

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
First Regular Session

SENATE
OFFICE OF THE SECRETARY

04 JUN 30 P11:19

SENATE

804

S. No.

RECEIVED BY: 

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

As a policy, the State must see to it that the rules governing its people are still relevant to the needs of the changing times.

The Philippine Immigration Act of 1940 was patterned largely from American law and practice. Though it has undergone revisions in the past years, the said law leaves much to be desired in terms of adequately addressing the needs of the time.

Hence, this bill recognizes the need by amending said law and by streamlining and re-structuring the Bureau of Immigration.

This measure also increases the number of Special Boards of inquiry and provides for a clearer delineation of functions among the different departments of the Bureau so as to cut red tape and remove overlapping functions, and provides for more visa categories and immigration privileges for foreign investors.

Finally, this bill shall further protect the citizens by expanding the classes of aliens who are ineligible for admission into the country.

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


MANUEL B. VILLAR, JR.

THIRTEENTH CONGRESS OF THE }
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S. No. 804

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AN ACT
TO ENHANCE THE DOMESTIC AND INTERNATIONAL INTERESTS OF THE
COUNTRY BY STRENGTHENING THE STRUCTURES AND RE-DEFINING THE
POLICIES AND REGULATIONS ON PHILIPPINE IMMIGRATION AND FOR OTHER
PURPOSES

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

I. TITLE

SECTION 1. This Act shall be known as the " Philippine Immigration Act of 2004."

II. STATE POLICY

SECTION 2. It is hereby declared that the Philippine immigration structures policies, rules and regulations established under this Act, shall be designed operated, and administered in such a manner as to promote the domestic and international interests of the Philippines, recognizing the need to:

- a. Facilitate the entry of visitors into the Philippines for the purpose of fostering trade and commerce, cultural and scientific activities, and international understanding;
- b. Enrich and strengthen the cultural and social fabric of the Philippines, taking into account the bilingual character of the Philippines;
- c. Ensure that any person who seeks admission into the Philippines on either a permanent or temporary basis is subject to standards of admission that do not discriminate in a manner inconsistent with the basic principles of justice and fair play;
- d. Foster the development of a strong and viable economy and the prosperity of all regions in the Philippines;
- e. Strengthen the mechanisms for the protection of the health, morals, safety, and good order of the Philippine society; and
- f. Promote international order and justice by denying the use of Philippine territory to persons who are engaged or likely to engage in terrorist, criminal, and other nefarious activities;
- g. Streamline and strengthen the existing governmental structures charged with the administration and enforcement of immigration and related laws,

rules and regulations in order to make them adoptive to the growing immigration demands of the country; and

- n. Professionalize the immigration service by instituting a rigid system of screening and selection of immigration officers and personnel.

III. DEFINITION OF TERMS

SECTION 3. As used in this Act:

- a. The term "Philippines" refers to all the territory as defined in Article 1 of the 1987 Constitution of the Philippines.
- b. The term "alien" refers to any person not a citizen of the Philippines.
- c. The term "consular officer" refers to any official of the government of the Philippines designated by the President for the purpose of issuing visas to aliens as required of aliens by this Act.
- d. The term "unmarried" when used in reference to an individual as of any time, refers to an individual who at such time is not married, whether or not previously married.
- e. The term "child" refers to a person under eighteen (18) years of age.
- f. The terms "wife" and "husband" shall not include a wife or husband by reason of a proxy or picture marriage.
- g. The term "person" refers to a natural or juridical person. When construing and enforcing the provisions of this Act, the act, omission, or failure of any director, officer, agent, authorized representative or employee of any juridical person acting within the scope of his authority or employment or office shall, in every case, be deemed the act, omission, or failure of such juridical entity.
- h. The term "vessel" refers to all means of conveyances, whether air or water.
- i. The terms "seaman," "crewman" or "crewmember" pertains to a person actually employed in the operation or service in any capacity on board a vessel.
- j. The term "captain" refers to the master of a vessel (such as a ship) or commander of an aircraft, or anyone having control or charge of a vessel or aircraft.
- k. The term "immigrant" refers to any alien, other than a nonimmigrant, departing from any place outside the Philippines destined for the Philippines.
- l. The term "non-immigrant" refers to any alien departing from any place outside the Philippines who is permitted entry and admitted into the Philippines for a temporary or limited period of stay.
- m. The term "immigration laws" refers to this Act and any other law presently existing or which may hereafter be enacted relating to the entry of aliens

into the Philippines, and their exclusion, deportation, and repatriation therefrom.

