

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

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez*

House Bill No. 1838

EXPLANATORY NOTE

This bill was originally introduced as House Bill No. 4148 during the Fourteenth Congress where it was transmitted to the Senate. During the 15<sup>th</sup> Congress, it was re-filed as House Bill 1074 where it remained pending with the Committee on Justice. It was again re-filed in the 16<sup>th</sup> Congress. During the 17<sup>th</sup> Congress, it was approved by the Committee on Justice.

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

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

Under these circumstances, it cannot be overemphasized that there is an urgent need to adopt stricter rules and regulations to protect the security, morals, safety and health of our people and the country in general. This bill carries the following salient features to address the matter.

1. A new, streamlined and restructured Commission on Immigration and Naturalization is proposed providing for (a) a systematized gathering, compiling, storage and reckoning/analysis of records, data and statistics on aliens, and (b) a clearer delineation of functions among the different divisions/departments so as to cut bureaucratic red tape and overlapping functions.
2. The proposed Commission on Immigration and Naturalization will now act on administrative naturalization matters in addition to its immigration related services.
3. The proposed law expands the classes of aliens who are ineligible for admission into the country.
4. The proposed law provides more visa categories and immigration privileges for foreign investors to support the country's policy of attracting foreign investments.
5. The proposed law provides guidelines on the handling of recent international developments in the matter of refugees, stateless persons and asylees.
6. The proposed law provides stiff penalties for trafficking of persons.
7. It will make the Commissioners career officials with a fixed term of seven (7) years.

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

  
RUFUS B. RODRIGUEZ



HOUSE OF REPRESENTATIVES

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*Introduced by Representative Rufus B. Rodriguez*

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House Bill No. 1838

**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:*

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

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

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

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

(b) The need to support the country’s technological and scientific development;

(c) The promotion of conditions for social welfare and economic security of the people;

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

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

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

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

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

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

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

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

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

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

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

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

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

i *Blacklist Order* refers to an order issued by the Commissioner that prevents a foreign national from entering the territorial jurisdiction of the Philippines;

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

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

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

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

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

(l) *Immigrant* refers to any foreign national, other than a nonimmigrant, departing from any place outside the Philippines destined for the Philippines;

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

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

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

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

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

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

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

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

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

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

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

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

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

## TITLE II COMMISSION ON IMMIGRATION

### CHAPTER 1 THE COMMISSION

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

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

### CHAPTER 2 THE BOARD OF COMMISSIONERS

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

(a) Quasi-judicial:

(1) Decide on applications or cases relative to:

- (i) Deportation;
  - (ii) Revocation of Immigration status;
  - (iii) Reacquisition and retention of Philippine citizenship under Republic Act No. 9225, otherwise known as the "Citizenship Retention and Reacquisition Act of 2003";
  - (iv) Issuance and revocation of all visas and permits;
  - (v) Declaration of indigence; and
  - (vi) Legalization of residence in accordance with law.
- (2) Cite and punish for contempt in relation to the discharge of its quasi-judicial functions in accordance with the Rules of Court.
- (b) Rule-making:
    - (1) Prescribe and promulgate rules of procedure for proceedings before it;
    - (2) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public; and
    - (3) Formulate policies, directives, programs and projects of the Commission.

The Board shall also perform such other powers and functions as provided in this Act and other existing laws, rules and regulations not inconsistent with any of the provisions of this Act.

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

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

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

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

### **CHAPTER 3**

#### **THE COMMISSIONER AND THE DEPUTY COMMISSIONERS**

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

**SEC. 11. *Powers and Functions of the Commissioner.*** – In addition to the duties as Chairperson of the Board of Commissioners, the Commissioner shall exercise the following powers and functions:

- (a) Supervise, direct and coordinate the overall operations of the Commission;
- (b) Exercise control and supervision over the officers and personnel of the Commission, including the power to appoint, promote, and reassign personnel, subject to existing civil service laws, rules and regulations: *Provided*, That the promotions and original appointments to positions higher than *Immigration Officer I* shall be made by the Secretary of the DOJ, upon the recommendation of the Commissioner;
- (c) Issue, (1) letter orders after determination of the existence of probable cause for the purpose of deportation; (2) commitment or release orders; (3) warrant of deportation; (4) order to inspect the documents, premises and records of persons covered by this Act and (5) derogatory information orders as defined in Section 3(h) of this Act;

