

2

**CLASSIFICATION OF PORTS OF ENTRY**

3

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

11

12

**CHAPTER 2**

13

**PROCEDURES ON ARRIVAL**

14

15       **SEC. 58. Inspection by Immigration Officer.** – A foreign national seeking  
16 admission or readmission shall present ones valid passport and visa, if required, to  
17 the immigration officer at the port of entry and shall be subject to primary  
18 inspection. The decision of the examining Immigration Officer, if favorable to the  
19 admission of any foreigner, may be challenged by another Immigration Officer. The  
20 final determination of admissibility of such foreign national shall be determined by  
21 the Commissioner in case no resolution is reached between the Immigration Officers  
22 on the challenged admission. In case of admission, the Immigration Officer shall  
23 indicate in the passport the date, the port of entry and the identity of the vessel  
24 boarded.

25

26       **SEC. 59. Detention or Quarantine for Examination.** – For the purpose of  
27 determining whether a foreign national arriving at any port in the Philippines  
28 belongs to any of the classes excludable under this Act by reason of being afflicted  
29 with any of the contagious or communicable disease or mental disorder set forth  
30 under Section 70(a) of this Act or whenever the Commissioner has received  
31 information showing that foreigners are coming from a country or a place where any  
32 of such diseases are prevalent or widespread, the foreigner shall be detained or

1       quarantined for a reasonable period of time to enable the immigration and medical  
2       officers to subject such person to observation and examination.

3

4           **SEC. 60. *Medical Examination Requirement.*** – Any arriving foreign national  
5       whom the examining Immigration Officer believes to belong under the class of  
6       excludable foreign nationals specified in Section 70(a) herein shall be referred to  
7       designated medical officers for physical and mental examination. Such medical  
8       officer shall certify his/her findings for the information of the Immigration Officer.

9

10          **SEC. 61. *Arrival Notice Requirements of Vessel.*** – The immigration  
11       authorities shall be given prior notice of the arrival of any civilian vessel before such  
12       vessel comes into any area in the Philippines from any place outside thereof. Such  
13       prior notice shall not be required in the case of vessels with scheduled arrivals filed  
14       with the Immigration Officer in charge at the international port of entry.

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

20

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

- 23           (a) Type of vessel and registration marks;  
24           (b) Visaed crewlist;  
25           (c) Passenger manifest;  
26           (d) Port of last departure;  
27           (e) International port of intended destination, or other place authorized by  
28       the Commissioner;  
29           (f) Estimated time of arrival; and  
30           (g) Authorized agent or representative at the place of arrival.

1  
2                   **CHAPTER 3**  
3  
4                   **FOREIGN CREWMEMBER**

5  
6       **SEC. 63. Conditional Permit to Disembark.** — A foreign crewmember of a  
7 vessel under Section 29(c) of this Act may be granted a conditional permit, in a form  
8 prescribed by regulations, to disembark temporarily from the vessel on which  
he/she arrived while such vessel remains in port under such terms and conditions  
as may be prescribed by the Commissioner.  
9

10      **SEC. 64. Confiscation and Cancellation of Permit; Deportation from the**  
11 *Philippines.* — Upon the determination that the foreign national is not a *bona fide*  
12 crewmember or does not intend to depart on the vessel that brought him, the  
13 Commissioner shall cancel and confiscate the conditional permit already issued, take  
14 such foreign national into custody, and require the owner, operator, captain, master,  
15 pilot, agent or consignee of the vessel on which the foreigner arrived to receive and  
16 detain him/her on board. The expenses for removal of the foreign national,  
17 including the cost of detention and other expenses incidental thereto, shall be borne  
18 by the owner, operator, captain, master, pilot, agent or consignee of such vessel.  
19

20      **SEC. 65. Liability for Overstaying Foreign Crewmen.** — A foreign  
21 crewmember who remains in the Philippines in excess of the period allowed in the  
22 conditional permit issued to him shall be solidarily liable with the owner, operator,  
23 captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed  
24 in Section 115 of this Act.  
25

26      **SEC. 66. Liability for Unauthorized Discharge of Foreign Crewmember.** — It  
27 shall be unlawful for any person, including the owner, operator, captain, master,  
28 pilot, agent or consignee of any vessel to discharge any foreign crewmember  
29 employed by a vessel arriving in the Philippines and whilst in port, without first  
30 obtaining the prior permission of the Commissioner. Otherwise, such person or  
31 owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay the  
32 Commission such fines as may be prescribed under this Act. No such vessel shall be

1 granted clearance from any port in the Philippines while such fines remain unpaid  
2 or while the validity thereof is being determined: *Provided*, That a clearance may be  
3 granted prior to such determination upon deposit of a sum or cash bond sufficient to  
4 cover such fines as approved by the Commissioner.