- n. The term "the President" refers to the President of the Philippines
- o. The term "Secretary" refers to the Secretary of Justice
 - p. The term "Commission" refers to the Commission on Immigration.
 - q. The term "Commissioner" refers to the Commissioner of Immigration.
- r. The term "Board" refers to the Board of Commissioners provided for in this Act.
- s. The term "citizen" refers to any person who is a citizen of the Philippines.
- t. The term "visa" means 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.
- u. The term "entry" refers to any admission of an alien into the Philippines from a place outside thereof, except that an alien having a lawful permanent residence in the Philippines shall not be regarded as making an entry for the purpose of this Act, if the alien proves that his departure to a place outside the Philippines was for a temporary or limited period, or his continued absence from the Philippines was occasioned by deportation proceedings, extradition, or other legal process.
- v. The term "port of entry" refers to an airport, a port or landing place established by competent authority in accordance with law through which an alien may apply to the immigration officer thereat for admission into the Philippines.
- w. The term "admission" pertains to the process in which an alien arriving at a port of entry in the Philippines is allowed into the country by immigration authorities.
- x. The term "passport" refers to an official document issued by competent authority of a country showing the bearer's place of origin, identity, and nationality, and which is used for travel purposes and for entry of the bearer thereof into a foreign country.
- y. The term "travel document" pertains to an official certification containing the description and other personal circumstances of the bearer, issued for direct travel to or from the Philippines and normally valid for short periods or for a particular trip.
- z. The term "immigration officer" refers to any person appointed under Section 28 of this Act or any employee of the Commission designated by the Commissioner to perform the powers, duties and functions of an immigration officer as specified under this Act.

IV. COMMISSION ON IMMIGRATION

SECTION 4. A Commission on Immigration is hereby created which shall be headed by a Board of Commissioners composed of a Commissioner as chairman, and three (3) Associate Commissioners as members, all of whom shall be natural-born citizens of the Philippines and at the time of their appointment at least thirty-five (35) years of age and holder of a college degree: Provided, however, that at least two (2) of the Members of the Board of Commissioners shall be members of the Philippine Bar in good standing and one of them must have had executive and management experience preferably with an appreciation of electronic data processing and dynamics of organizations. The Commission shall be under the administrative supervision of the Department of Justice.

SECTION 5. The Commission shall be principally responsible for the administration and enforcement of immigration and related laws, including but not limited to those dealing with the admission, exclusion, registration, deportation and repatriation of aliens, and the implementation of all laws, rules, regulations or orders of any competent authority concerning the entry into and the departure from the Philippines of all persons.

V. COMMISSIONER OF IMMIGRATION

SECTION 6. The Commissioner of Immigration shall be appointed by the President. He shall have the rank, salary, and privileges of an undersecretary of a department. The Commissioner shall be charged with the administration and enforcement of this Act and all other laws relating to immigration, alien registration, citizenship and naturalization by administrative process and shall implement all laws, rules, regulations, or orders of any competent authority concerning the entry into, stay and departure from the Philippines of all persons, except insofar as this Act or such laws relate to the powers, duties, and functions conferred upon the President, the Secretary, and the Secretary of Foreign Affairs or consular officers.