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

(e) Act on applications for extension of visas;

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

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

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

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

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

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

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

(m) Submit to the President and Congress, annually or as may be directed, a report on: (1) the 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) the estimated number of illegal foreign nationals in the Philippines in each calendar year and actions taken to arrest them, grouped by nationality, for each region in the Philippines; and (5) such other transactions of the Commission;

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

(o) Provide an express lane for the rendition of services performed for individuals and entities upon payment of the fees he/she may prescribe and to deposit in an authorized government depository all such fees received under a trust fund subject to auditing and accounting rules that may be made available for the payment of allowances to employees of the Commission;

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

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

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

(s) Perform such other functions and exercise such other powers inherent to the functions of the Commission.

SEC. 12. *Appointment and Rank of Deputy Commissioners.* – There shall be two (2) 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. 13. *Duties of Deputy Commissioners.* – In addition to their duties as members of the Board, the Deputy Commissioners shall supervise a minimum of two (2) Directorates and one (1) regional office each as determined by the Commissioner.

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

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

#### **CHAPTER 4 THE BOARD SECRETARY**

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

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

- (a) Attend in and take minutes of all meetings of the Board;
- (b) Prepare the agenda for the deliberation of the Board on visa application;
- (c) Prepare the agenda for the deliberation of the Board on deportation cases, as endorsed by a Member of the Board after initial review;
- (d) Implement the decision of the Board approving visa applications, including revalidation;
- (e) Keep and manage all records of the deliberations of the Board;
- (f) Advise the members of the Board on all matters relative to compliance with relevant laws and requirements of regulatory authorities; and
- (g) All other functions as may be directed by the Board.

#### **CHAPTER 5 THE BOARDS OF SPECIAL INQUIRY**

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

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

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

- (a) Recommend to the Board for final resolution cases and applications relative to:
  - i Deportation;
  - ii Revocation of immigration status;
  - iii Recognition of Philippine citizenship by reason of birth or marriage;
  - iv Legalization of residence in accordance with law; and
  - v Issuance of visas to stateless persons.
- (b) Issue subpoena in cases being heard by the BSI;

(c) In the exercise of its quasi-judicial functions, cite and punish persons for contempt in accordance with the Rules of Court;

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

(e) Administer oaths;

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

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

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

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

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

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

## **CHAPTER 6 DIRECTORATES AND OTHER OPERATING OFFICES OF THE COMMISSION**

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

(a) Directorates:

(1) Administration;

(2) Finance and Logistics;

(3) Information and Communications Technology;

(4) Planning and Research;

(5) Alien Registration;

(6) Immigration Regulation;

(7) Intelligence;

(8) Law Enforcement;

(9) Operations;

(10) Legal Affairs; and

(11) Human Resource Management and Development.

(b) Regional Offices that shall be created by the Board according to political or administrative regions.



- (c) Districts:
  - (1) Major Airports; and
  - (2) Seaports

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

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

## CHAPTER 7 IMMIGRATION OFFICERS

SEC. 26. *Immigration Officers, Immigration Inspectors and Immigration Agents.*  
 – The Commission shall employ an elite group of Immigration Officers who shall be assisted by Immigration Inspectors and Immigration Agents in the performance of their duties and functions. No person shall be appointed to the position of Immigration Officer, Immigration Inspector or Immigration Agent unless such person meets the qualification standards set by the Commission, which shall include the following determinative factors in setting said qualification standards for each position:

- (a) Educational Attainment;
- (b) Civil Service Eligibility;
- (c) Relevant Experience;
- (d) Training;
  - (1) Basic;
  - (2) Advanced;
  - (3) Executive; and
- (e) Agility.