5

6       **SEC. 67. Duty to Report Desertion or Illegal Landing of Foreign**  
7 *Crewmember.* — The owner, operator, captain, master, pilot, agent or consignee of  
8 any vessel shall immediately report, in writing, to the Immigration Officer all cases  
9 of desertion or illegal disembarkation in the Philippines from the vessel, together  
10 with a description of such foreign nationals and any information that shall result in  
11 their apprehension.

12

13       **SEC. 68. Requirement for Submission of List of Newly Employed, Discharged**  
14 *and Illegally Landed Foreign Crewmember.* — Prior to the departure of any vessel  
15 from the last port in the Philippines destined to any place outside thereof, the owner,  
16 operator, captain, master, pilot, agent or consignee thereof shall deliver to the  
17 Immigration Officer at that port a list containing:

- 18           (a) The names of crewmembers who were not employed thereon at the  
19 time of the vessel's arrival on such port but will depart thereat on the same vessel;
- 20           (b) the names of those, if any, who have been discharged;
- 21           (c) the name of those who have deserted or illegally landed at that port, if  
22 any; and
- 23           (d) such other additional information as the Commissioner deems  
24 necessary.

25

26       **SEC. 69. Liability for Failure to Submit Complete, True and Correct Report.**  
27 — The owner, operator, captain, master, pilot, agent, or consignee who fails to  
28 submit a true and complete list or report of foreign nationals or to report cases of  
29 desertion or illegal landing shall pay to the Commission such sum as may be  
30 prescribed under this Act. No such vessel shall be granted clearance from any port in  
31 the Philippines while such fines remain unpaid or while the validity thereof is being

1 determined: *Provided*, that clearance may be granted prior to such determination  
2 upon deposit of a sum or cash bond sufficient to cover such fines as approved by the  
3 Commissioner.

4 **CHAPTER 4**

5 **EXCLUSIONS**

6  
7       **SEC. 70. Exclusion Grounds.** - The following classes of foreign national shall  
8 not be allowed entry and shall be excluded from the Philippines:

9       (a) Health Related Grounds

- 10       1. Those who are found to be suffering from a communicable,  
11           dangerous or contagious disease, unless excepted under existing  
12           laws, rules and regulations;
- 13       2. Those who are found to be suffering from mental disorder or  
14           associated behavior that may pose threat to persons or danger to  
15           property;
- 16       3. Those who are found to be suffering from addiction to prohibited  
17           or regulated substance;

18       (b) Economic Grounds

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

23       (c) Moral Grounds

- 24       1. Those coming to the Philippines to practice polygamy or who  
25           advocate the practice of polygamy unless the person's religion  
26           allows such practices;
- 27       2. Those who are pedophiles, sexual perverts or those coming to the  
28           Philippines for immoral purposes;
- 29       3. Those who are engaged or who seek to engage in prostitution or to  
30           procure or attempt to procure prostitutes, or who receives in whole  
31           or in part the proceeds of prostitution;

- 1           4. Those who, at the time of primary inspection, by the Immigration  
2           Officer exhibit any obnoxious behavior, contempt or disrespect for  
3           the said officer or any government official or Commission;

4           (d) Criminal and Security Grounds

- 5           1. Those who have been convicted of a crime involving moral  
6           turpitude or who admit to the Immigration Officer having  
7           committed such crime, or who attempt and conspire to commit the  
8           crime;
- 9           2. Those who have been convicted, or who admit having committed,  
10          or are committing acts which constitute the elements of a violation  
11          or conspiracy to violate any law or regulation of the Philippines or a  
12          foreign country relating to a controlled, regulated or prohibited  
13          substance, or who admit having attempted or conspired to commit  
14          the crime;
- 15          3. Those that the Philippine Government knows or has reason to  
16          believe is a trafficker of any controlled, regulated or prohibited  
17          substance or knows or has reason to believe is or has been an  
18          accomplice, accessory, abettor, or co-conspirator in the illicit  
19          trafficking of any controlled, regulated or prohibited substance;
- 20          4. Those who are fugitives from justice;
- 21          5. Those who seek to enter the Philippines to engage in:
- 22              a. Espionage or sabotage, or a violation or evasion of any laws  
23              prohibiting export of goods, technology or sensitive  
24              information;
- 25              b. Any activity aimed to promote membership in an organization  
26              of syndicated criminal activities;
- 27              c. Any activity, the purpose of which is to overthrow the  
28              Philippine government by force, violence or other unlawful  
29              means; and
- 30              d. Any other unlawful activity.