SECTION 7. In addition to his duties as Chairman of the Board of Commissioners, the Commissioner of Immigration shall exercise the following powers and functions:

- a. To supervise, direct and coordinate the overall operations of the Commission;
- b. To appoint the officers and personnel of the Commission, subject to civil service and other existing applicable rules and regulations, and to exercise control and supervision over them.
- c. To delegate authority to subordinate officers and employees of the Commission, except with regard to the issuances of warrants of arrest, search warrants, warrants for deportation, hold-departure orders, allow-departure orders, and orders for blacklisting;

- d. To accept donations of materials, equipment or technical services from any foreign government, international or domestic organization, to upgrade the efficiency and operations of the Commission: Provided, That such is not onerous on the part of the Commission: Provided, further, That acceptance is with the consent of Congress;
- e. To act on petitions for issuance of non-immigrant, special nonimmigrant and non-quota immigrant visas and/or change of admission classification to such visa status, as may be provided in this Act or under special laws;
- f. To act on petitions for cancellation of Alien Certificate of Registration by reason of acquisition of Philippine citizenship, either by birth, election, marriage, repatriation, or naturalization;
- g. To act on applications for special study or work permits on non-immigrant aliens, subject to such terms and conditions as may be prescribed by the rules of the Commission;
- h. To act on petitions for declaration of indigency;
- i. To issue, after determination of the existence of probable cause, warrants of arrest, search warrants, warrants for deportation, hold-departure orders, allow-departure orders, and orders for blacklisting;
- j. To issue certificates of identification to aliens who have obtained Filipino citizenship as recognition of their Philippine citizenship;
- k. To issue permits to carry firearms, ammunition and communications equipment to authorized intelligence operatives for use in enforcement operations and in the execution of warrants: Provided, That such firearms are issued by the Commission;
- l. To authorize and prescribe the forms and the amount of cash bonds for the provisional release of respondents;
- m. To provide an express lane for the rendition of services performed for individual aliens upon payment of the fees he may prescribe, and to deposit in an authorized government depository bank all such fees received under a trust fund that may be made available for the payment of allowances to employees of the Commission, payment of which shall be in accordance with the existing budget, accounting and auditing rules and regulations and to the revised compensation and position classification system;
- n. To impose reasonable fines and penalties for violation of immigration and alien registration laws in accordance with guidelines adopted by the Commission;
- o. To submit to the President, and to the Congress, annually or as may be directed, a report on the number and the status of aliens in the Philippines; on aliens admitted or granted change of status as permanent residents; on aliens who have been excluded or deported from the Philippines; on the number of aliens estimated to be present illegally in the Philippines in each

calendar year and actions taken to arrest them; the number and rate of denial of administrative or judicial petitions for naturalization, by nationality grouping, for each region in the Philippines; and other such transactions of the Commission; and

- p. To perform such other functions as may be provided for by law.

VI. ASSOCIATE COMMISSIONERS OF IMMIGRATION

SECTION 8. The three (3) Associate Commissioners of Immigration who shall be appointed by the President, shall have the rank of an assistant secretary with salary in accordance with the salary standardization law. At least one (1) of the Associate Commissioners shall be appointed from the ranks of the career service personnel of the Commission, should there be one qualified for the position.

SECTION 9. In addition to their duties as members of the Board of Commissioners, the Associate Commissioners shall exercise such powers and functions as may be delegated and assigned to them by the Commissioner.

VII. BOARD OF COMMISSIONERS

SECTION 10. The Board of Commissioners shall have the following powers and functions:

- a. Exercise exclusive jurisdiction to hear and decide appeals regarding the orders or resolutions of the Boards of Special Inquiry with regard to deportation and other cases under its jurisdiction;
- b. Act on petitions for issuance of quota immigrant visa or change of admission status to quota immigrant;
- c. Act on applications for adjustment of status or recommendations for revocation of status;
- d. Authorize the grant or approval of visa waivers and extensions of stay of non-immigrants and special non-immigrants, upon proper application and under such conditions as may be provided in the rules and regulations of the Commission;
- e. Decide on applications for legalization of residence;
- f. Declare such control posts, landing places, airports or ports/points of entry, as he may consider to be necessary for the purposes of this Act, to be an immigration control post, authorized landing place, authorized airport, or port/point of entry, as the case may be;
- g. Prescribe rules governing proceedings before it, subject to the approval of the Secretary;
- h. Punish for contempt, both direct and indirect, in accordance with the pertinent provisions of the Revised Rules of Court;

- i. Prepare and publish an organizational, policy and procedures manual, to include requirements, time periods and fees for the perfection of all transactions entered into by the Commission with the public;
- j. Professionalize the immigration service by instituting a rigid system of screening and selection of immigration officers and personnel to ensure that only those who are academically, physically and morally fit are appointed, particularly to positions which are sensitive in nature.
- k. Formulate policies, directives, programs and projects, as well as the rules and regulations and guidelines to implement the provisions of this Act; and
- l. Perform such other functions and powers as may be provided by existing laws, rules and regulations of the Commission not inconsistent with any of the provisions of this Act.