SEC. 27. *Powers and Functions of Immigration Officers.* – The Immigration Officers shall have the following powers and functions:

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

- (g) Detect and report subversive activities of aliens in the interest of national security;
- (h) Investigate any case at the instance of the Commissioner and submit the required reports;
- (i) Report on the activities of aliens inimical to national interest with a view to taking appropriate action in accordance with law;
- (j) Locate, conduct surveillance operations against and arrest foreign nationals who violate or are in violation of immigration laws, rules and regulations;
- (k) Provide actionable operational, tactical, and strategic intelligence to the operating units;
- (l) Conduct case build up, analysis and other in-depth research, as well as provide analytical reports on foreign nationals who violate or are in violation of immigration laws, rules and regulations;
- (m) Coordinate with other local and international law enforcement agencies in the gathering of intelligence information related to immigration law violations;
- (n) Conduct counter intelligence operations;
- (o) Enforce the immigration laws relating to the exclusion, deportation and repatriation of aliens;
- (p) Take charge of the physical detention of aliens pending their exclusion, deportation or repatriation;
- (q) Attend to the deportation of aliens;
- (r) Monitor all arriving and departing suspected terrorists, drug couriers and members of crime syndicates;
- (s) Assist and escort deportees, excluded passengers and transiting restricted passengers until finally boarded;
- (t) Assist in the queuing of passengers at the arrival and departure areas;
- (u) Investigate and escort from ports of entry intercepted passengers who are found in possession of spurious travel documents;
- (v) Implement Warrants of Deportation (WOD) and Mission Orders involving foreign nationals who violate or are in violation of immigration laws, rules and regulations; and,
- (w) Perform such other functions as may be assigned by the Commissioner from time to time.

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

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

## **CHAPTER 8 PLANNING AND RESEARCH**

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

- (a) Formulate and implement the Bureau's planning programs, projects and processes;
- (b) Facilitate and organize Commission-wide strategic planning sessions;

- (c) Conduct workload assessment and forecasting;
- (d) Provide assistance to the Commission in the implementation and establishment of a risk management process;
- (e) Implement a monitoring feedback measurement and evaluation system for the implementation of projects and programs;
- (f) Represent the Commission in meetings relating to Planning and Research; and
- (g) Perform such other tasks as may be directed by the Commissioner.

SEC. 30. *Creation of Positions; Directorate for Planning and Research.* – The following positions with the corresponding salary grades are hereby created:

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

## CHAPTER 9 HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

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

- (a) Develop and execute human resource strategies in support of the overall plan and strategic direction of the Commission especially in the areas of selection, hiring and promotion;
- (b) Design employee training modules;
- (c) Develop comprehensive strategic recruiting and retention plans to meet the human capital needs of strategic goals;
- (d) Oversee the recruitment, selection and promotion of employees;
- (e) Prepare schemes to strengthen the relationship between management and employees;
- (f) Set qualification standards and implement competency-based hiring and promotion policies;
- (g) Set performance standards for the employees of the Commission in order to meet the objectives, plans and programs of the Commission; and
- (h) Perform such other tasks as may be directed by the Commissioner.

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

POSITION	SALARY GRADE
Chief Human Resource Management Officer	28
Supervising Human Resource	25

Management Officer	
HR Management Officer III	23
HR Management Officer II	21
HR Management Officer I	17
HR Management Assistant	15

## CHAPTER 10 CAREER DEVELOPMENT PATTERN

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

(a) Establish and strengthen the Philippine Immigration Academy which shall be under the control and supervision of the Commissioner;

(b) Create a continuing program to enhance the knowledge, skills and competence of Immigration Officers, Immigration Inspectors, Immigration Agents and other personnel through a career advancement training and education prior to their promotion; and

(c) Formulate training requirements to implement the provisions in this Title.