- 1           6. Those who are engaged or believed to be engaged or likely to
- 2           engage in, aid, abet or finance any terrorist activity and members or
- 3           representatives of a foreign terrorist organization;
- 4           7. Those who have been identified by competent authorities, local or
- 5           foreign, as having engaged or are engaging in human trafficking
- 6           and smuggling;
- 7           8. Those who are under fifteen (15) years of age and unaccompanied
- 8           by or not coming to a parent, except that they may be admitted in
- 9           the discretion of the Commissioner, if otherwise admissible:
- 10           *Provided*, that they present a written consent to travel from either
- 11           parent citing the purpose thereof and affirmed by a Consular
- 12           Officer; and
- 13           9. Those who have been identified by competent authorities, local and
- 14           foreign, as having engaged or are engaging in importation of
- 15           contrabands and other prohibited articles into the country.

16

17           **SEC. 71. *Temporary Custody of Excludable Foreign Nationals.*** – For the

18           purpose of ascertaining whether a foreign national arriving in the Philippines

19           belongs to any of the excludable classes of foreign national provided for in this Act

20           or related laws, the Immigration Officer, for a period not exceeding seventy-two (72)

21           hours, may temporarily take into custody for investigation such foreign national

22           either on board the vessel or at a place designated for the purpose at the expense of

23           the master, captain, agent, owner or consignee of the carrying vessel.

24

25           **SEC. 72. *Finality of Exclusion Order.*** – An order by the Immigration Officer

26           to exclude a foreign national who is excludable under Section 70 hereof is final and

27           executory unless revoked by the Commissioner upon a timely appeal prior to the

28           implementation of the exclusion order.

1           **SEC. 73. Authority to Waive Grounds for Exclusion.** — Except for grounds of  
2 exclusion under Section 70(d), subparagraphs 1 to 7 and 9, the Commissioner may  
3 waive any of the grounds for exclusion mentioned therein.

4

5           **SEC. 74. Procedure of Removal and Cost Thereof.** — Any foreign national  
6 arriving in the Philippines who is ordered excluded shall be immediately removed  
7 in the same accommodation to the country where he/she boarded the vessel on  
8 which he/she arrived, unless the Commissioner determines that immediate removal  
9 is not proper and practicable. The cost of detention and other expenses incidental  
10 thereto shall be borne by the owner, operator, master, pilot, captain, agent or  
11 consignee of the vessel on which he/she arrived.

12

13           **SEC. 75. Country Where Removal is to be Directed.** — If the government of  
14 the country designated in the preceding section will not accept the foreign national  
15 into its territory, the removal of the foreign national shall be directed by the  
16 Commissioner's discretion and without necessarily giving preference, either to:

- 17           (a) The country which he/she is a citizen or national;  
18           (b) The country of birth;  
19           (c) The country of the foreign national's habitual residence; or  
20           (d) The country willing to accept the foreign national into its territory, if  
21 removal to any of the foregoing countries is impractical or impossible.

22

23           **SEC. 76. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or  
24 Consignee.** — It shall be unlawful for an owner, operator, master, captain, pilot,  
25 agent, or consignee of a vessel to refuse or fail to:

- 26           (a) Board a foreign national ordered excluded and removed under Section  
27 70 hereof in the same vessel or another vessel owned or operated by the same  
28 company;  
29           (b) Detain a foreign national on board any such vessel at the port of arrival  
30 when required by this Act or when so ordered by an Immigration Officer;

1                   (c) Deliver a foreign national for medical or other examinations when so  
2 ordered by such officer;

3                   (d) Remove a foreign national from the Philippines to the country to which  
4 the individual's removal has been directed; or

5                   (e) Pay the cost of detention and other expenses incidental thereto of a  
6 foreign national incurred while being detained as required by Section 74 of this Act  
7 or other costs necessary or incidental to his removal as provided in this Act.

8

9                 **SEC. 77. Penalty for Non-compliance of Obligation.** — The owner, operator,  
10 master, captain, pilot, agent, or consignee of a vessel who violated Section 76 hereof  
11 shall pay the fines prescribed under this Act. No such vessel shall be granted  
12 clearance from any port in the Philippines while such fines remain unpaid or while  
13 the validity thereof is being determined: *Provided*, That clearance may be granted  
14 prior to such determination upon deposit of a sum or cash bond sufficient to cover  
15 such fines as approved by the Commissioner.

