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SENATE

S. B. No. 2204

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INTRODUCED BY SENATOR SONNY M. ANGARA

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PHILIPPINE IMMIGRATION ACT OF 2014

EXPLANATORY NOTE

Cagayan de Oro Representative Rufus B. Rodriguez originally introduced this bill as House Bill No. 4148 during the 14<sup>th</sup> Congress. During the 15<sup>th</sup> Congress, it was again re-filed as House Bill 1074 where it remained pending with the Committee on Justice. Under the 16<sup>th</sup> Congress, Representative Maximo Rodriguez of Abante Mindanao Party-list joined Rep. Rufus Rodriguez in refilling this bill as House Bill No. 3007.

The undersigned supports the move of the aforementioned House Representatives for the repeal of Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended and introduce a new law that will consider the changing demands of the country's role in the global community.

The antiquated law was passed at a time when issues brought about by a highly globalized world were yet to be considered. It has become unresponsive to new developments surrounding immigration, including fugitives, asylum-seekers, criminal syndicate-immigrants, and human traffickers. In 2012 alone, the Bureau of Immigration has deported 603 foreigners, about three times higher compared to 2011's 147. A total of 659 foreign criminals and fugitives hiding in the country were also arrested in 2013. These foreign nationals were involved in forgery and extortion, cybercrime, pornography or sexual conducts, and financial crimes such as fraud and theft.

There is also a need to revisit the antiquated provisions of the existing law in order to comply with our obligations and standards set by international law in the admission or exclusion of foreign nationals.

With a total of 157 countries granted visa-free entry into the Philippines, the government's active campaign to attract foreign nationals to enhance capital investments, and the steady increase in the number of foreigners both visiting and residing in the country, there is indeed a need to equip the immigration bureau with modern structures and mechanisms necessary for the administration of immigration laws.

This bill carries the following salient features to address the many other problematic areas and concerns that have not been adequately addressed by the present law:

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 asylum-seekers;
6. The proposed law provides stiff penalties for trafficking of persons; and
7. It will make the Commissioners career officials with a fixed term of seven (7) years.

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



**SENATOR SONNY M. ANGARA**

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SENATE  
S. B. No. 2204

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INTRODUCED BY SENATOR SONNY M. ANGARA

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PHILIPPINE IMMIGRATION ACT OF 2014

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

TITLE I  
GENERAL PROVISIONS

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4       **SEC. 1. Title of the Act.** — This Act shall be known as the "Philippine  
5 Immigration Act of 2014".  
6

7       **SEC. 2. Declaration of Policy.** — In relation to other states, the Philippines shall  
8 give paramount consideration to national sovereignty, territorial integrity, national  
9 security, national interest, and the right to self-determination, as it adheres to the policy  
10 of peace, cooperation and amity with all nations. Toward this end, Philippine  
11 immigration policies, rules and regulations under this Act shall be applied and  
12 administered in the promotion of domestic and international interests of the Philippines,  
13 in recognition of:  
14

- 15       (a) The admission of foreign nationals for the purpose of enhancing capital  
16       investments, trade and commerce, cultural exchanges and other forms of  
17       friendly relations and cooperation;
- 18       (b) The need for increased technological and scientific development;
- 19       (c) Promotion of conditions for social welfare and economic security of the  
20       people;
- 21       (d) Compliance with obligations and standards set by international law in the  
22       admission or exclusion of foreign nationals;
- 23       (e) Promoting international order and justice by denying the use of Philippine  
24       territory to persons who are engaged or likely to engage in terrorism,  
25       human smuggling and trafficking, criminal and other nefarious activities;

- 1 (f) Modernization of structures and mechanisms necessary for the  
2 administration of immigration laws in keeping with the changing demands  
3 of the country's role in the global community; and
- 4 (g) Professionalization of the immigration service by instituting a rigid system  
5 of screening and selection of immigration officials and employees and  
6 promoting their development.

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

- 9
- 10 (a) "Admission" refers to the process by which a foreigner arriving at a port of  
11 entry in the Philippines is allowed into the country by the immigration  
12 authorities;
- 13
- 14 (b) "Board" refers to the Board of Commissioners;
- 15
- 16 (c) "Border Control Officer" refers to any person tasked to man the border  
17 control station as provided under Section 26 of this Act;
- 18
- 19 (d) "Captain" refers to the master of a vessel or pilot of an aircraft;
- 20
- 21 (e) "Child" refers to a person below eighteen (18) years of age;
- 22
- 23 (f) "Citizen" refers to any person who is a citizen of the Philippines under  
24 Section 1, Article IV of the Constitution of the Republic of the Philippines;
- 25
- 26 (g) "Commission" refers to the Commission on Immigration;
- 27
- 28 (h) "Commissioner" and "Deputy Commissioner" refer to the Commissioner of  
29 Immigration and the Deputy Commissioner of Immigration, respectively;
- 30
- 31 (i) "Commitment Order" refers to an order issued by the Commissioner under  
32 Section 7 (c) (2) of this Act that directs the detention of a foreigner after it  
33 has been determined that a probable cause exists that he/she committed  
34 acts and/or omissions in violation of Philippine immigration laws, rules and  
35 regulations, or during the pendency of deportation case against such  
36 foreigner: *Provided*, That such detention shall not exceed three (3) months,  
37 unless there exists other legal grounds for continued detention;
- 38
- 39 (j) "Consular Officer" refers to any consular, diplomatic, or other officer of the  
40 Government of the Philippines who has been duly granted a consular  
41 commission for the purpose of issuing visas under this Act;
- 42
- 43 (k) "Entry" refers to the arrival of a foreigner into any designated port of entry  
44 in the Philippines from a place outside thereof. A foreigner having a lawful  
45 permanent residence in the Philippines shall not be regarded as making an  
46 entry for the purpose of this Act if such foreigner proves that his/her  
47 departure to a place outside the Philippines was for a temporary or limited

1 period, or his/her continued absence from the Philippines was occasioned  
2 by deportation proceedings, extradition, or other legal process;

- 3  
4 (l) "Exclusion" refers to the act of Immigration Officers denying admission of a  
5 foreigner into the country on grounds provided for in this Act;  
6  
7 (m) "Foreigner" or "Foreign National" refers to any person not a citizen of the  
8 Philippines;  
9  
10 (n) "Hold Departure Order" refers to (1) a directive that commands the  
11 Commissioner to prevent a foreigner from leaving the territorial jurisdiction  
12 of the Philippines in cases of grant of bail and recognizance pending  
13 implementation of Summary Deportation Order, or (2) an order  
14 implementing a directive from the President, the Senate, the House of  
15 Representatives, the Department of Justice (DOJ), Regional Trial Courts,  
16 Sandiganbayan, and appellate courts to prevent a person from leaving the  
17 Philippines to any place outside thereof;  
18  
19 (o) "Husband" and/or "Wife" refer(s) to those regarded as such by the laws of  
20 the country of which they are nationals but shall not include husband or  
21 wife by reason of proxy or "picture marriage";  
22  
23 (p) "Immigrant" refers to any foreign national departing from any place outside  
24 the Philippines destined for the Philippines, other than a non-immigrant;  
25  
26 (q) "Immigration laws" refers to this Act and any other law presently existing or  
27 which may hereafter be enacted relating to movement of natural persons to  
28 and from the Philippines, and their exclusion, interception, deportation and  
29 repatriation;  
30  
31 (r) "Immigration Officer" refers to any person appointed under Section 28 of  
32 this Act or any employee of the Commission designated by the  
33 Commissioner to perform the powers, duties and functions of an  
34 Immigration Officer as specified under this Act;  
35  
36 (s) "Interception" refers to the act of Immigration Officers denying departure  
37 clearance to any person leaving the country on grounds provided for in this  
38 Act;  
39  
40 (t) "Non-immigrant" refers to any foreigner departing from any place outside  
41 the Philippines who is allowed entry and admission into the Philippines for  
42 a temporary or limited period of stay;  
43  
44 (u) "Non-refoulement" refers a principle of international law which prohibits the  
45 forced return of a refugee to the state or territory where his/her life or  
46 liberty would be threatened;  
47  
48 (v) "Passport" refers a document issued by the Philippine government to its  
49 citizens requesting other governments to allow its citizens to pass safely  
50 and freely, and in case of need to give him all lawful aid and protection;  
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- (w) "Person" refers to natural and juridical person such as partnerships, corporations, companies, and associations;
- (x) "Port of entry" refers to any port designated by competent authority in accordance with law through which a foreigner may apply to the Immigration Officer thereat for admission into the Philippines;
- (y) "President" refers to the President of the Republic of the Philippines;
- (z) "Refugee" refers to a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his/her 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 his/her former habitual residence, is unable or, owing to such fear, is unwilling to return to it;
- (aa) "Foundling" refers to a deserted or abandoned infant whose parents, guardian or relatives are unknown, or a child committed to an orphanage or charitable institution with unknown facts of birth and parentage and registered in the Civil Register as a "foundling".
- (bb) "Seaman," "Seafarer" or "Crewmember" refers to a person actually employed in the operation or service in any capacity on board a vessel;
- (cc) "Secretary" refers to the Secretary of the Department of Justice;
- (dd) "Stateless Person" refers to a person who is not considered a national by any State under its laws;
- (ee) "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 the category enumerated in Section 13 of Republic Act No. 8239, otherwise known as "The Philippine Passport Act of 1996";
- (ff) "Vessel" refers to all means of conveyances, whether aircraft or sea craft;
- (gg) "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 foreigners by the Commissioner or the Board under this Act; and
- (hh) "Watchlist Order" refers to an order issued by the Commissioner under Section 7 (c) (4) of this Act that requires immigration personnel to monitor and/or prevent the departure of any person for a period of fifteen (15) days, extendible for another fifteen (15) days, and to notify concerned

1 government or law enforcement agencies, when his/her presence is  
2 required in criminal or legislative proceedings, or he/she poses or may  
3 pose a threat to national security, public health or public safety.  
4