SECTION 11. In any case or proceeding brought before the Board of Commissioners, the decision of the majority shall prevail. All decisions of the Board of Commissioners shall become final and executory after the lapse of fifteen (15) days from promulgation unless appealed to the Court of Appeals.

SECTION 12. Cases before the Board of Commissioners shall be decided or resolved by the Board within thirty (30) days from the date that they are submitted for decision or resolution.

SECTION 13. In all cases, the Board of Commissioners shall convene and act as a collegial body in all matters referred to in SECTION 10 of this Act. The Board shall meet at least twice a month, and as often as the need arises, on such day or days as the chairman may fix. The notice of the meeting shall be given to all the members of the Board of Commissioners and the presence of three (3) shall constitute a quorum. In the absence of the chairman, the most senior Associate Commissioner shall act as presiding officer of the meeting.

VIII. BOARD OF SPECIAL INQUIRY

SECTION 14. Six (6) Boards of Special Inquiry are hereby constituted under this Act, each to be composed of a chairman and two (2) members, all of whom shall be natural-born citizens of the Philippines, and at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing, with at least five (5) years experience in court practice.

SECTION 15. The Boards of Special Inquiry shall have exclusive original jurisdiction to hear and submit for final resolution to the Board of Commissioners the following cases:

- a. Deportation;
- b. Questionable or doubtful admission or exclusion;

- c. Petitions for cancellation of identification certificate as a citizen of the Philippines by reason of fraud, misrepresentation or concealment of material facts: and
- d. Violations of the immigration and alien registration laws.

The Boards of Special Inquiry shall perform such other functions and powers as now or hereafter may be provided by law, or such rules and regulations of the Commission not inconsistent with any of the provisions of this Act.

SECTION 16. The chairmen and members of the Boards of Special Inquiry shall be appointed by the President and shall hold office during good behavior until the age of fifty-five (55) years unless sooner removed for cause.

Each chairman and member shall receive an annual salary in accordance with the salary standardization law.

The most senior chairman shall act as the executive chairman for administrative purposes of the Boards of Special Inquiry.

SECTION 17. In order to effectively exercise their functions, the Boards of Special Inquiry shall have the following powers:

- a. Administer oaths;
- b. Gather and consider evidence which is material and relevant to the administration and enforcement of this Act and, when necessary, make a written record of such evidence;
- c. Recommend to the Commissioner the issuance of search warrants and warrants of arrest and other processes against aliens complained of or charged;
- d. Punish for contempt of the Board and/or the Commission, both direct and indirect, in accordance with the pertinent provisions of the Rules of Court;
- e. Issue subpoena and subpoena daces tecum and summon witnesses to appear in any proceedings of the Boards of Special Inquiry; and
- f. Recommend to the Commissioner the imposition of fines and penalties and waiver or reduction of fees, charges, fines, and penalties not provided for in this Act.

SECTION 18. The hearings and proceedings before the Boards of Special Inquiry shall be public and open and shall be faithfully recorded. In all cases, the Boards of Special Inquiry shall meet and act as a board. Only members of the Philippine Bar in good standing shall appear for and in behalf of any party before the Boards of Special Inquiry: Provided, however, That in deportation cases, no private individual shall be allowed to appear and act as private prosecutor.

SECTION 19. Cases before the Boards of Special Inquiry shall be decided or resolved within thirty (30) days from the date that they are submitted for resolution.

IX. APPEALS FROM RESOLUTION OR DECISION OF SPECIAL INQUIRY OFFICERS

SECTION 20. An alien may appeal the resolution or decision of a Board of Special Inquiry to the Board by filing a notice of appeal, payment of the appeal fee, and submission of a written memorandum of appeal signed by the foreign national. The appeal must be filed with the Boards of Special Inquiry, who decided the case, within forty-eight (48) hours from the time a copy of the resolution is received by the appellant. No appeal filed after this period shall be accepted. Where such appeal has been taken, any further appeal shall be disregarded.