16                 **TITLE V**

17                 **DEPORTATION**

19                 **CHAPTER 1**

20                 **DEPORTABLE FOREIGN NATIONALS**

22                 **SEC. 78. Classes of Deportable Foreign Nationals.** — The following foreign  
23 nationals shall be taken into custody upon the order of the Commissioner and  
24 deported upon recommendation by the Board of Special Inquiry and approval by the  
25 Board:

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

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

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

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

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

5                 (f) Those who believe in, advise, advocate or teach the overthrowing by  
6 force and violence of the Government of the Republic of the Philippines, or duly  
7 constituted authority, or those who do not believe in or are opposed to organized  
8 governments, or those who advise, advocate or teach the assault or assassination of  
9 public officials by reason of their office, or those who advise, advocate or teach the  
10 unlawful destruction of property, or those who are members of or affiliated with any  
11 organization entertaining, advocating or teaching such doctrines, or those who in  
12 any manner whatsoever extend assistance, financial or otherwise, in the  
13 dissemination of such doctrines;

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

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

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

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

25                 (k) Those who violated Philippine labor and taxation laws, rules and  
26 regulations;

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

30                 (m) Those who forge, counterfeit, alter or falsely make any document; or use,  
31 attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit,

1 altered or falsely made document; or use, attempt to use, provide, attempt to  
2 provide, accept or receive a genuine document, even of another person, without  
3 authority to do so for the purpose of satisfying or complying with the requirements  
4 of the Commission;

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

8 (o) Those who misrepresented themselves as Filipino citizens in all  
9 immigration matter; and

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

15  
16 **SEC. 79. Non-Prescription of Deportation Cases.** – The right of the State to  
17 initiate at any time deportation proceedings shall not prescribe.  
18

19  
20 **SEC. 80. Nature of Deportation Proceedings.** – Deportation proceedings shall  
21 be independent of any action that may be instituted against a foreign national:  
22 *Provided,* That no deportation orders shall be issued against foreign nationals facing  
23 preliminary investigation, prosecution and trial before competent authorities.  
24

## CHAPTER 2

### DEPORTATION OF FOREIGN NATIONALS

25  
26  
27 **SEC. 81. Formal Charge of Deportation.** – A formal charge for deportation  
28 shall be issued upon determination of the existence of a *prima facie* case against the  
29 foreign national.  
30

31 **SEC. 82. Bail.** – Pending final determination of the foreign national's  
32 deportation case, the foreign national shall, upon the discretion of the  
42

1      Commissioner: (a) remain under detention; or (b) be released on bail or  
2      recognizance. The bail may be revoked and confiscated in favor of the government  
3      if there is sufficient evidence that the foreign national is evading the proceedings or  
4      is attempting to abscond, in which case he/she shall be taken into custody and  
5      placed under detention by order of the Commissioner.

6

7            **SEC. 83. *Custody of a Foreign National Convicted of a Felony or an Offense.***

8      – After service of the sentence or compliance with the conditions of parole or  
9      probation, as the case may be, the foreign national shall be taken into custody for  
10     immediate deportation by order of the Board.

11

12           **SEC. 84. *Voluntary Deportation, When Authorized.*** – In case the foreign  
13     national does not contest the formal charge against and opts to voluntarily leave the  
14     country at the own expense of the foreign national, the Commissioner may waive the  
15     deportation proceedings and order the departure within the period specified in the  
16     voluntary deportation order: *Provided*, That the foreign national has not committed  
17     any criminal offense or has no pending criminal investigation: *Provided, further*, That  
18     the said foreign national so deported shall be barred from re-entering the country  
19     without prior written authorization from the Commissioner.

20

21           **SEC. 85. *Period to Enforce Order of Deportation.*** – The order of deportation  
22     shall be enforced immediately but in no case shall exceed three (3) months from the  
23     date it has become final and executory. If deportation is not enforced within the  
24     prescribed period, the foreign national may be released on bail or recognizance.

25

26           **SEC. 86. *Suspension of Deportation Order.*** – The Commissioner may suspend  
27     the implementation of the deportation order and order the release of the foreign  
28     national on bail or recognizance, taking into account the following factors:

- 29                (a) Age, health, family or conduct;  
30                (b) Period of detention;  
31                (c) Impact on national security and public welfare;

- 1                   (d) Unavailability of travel documents;  
2                   (e) Existence of an application for refugee or statelessness status; or  
3                   (f) Other humanitarian considerations.
- 4

5                 **SEC. 87. *Reinstatement of a Deportation Order.*** – A deportation order  
6 previously implemented against a foreign national who unlawfully re-entered the  
7 Philippines shall be deemed automatically reinstated and shall be implemented in  
8 accordance with this Act. This provision shall also apply to a foreign national who  
9 departed voluntarily under Section 84 hereof.