5  
6 TITLE II  
7 COMMISSION ON IMMIGRATION

8  
9 CHAPTER 1  
10 THE COMMISSION

11  
12 **SEC. 4. Creation.** — The Commission on Immigration is hereby created. It shall  
13 be principally responsible for the administration and enforcement of this Act, and the  
14 implementation of all laws, rules, regulations or orders of any competent authority  
15 concerning the entry and admission into, stay in, and the departure from the Philippines  
16 of all persons. The Commission shall be under the general supervision of the  
17 Department of Justice.  
18

19 **SEC. 5. Composition and Qualification.** — The Commission shall be  
20 administered by the Board of Commissioners headed by the Commissioner as  
21 Chairperson, and four (4) Deputy Commissioners as members, all of whom shall be  
22 natural-born citizens of the Philippines and, at the time of their appointment, at least  
23 thirty-five (35) years of age, holders of a college degree and with proven capacity for  
24 administration: *Provided*, That the majority or three (3) members including the  
25 Chairperson of the Commission shall be members of the Philippine Bar in good standing  
26 for at least five (5) years.  
27

28  
29 CHAPTER 2  
30 THE COMMISSIONER

31  
32 **SEC. 6. Appointment and Rank of the Commissioner.** — The Commissioner  
33 shall be appointed by the President and shall have the same rank, salary, and privileges  
34 of an Undersecretary of a Department.  
35

36 **SEC. 7. Powers and Functions of the Commissioner.** — In addition to the  
37 duties as Chairperson of the Board of Commissioners, the Commissioner shall exercise  
38 the following powers and functions:  
39

- 40 (a) Supervise, direct and coordinate the overall operations of the Commission;  
41 (b) Appoint, and exercise control and supervision over, the officers and  
42 personnel of the commission, subject to existing civil service laws, rules and  
43 regulations;  
44 (c) Issue, (1) letter orders after determination of the existence of probable  
45 cause; (2) commitment or release orders; (3) warrant of deportation; (4)  
46 watchlist orders; (5) hold departure orders; (6) allow entry or departure  
47 orders; (7) blacklist orders; and (8) orders implementing watchlist orders  
48 issued by the Department of Justice;  
49 (d) Delegate authority to subordinate officers and employees of the  
50 Commission, except with regard to powers and functions enumerated in the

- 1 immediately preceding paragraph, which may be delegated only to the  
2 Deputy Commissioners;
- 3 (e) Act on applications for issuance and revocation of immigrant visas;  
4 (f) Act on petitions for declaration of indigency;  
5 (g) Declare such control posts, landing places, airports or ports as points of  
6 entry or exit, whether limited or unlimited;  
7 (h) Increase, reduce or waive immigration fees, fines, penalties and other  
8 charges;  
9 (i) Act on applications for retention or reacquisition of citizenship under  
10 Republic Act No. 9225 otherwise known as "Citizenship Retention and Re-  
11 acquisition Act of 2003";  
12 (j) Issue Certificate of Identification to foreigners who have obtained Filipino  
13 citizenship;  
14 (k) Issue letter orders and permits to carry firearms, ammunition and  
15 communications equipment to authorized immigration operatives for use in  
16 enforcement operations and in the execution of warrants: *Provided*, That  
17 such firearms are owned and issued by the Commission;  
18 (l) Inspect the documents, premises and records of persons covered by this  
19 Act;  
20 (m) Deputize any official or employee of the national government and local  
21 government units, including uniformed personnel of the Armed Forces of the  
22 Philippines, the Philippine National Police and the Philippine Coast Guard to  
23 perform immigration duties and functions subject to the concurrence of the  
24 Board;  
25 (n) Authorize and prescribe the forms and the amount of cash bonds for the  
26 provisional release of respondents in deportation proceedings;  
27 (o) Impose reasonable fines and penalties for violation of immigration and alien  
28 registration laws in accordance with this Act and the guidelines adopted by  
29 the Commission;  
30 (p) Accept donation of materials, equipment or technical services from any  
31 foreign government, international or domestic organization, to upgrade the  
32 efficiency and operations of the Commission;  
33 (q) Submit to the President and Congress, annually or as may be directed, a  
34 report on the: (1) number and status of foreigners in the Philippines; (2)  
35 foreigners admitted or granted change of status as permanent residents; (3)  
36 foreigners who have been excluded or deported from the Philippines; (4)  
37 estimated number of illegal foreigners in the Philippines in each calendar  
38 year and actions taken to arrest them, by nationality grouping, for each  
39 region in the Philippines; and (5) such other transactions of the Commission;  
40 (r) Prepare and submit supplemental budget of the Commission for the  
41 consideration of the Department of Budget and Management;  
42 (s) Prescribe such rules, regulations or other administrative issuances to carry  
43 out the provisions of this Act;  
44 (t) Prescribe the appropriate forms, bonds, reports, entries and other papers in  
45 accordance with this Act; and  
46 (u) Perform such other functions inherent to the Commission.  
47 (v) Act on applications for recognition of Philippine citizenship of foundlings.



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CHAPTER 3  
THE DEPUTY COMMISSIONERS

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

**SEC. 9. Duties of Deputy Commissioners.** — In addition to their duties as members of the Board, the Deputy Commissioners shall exercise additional powers, subject to the approval of and as may be assigned by the Board, in the following areas of concern as:

- a. Deputy Commissioner for Administration, Finance, Planning, Legal and Information and Communications Technology;
- b. Deputy Commissioner for Regional Operations, Registration, Immigration Regulation and Visa and Special Permit;
- c. Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and Complaint and Prosecution; and
- d. Deputy Commissioner for International Policies, Cooperation and Social Integration.

CHAPTER 4  
THE BOARD OF COMMISSIONERS

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

- (a) Decide on deportation cases;
- (b) Act on appeals on decisions promulgated by immigration hearing officers;
- (c) Act on applications or recommendations for revocation of immigration status;
- (d) Act on applications for recognition of Philippine citizenship by reason of birth or marriage;
- (e) Decide on applications for legalization of residence in accordance with law;
- (f) Prescribe and promulgate rules of proceedings before it;
- (g) Cite and punish for contempt any person in accordance with the Rules of Court;
- (h) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public;
- (i) Formulate policies, directives, programs and projects of the Commission; and
- (j) Perform such other powers and functions as provided by existing laws, rules and regulations not inconsistent with any of the provisions of this Act.

**SEC. 11. Decisions of the Board.** — In all cases or proceedings before the Board, the decision of the majority shall prevail. Decisions of the Board shall become final and executory fifteen (15) days from receipt thereof. Only one (1) motion for reconsideration shall be filed with the Board.

Decisions in deportation cases may be appealed to the Office of the President

1 within fifteen (15) days from receipt thereof, whose decision shall be final and executory  
2 unless stayed by an order of the Court of Appeals. The appeal shall stay the execution  
3 of the decision appealed from unless the Board, in the interest of national security  
4 and/or public safety, directs its execution pending appeal.  
5

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

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

16 **SEC. 14. Board Secretary.** – The Board shall be assisted by a Board Secretary  
17 who shall be appointed by the Commissioner. He/she must be a member of the  
18 Philippine Bar in good standing for at least three (3) years prior to his/her appointment.  
19 He/she shall keep a docket book for deportation cases, applications for revocation of  
20 immigration status, applications for recognition of Philippine citizenship by reason of  
21 birth or marriage, applications for legalization of residence and applications for refugee  
22 status.  
23

## 24 25 CHAPTER 5 26 THE EXECUTIVE DIRECTOR 27

28 **SEC. 15. Appointment and Tenure** – There shall be an Executive Director of  
29 the Commission who shall be appointed by the Secretary upon the recommendation of  
30 the Commissioner, and whose term shall be co-terminous with the Commissioner.  
31 He/she must be a natural-born citizen of the Philippines, at least thirty (30) years of age  
32 and a member of the Philippine Bar in good standing for at least five (5) years prior to  
33 his/her appointment.  
34

35 **SEC. 16. Powers and Duties.** – The Executive Director shall:  
36

- 37 (a) Advise and assist the Commissioner in the formulation and implementation of  
38 the objectives, policies, plans and programs of the Commission;  
39 (b) Oversee all the operational activities of the Commission;  
40 (c) Coordinate the programs and projects of the Commission and be responsible  
41 for its economical, efficient and effective administration;  
42 (d) Administer oaths in connection with all matters relating to the business of the  
43 Commission; and  
44 (e) Perform such other duties as may be assigned by the Commissioner.  
45

## 46 47 CHAPTER 6 48 THE BOARD OF SPECIAL INQUIRY 49

50 **SEC. 17. Constitution of Boards of Special Inquiry.** There shall be constituted  
51 as many Boards of Special Inquiry as required in the exigency of service but not more

1 than twelve (12). Each Board shall be composed of a Chairperson and two (2)  
2 members. The Board shall be designated according to their areas of specialization  
3 to be determined by the Board.

4  
5 **SEC. 18. Appointment and Qualification of the Chairpersons and Members**  
6 **of the Boards of Special Inquiry.** – The Chairpersons and members of the Boards of  
7 Special Inquiry shall be appointed by the Commissioner, all of whom shall be natural-  
8 born citizens of the Philippines and, at the time of their appointment, at least thirty (30)  
9 years of age, members of the Philippine Bar in good standing, and engaged in the  
10 practice of law for at least three (3) years. They shall hold office during good behavior,  
11 unless sooner removed for cause.

12  
13 **SEC. 19. Powers and Functions of the Boards of Special Inquiry.** – The  
14 Boards of Special Inquiry shall:

- 15  
16 (a) Administer oaths;  
17 (b) Cite and punish for contempt in accordance with the Rules of Court;  
18 (c) Issue subpoena in cases being heard by the Board of Special Inquiry;  
19 (d) Recommend to the Board the imposition, waiver or reduction of fees, fines,  
20 penalties and other charges subject to existing laws, rules and regulations;  
21 (e) Exercise exclusive original authority to hear and recommend to the Board for  
22 final resolution the following cases:  
23 (1) Deportation;  
24 (2) Applications for revocation of immigration status;  
25 (3) Applications for recognition of Philippine citizenship by reason of birth or  
26 marriage;  
27 (4) Applications for legalization of residence in accordance with law;  
28 (5) Application for issuance of visa for stateless person; and  
29 (f) Perform such other duties and functions as may be directed by the  
30 Commissioner.