SECTION 21. The Boards of Special Inquiry shall, upon perfection of the appeal, transmit within forty-eight (48) hours the entire records of the case to the Board. The Board may, motu proprio or upon motion by the appellant, hear the case de novo or receive additional evidence. The appeal shall stay the resolution or decision appealed from unless the Board directs its execution pending appeal considering the nature and circumstances of the case.

SECTION 22. The Board shall decide the appeal within sixty (60) days from receipt of the records of the case. The decision of the Board shall become final and executory fifteen (15) days after receipt by the appellant or his counsel of record of a copy thereof, unless the execution thereof pending appeal is directed by the Board considering the nature and circumstances of the case.

X. DEPARTMENTS AND PERSONNEL OF THE COMMISSION

SECTION 23. The Commission shall have ten (10) departments, namely:

- a. Administration
- b. Financial and Management
- c. Legal and Investigation
- d. Intelligence
- e. Immigration Regulations and Alien Control
- f. Alien Registration and Statistics
- g. Electronic Data Processing and Records Management
- h. Subports and Border Crossing Monitoring; and
- i. Travel Control for International Airports and Seaports.

SECTION 24. Each of the above departments shall be headed by a Director who shall be a holder of a college degree and the appropriate civil service eligibilities: Provided, however, That the Director for Legal and Investigation shall be a member of

the Philippine Bar in good standing and the Director for Financial and Management shall be a Certified Public Accountant.

XI. FUNCTIONS OF EACH DEPARTMENT

SECTION 25. The Administration Department shall have the following functions:

- a. Direct and supervise the administrative and other support activities of the Commission;
- b. Develop and administer progressive personnel management programs on recruitment, selection, appointment, placement, promotions, career and employee development, welfare services and incentive system; and develop and conduct appropriate training programs for personnel of the Commission;
- c. Serve as a clearing center for all official communications, whether incoming or outgoing; establish and maintain a sound central records system and the efficient management thereof;
- d. Acquire and process requisitions for supplies, materials, and equipment, provide for the safe and proper storage thereof, and conduct periodic inventory of the same;
- e. Provide messengerial, janitorial, security, and other utility services;
- f. Reproduce, disseminate, and maintain an updated compilation of all issuances of the Commission signed by the Commissioner or Board of Commissioners and make the same available to any interested party; and maintain and keep an official logbook of all such issuances;
- g. Administer the medical and dental services and physical fitness programs of the Commission;
- h. Receive complaints and grievances from the general public, prepare referrals to concerned offices and monitor responses or actions taken; and
- i. Perform such other functions as directed by the Commissioner or as may be provided by law.

SECTION 26. The Law and Investigation Department shall have the following functions:

- a. Advise the Commissioner on all legal matters affecting the administration and enforcement of the immigration, alien registration, citizenship, and naturalization laws; and render legal service to the Commissioner and employees of the Commission;
- b. Represent the Commission or the Commissioner in court, collaborate with the office of the Solicitor General in the proper prosecution of cases on appeal to the Court of Appeals or the Supreme Court; collaborate with the prosecutor concerned in the prosecution of criminal cases for violation of the

- immigration, alien registration, citizenship, and naturalization laws; and handle the prosecution of deportation cases heard by special inquiry officers;
- c. Process, evaluate, and recommend appropriate action to the Commissioner on applications of aliens seeking entry into the Philippines, either as immigrants or non-immigrants, and petitions for declaration of indigency; and investigate and recommend appropriate action to the Commissioner involving complaints for violations of the immigration and alien registration laws and regulations;
 - d. Prepare warrants of detention and search and seizure warrants for violation of the immigration and alien registration laws and regulations; and prepare hold-departure orders or orders for the lifting thereof upon instructions of the Commissioner;
 - e. Recommend confiscation of cash bonds or surety bonds for violation of the terms and conditions thereof;
 - f. Investigate administrative cases against employees of the Commission when directed by the Commissioner;
 - g. Represent the Commission in matters relating to agreements between the Philippines and another country concerning immigration, illegal entry, and border crossing; and
 - h. Perform such other functions as may be directed by the Commissioner or as may be provided by law.