10                 **SEC. 88. *Country of Destination of a Deportee.*** – Except as provided for  
11 under existing treaty or international agreement, a foreign national shall be deported  
12 to the country of which the person is a citizen or national, or to the country of birth  
13 of the individual, or to the country of which the individual is a resident, or to the  
14 country from which the individual embarked for the Philippines, subject to the  
15 acceptance by the receiving country.

16                 **SEC. 89. *Cost of Deportation.*** – The cost of deportation shall be borne by the  
17 owner, operator, captain, master, pilot, agent or consignee of a vessel in case its  
18 foreign crewmember is to be deported for violation of Section 90 of this Act. In all  
19 other cases, the cost of deportation shall be borne by the deportee himself/herself,  
20 the concerned consular office, nongovernment organizations or people's  
21 organizations with which the Commission has an agreement on this matter, or from  
22 the appropriations for the enforcement of this Act.

23                 **SEC. 90. *Liability of Owner, Operator, Captain, Master, Pilot, Agent or  
24 Consignee of a Vessel.*** – Failure or refusal on the part of the owner, operator, captain,  
25 master, pilot, agent or consignee of a vessel to take on board, guard safely and  
26 transport the deportee to the foreign national's country of destination, or to shoulder  
27 the cost of deportation of the foreign crew member as provided in Section 89 hereof,  
28 shall be punished by an administrative penalty prescribed under this Act.

1

2       **SEC. 91. Expenses of Accompanying Person.** – The Commissioner may, for  
3 security reason or by reason of the mental or physical condition of the deportee,  
4 direct an employee of the Commission to accompany such deportee to the country of  
5 the person's destination, subject to the provisions of the immediately preceding  
6 sections.

7

8    **CHAPTER 3**  
9    **INDIGENT FOREIGN NATIONAL**

10

11       **SEC. 92. Removal of Indigent Foreign National.** – At any time after entry, the  
12 Commissioner may remove indigent foreign nationals from the Philippines to the  
13 country of which they are citizens or nationals, or country of birth, or country of  
14 residence, as the case may be. The cost of deportation may be charged against the  
15 available funds of the Commission. Any foreign national removed under this section  
16 shall be barred re-admission except upon written authorization of the Board of  
17 Commissioners.

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

23

24    **TITLE VI**  
25    **MISCELLANEOUS PROVISIONS**  
26    **CHAPTER 1**  
27    **REGISTRATION OF FOREIGN NATIONALS**

28

29       **SEC. 93. Requirement of Registration.** – All foreign nationals shall register  
30 with the Commission or any Immigration Office nearest to the place of residence on  
31 or before the sixtieth (60<sup>th</sup>) day of his/her latest arrival in the Philippines.

32

1           **SEC. 94. *Registration Form and Oath.*** — Applications for registration shall be  
2 under oath and in such form as prescribed by the Commission. Upon registration, a  
3 certificate of registration shall be issued by the Commission to the registrant. In case  
4 of loss or destruction of the certificate, a replacement thereof may be issued by the  
5 Commission upon proper application and payment of prescribed fees.

6

7           **SEC. 95. *Amendment of Registration.*** — A registered foreign national shall  
8 notify the Commission in writing of any change of information in the person's  
9 registration documents not later than seven (7) days thereof.

10

11          **SEC. 96. *Presentation of Certificate of Registration.*** — Every foreign national  
12 required to register under this Act or the parent or guardian of such foreign national  
13 shall, upon demand of any personnel authorized by the Commissioner, present a  
14 certificate of registration of the individual, and failure to do so without justifiable  
15 cause shall be dealt with in accordance with the provisions of this Act.

16

17          **SEC. 97. *Reportorial Requirements.*** — Every foreign national registered  
18 under this Act shall, within the first sixty (60) days of every calendar year, report in  
19 person to the Commission. The Commissioner may exempt personal appearance of  
20 foreign nationals registered under this Act subject to certain requirements and  
21 conditions as may be prescribed in the rules and regulations issued for the purpose.

22

23          **SEC. 98. *Failure to Comply with Requirements.*** — A foreign national, or the  
24 parent or guardian of the foreign national, as the case may be, who, without  
25 justifiable reason, fails to comply with all the requirements under this Act, or who  
26 files an application for registration containing statements known by the individual to  
27 be false, or who utilizes registration documents other than that of the individual,  
28 shall be dealt with in accordance with the provisions of this Act and other existing  
29 laws.