31  
32 **SEC. 20. Proceedings Before the Boards of Special Inquiry.** – The  
33 proceedings before the Boards of Special Inquiry shall be public and recorded. In all  
34 cases, the Boards of Special Inquiry shall meet and act as a collegial body. Only  
35 members of the Philippine Bar in good standing shall appear for and in behalf of any  
36 party before the Boards of Special Inquiry.

37  
38 **SEC. 21. Resolutions of the Boards of Special Inquiry.** – Cases before the  
39 Boards of Special Inquiry shall be resolved within five (5) working days from the date the  
40 same are submitted for resolution. Said resolution shall be submitted immediately to the  
41 Board for action.

42  
43  
44 **CHAPTER 7**  
45 **DIVISIONS OF THE COMMISSION**

46  
47 **SEC. 22. Divisions and Other Operating Offices of the Commission.** – The  
48 Commission shall have the following divisions and other operating offices, namely: (1)  
49 Administration; (2) Finance; (3) Information and Communications Technology; (4)  
50 Planning and Research; (5) International Policies and Cooperation; (6) Social  
51 Integration; (7) Intelligence; (8) Law Enforcement; (9) Fraud Prevention; (10) Legal; (11)

1 Immigration Regulation; (12) Registration; (13) Visa and Special Permit; (14) Complaint  
2 and Prosecution; (15) Internal Audit Office; (16) National Operations Center; and (17)  
3 Immigration Academy of the Philippines.

4  
5 **SEC. 23. Heads of the Divisions and Other Operating Offices.** — Each  
6 Division and other operating offices shall be headed by a Director to be appointed by  
7 the Secretary, upon recommendation of the Commissioner: *Provided, however,* That  
8 Directors for the Division for Legal and the Division for Complaint and Prosecution shall  
9 be members of the Philippine Bar in good standing, and must have been engaged in the  
10 practice of law for at least three (3) years. The Director for Finance Division shall be a  
11 Certified Public Accountant in good standing for at least three (3) years.

12  
13 **SEC. 24. Duties and Functions of the Divisions and Other Operating**  
14 **Offices.** — The different divisions and other operating offices of the Commission shall  
15 operate in accordance with their respective duties and functions as defined by the  
16 Commissioner, subject to the requirements of efficiency, economy, transparency,  
17 accountability and effectiveness, and pertinent budget and civil service laws, rules and  
18 regulations.

19  
20  
21 **CHAPTER 8**  
22 **REGIONAL OFFICES**

23  
24 **SEC. 25. Field Offices of the Commission.** — The Commission shall operate  
25 and maintain a Regional Immigration Office in each of the administrative regions  
26 including the National Capital Region.

27  
28 The Regional Immigration Offices of the Commission shall each be headed by a  
29 Regional Immigration Officer, all of whom shall be appointed by the Secretary upon the  
30 recommendation of the Commissioner.

31  
32 **SEC. 26. Border Control Stations** — There shall be established Border Control  
33 Stations which shall be manned by Border Control Officers appointed by the  
34 Commissioner. The Border Control Stations shall be placed in specific areas in the  
35 Philippines which shall be determined by the Board. Their duties and responsibilities  
36 shall be determined by the Commissioner.

37  
38 **SEC. 27. Changes in the Composition, Distribution of Assignment of**  
39 **Regional Offices.** — The Commissioner may make changes in the composition,  
40 distribution and assignment of Regional Offices, as well as its personnel, based on the  
41 demographics of the Philippines' foreigner population and as the exigency of the service  
42 requires.

43  
44 **SEC. 28. Immigration Officers.** — The position of Immigration Officer is hereby  
45 created. No person shall be appointed to the position of Immigration Officer unless he is  
46 a holder of a bachelor's degree and a first grade civil service eligible. The Immigration  
47 Officers shall perform the following duties:

- 48  
49 (a) Examine, with the assistance and advice of medical authorities in  
50 appropriate cases, foreigners at the port of entry concerning their  
51 admissibility to enter and their qualifications to remain in the Philippines;

- 1 (b) Exclude foreign nationals not properly documented, and to admit foreign  
2 nationals complying with the applicable provisions of immigration and related  
3 laws;  
4 (c) Administer oaths in connection with the performance of their duties;  
5 (d) Search for foreign nationals on any vessel believed to be used to illegally  
6 bring foreign nationals into the Philippines, and to arrest without warrant any  
7 foreigner who in his presence or view is entering or is about to enter the  
8 Philippines in violation of immigration and related laws, rules and  
9 regulations;  
10 (e) Act as control officer with authority to prevent the departure of passengers  
11 not complying with departure requirements; and  
12 (f) Perform such other functions as may be assigned by the Commissioner from  
13 time to time.  
14

15 **SEC. 29. Designation of Employees.** - The Commissioner may designate, in  
16 accordance with civil service laws, rules and regulations, any competent and qualified  
17 employee of the Commission, to act as immigration officer or assign any employee to  
18 other offices within the Commission and/or assign him/her additional or other duties as  
19 the best interest or exigency of the service may require.  
20

21 **SEC. 30. Assignment of Employees to do Overtime Work.** - The  
22 Commissioner may assign immigration employees to do overtime work or services  
23 pursuant to rules and regulations to be prescribed and at the rates fixed by the  
24 Commissioner when the work or service to be rendered is to be paid by the airline,  
25 shipping companies or other persons served.  
26

27 **SEC. 31. Deployment of Immigration Personnel Abroad.** - Within ninety (90)  
28 days from the effectivity of this Act, the Department of Foreign Affairs and the  
29 Commission shall enter into a Memorandum of Agreement pertinent to the assignment  
30 and deployment of immigration personnel to select consular posts abroad who shall  
31 perform immigration duties, except diplomatic and consular functions.  
32

33 **SEC. 32. Manning Levels** - On the average, the manning levels of immigration  
34 officers of the Commission nationwide shall be in accordance with the number of arrivals  
35 in each port of entry as determined by the Board: *Provided*, That the number of  
36 employees, as provided in the staffing pattern in accordance with Section 130 of the  
37 Act, shall not be decreased.  
38  
39  
40

41 TITLE III  
42 IMMIGRATION

43 CHAPTER 1  
44 NON-IMMIGRANTS  
45  
46

47 **SEC. 33. Categories of Non-immigrants and Types of Visa Issued.**- Foreign  
48 nationals departing from any place outside the Philippines who are otherwise admissible  
49 and who qualify under any one of the following categories may be admitted as non-  
50 immigrants:  
51

1 (a) Temporary visitors (A Visas): Visitors coming to the Philippines for a  
2 temporary period for reasons of business, pleasure or health:  
3

- 4 1. Business (A-1 visa): Temporary visitors engaged in activities of a commercial  
5 or professional nature for a foreign employer or for themselves that will not  
6 result in gainful employment in the Philippines. As used herein, the term  
7 "business" refers to conventions, conferences, consultations and other  
8 legitimate activities of a commercial or a professional nature, but does not  
9 include local employment or labor for hire;
- 10 2. Pleasure (A-2 visa): Temporary visitors who stay in the Philippines for  
11 holiday, including sightseeing, recreation or visiting relatives; and
- 12 3. Health (A-3 visa): Temporary visitors who stay in the Philippines to avail of  
13 medical treatment.  
14

15 (b) Transit Persons (B Visa): Persons passing through the Philippines solely for  
16 a "stop over" who have a confirmed connecting flight to another country or passengers  
17 in immediate and continuous transit to a destination outside the Philippines;  
18

19 (c) Crew members (C Visa): Members of the crew of vessels required for the  
20 normal operation and servicing of the vessels who come to the Philippines temporarily  
21 as part of their jobs either arriving with or coming to join the vessels;  
22

23 (d) Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens and their  
24 family members from a country that has a trade treaty with the Philippines and coming  
25 to work in the Philippines for either a company they own or one that is at least fifty  
26 percent (50%) owned by nationals of their home country and which company is  
27 engaged in substantial trade between the Philippines and their home country shall be  
28 granted a D-1 visa.  
29

30 Citizens of a country that has an investor treaty with the Philippines, and their  
31 family members, and coming to work in the Philippines for a business they own or one  
32 that is at least fifty percent (50%) owned by nationals of their home country and which  
33 business is supported by a substantial investment from nationals of their home country  
34 shall be granted a D-2 visa;  
35

36 (e) Accredited Foreign Government Officials, Their Families and Attendants (E  
37 Visas): Foreign government officials, their families and attendants coming to the country  
38 for official purpose, pursuant to international conventions and bilateral agreements, shall  
39 be granted E Visas divided into three (3) types, namely:  
40

- 41 1. Persons entitled to E-1 Visa: The E-1 Visa shall be issued to persons  
42 enjoying diplomatic immunities and privileges, particularly the following  
43 classes of foreign nationals:
  - 44 a. Heads of the State and Heads of Government and their personal  
45 representatives;
  - 46 b. Members of reigning royal families recognized by the Philippine  
47 Government;
  - 48 c. Governors-General, Governors, and High Commissioners of dependent  
49 territories and their personal representatives;

- 1 d. Cabinet ministers and their deputies and officials with cabinet rank of  
2 ministers;  
3 e. Presiding officers of national legislative bodies;  
4 f. Justices or judges of the highest national judicial bodies;  
5 g. Diplomats and career consular officials;  
6 h. Diplomatic couriers regularly and professionally employed as such;  
7 i. Military, naval, air and other attaches assigned to a diplomatic mission;  
8 j. All members of official special missions of a diplomatic character;  
9 k. Officials of international organizations bearing diplomatic passports when  
10 traveling on official business;  
11 l. Representatives of international organizations who have diplomatic status  
12 and bearing diplomatic passports issued by their governments;  
13 m. Members of delegations proceeding to or from an international conference  
14 of an official or diplomatic nature;  
15 n. Accompanying spouses and unmarried minor children of foreigners within  
16 the abovementioned categories; and  
17 o. Such other officials going to the Philippines on diplomatic missions.  
18  
19 2. Persons entitled to E-2 Visa: The E-2 visa shall be issued to any other  
20 person not included in the foregoing list, who is an officer of a foreign  
21 government recognized by the Philippines, is a national of the country whose  
22 government he represents, and is proceeding to the Philippines in  
23 connection with official business for his/her government.  
24