## CHAPTER 11 OTHER OPERATING OFFICES

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

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

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

## TITLE III IMMIGRATION

### CHAPTER 1 NONIMMIGRANTS

SEC. 37. *Categories of Nonimmigrants and Types of Visa Issued.* – Foreign nationals departing from any place outside the Philippines who are otherwise admissible and who qualify under any one of the following categories may be admitted as nonimmigrants:

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

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

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

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

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

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

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

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

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

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

(i) Heads of State and/or Heads of Government and their personal representatives;

(ii) Members of reigning royal families from countries recognized by the Philippine Government;

(iii) Governors-General, Governors, and High Commissioners of dependent territories and their personal representatives;

(iv) Cabinet ministers and their deputies, and officials with cabinet rank or ministers;

(v) Presiding officers of national legislative bodies;

(vi) Justices or judges of the highest national judicial bodies;

(vii) Diplomats and career consular officials on foreign assignment in the Philippines;

(viii) Military, naval, air and other attaches assigned to a diplomatic mission; and

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

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

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

(i) Administrative and technical members of the staff of a diplomatic or consular mission;

(ii) Officials participating in programs under the auspices of the Philippine Government or recognized international institutions; and

(iii) Accompanying spouses and unmarried dependents of foreigners within the abovementioned categories;

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

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

(i) Diplomatic couriers regularly and professionally employed as such;

(ii) All members of official special missions of a diplomatic character;

(iii) Members of delegations proceeding to or from an international conference of a diplomatic or official nature; and

(iv) Such other officials going to the Philippines on diplomatic or official missions;

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

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

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

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

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

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

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

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

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

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

Accredited international organizations include any public international organization engaged in activities of which the Philippines participates pursuant to any treaty or under the authority of any act of the Congress of the Philippines authorizing such participation or making an appropriation for such participation and such other international organizations, institutions, agencies, programs, foundations and entities which are recognized by the government of the Republic of the Philippines, including those existing and already recognized as such at the time of the effectivity of this Act.

All types of visas under Section 37(i) of this Act shall be exclusively issued and renewed by the DFA, which shall also determine the type of I Visa of officials and staff of International Organizations who are not identified in the foregoing list. The grant of immunities and privileges shall be subject to applicable domestic and international law,

relevant Headquarters Agreements, and international agreements to which the Philippines is a party.

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

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

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

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

(n) Special Nonimmigrants (N Visas): Such other foreign nationals including their family members who may be admitted as nonimmigrants under special laws or foreign nationals not otherwise provided for by this Act who are coming for temporary periods only, and whose admission is authorized by the Board or the President in the interest of the public or for humanitarian considerations and under such conditions as may be prescribed.

## **CHAPTER 2 IMMIGRANTS**

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

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

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

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

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

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

SEC. 40. *Basis in Determination of Quota Allotment.* – The nationality of immigrants whose admission is subject to the numerical limitation imposed by Section 38 of



this Act shall be that of the country of which the immigrant is a national or a citizen. The nationality of immigrants possessing dual nationality may be either of the two (2) countries regarding them as a national or citizen if they apply for a visa in a third country. If such immigrants apply for a visa in one of the two (2) countries regarding them as a national or citizen, their nationality shall be that of the country in which they filed their application for a visa to enter the Philippines.

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

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

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

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

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

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

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

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

### **CHAPTER 3 NATIVE-BORN FOREIGN NATIONAL**

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

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

### **CHAPTER 4 ADJUSTMENT OF STATUS**

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

(a) The foreigner makes an application for such adjustment;

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

(c) A quota immigrant visa is immediately available to the foreign national at the time of application, without the need of first departing from the Philippines.

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

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

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

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

(b) Transients.

SEC. 47. *Loss of Status.* – A registered foreign national, except a temporary visitor, who fails to return to the Philippines within a period of one (1) year from departure shall lose the status granted under Title III of this Act. Such foreign national may apply for an extension of the period within which to return prior to its expiration and pay the prescribed fees and charges in order to maintain the status or type of visa granted.

## **CHAPTER 5**

### **DOCUMENTATION AND ADMISSION OF NONIMMIGRANTS**

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

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

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

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

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

SEC. 52. *Inspection of Crew members.* – It shall be the duty of the master, captain, agent, owner or consignee of any vessel arriving in the Philippines to have available on board, for inspection by the Immigration Officer, any foreign crew member employed on such vessel and, when required by the immigration authorities, to detain such crew member on board after inspection or to remove such crew member. No crew member on board such vessel shall be discharged while the vessel is in port without the permission of the Commissioner.