30

1           **SEC. 99. Cancellation of Registration of Foreign National.** — In case of death  
2 of a foreign national registered under the provisions of this Act, the legal heir,  
3 representative or administrator of the foreign national must inform the Commission  
4 within sixty (60) days from death and the Commission shall cancel such registration.  
5 The Local Civil Registrar or other civil registry officer of the locality where said  
6 foreign national died shall furnish the Commission with a copy of the Certificate of  
7 Death within thirty (30) days from issuance thereof. Failure on the part of the  
8 persons concerned to comply with the requirements of this section shall be dealt  
9 with pursuant to the provisions of existing laws.  
10

11    **CHAPTER 2**  
12    **BONDS AND DEPOSITS**  
13

14           **SEC. 100. Bonds, When Required.** — The Commission shall have the authority  
15 to require cash bonds in such amounts and under such conditions as it may  
16 prescribe:

- 17                 (a) To control and regulate the admission into, and departure from, the  
18 Philippines of foreign nationals applying for temporary admission;  
19                 (b) To insure against foreign passengers liable to be excluded as likely to  
20 become public charges; and  
21                 (c) To insure the appearance of foreign nationals released from custody  
22 during the course of deportation proceedings instituted against them.  
23

24           **SEC. 101. Requirement of Cash Deposits for Overtime Services.** — The  
25 Commission shall likewise have the authority to require cash deposits in such  
26 amounts as may be necessary from vessel's owner, operator, captain, master, pilot,  
27 agent, or consignee or other persons served to cover payments for overtime services  
28 to be performed by officers and employees of the Commission.  
29

30           **SEC. 102. Cancellation and Forfeiture of Bonds.** — When the conditions of the  
31 bond are fulfilled, or in case of a bond posted to insure against a foreign national  
32 becoming a public charge, when the Commissioner decides that the likelihood no

1 longer exists, or death of the foreign national in whose behalf the bond is posted, the  
2 bond shall be cancelled and released to the depositor or the legal representative of  
3 the foreign national. In case of violation of the conditions of the bond, the same shall  
4 be forfeited and deposited in a trust fund account which may be utilized for the  
5 purchase of passage tickets for removal of indigent foreign nationals and to cover  
6 the costs of operations in locating deportees who jump bail.

7

## 8                   **CHAPTER 3**

9                   **RECOGNIZANCE**

10

11                 **SEC. 103. *Petitions for Recognizance, Sanction for Breach of Conditions.***

12                 – The Commissioner may order the release of a foreign national upon recognizance  
13 of the individual's lawyer or a person who is of good standing in the community,  
14 under such terms and conditions as he/she may prescribe. Failure to comply with  
15 the terms and conditions of the recognizance shall subject said lawyer or person to a  
16 fine of not less than Fifty thousand pesos (P50,000.00) but not more than One  
17 hundred thousand pesos (P100,000.00), without prejudice to other administrative  
18 sanctions and/or proceedings against the erring party.

19

## 20                   **CHAPTER 4**

### 21                   **COOPERATION AND COORDINATION WITH OTHER OFFICES**

22

23                 **SEC. 104. *Working Cooperation with the Department of Foreign Affairs.*** – For  
24 purposes of efficient implementation and administration of this Act, the Commission  
25 shall maintain a working cooperation with the Department of Foreign Affairs.

26

27                 **SEC. 105. *Working Cooperation with the Commission on Higher Education.***

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

1           **SEC. 106. Coordination with Law Enforcement, Security and Other Offices.**

2       — The Commissioner shall have authority to maintain coordination with the  
3 National Security Council, the Philippine National Police, and other law  
4 enforcement agencies of the government.

5           **CHAPTER 5**

6           **FEES AND CHARGES**

7           **SEC. 107. Authority of the Commissioner to Prescribe, Impose and Collect**

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

11           **CHAPTER 6**

12           **ADMINISTRATIVE FINES AGAINST VESSELS**

13           **SEC. 108. Fine for Failure to Submit Crew List or Passenger Manifest, or**

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

21           **SEC. 109. Fine for Violation of Obligation on the Landing or Removal of**

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

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

28       at any time or place other than as designated by the immigration officer;

1                         (b) Refusal or failure to pay the cost of maintenance and other costs, as  
2 required by Section 71 of this Act, of such foreign national when temporarily  
3 removed from the vessels for examination by order of the immigration officer;

4                         (c) Refusal to receive such foreign national on board for removal from the  
5 Philippines if the foreign national is excluded, or to pay the cost of removal, if by  
6 another vessel as required under Section 76 of this Act;

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

11

12                         **SEC. 110. Fine for Bringing Undocumented Foreign National, or Foreign  
13 National Afflicted with Communicable or Contagious Disease, or Suffering from  
14 Mental Disorder.** — The pilot, master, agent, owner or consignee of the vessel  
15 arriving at a port in the Philippines from a place outside thereof bringing on board  
16 an undocumented foreign national shall be fined One hundred thousand pesos  
17 (P100,000.00) for each foreign national. If the foreign national is afflicted with a  
18 communicable or contagious disease or is suffering from mental disorder, the fine  
19 shall be not less than Two hundred thousand pesos (P200,000.00) but not more than  
20 Three hundred thousand pesos (P300,000.00) for each foreign national.