25 This category includes, *inter alia*, the members of the staff of a  
26 diplomatic mission or consular post, the staff of international  
27 organizations, and official students or participants in programs under the  
28 auspices of the Philippine Government or recognized international  
29 institutions.  
30

31 The family members of the above-mentioned persons shall also be  
32 issued E-2 Visa.  
33

- 34 3. Persons entitled to E-3 Visa: The E-3 Visa shall be issued to the members of  
35 the household, the attendants, servants and employees of persons to whom  
36 E-1 and E-2 visas have been granted;  
37

38 (f) Students (F Visa): Foreign students having means sufficient for their support  
39 and education in the Philippines who seek to enter the Philippines temporarily for the  
40 sole purpose of taking up a course of study higher than high school at a  
41 university/seminary, academy or college accredited for such foreign students by the  
42 Commission on Higher Education in collaboration with the Commission. Their  
43 collaboration shall include the monitoring of the status of activities of such foreign  
44 students in the Philippines;  
45

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

1  
2 (h) Religious Workers (H Visa): Duly ordained or professional missionaries and  
3 religious ministers, including members of their family, coming to the Philippines to join a  
4 religious congregation or denomination duly registered with the Securities and  
5 Exchange Commission, upon invitation, sponsorship or guarantee of such religious  
6 congregation or denomination, solely for the purpose of propagating, teaching and  
7 disseminating their faith or religion;  
8

9 (i) Representatives of International Organizations and Government Agencies (I  
10 Visa): Officials, principal representatives and foreign workers of accredited international  
11 organizations as well as missions, including their family members, staff and servants.  
12 The term "accredited international organization" includes any public international  
13 organization in the activities of which the Philippines participates pursuant to any treaty  
14 or under the authority of any act of the Congress of the Philippines authorizing such  
15 participation or making an appropriation for such participation and such other  
16 international organizations, institutions, agencies, programs, foundations and entities  
17 which are recognized by the government of the Republic of the Philippines, including  
18 those existing and already recognized as such at the time of the effectivity of this Act.  
19 The term "staff" includes the employees of persons to whom the E-3 visa has been  
20 granted;  
21

22 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly  
23 accredited by the government agency concerned, who are bona fide representatives of  
24 a foreign press, radio, satellite, television, film, or other information media, and are  
25 coming to the Philippines solely to engage in gathering information principally for  
26 dissemination abroad, including their family members accompanying or following to join  
27 them during the period of the assignment in the Philippines;  
28

29 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines to  
30 teach, study, observe, conduct research or receive training in a specific Exchange  
31 Visitor Program duly approved by the Philippine Government;  
32

33 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined  
34 in Section 3 (z) hereof shall be issued L-1 Visa. Stateless persons, whose admission for  
35 humanitarian reasons and not inimical to public interest has been approved by the  
36 Commissioner or the President in such cases and under such conditions as he may  
37 prescribe, shall be issued L-2 Visa; and  
38

39 (m) Special Non-Immigrants (M Visas): Such other foreign nationals including  
40 their family members who may be admitted as non-immigrants under special laws or  
41 foreign nationals not otherwise provided for by this Act who are coming for temporary  
42 periods only, and whose admission is authorized by the Commissioner or the President  
43 in the interest of the public or for humanitarian considerations and under such conditions  
44 as he may prescribe.  
45

46 **SEC 33-A. Visa Policy.** – The policies governing the issuance, extension,  
47 renewal and conversion of visas referred to in Section 33 hereof shall be jointly  
48 formulated by the Commission and the Department of Foreign Affairs (DFA) and, when  
49 appropriate, the Commission and the DFA shall consult with the concerned government  
50 agencies or offices relative thereto.



1  
2 Any visa policy or guidelines to be implemented abroad shall be done by the DFA,  
3 with due notice to the Commission and other concerned agencies and/or offices.  
4

5 **SEC. 33-B. Visa Issuance Overseas.** - All non-immigrant visas issued outside  
6 of the Philippines shall be done by Consular Officers of the DFA duly assigned at  
7 Philippines posts abroad. Immigrant visas, whenever issued abroad, shall be done by  
8 the Consular Officers upon the approval of the Commission through the DFA.  
9

10  
11 **CHAPTER 2**  
12 **IMMIGRANTS**  
13

14 **SEC. 34. Quota Immigrants.** — Subject to conditions set forth in this Act, there  
15 may be admitted into the Philippines, immigrants, otherwise known as "*quota*  
16 *immigrants*", not to exceed two hundred (200) of any one nationality based on  
17 immigration reciprocity for any one calendar year and upon allotment by the  
18 Commissioner of the corresponding quota number. In the allotment of quota numbers,  
19 the following order of preference shall be observed:  
20

21 (a) First Preference: Those whose service and qualifications show high  
22 educational attainment, technical training, specialized experience, or exceptional ability  
23 in the sciences, arts, professions, or business as would reasonably enhance and  
24 contribute substantial benefits prospectively to the national economy, or cultural or  
25 educational interests or welfare of the Philippines, including their family members,  
26 accompanying or following to join them, who shall likewise be allotted individual quota  
27 numbers;  
28

29 (b) Second Preference: Parents of a naturalized Philippine citizen;  
30

31 (c) Third Preference: Spouses or minor children of foreign nationals who are  
32 lawful permanent residents of the Philippines; and  
33

34 (d) Fourth Preference: Parents of foreign nationals who are lawful permanent  
35 residents of the Philippines.  
36

37 **SEC 35. Allotment of Quota.** — The Commissioner shall, with respect to the  
38 first preference, allot not more than fifty percent (50%) of the annual quota allotment up  
39 to the end of June each year: *Provided, however,* That if the fifty percent (50%) is not  
40 utilized by the first preference, the balance thereof shall be given to the second, third,  
41 and fourth preferences in accordance with Section 34 of this Act. Any unused quota  
42 allotment for a calendar year cannot be carried over and utilized for the ensuing  
43 calendar year.  
44

45 **SEC. 36. Basis in Determination of Quota Allotment.** — The nationality of an  
46 immigrant whose admission is subject to the numerical limitation imposed by Section 34  
47 of this Act shall be that of the country of which the immigrant is a national or a citizen.  
48 The nationality of an immigrant possessing dual nationality may be that of either of the  
49 two countries regarding him/her as a national or citizen if he/she applies for a visa in a  
50 third country. If he/she applies for a visa within one of the two countries regarding

1 him/her as a national or citizen, his/her nationality shall be that of the country in which  
2 he/she files his/her application for a visa to enter the Philippines.  
3

4 **SEC. 37. Non-Quota Immigrants.** — The following immigrants, known as “non-  
5 quota immigrants”, may be admitted without regard to numerical limitation and  
6 immigration reciprocity:  
7

8 (a) The spouse of a Philippine citizen: *Provided, however,* That the  
9 abandonment and failure to give support by the foreign spouse to his/her Filipino  
10 spouse and family, legal separation, or termination of the marital status by annulment,  
11 declaration of nullity of marriage or divorce where the cause is attributable to the foreign  
12 spouse, shall constitute grounds for cancellation of the immigrant visa issued to the  
13 foreign spouse;  
14

15 (b) A person of Filipino descent regardless of generation;  
16

17 (c) A child born to a foreign mother during her temporary visit abroad, the  
18 mother being a lawful permanent resident of the Philippines, if accompanied by or  
19 coming to join the mother who applies for admission within five (5) years from the birth  
20 of the child;  
21

22 (d) A child born subsequent to the issuance of an immigrant visa to the  
23 accompanying parent, the visa not having expired or revoked;  
24

25 (e) A foreign national who had been previously lawfully admitted into the  
26 Philippines for permanent residence who is returning from a temporary visit abroad to  
27 an unrelinquished residence in the Philippines; and  
28

29 (f) A natural-born citizen who becomes a naturalized citizen of a foreign country  
30 and is returning to the Philippines for permanent residence therein, including his/her  
31 spouse and minor children accompanying or following to join him/her, except the one  
32 who has re-acquired or retained his/her Philippine citizenship pursuant to Republic Act  
33 No. 9225.  
34

35 **SEC. 38. Status of Children Born to Foreign Nationals.** — (a) A child born in  
36 the Philippines to parents who are foreign nationals and lawful residents of the  
37 Philippines shall be deemed a native-born permanent resident. (b) A child born to  
38 parents who are both non-immigrants shall be deemed a native-born non-immigrant or  
39 temporary resident and may remain in the Philippines only during the period of  
40 authorized stay of the parents, unless he/she reaches the age of eighteen (18) years  
41 while continuously residing in the Philippines, in which case he/she may apply for  
42 naturalization under existing laws or for an appropriate visa.  
43  
44

### 45 CHAPTER 3 46 ADJUSTMENT OF STATUS 47

48 **SEC. 39. Conditions for Adjustment of Status of Foreign Nationals.** — The  
49 status of a foreign national admitted into the Philippines as non-immigrant may be  
50 adjusted by the Board to that of a foreigner lawfully admitted as a permanent resident if:  
51 (a) the foreigner makes an application for such adjustment; (b) the foreigner is eligible to

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

7 **SEC. 40. Effect of Approval on Application for Adjustment.** — Upon the  
8 approval of an application for adjustment of status under the preceding section, the  
9 Commissioner shall record the foreign national's lawful admission as a permanent  
10 resident as of the date of the approval of the application and shall be included as part of  
11 the quota for the calendar year in accordance with Section 34 of this Act.  
12

13 **SEC. 41. Adjustment of Status, When Not Allowed.** — Adjustment of status  
14 under Section 34 of this Act shall not be applicable to (a) a foreign crewman, (b) a  
15 foreign national who has violated or is in violation of immigration laws, rules and  
16 regulations unless the same is through no fault of his/her own or for purely technical  
17 reasons, (c) a foreign national admitted as a temporary visitor without visa, and (d)  
18 transients.  
19