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

## **CHAPTER 6 DOCUMENTATION AND ADMISSION OF IMMIGRANTS**

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

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

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

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

(d)

## **CHAPTER 7 VISA ISSUANCE**

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

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

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

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

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

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

SEC. 58. *Requirements for Physical and Mental Examination Prior to Issuance of Immigrant Visa.* – Prior to the issuance of an immigrant visa to any foreign national, the Consular Officer shall require such person to submit to a physical and mental examination in accordance with such regulations as may be prescribed by the Commissioner.

SEC. 59. *Visa Validity Period.* – A single-entry non-immigrant or immigrant visa issued by a Consular Officer abroad pursuant to Section 57 of this Act shall be valid for a period not exceeding three (3) months: *Provided*, That in prescribing the validity period of a single-entry non-immigrant visa, the Consular Officer may allow a longer validity period based on reciprocity as accorded by the foreign country to citizens of the Philippines who are within a similar class.

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

SEC. 60. *Denial of Visa; Grounds.* – The Consular Officer may deny the application for visa if: (a) it appears from the statements in the application or in the documents submitted that the applicant is not eligible for a visa under this Act; or (b) the applicant fails to comply with the requirements of the provisions of this Act.

SEC. 61. *Revocation of Visa Issued by Consular Officer.* – The Commissioner may, for valid cause and upon confirmation by the DFA, revoke the visa issued by any Consular Officer. If the notice of revocation is not received and the visa holder applies for admission into the Philippines, the admission or entry of the foreign national shall be determined by the Immigration Officer upon arrival at the port of entry.

## **CHAPTER 8**

### **RE-ENTRY AND EMIGRATION CLEARANCE**

SEC. 62. *Re-entry.* – In all instances when a registered foreign national, except a temporary visitor, departs or is about to depart temporarily from the Philippines with the intention to return within one (1) year from departure, the foreign national must secure

from the Commission a re-entry permit or, if the authorized stay is less than one (1) year, a Special Return Certificate, and pay the corresponding fees and charges therefor.

SEC. 63. *Emigration Clearance.* – A registered foreign national who departs permanently from the Philippines shall surrender all Philippine immigration documents to the Commission and apply for and be issued an Emigration Clearance Certificate, subject to the following conditions:

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

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

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

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

## **CHAPTER 9 PRESIDENTIAL PREROGATIVES**

SEC. 64. *Presidential Prerogatives.* – Any provision of this Act to the contrary notwithstanding, the President may:

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

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

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

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

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

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

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

## **TITLE IV PROVISIONS RELATING TO ENTRY**

### **CHAPTER 1 CLASSIFICATION OF PORTS OF ENTRY**

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

## **CHAPTER 2 PROCEDURES ON ARRIVAL**

SEC. 66. *Inspection by Immigration Officer.* – A foreign national seeking admission or readmission shall present a valid passport and visa, if required, to the immigration officer at the port of entry and shall be subject to primary inspection. The decision of the examining Immigration Officer, if favorable to the admission of any foreigner, may be challenged by another Immigration Officer on any ground provided in this Act. The final determination on the admissibility of such foreign national shall be determined by the Commissioner within forty-eight (48) hours in case no resolution is reached between the Immigration Officers on the challenged admission. In case of admission, the Immigration Officer shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

SEC. 67. *Detention or Quarantine for Examination.* – For the purpose of determining whether a foreign national arriving at any port in the Philippines belongs to any of the classes excludable under this Act by reason of being afflicted with any of the contagious or communicable disease or mental disorder as set forth under Section 78(a) of this Act, or when the Commissioner has received information showing that a foreign national comes from a country or a place where any of such diseases are prevalent or widespread, the foreigner shall be detained or quarantined for a reasonable period of time to enable immigration and medical officers to subject such person to observation and examination.

SEC. 68. *Medical Examination Requirement.* – An arriving foreign national whom the examining Immigration Officer believes to belong under the class of excludable foreign nationals specified in Section 78(a) of this Act shall be referred to designated medical officers for physical and mental examination. Such medical officer shall certify the findings of the examination for the information of the Immigration Officer.