21

22                         **SEC. 111. Fine for Bringing a Foreign National to Assist His Illegal Entry or  
23 Misrepresenting a Foreign National as a Member of the Crew.** — The pilot, master,  
24 agent, owner or consignee of the vessel arriving at any port in the Philippines from a  
25 place outside thereof bringing on board a foreign national bound for the Philippines  
26 to assist the illegal entry of the foreign national, or misrepresenting the foreign  
27 national to the Immigration Officer at the port of arrival as a *bona fide* member of the  
28 crew, shall be fined not less than One hundred thousand pesos (P100,000.00) but not  
29 more than Two hundred thousand pesos (P200,000.00) for each foreign national.

1           **SEC. 112. Fine for Violation of Other Provisions of this Act.** — The pilot,  
2 master, agent, owner or consignee of any vessel arriving at any port of the  
3 Philippines from a place outside thereof who violates any other provision of this Act  
4 not specifically provided in this Chapter shall be fined not less than Fifty thousand  
5 pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for  
6 each violation.

7

8    **CHAPTER 7**

9    **OTHER PENAL PROVISIONS**

10

11           **SEC. 113. Other Prohibited Acts and Penalties Thereof.** — Any person who  
12 shall commit any of the acts specified hereunder shall, upon conviction, suffer the  
13 penalty of *prisión correccional* in its maximum period to *prisión mayor* in its minimum  
14 period or a fine of not less than One hundred thousand pesos (P100,000.00) but not  
15 more than Five hundred thousand pesos (P500,000.00) or both, at the discretion of  
16 the court:

- 17                 (a) Impersonates another individual, or falsely appears in the name of a  
18 deceased individual, or evades the immigration laws by using an assumed or  
19 fictitious name when applying for an immigration document;
- 20                 (b) Issues or otherwise disposes of an immigration document or an  
21 immigration accountable form, to any person not authorized by law to receive such  
22 documents;
- 23                 (c) Obtains, manufactures, prints, accepts or uses any immigration or travel  
24 document knowing it to be false or uses immigration accountable form that is not  
25 legally issued;
- 26                 (d) Enters the Philippines without inspection and admission by the  
27 immigration authorities, or obtains entry into the Philippines by fraud,  
28 misrepresentation, or concealment of material facts;
- 29                 (e) Misrepresents himself/herself to be a Philippine citizen;
- 30                 (f) Knowingly makes under oath any false statement regarding any  
31 immigration matter; or

1                         (g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or  
2 gives comfort to any person not duly admitted by any Immigration Officer or not  
3 lawfully entitled to enter into or resides within the Philippines, or attempts,  
4 conspires with, or aids another to commit any such acts.

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

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

22  
23                         **SEC. 114. Penalty for Non-compliance of Subpoena.** — Any person who,  
24 having been duly served with a *subpoena*, fails to comply without valid and  
25 justifiable reasons shall, upon conviction, suffer the penalty of imprisonment of not  
26 more than fifteen (15) days or a fine of not more than One thousand pesos  
27 (P1,000.00), or both, at the discretion of the court.

28  
29                         **SEC. 115. Penalty for an Overstaying Crewmember.** — Any foreign  
30 crewmember who wilfully remains in the Philippines beyond the period allowed for  
31 temporary landing shall, upon conviction, suffer the penalty of imprisonment of six

1       (6) months or fine of not less than Fifty thousand pesos (P50,000.00) but not more  
2       than One hundred thousand pesos (P100,000.00), or both, at the discretion of the  
3       court.

4

5                 **SEC. 116. *Imposition of Maximum Penalty, When Applicable.*** – A person  
6       convicted under Republic Act No. 3019, as amended, otherwise known as the “Anti-  
7       Graft and Corrupt Practices Act”, or other laws against corruption and bribery who  
8       shall violate or circumvent any provisions of this Act shall, upon conviction, suffer  
9       the maximum penalty for such offense as provided under this Act.