#### 20 21 CHAPTER 4 22 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS 23

24 **SEC. 42. Documentary Requirements of Non-immigrants.** — Non-immigrants  
25 must present for admission into the Philippines valid passports issued by the  
26 governments of the countries to which they owe allegiance to or other travel documents  
27 showing their nationality and identity as prescribed by regulations and a valid visa  
28 granted by the Philippine Consular Officer, if required under existing laws, rules,  
29 regulations, or multi-lateral or bilateral agreements.  
30

31 **SEC. 43. Conditions and Period of Authorized Stay of Temporary Visitors.** —  
32 The initial period of authorized stay of a foreign national admitted as a temporary visitor  
33 under Section 33 of this Act shall not exceed two (2) months from the date of arrival.  
34 Extensions of authorized stay may be granted under terms and conditions as may be  
35 prescribed by the Commissioner: *Provided*, That the total period of authorized stay shall  
36 not exceed twenty-four (24) months: *Provided further*, That during the foreign national's  
37 authorized stay: (a) he/she shall not take any employment, whether paid or unpaid; (b)  
38 he/she shall not establish or join in any business; or (c) he/she shall not enroll and  
39 become a student at a school, college, university, academy, or other educational  
40 institution, unless he/she is granted, upon proper application, a conversion to another  
41 immigration status provided under this Act.  
42

43 **SEC. 44. Conditions for Issuance of Pre-arranged Visas.** — A foreigner who is  
44 coming to the Philippines for prearranged employment shall not be issued a non-  
45 immigrant visa referred to in Section 33 (g) until the Consular Officer shall have received  
46 authorization for the issuance of the same. Such authorization shall be given only upon  
47 the filing of a petition with the Board establishing, among others, that no person can be  
48 found in the Philippines willing and competent to perform the work or service for which  
49 the foreigner is desired and that his/her admission would be beneficial to the public  
50 interest. The petition shall be under oath by the prospective employer or his/her  
51 representative in the form and manner prescribed by the Board.

1  
2 If the Board finds that the petition complies with the requirements of the  
3 preceding paragraph and of other regulations, it shall grant the petition and shall  
4 promptly transmit the authorization to the Department of Foreign Affairs and/or the  
5 Consular Office concerned.  
6

7 **SEC. 45. Submission of Crew List and Passenger Manifest to the**  
8 **Commission.** – Simultaneous to the vessel's departure from the port of origin, the  
9 master, captain, agent, owner or consignee of any commercial vessel arriving to the  
10 Philippines shall submit to the Commission, within a reasonable time prior to such  
11 arrival, the crew lists, passenger manifests and such other information concerning the  
12 persons arriving on such a vessel. In the same manner and condition, the master,  
13 captain, agent, owner or consignee of any commercial vessel departing from any port in  
14 the Philippines shall submit to the Commission, within a reasonable time prior to such  
15 departure, the crew list, passenger manifest and such other information concerning the  
16 persons departing on such vessel. The crew list of an incoming sea craft shall be duly  
17 visaed by the appropriate Consular Officer.  
18

19 **SEC. 46. Inspection of Crewmembers.** – It shall be the duty of the master,  
20 captain, agent, owner or consignee of any vessel arriving in the Philippines to have  
21 available on board, for inspection by the Immigration Officer, any foreign crewmember  
22 employed on such vessel and to detain such crewmember on board after inspection and  
23 to remove such crewmember when required by the immigration authorities. No  
24 crewmember on board such vessel shall be discharged while the vessel is in port  
25 without the permission of the Commissioner.  
26

27 **SEC. 47. Permission for Temporary Landing of a Foreign Crewmember.** — A  
28 foreign crewmember on a vessel arriving in the Philippines may be permitted to land  
29 temporarily under such conditions as may be prescribed by the Commissioner. All  
30 expenses incurred by the Commission while the crewmember is on land shall be borne  
31 by the master, captain, agent, owner or consignee of the carrying vessel.  
32

33  
34 **CHAPTER 5**  
35 **REFUGEE STATUS**  
36

37 **SEC. 48. Grant of Refugee Status.** – Persons seeking refugee status may apply  
38 for recognition as a refugee upon seeking admission at any port of entry or within a  
39 reasonable time thereafter. Refugee status shall be granted by the Secretary of the  
40 Department of Justice after it is determined that an applicant meets the qualifications of  
41 a refugee as defined in Section 3(z) hereof. Refugee status shall not be granted to an  
42 applicant if he/she:  
43

- 44 (a) has committed a crime against peace, a war crime, crime against humanity  
45 or any other crime under international law;  
46 (b) has committed a serious non-political crime outside the Philippines prior to  
47 his admission as a refugee; or  
48 (c) has been guilty of an act contrary to the purposes and principles of the  
49 United Nations.  
50



- 1 if the child is accompanied by either parent within five (5) years from the  
2 date of the child's birth; and  
3 (c) A foreigner who is returning to an unrelinquished lawful permanent  
4 residence in the Philippines after a temporary residence abroad and  
5 presents for admission a valid reentry permit.  
6  
7

8 **Chapter 7**  
9 **VISA ISSUANCE**

10  
11 **SEC. 56. Nature of Visa.** — Nothing in this Act shall be construed to  
12 automatically entitle any foreign national to whom a visa or other travel document has  
13 been issued to enter the Philippines if, upon arrival at a port of entry, he/she is found to  
14 be inadmissible under this Act or any other law.  
15

16 **SEC. 57. Requirement of Issuance of Visa.** — Under the conditions and subject  
17 to the limitations prescribed in this Act or regulations issued hereunder, the  
18 Commissioner may approve the issuance of an immigrant visa upon the  
19 recommendation of a Consular Officer in the following manner:  
20

21 (a) An immigrant visa may only be issued to a foreign national who has made a  
22 proper application therefor, which shall specify the foreign country, if any, to which the  
23 quota the number is assigned, the immigrant's particular status in such country, the  
24 preference to which the foreigner is classified, the date on which the validity of the visa  
25 shall expire, and such additional information as may be required.  
26

27 (b) The Department of Foreign Affairs, through its Consular Office abroad and  
28 through the Office of the Visa Director, shall approve the issuance of a non-immigrant  
29 visa to a foreign national who has made a proper application therefor in accordance with  
30 Section 33 of this Act.  
31

32 All diplomatic visas under Section 33 (e) of this Act shall be exclusively issued by  
33 the Department of Foreign Affairs in accordance with the Vienna Convention on  
34 Diplomatic Relations.  
35

36 All other non-immigrant visas under Section 33 shall be issued by the Consular Officer,  
37 when the application is made abroad, or may be issued by the Office of the Visa  
38 Director of the Department of Foreign Affairs, when the application is made in the  
39 Philippines for conversion or renewal.  
40

41 The issuance of special non-immigrant visas falling under the jurisdiction of a  
42 particular government office or agency can only be done in coordination with and upon  
43 recommendation of the government agency or office concerned.  
44

45 **SEC. 58. Requirements for Physical and/or Mental Examination Prior to**  
46 **Issuance of Immigrant Visa.** — Prior to the issuance of an immigrant visa to any foreign  
47 national, the Consular Officer shall require such person to submit to a physical and  
48 mental examination in accordance with such regulations as may be prescribed by the  
49 Commissioner. In addition, said foreign national shall be required to personally plant  
50 fifty (50) trees, except when he/she is physically incapable of doing so, in which case,  
51 he/she may cause another person to plant the trees.

1  
2       **SEC. 59. Validity of Visa.** — A non-immigrant or immigrant visa issued by a  
3 Consular Officer abroad pursuant to Section 57 of this Act shall be valid for a period not  
4 exceeding six (6) months. In prescribing the period of validity of a non-immigrant visa,  
5 the Consular Officer shall, insofar as practicable, accord to such nationals the same  
6 treatment on a reciprocal basis as such foreign country accords to citizens of the  
7 Philippines who are within a similar class. An immigrant visa may be replaced under the  
8 original number during the calendar year in which the original visa was issued for a  
9 foreigner who establishes to the satisfaction of the Consular Officer that he/she was  
10 unable to use the original immigrant visa during the period of its validity for reasons  
11 beyond his/her control: *Provided*, That the foreign national is found by the Consular  
12 Officer to be eligible for another immigrant visa and has paid all the fees.  
13

14       **SEC. 60. Denial of Visa, Grounds Thereof.** — The Consular Officer may deny  
15 the application for visa (a) if it appears from the statements in the application or in the  
16 documents submitted the applicant is not entitled to a visa under this Act; or (b) if he/she  
17 fails to comply with the requirements of the provisions of this Act.  
18

19       **SEC. 61. Revocation of Visa Issued by Consular Officer.** — The  
20 Commissioner may, for valid cause and upon confirmation of the Secretary of Foreign  
21 Affairs, revoke the visa issued by any Philippine Consular Office. If the notice of  
22 revocation is not received and the visa holder applies for admission into the Philippines,  
23 his/her admission or entry shall be determined by the Immigration Officer upon his/her  
24 arrival at the port of entry.  
25

26  
27                                   **CHAPTER 8**  
28                                   **RE-ENTRY AND EMIGRATION CLEARANCE**  
29

30       **SEC. 62. Re-entry.** — Every time a registered foreign national, except a  
31 temporary visitor, departs or is about to depart temporarily from the Philippines with the  
32 intention to return, he/she must pay a re-entry fee, emigration clearance fee and head  
33 fee: *Provided*, That said foreign national returns to the Philippines within a period of one  
34 (1) year from his/her departure in order to maintain his/her visa category. Otherwise,  
35 he/she shall apply for an extension of the period within which to return prior to its  
36 expiration and pay the prescribed fees and charges therefor: *Provided, further*, That if  
37 his/her authorized stay is less than one (1) year, he/she shall pay a special return fee,  
38 emigration clearance fee and head fee for every departure: *Provided, finally*, That in  
39 both cases, if the registered foreign national departs permanently from the Philippines,  
40 he/she shall surrender all his/her Philippine immigration documents to the Commission  
41 and apply for and be issued an Emigration Clearance Certificate upon payment of the  
42 prescribed fees and charges therefor, subject to the following conditions:  
43

- 44           (a) He/she has no pending obligation with the government or any of its agencies or  
45           instrumentalities;  
46           (b) He/she has no pending criminal, civil, or administrative proceeding which  
47           requires his continued presence in the country; and  
48           (c) There is no ongoing legislative inquiry where he/she is called upon to testify as  
49           a witness.  
50





1 Commissioner may, after due notice to the public, close designated ports of entry in the  
2 interest of national security or public safety.