SEC. 69. *Arrival Notice Requirements of Vessel.* – Immigration authorities shall be given prior notice of the arrival of any civilian vessel before such vessel comes into any area in the Philippines from any place outside it. Such prior notice shall not be required in the case of vessels with scheduled arrivals filed with the Immigration Officer in charge at the international port of entry.

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

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

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

## **CHAPTER 3 FOREIGN CREW MEMBER**

SEC. 71. *Conditional Permit to Disembark.* – A foreign crewmember of a vessel under Section 37(c) of this Act may be granted a conditional permit, in a form prescribed by

regulations, to disembark temporarily from the vessel on which such crewmember arrived while the vessel remains in port under such terms and conditions as may be prescribed by the Commissioner.

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

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

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

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

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

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

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



## CHAPTER 4 EXCLUSIONS

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

(a) Health Related Grounds

(1) Those who are found to be suffering from a communicable, dangerous or contagious disease, unless excepted under existing laws, rules and regulations;

(2) Those who are found to be suffering from mental disorder or associated behavior that may pose a threat to persons or danger to property;

(3) Those who are found to be suffering from addiction to prohibited or regulated substance;

(b) Economic Grounds

(1) Those likely to become a public charge;

(2) Those seeking entry for the purpose of performing skilled or unskilled labor, without a permit from the Secretary of the Department of Labor and Employment as required by law;

(c) Moral Grounds

(1) Those coming to the Philippines to practice polygamy or who advocate the practice of polygamy unless the person's religion allows such practices;

(2) Those who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes;

(3) Those who are engaged or who seek to engage in prostitution or to procure or attempt to procure prostitutes, or who receives in whole or in part the proceeds of prostitution;

(4) Those who, at the time of primary inspection, by the Immigration Officer exhibit any obnoxious behavior, contempt or disrespect for the said officer or any government official or employee of the Commission;

(d) Criminal and Security Grounds

(1) Those who have been convicted of a crime involving moral turpitude or who admit to the Immigration Officer having committed such crime, or who attempt and conspire to commit the crime;

(2) Those who have been convicted, or who admit having committed, or are committing acts which constitute the elements of a violation or conspiracy to violate any law or regulation of the Philippines or a foreign country relating to a controlled, regulated or prohibited substance, or who admit having attempted or conspired to commit the crime;

(3) Those that the Philippine Government knows or has reason to believe is a trafficker of any controlled, regulated or prohibited substance or knows or has reason to believe is or has been an accomplice, accessory, abettor, or co-conspirator in the illicit trafficking of any controlled, regulated or prohibited substance;

(4) Those who are fugitives from justice;

(5) Those who seek to enter the Philippines to engage in:

(a) Espionage or sabotage, or a violation or evasion of any law prohibiting export of goods, technology or sensitive information;

(b) Any activity aimed to promote membership in an organization of syndicated criminal activities;

(c) Any activity, the purpose of which is to overthrow the Philippine government by force, violence or other unlawful means; and

(d) Any other unlawful activity.

(6) Those who are engaged or believed to be engaged or likely to engage in, aid, abet or finance any terrorist activity and members or representatives of a foreign terrorist organization;

(7) Those who have been identified by competent authorities, local or foreign, as having engaged or are engaging in human trafficking and smuggling;

(8) Those who are under fifteen (15) years of age and unaccompanied by or not coming to a parent, except that they may be admitted at the discretion of the Commissioner, if otherwise admissible: *Provided*, That they present a written consent to travel from either parent citing the purpose thereof and affirmed by a Consular Officer; and

(9) Those who have been identified by competent authorities, local and foreign, as having engaged or are engaging in importation of contraband and other prohibited articles into the country.

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

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

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

SEC. 82. *Procedure of Removal and Cost Thereof.* – Foreign nationals arriving in the Philippines who are ordered excluded shall be immediately removed in the same accommodation to the country where they boarded the vessel on which they arrived, unless the Commissioner determines that immediate removal is not proper and practicable, in which case such excluded foreign nationals shall be ordered detained. The cost of detention and other expenses incidental thereto shall be borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel on which such foreigners arrived.