10

11                      **CHAPTER 8**

12                      **UPGRADING OF COMPENSATION AND BENEFITS**

13

14                 **SEC. 117. *Creation and Upgrading of Compensation.*** – The basic monthly  
15       compensation of the following officials and employees of the Commission shall be as  
16       follows:

17	Position	Salary Grade	
		18                      From	To
19	Commissioner III	30	30
20	Deputy Commissioner III	29	29
21	Executive Director	-	28
22	Attorney V	25	28
23			
24	Deputy Executive Director I	25	27
25	Chief Administrative Officer	24	27
26	Chief Immigration Officer	24	27
27	Intelligence Office V	24	27
28	Information Technology Officer III	24	27
29	Attorney IV	23	27
30	Attorney III	21	26
31	Attorney II	18	25
32	Intelligence Office IV	22	25

1	Supervising Immigration Officer	22	25
2	Supervising Administrative Officer	22	25
3	Accountant III	19	25
4	Attorney I	16	24
5	Senior Immigration Officer	19	23
6	Administrative Officer V	18	23
7	Border Control Officer	-	22
8	Intelligence Officer III	18	21
9	Immigration Officer III	16	21
10	Intelligence Officer II	15	19
11	Immigration Officer II	13	19
12	Immigration Officer I	11	17
13	Intelligence Officer I	11	17

14 On the recommendation on the Commissioner, the Board shall have the  
 15 authority to reorganize, upgrade, or otherwise make adjustments in, the offices of  
 16 the Commission as required by the implementation of this Act: *Provided*, That to the  
 17 extent possible, the incumbent chiefs of sections or divisions whose offices are thus  
 18 affected may be upgraded to positions of comparable rank in the reorganization; for  
 19 the new division created under this Act, the Commissioner shall designate the chiefs  
 20 thereof.

21

22 **CHAPTER 9**

23 **TRANSITORY PROVISIONS**

24

25 **SEC. 118. *Interim Period.*** – The incumbent Commissioner and two Deputy  
 26 Commissioners, if qualified under this Act, shall continue to discharge the functions  
 27 of their position unless otherwise removed by the President. All personnel of the  
 28 Bureau of Immigration shall continue to discharge the functions of their position.

29

30 **SEC. 119. *Staffing Pattern and Salary Schedule.*** – To carry out the provisions  
 31 of this Act, the Commissioner shall submit a new staffing pattern and salary

1 schedule for personnel services to the Secretary of the Department of Budget and  
2 Management in accordance with Section 118 taking into account the Salary  
3 Standardization Law and other applicable laws under the National Compensation  
4 and Classification Plan.

5

6         *SEC. 120. Reorganization of the Commission.* – Upon approval of this Act,  
7 all employees of the Bureau of Immigration covered by the civil service law and  
8 regulations shall continue to hold their present positions pending the  
9 reorganization of the Commission in accordance with the new staffing pattern:  
10 *Provided*, That the salaries, wages, allowances and other benefits of incumbent  
11 officers and employees of the Commission shall not be subject to diminution:  
12 *Provided, further*, That in the event that the positions are abolished in accordance  
13 with the reorganization, the affected employees shall be *retained*. *Provided, finally*,  
14 That employees who have been dismissed for cause shall no longer qualify for any  
15 position in the Commission.

16

17         *SEC. 121. Inventory and Transfer of Properties, Accounts, Assets, Liabilities  
and Obligations to the Commission.* – All buildings, properties, equipment,  
18 facilities, accounts, other assets, liabilities and other obligations as well as records of  
19 the Bureau of Immigration shall be properly inventoried and transferred to the  
20 Commission.

22

23         *SEC. 122. Treaty or Agreement.* – Any treaty or agreement entered into  
24 between the Philippines and any foreign state before the effectivity of this Act shall  
25 remain in force and effect.

26

27         *SEC. 123. Pending Cases.* – Any prosecution, suit, action, proceeding, or any  
28 act or matter, civil or criminal, pending at the time of the effectivity of this Act shall  
29 not be affected by the provision of this Act unless otherwise applicable.

30

31

## CHAPTER 10

## **ADMINISTRATION AND IMPLEMENTATION**

**SEC. 124. Administration and Implementation Abroad.** – The administration and implementation of this Act abroad, including the rules and regulations as well as specific visa policies or guidelines, shall be the responsibility of the Department of Foreign Affairs, with due notice to the Commission and other concerned agencies and/or offices.

**SEC. 125. *Implementing Rules and Regulations.*** — The Commission, upon consultation with the Department of Foreign Affairs and other concerned agencies or offices and subject to the approval of the Secretary, shall promulgate the rules and regulations for the implementation of this Act within sixty (60) days from its effectivity.

## CHAPTER 11

### FINAL PROVISIONS

**SEC. 126. Separability Clause.** — If any of the provisions of this Act is held invalid or unconstitutional the other provisions not affected thereby shall continue to be in force and effect.

**SEC. 127. Repealing Clauses.** - (a) Commonwealth Act No. 613, otherwise known as the "*Philippine Immigration Act of 1940*", as amended, and Republic Act No. 750, are hereby repealed; (b) All 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. 128. Effectivity Clause.** — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.