3  
4  
5 **CHAPTER 2**  
6 **PROCEDURES ON ARRIVAL**  
7

8 **SEC. 66. Inspection by Immigration Officer.** — A foreigner seeking admission  
9 or readmission shall present his/her valid passport and visa, if required, to the  
10 immigration officer at the port of entry and shall be subject to primary inspection. The  
11 decision of the examining Immigration Officer, if favorable to the admission of any  
12 foreigner, may be challenged by another Immigration Officer. The final determination of  
13 admissibility of such foreigner shall be determined by the Commissioner in case no  
14 resolution is reached between the Immigration Officers on the challenged admission. In  
15 case of admission, the Immigration Officer shall indicate in the passport the date, the  
16 port of entry and the identity of the vessel boarded.

17  
18 **SEC. 67. Detention or Quarantine for Examination.** — For the purpose of  
19 determining whether a foreigner arriving at any port in the Philippines belongs to any of  
20 the classes excludable under this Act by reason of being afflicted with any of the  
21 contagious or communicable disease or mental disorder set forth under Section 78(a) of  
22 this Act or whenever the Commissioner has received information showing that  
23 foreigners are coming from a country or a place where any of such diseases are  
24 prevalent or widespread, the foreigner shall be detained or quarantined for a reasonable  
25 period of time to enable the immigration and medical officers to subject such person to  
26 observation and examination.

27  
28 **SEC. 68. Medical Examination Requirement.** — Any arriving foreign national  
29 whom the examining Immigration Officer believes to belong under the class of  
30 excludable foreign nationals specified in Section 78(a) herein shall be referred to  
31 designated medical officers for physical and mental examination. Such medical officer  
32 shall certify his/her findings for the information of the Immigration Officer.

33  
34 **SEC. 69. Arrival Notice Requirements of Vessel.** — The immigration  
35 authorities shall be given prior notice of the arrival of any civilian vessel before such  
36 vessel comes into any area in the Philippines from any place outside thereof. Such  
37 prior notice shall not be required in the case of vessels with scheduled arrivals filed with  
38 the Immigration Officer in charge at the international port of entry.

39  
40 If, upon arrival in any area other than the designated port and there is no  
41 available Immigration Officer therein, the master, pilot, captain, agent or consignee shall  
42 not allow the passengers and crew members to disembark or leave the primary  
43 inspection area until the immigration officer shall have conducted the primary inspection  
44 formalities.

45  
46 **SEC. 70. Contents of Notice of Arrival.** — The advance notice of arrival  
47 required in the preceding section shall specify the following:

- 48  
49 (a) Type of vessel and registration marks;  
50 (b) Visaed crewlist;  
51 (c) Passenger manifest;

- 1 (d) Port of last departure;  
2 (e) International port of intended destination, or other place authorized by the  
3 Commissioner;  
4 (f) Estimated time of arrival; and  
5 (g) Authorized agent or representative at the place of arrival.  
6  
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8 CHAPTER 3  
9 FOREIGN CREWMEMBER  
10

11 **SEC. 71. Conditional Permit to Disembark.** — A foreign crewmember of a  
12 vessel under Section 33(c) of this Act may be granted a conditional permit, in a form  
13 prescribed by regulations, to disembark temporarily from the vessel on which he/she  
14 arrived while such vessel remains in port under such terms and conditions as may be  
15 prescribed by the Commissioner.  
16

17 **SEC. 72. Confiscation and Cancellation of Permit; Deportation from the**  
18 **Philippines.** — Upon the determination that the foreigner is not a *bona fide*  
19 crewmember or does not intend to depart on the vessel that brought him, the  
20 Commissioner shall cancel and confiscate the conditional permit already issued, take  
21 such foreigner into custody, and require the owner, operator, captain, master, pilot,  
22 agent or consignee of the vessel on which the foreigner arrived to receive and detain  
23 him/her on board. The expenses for his/her removal, including the cost of detention and  
24 other expenses incidental thereto, shall be borne by the owner, operator, captain,  
25 master, pilot, agent or consignee of such vessel.  
26

27 **SEC. 73. Liability for Overstaying Foreign Crewmen.** — A foreign  
28 crewmember who remains in the Philippines in excess of the period allowed in the  
29 conditional permit issued to him shall be solidarily liable with the owner, operator,  
30 captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed  
31 in Section 126 of this Act.  
32

33 **SEC. 74. Liability for Unauthorized Discharge of Foreign Crewmember.** — It  
34 shall be unlawful for any person, including the owner, operator, captain, master, pilot,  
35 agent or consignee of any vessel to discharge any foreign crewmember employed by a  
36 vessel arriving in the Philippines and whilst in port, without first obtaining the prior  
37 permission of the Commissioner. Otherwise, such person or owner, operator, captain,  
38 master, pilot, agent or consignee of the vessel shall pay the Commission such fines as  
39 may be prescribed under this Act. No such vessel shall be granted clearance from any  
40 port in the Philippines while such fines remain unpaid or while the validity thereof is  
41 being determined: *Provided,* That a clearance may be granted prior to such  
42 determination upon deposit of a sum or cash bond sufficient to cover such fines as  
43 approved by the Commissioner.  
44

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

8 (d) Criminal and Security Grounds  
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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 attempt or conspire to commit the crime;
  3. Those that the Philippine Government knows or has reason to believe is a trafficker of any controlled, regulated or prohibited substance or knows or has reason to believe is or has been an accomplice, accessory, abettor, or co-conspirator in the illicit trafficking of any controlled, regulated or prohibited substance;
  4. Those who are fugitives from justice;
  5. Those who seek to enter the Philippines to engage in:
    - a. Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology or sensitive information;
    - b. Any activity aimed to promote membership in an organization of syndicated criminal activities;
    - c. Any activity, the purpose of which is to overthrow the Philippine government by force, violence or other unlawful means; and
    - d. Any other unlawful activity.
  6. Those who are engaged or believed to be engaged or likely to engage in, aid, abet or finance any terrorist activity and members or representatives of a foreign terrorist organization;
  7. Those who have been identified by competent authorities, local or foreign, as having engaged or are engaging in human trafficking and smuggling;
  8. Those who are under fifteen (15) years of age and unaccompanied by or not coming to a parent, except that they may be admitted in the discretion of the Commissioner, if otherwise admissible; and
  9. Those who have been identified by competent authorities, local and foreign, as having engaged or are engaging in importation of contrabands and other prohibited articles into the country.

46 **SEC. 78-A. Minor Persons/ Minority.** – Persons under fifteen (15) years of  
47 age, having a Filipino parent, and not accompanied by or not coming to a parent, may  
48 be admitted: *Provided*, That the written consent of either parent allowing them to travel  
49 is presented. The written consent must cite the purpose of the travel and must be  
50 affirmed by the Philippine Consular post in the minor's country of origin.  
51

1           **SEC. 79. Temporary Detention of Excludable Foreigners.** — For the purpose  
2 of ascertaining whether a foreigner arriving in the Philippines belongs to any of the  
3 excludable classes of foreigners provided for in this Act or related laws, the Immigration  
4 Officer, for a period not exceeding seventy-two (72) hours, may temporarily detain for  
5 investigation such foreigner either on board the vessel or at a place designated for the  
6 purpose at the expense of the master, captain, agent, owner or consignee of the  
7 carrying vessel.

8  
9           **SEC. 80. Finality of Exclusion Order.** — An order by the Immigration Officer to  
10 exclude a foreign national who is excludable under Section 78 hereof is final and  
11 executory unless revoked by the Commissioner upon a timely appeal prior to the  
12 implementation of the exclusion order.

13  
14           **SEC. 81. Authority to Waive Grounds for Exclusion.** — Except for grounds of  
15 exclusion under Section 78(d), subparagraphs 1 to 8 and subparagraph 9, the  
16 Commissioner may waive any of the grounds for exclusion mentioned therein.

17  
18           **SEC. 82. Procedure of Removal and Cost Thereof.** — Any foreign national  
19 arriving in the Philippines who is ordered excluded shall be immediately removed in the  
20 same accommodation to the country where he/she boarded the vessel on which he/she  
21 arrived, unless the Commissioner determines that immediate removal is not proper and  
22 practicable. The cost of detention and other expenses incidental thereto shall be borne  
23 by the owner, operator, master, pilot, captain, agent or consignee of the vessel on which  
24 he/she arrived.

25  
26           **SEC. 83. Country Where Removal is to be Directed.** — If the government of  
27 the country designated in the preceding section will not accept the foreign national into  
28 its territory, his/her removal shall be directed by the Commissioner in his/her discretion  
29 and without necessarily giving preference, either to:

- 30           (a) The country which he/she is a citizen or national;  
31           (b) The country of birth;  
32           (c) The country of his/her habitual residence; or  
33           (d) The country willing to accept the foreign national into its territory, if removal  
34 to any of the foregoing countries is impractical or impossible.