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

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

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

- (a) Board a foreign national ordered excluded and removed in the same vessel or another vessel owned or operated by the same company;
- (b) Detain a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by an Immigration Officer;
- (c) Deliver a foreign national for medical or other examinations when so ordered by an Immigration Officer;
- (d) Remove a foreign national from the Philippines to the country to which the individual's removal has been directed; or

(e) Pay the cost of detention and other expenses incidental thereto incurred while the excluded foreign national is being detained as required by Section 83 of this Act or other costs necessary or incidental to his removal as provided in this Act.

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

## TITLE V DEPORTATION

### CHAPTER 1 DEPORTABLE FOREIGN NATIONALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a genuine document, even of another person, without authority to do so for the purpose of satisfying or complying with the requirements of the Commission;

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

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

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

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

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

## **CHAPTER 2 DEPORTATION OF FOREIGN NATIONALS**

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

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

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

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

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

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

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

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

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

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

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

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

### **CHAPTER 3 INDIGENT FOREIGN NATIONAL**

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

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

## **TITLE VI MISCELLANEOUS PROVISIONS**

### **CHAPTER 1 REGISTRATION OF FOREIGN NATIONALS**

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

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

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

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

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

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

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

### **CHAPTER 2 BONDS AND DEPOSITS**

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

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

(b) Insure against foreign passengers liable to be excluded due to a likelihood of becoming public charges; and

(c) Ensure the appearance of foreign nationals released from custody during the course of deportation proceedings instituted against them.

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

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

### **CHAPTER 3 RECOGNIZANCE**

SEC. 111. *Petitions for Recognizance, Sanction for Breach of Conditions.* – The Commissioner may order the release of a foreign national upon recognizance of the foreign national's lawyer or a person who is of good standing in the community, under such terms and conditions as the Board may prescribe. Failure to comply with the terms and conditions of the recognizance shall subject said lawyer or person to a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), without prejudice to other administrative sanctions or proceedings against the erring party.

### **CHAPTER 4 COOPERATION AND COORDINATION WITH OTHER OFFICES**

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

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

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

SEC. 115. *Coordination with Law Enforcement, Security and Other Offices.* – The Commissioner shall have the authority to maintain coordination with the National Security Council, the Philippine National Police (PNP), and other law enforcement agencies of the government.



## **CHAPTER 5 FEES AND CHARGES**

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

## **CHAPTER 6 ADMINISTRATIVE FINES**

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

SEC. 118. *Fine for Violating Obligation on the Landing, Removal, or Deportation of Foreign Nationals.* – Any owner, operator, master, captain, pilot, agent, or consignee of any vessel arriving at a port of the Philippines from a place outside its territory that has a foreign national on board in violation of this Act shall be fined not less than Fifty thousand pesos (₱50,000.00) but not more than Two hundred thousand pesos (₱200,000.00) for each act or violation consisting of:

- (a) Failure to prevent the landing of such foreign national in the Philippines at any time or place other than as designated by the Immigration Officer;
- (b) Refusal or failure to detain a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by an Immigration Officer;
- (c) Refusal or failure to deliver a foreign national for medical or other examinations when so ordered by an Immigration Officer;
- (d) Refusal or failure to pay the cost of maintenance and other costs, as required by this Act, of such foreign national when temporarily removed from the vessels for examination by order of the Immigration Officer;
- (e) Refusal or failure to receive such foreign national on board for removal from the Philippines if the foreign national is excluded, or to pay the cost of removal as required under Sections 82 and 97 of this Act;
- (f) Refusal or failure to take on board, guard safely and transport the deportee to the foreign national's country of destination, or to shoulder the cost of deportation of the foreign crew member;
- (g) Making any charge against such foreign national for the cost referred to in (d) above, or for the cost of the removal of the foreign national from the Philippines if the latter is excluded, or taking any security from the foreign national for the payment of any such costs.