35  
36           **SEC. 84. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or**  
37 **Consignee.** — It shall be unlawful for an owner, operator, master, captain, pilot, agent,  
38 or consignee of a vessel to refuse or fail to:

39  
40           (a) Board a foreigner ordered excluded and removed under Section 78 hereof in  
41 the same vessel or another vessel owned or operated by the same company;

42  
43           (b) Detain a foreign national on board any such vessel at the port of arrival  
44 when required by this Act or when so ordered by an Immigration Officer;

45  
46           (c) Deliver a foreign national for medical or other examinations when so  
47 ordered by such officer;

48  
49           (d) Remove a foreign national from the Philippines to the country to which  
50 his/her removal has been directed; or  
51

1 (e) Pay the cost of detention and other expenses incidental thereto of a foreign  
2 national incurred while being detained as required by Section 82 of this Act or other  
3 costs necessary or incidental to his removal as provided in this Act.  
4

5 **SEC. 85. Penalty for Non-compliance of Obligation.** — The owner, operator,  
6 master, captain, pilot, agent, or consignee of a vessel who violated Section 84 hereof  
7 shall pay the fines prescribed under this Act. No such vessel shall be granted  
8 clearance from any port in the Philippines while such fines remain unpaid or while the  
9 validity thereof is being determined: *Provided*, That clearance may be granted prior to  
10 such determination upon deposit of a sum or cash bond sufficient to cover such fines  
11 as approved by the Commissioner.  
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14  
15 **TITLE V**  
16 **DEPORTATION**

17  
18 **CHAPTER 1**  
19 **DEPORTABLE FOREIGN NATIONALS**  
20

21 **SEC. 86. Classes of Deportable Foreigners.** — The following foreigners shall  
22 be arrested upon the order of the Commissioner and deported upon recommendation by  
23 the Board of Special Inquiry and approval by the Board:  
24

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

29 (b) Those who entered the Philippines who were not lawfully admissible at the  
30 time of entry;  
31

32 (c) Those who engage, abet or aid in the practice of prostitution including the  
33 owner, manager or inmates of a house of prostitution or are procurers, pedophiles or  
34 sexual perverts;  
35

36 (d) Those who, at any time after the date of entry, have become a public charge;  
37

38 (e) Those who remain in the Philippines in violation of any period of limitation or  
39 condition under which they were admitted;  
40

41 (f) Those who believe in, advise, advocate or teach the overthrowing by force and  
42 violence of the Government of the Republic of the Philippines, or duly constituted  
43 authority, or those who do not believe in or are opposed to organized governments, or  
44 those who advise, advocate or teach the assault or assassination of public officials by  
45 reason of their office, or those who advise, advocate or teach the unlawful destruction of  
46 property, or those who are members of or affiliated with any organization entertaining,  
47 advocating or teaching such doctrines, or those who in any manner whatsoever extend  
48 assistance, financial or otherwise, in the dissemination of such doctrines;  
49

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

1  
2 (h) Those who commit any violation of the provisions of this Act, independent of  
3 any criminal action which may be brought against them: *Provided, however,* That in the  
4 case of a foreigner who, for any reason, is convicted and sentenced to suffer both  
5 imprisonment and deportation, said foreigner shall first serve the entire period of his/her  
6 sentence before being deported: *Provided, further,* That the penalty of imprisonment  
7 may be waived by the President upon payment by the foreigner concerned of such  
8 costs, fines and/or damages, if any, awarded to the government or any aggrieved party;  
9

10 (i) Those who, at any time after entry, are engaged in acts or omissions  
11 punishable under Philippine penal laws cognizable by the Regional Trial Courts and the  
12 Sandiganbayan;

13  
14 (j) Those who, at any time after entry, are convicted by final judgment of a crime  
15 punishable under Philippine penal laws cognizable by the first level courts;

16  
17 (k) Those who are guilty of any offense penalized under the naturalization laws of  
18 the Philippines or any law relating to the acquisition of Philippine citizenship;

19  
20 (l) Those who defraud their creditors by absconding or alienating properties to  
21 prevent their attachment or execution;

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

26  
27 (n) Those who violated Philippine labor and taxation laws, rules and regulations;

28  
29 (o) Those who, upon prior investigation and hearing, are found to be undesirable  
30 and whose further stay in the Philippines is inimical to public welfare and interest, or the  
31 dignity of the Filipinos, or the Republic of the Philippines as a sovereign nation;

32  
33 (p) Those who forge, counterfeit, alter or falsely make any document; or use,  
34 attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit,  
35 altered or falsely made document; or use, attempt to use, provide, attempt to provide,  
36 accept or receive a genuine document, even of another person, without authority to do  
37 so for the purpose of satisfying or complying with the requirements for his/her stay in the  
38 Philippines; and

39  
40 (q) Those whose presence or activities in the country may result in adverse  
41 consequences to Philippine foreign policies as determined by the Secretary of Foreign  
42 Affairs.

43  
44 **SEC. 87. Non-Prescription of Deportation Cases.** – The right of the State to  
45 initiate at any time deportation proceedings shall not prescribe: *Provided,* That no  
46 deportation proceedings and orders shall be had against foreigners facing preliminary  
47 investigation, prosecution and trial before competent authorities.

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CHAPTER 2  
DETENTION AND DEPORTATION OF FOREIGN NATIONALS

**SEC. 88. Issuance of Summons.** – If the Commissioner determines that there exists a reasonable ground to deport a foreigner pursuant to Section 86 of this Act, he/she may issue summons requiring the foreigner to appear in person before the designated investigating officer at the time, date and place stated therein.

**SEC. 89. Authority to Issue Letter Order.** – The Commissioner may issue a letter order if he/she determines that a probable cause exists for the filing of deportation charges against a foreigner for violation of immigration and other related laws, rules and regulations or there is a strong probability that a deportable foreigner may flee from his/her place of abode, go into hiding or surreptitiously leave the country.

**SEC. 90. Formal Charge of Deportation.** – A formal charge for deportation shall be issued upon determination of the existence of a *prima facie* case against the foreigner. Pending final determination of his/her deportation case, the foreigner 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 foreigner is evading the proceedings or is attempting to abscond, in which case he/she shall be taken into custody and placed under detention by order of the Commissioner.

**SEC. 91. Detention of a Foreigner Convicted of a Felony or an Offense.** – After service of his/her sentence or compliance with the conditions of his/her parole or probation, as the case may be, the foreigner shall be taken into custody and placed under detention by order of the Commissioner. Pending final determination of the deportation case, the foreigner may be ordered released under such terms and conditions prescribed by the Commissioner.

**SEC. 92. Voluntary Deportation, When Authorized.** – In case the foreigner does not contest the formal charge against him/her and opts to voluntarily leave the country at his/her own expense, the Commissioner may waive the deportation proceedings and order the departure within the period specified in the voluntary deportation order, except in cases of violations of laws such as Republic Act No. 8042 otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995": *Provided*, That he/she has not committed any criminal offense or has no pending case in court: *Provided, further*, That the said foreigner so deported shall be barred from re-entering the country without prior written authorization from the Commissioner.

**SEC. 93. Contents of an Order or Warrant of Deportation.** – The order or warrant of deportation shall be in the form prescribed by the Commissioner and shall state the grounds therefor, the specific place where the foreigner is to be deported and the period within which to execute such order.

**SEC. 94. 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 for reasons beyond the control of the Commissioner, the foreigner shall remain in custody.



1           **SEC. 95. Suspension of Deportation Order.** – Upon application and payment of  
2 the prescribed fees by the concerned foreigner, the Commissioner may suspend the  
3 implementation of the deportation order and order his/her release for good cause, taking  
4 into account the following factors:

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

12  
13           **SEC. 96. Reinstatement of a Deportation Order.** – A deportation order  
14 previously implemented against a foreigner who unlawfully re-entered the Philippines  
15 shall be deemed automatically reinstated and shall be implemented in accordance with  
16 this Act. This provision shall also apply to a foreigner who departed voluntarily under  
17 Section 92 hereof.

18  
19           **SEC. 97. Country of Destination of a Deportee.** – Except as provided for under  
20 existing treaty or international agreement, a foreigner shall be deported to the country of  
21 which he/she is a citizen or national, or to the country of his/her birth, or to the country of  
22 which he/she is a resident, or to the country from which he/she embarked for the  
23 Philippines, subject to the acceptance by the receiving country.

24  
25           **SEC. 98. Existence of Danger in the Country Where a Foreigner is to be**  
26 **Deported.** – No foreigner shall be deported to a country where there exists a danger to  
27 his/her life or freedom on account of race, religion, nationality, political opinion or  
28 membership in a particular political or social group, except in the following  
29 circumstances:

30  
31           (a) The foreigner participated, induced or cooperated in the persecution of any  
32 person on account of race, religion, nationality, political opinion or membership in a  
33 particular political or social group in the country where he/she is to be deported;

34  
35           (b) The foreigner is a fugitive from justice in the country where he/she is to be  
36 deported;

37  
38           (c) The foreigner committed a serious non-political crime in the country where  
39 he/she is to be deported; or

40  
41           (d) The foreigner is undesirable in and/or a danger to the national security of the  
42 Philippines.

43  
44           **SEC. 99. Cost of Deportation.** – The cost of deportation shall be borne by the  
45 owner, operator, captain, master, pilot, agent or consignee of a vessel in case its foreign  
46 crewmember is to be deported for violation of Section 100 of this Act. In all other cases,  
47 the cost of deportation shall be borne by the deportee himself/herself, the concerned  
48 consular office, nongovernment organizations or people's organizations with which the  
49 Commission has an agreement on this matter, or from the appropriations for the  
50 enforcement of this Act.  
51



1 demand of any authorized immigration official, present his/her certificate of registration,  
2 and failure to do so without justifiable cause shall be dealt with in accordance with the  
3 provisions of this Act.  
4

5 **SEC. 107. Reportorial Requirements.** — Every foreigner registered under this  
6 Act shall, within the first sixty (60) days of every calendar year, report in person to the  
7 Commission subject to the payment of prescribed fees. The parent or legal guardian of  
8 foreigners below fourteen (14) years of age shall have the duty to comply with the  
9 requirements prescribed under this Act.

10  
11 **SEC. 108. Failure to Comply with Requirements.** — A foreigner, or his/her  
12 parent or guardian, as the case may be, who, without justifiable reason, fails to comply  
13 with all the requirements under this Act, or who files an application for registration  
14 containing statements known by him/her to be false, or who utilizes registration  
15 documents other than his/her own, shall be dealt with in accordance with the provisions  
16 of this Act and other existing laws.  
17

18 **SEC. 109. Cancellation of Registration of Foreign National.** — In case of  
19 death of a foreigner registered under the provisions of this Act, his/her legal heir,  
20 representative or administrator must inform the Commission within sixty (60) days from  
21 death and the Commission shall cancel such registration. The Local Civil Registrar or  
22 other civil registry officer of the locality where said foreigner died shall furnish the  
23 Commission with a copy of the Certificate of Death within thirty (30) days from issuance  
24 thereof. Failure on the part of the persons concerned to comply with the requirements of  
25 this section shall be dealt with pursuant to the provisions of this Act.  
26  
27

## 28 CHAPTER 2 29 BONDS AND DEPOSITS 30

31 **SEC. 110. Bonds, When Required.** — The Commission shall have the  
32 authority to require cash bonds in such amounts and under such conditions as it may  
33 prescribe:  
34

35 (a) To control and regulate the admission into, and departure from, the  
36 Philippines of foreigners applying for temporary admission;

37 (b) To insure against foreign passengers liable to be excluded as likely to  
38 become public charges; and

39 (c) To insure the appearance of foreigners released from custody during the  
40 course of deportation proceedings instituted against them.  
41

42 **SEC. 111. Requirement of Cash Deposits for Overtime Services.** — The  
43 Commission shall likewise have the authority to require cash deposits in such amounts  
44 as may be necessary from vessel's owner, operator, captain, master, pilot, agent, or  
45 consignee or other persons served to cover payments for overtime services to be  
46 performed by officers and employees of the Commission.  
47

48 **SEC. 112. Cancellation and Forfeiture of Bonds.** — When the conditions of the  
49 bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming a  
50 public charge, when the Commissioner decides that the likelihood no longer exists, or  
51 death of the foreigner in whose behalf the bond is posted, the bond shall be cancelled

1 and released to the depositor or his/her legal representative. In case of violation of the  
2 conditions of the bond, the same shall be forfeited and deposited in a trust fund account  
3 which may be utilized for the purchase of passage tickets of indigent deportees and to  
4 cover the costs of operations in the arrest of a deportee who jumps bail.  
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### CHAPTER 3 RECOGNIZANCE

**SEC. 113. *Petitions for Recognizance, Sanction for Breach of Conditions.*** — The Commissioner may order the release of a foreigner upon recognizance of his/her lawyer or a person who is of good standing in the community, under such terms and conditions as he/she 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 and/or proceedings against the erring party.

### CHAPTER 4 COOPERATION AND COORDINATION WITH OTHER OFFICES

**SEC. 114. *Working Cooperation with the Department of Foreign Affairs.*** — For purposes of efficient implementation and administration of this Act, the Commission shall maintain a working cooperation with the Department of Foreign Affairs.

**SEC. 115. *Working Cooperation with the Commission on Higher Education.*** — The Commission shall maintain a working cooperation with the Commission on Higher Education with respect to accreditation of schools and learning centers for enrolment of foreign students as authorized under this Act.

**SEC. 116. *Coordination with Law Enforcement, Security and Other Offices.*** — The Commissioner shall have authority to maintain coordination with the National Security Council, the Philippine National Police, and other law enforcement agencies of the government.

### CHAPTER 5 FEES AND CHARGES

**SEC. 117. *Authority of the Commissioner to Prescribe, Impose and Collect Fees and Charges.*** — The Commissioner is authorized to prescribe, impose and collect fees and charges for services rendered pursuant to the provisions of this Act, which shall take effect fifteen (15) days after the last publication thereof for two (2) consecutive weeks in a newspaper of general circulation.

**SEC. 118. *Head Fee.*** — Every foreign national who is at least fourteen (14) years of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days shall pay a head fee in an amount to be fixed by the Board.

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CHAPTER 6  
ADMINISTRATIVE FINES AGAINST VESSELS

**SEC. 119. Fine for Failure to Submit Crew List or Passenger Manifest, or Failure to Account Every Passenger and Crew.** — Any pilot, master, agent, owner or consignee of a vessel arriving at any port in the Philippines from a place outside thereof who fails to submit to the immigration authorities a complete and accurate crew list or passenger manifest, or fails to produce or account every crewmember or passenger whose name appears in said list or manifest shall be subject to fines of One hundred thousand pesos (P100,000.00) and Fifty thousand pesos (P50,000.00) for each unaccounted person, respectively.

**SEC. 120. Fine for Violation of Obligation on the Landing or Removal of Foreigners.** — A pilot, master, agent, owner or consignee of any vessel arriving at a port of the Philippines from a place outside thereof in violation of this Act shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each violation.

**SEC. 121. Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted with Communicable or Contagious Disease, or Suffering from Mental Disorder.** — The pilot, master, agent, owner or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board an undocumented foreigner shall be fined One hundred thousand pesos (P100,000.00) for each foreigner. If the foreigner 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 (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00) for each foreigner.

**SEC. 122. Fine for Bringing a Foreigner to Assist His Illegal Entry or Misrepresenting a Foreigner as a Member of the Crew.** — The pilot, master, agent, owner or consignee of the vessel arriving at any port in the Philippines from a place outside thereof bringing on board a foreigner bound for the Philippines to assist his/her illegal entry, or misrepresenting the foreigner 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 (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each foreigner.

**SEC. 123. Fine for Violation of Other Provisions of this Act.** — The pilot, master, agent, owner 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 provided in this Chapter shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each violation.

CHAPTER 7  
OTHER PENAL PROVISIONS

**SEC. 124. Other Prohibited Acts and Penalties Thereof.** — Any person who shall commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period or a fine of not less than One hundred thousand pesos (P100,000.00) but not

1 more than Five hundred thousand pesos (P500,000.00) or both, at the discretion of the  
2 court;

3  
4 (a) Impersonates another individual, or falsely appears in the name of a  
5 deceased individual, or evades the immigration laws by using an assumed or fictitious  
6 name when applying for an immigration document;

7  
8 (b) Issues or otherwise disposes of an immigration document or an immigration  
9 accountable form, to any person not authorized by law to receive such documents;

10  
11 (c) Obtains, manufactures, prints, accepts or uses any immigration or travel  
12 document knowing it to be false or uses immigration accountable form that is not legally  
13 issued;

14  
15 (d) Enters the Philippines without inspection and admission by the immigration  
16 authorities, or obtains entry into the Philippines by fraud, misrepresentation, or  
17 concealment of material facts;

18  
19 (e) Misrepresents himself/herself to be a Philippine citizen;

20  
21 (f) Knowingly makes under oath any false statement regarding any immigration  
22 matter; or

23  
24 (g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or  
25 gives comfort to any person not duly admitted by any Immigration Officer or not lawfully  
26 entitled to enter into or resides within the Philippines, or attempts, conspires with, or aids  
27 another to commit any such acts.

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

41  
42 Conviction by final judgment of any offense punishable under this Act or other  
43 related laws shall result in the automatic revocation or cancellation of any immigration  
44 document issued to the offender, including that of his/her spouse and unmarried  
45 children, if applicable.

46  
47 **SEC. 125. Penalty for Non-compliance of Subpoena.** — Any person who,  
48 having been duly served with a subpoena, fails to comply without valid and justifiable  
49 reasons shall, upon conviction, suffer the penalty of imprisonment of not more than  
50 fifteen (15) days or a fine of not more than One thousand pesos (P1,000.00), or both, at  
51 the discretion of the court.



1 *Provided*, That the salaries, wages, allowances and other benefits of incumbent officers  
2 and employees of the Commission shall not be subject to diminution: *Provided, further*,  
3 That in the event that the positions are abolished in accordance with the  
4 reorganization, the affected employees shall be *retained*. *Provided, finally*, That  
5 employees who have been dismissed for cause shall no longer qualify for any position  
6 in the Commission.  
7

8 **SEC. 132. Inventory and Transfer of Properties, Accounts, Assets,**  
9 **Liabilities and Obligations to the Commission.** — All buildings, properties,  
10 equipment, facilities, accounts, other assets, liabilities and other obligations as well as  
11 records of the Bureau of Immigration shall be properly inventoried and transferred to the  
12 Commission.  
13

14 **SEC. 133. Treaty or Agreement.** — Any treaty or agreement entered into  
15 between the Philippines and any foreign state before the effectivity of this Act shall  
16 remain in force and effect.  
17

18 **SEC. 134. Pending Cases.** — Any prosecution, suit, action, proceeding, or any  
19 act or matter, civil or criminal, pending at the time of the effectivity of this Act shall not be  
20 affected by the provision of this Act unless otherwise applicable.  
21

## 22 23 CHAPTER 10 24 ADMINISTRATION AND IMPLEMENTATION 25

26 **SEC. 135. Administration and Implementation Abroad.** — The administration  
27 and implementation of this Act abroad, including the rules and regulations as well as  
28 policies arising from it shall be the responsibility of the Department of Foreign Affairs  
29 through Philippine diplomatic and consular establishments.  
30

31 **SEC. 136. Implementing Rules and Regulations.** — The Commission, upon  
32 consultation with the Department of Foreign Affairs and other concerned government  
33 agencies or offices and subject to the approval by the Secretary, shall promulgate the  
34 rules and regulations for the implementation of this Act within one hundred twenty (120)  
35 days from its effectivity.  
36

## 37 38 CHAPTER 11 39 FINAL PROVISIONS 40

41 **SEC. 137. Separability Clause.** — If any of the provisions of this Act is held  
42 invalid or unconstitutional the other provisions not affected thereby shall continue to be  
43 in force and effect.  
44

45 **SEC. 138. Repealing Clauses.** — (a) Commonwealth Act No. 613, otherwise  
46 known as the Philippine Immigration Act of 1940, as amended, is hereby repealed; (b)  
47 All laws, presidential decrees, executive orders, proclamations, memorandum orders,  
48 instructions, rules and regulations or parts thereof inconsistent with this Act are hereby  
49 amended or modified accordingly.  
50



1           **SEC. 139. Effectivity Clause.** — This Act shall take effect fifteen (15) days  
2 after its complete publication in the Official Gazette or in two (2) newspapers of general  
3 circulation.  
4

5           Approved,