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

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

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

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

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

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

## **CHAPTER 7 PENAL PROVISIONS**

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

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

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

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

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

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

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

(g) Bringing into, or landing in the Philippines, or concealing, harboring, employing, or giving comfort to, any person not duly admitted by an Immigration Officer or not lawfully

entitled to enter into or reside within the Philippines, or attempting, conspiring with, or aiding another to commit any such acts.

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

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

**SEC. 125. *Penalty for Aiding the Escape of Detained Foreign National.*** – Any person who shall be found to have helped, assisted, supported, caused or ministered the escape, including harboring and concealing, of a detained foreign national shall, upon conviction, be imprisoned for not less than five (5) years but not more than ten (10) years and a fine of not less than Two hundred thousand pesos (₱200,000.00): *Provided*, That if the person liable is a foreign national, such person shall be deported after service of sentence: *Provided, further*, That any tool, equipment, implement or vehicle used in the escape of a detained foreign national shall be destroyed or forfeited in favor of the government.

**SEC. 126. *Penalty for Non-compliance of Subpoena.*** – Any person who, having been duly served with a *subpoena*, fails to comply without valid and justifiable reasons, shall suffer the penalty of imprisonment of not more than fifteen (15) days, or a fine of not more than One thousand pesos (₱1,000.00), or both, at the discretion of the court.

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

## **CHAPTER 8 UPGRADING OF COMPENSATION AND BENEFITS**

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

EXISTING POSITION	RECLASSIFIED POSITION	SALARY GRADE
Commissioner	Commissioner III	30
Deputy Commissioner	Deputy Commissioner III	29
Attorney V (Board of Special Inquiry)	Chief Special Inquiry Officer (Overall Chairperson, BSI)	28

Chief Administrative Officer (Administrative Division)	Chief Administrative Officer (Director for Administration)	28
Chief Administrative Officer (Finance and Management Division)	Chief Finance and Logistics Officer (Director for Finance and Logistics)	28
Information Technology Officer III	Chief Information and Communications Technology Officer (Director for ICT)	28
Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer (Director for Alien Registration)	28
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Officer for Immigration Regulation (Director for Immigration Regulation)	28
Chief Intelligence Officer (Intelligence Division)	Chief Immigration Officer for Intelligence (Director for Intelligence)	28
Chief Immigration Officer (Port Operations Division)	Chief Immigration Officer for Operations (Director for Operations)	28
Attorney V (Legal Division)	Chief Immigration Officer for Legal Affairs (Director for Legal Affairs)	28
	Chief Immigration Officer for Law Enforcement (Director for Law Enforcement)	28
	Chief Planning and Research Specialist (Director for Planning and Research)	28
	Chief Human Resource Management Officer (Director for Human Resource Management and Development)	28
	Regional Director	27
Attorney IV (BSI)	Special Inquiry Officer IV (Chairperson, BSI)	27
Attorney IV (Legal Division)	Immigration Prosecutor IV	27
Attorney III (BSI)	Special Inquiry Officer III (Member, BSI)	26
Attorney III (Legal Division)	Immigration Prosecutor III	26
Supervising Immigration Officer	Supervising Immigration Officer	26

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

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

Upon the recommendation of the Board, the Secretary of the DOJ shall reorganize, upgrade, or otherwise make adjustments in the offices of the Commission as required by the implementation of this Act: *Provided*, That to the extent possible, the incumbent chiefs of sections and divisions whose offices are hereby affected may be upgraded to positions of

comparable rank in the reorganization: *Provided, further*, That for the new directorates and positions created under this Act, the Board shall designate the directors and officers thereof.

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

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

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

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

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

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

## CHAPTER 9 TRANSITORY PROVISIONS

SEC. 131. *Interim Period.* – The incumbent Commissioner and the two (2) Deputy Commissioners, if qualified under this Act, shall continue to discharge the functions of their positions unless otherwise removed by the President. All personnel of the present Bureau of Immigration shall continue to discharge the functions of their positions pending the reorganization as provided in this Act.

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



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

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

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

## **CHAPTER 10 ADMINISTRATION AND IMPLEMENTATION**

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

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

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

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

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

## **CHAPTER 11 FINAL PROVISIONS**

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

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

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

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

Approved,