SECTION 27. The Financial Management Department shall have the following functions:

- a. Prepare the annual and special budgets of the Commission; provide technical advice on fiscal matters; prepare and submit performance and fiscal reports; and control allotments and obligations;
- b. Maintain and keep books of accounts of the Commission; ascertain that all transactions have been properly recorded; submit financial statements and reports; ascertain and certify to the correctness of vouchers for traveling expenses; and compute and deduct Government Service Insurance System (GSIS) insurance premiums, medicare contribution, withholding taxes and other legitimate payroll deductions; and prepare correspondence on bookkeeping matters;
- c. Undertake regular management studies of the Commission's organizational structure and manpower requirements and utilization; review existing methods, procedure, and systems; and make recommendations for improvements; and
- d. Perform such other functions as directed by the Commissioner or as may be provided by law.

SECTION 28. The Intelligence Department shall have the following functions:

- a. Provide accurate and complete intelligence information for the effective enforcement of the immigration, alien registration, citizenship, and naturalization laws and regulations;
- b. Collect, collate and evaluate data and information on acts in violation of the immigration, alien registration, citizenship, and naturalization laws and regulations, and immediately report such violations to the Commissioner or immigration district director concerned, and take the necessary and appropriate action as directed by them;
- c. Coordinate with other intelligence and security agencies (domestic and foreign) in the collection and dissemination of intelligence information concerning aliens entering or leaving the: Philippines;
- d. Detect and report subversive activities of aliens and other activities inimical to national interest;
- e. Take steps to safeguard the country from illegal entrants;
- f. Conduct surveillance operations in specific target areas as directed by the Commissioner or his authorized representative;
- g. Interview aliens summoned or conduct inquiry of aliens taken into custody pursuant to a warrant of detention; and
- h. Perform such other functions as directed by the Commissioner or as may be provided by law.

SECTION 29. The Immigration Regulations and Alien Control Department shall have the following functions:

- a. Enforce the immigration laws and the regulations relating to the entry and admission of aliens on primary inspection, as well as their exclusion or repatriation, and the temporary landing of transients; and those relating to the imposition of administrative fines against vessels or aircraft for violations of the immigration laws and regulations;
- b. Monitor all aliens admitted for temporary or limited periods only, in coordination with the law enforcement service;
- c. Keep under surveillance all commercial vessels or aircraft and the alien members of their crew while in Philippine territory;
- d. Serve warrants of detention, or search and seizure warrants, issued by the Commissioner;
- e. Take charge of the physical detention of aliens pending determination of their excludability, deportability, or repatriability;
- f. Take charge of and attend to the removal or deportation of aliens;
- g. Draft orders and circulars for the guidance of immigration officers in the proper enforcement of the immigration laws and the regulations, for the approval of the Commissioner; and

- h. Perform such other functions as directed by the Commissioner or as may be provided by law.

SECTION 30. The Alien Registration and Statistics Department shall have the following functions:

- a. Take charge of the registration of aliens pursuant to and in accordance with the Alien Registration Act of 1950, as amended, and the regulations and subsequent national listing or concensus of aliens who are residents of the Philippines;
- b. Keep and maintain duplicate up-to-date and accurate records of all registered aliens in the Philippines, reports of change of address, amendments to entries in their certificates of registration and other alien registration documents to show the correct particulars of the registered alien; re-registration and fingerprinting of children of aliens attaining the age of fourteen (14) and cancellations of the alien's registry by reason of his death or acquisition of Philippine citizenship; and preserve their integrity at all times;
- c. Keep and maintain photofile records of registered aliens; and records of all portrait parle examinations;
- d. Take and maintain records of fingerprints of registered aliens; classify, verify, and file fingerprint charts for dactylographic purposes, and preserve their integrity at all times;
- e. Draft orders and circulars for the guidance of alien registration officers in the proper enforcement of the alien registration laws and the regulations, for the approval of the Commissioner; and
- f. Perform such other functions as directed by the Commissioner or as may be provided by law.

SECTION 31. The Electronic Data Processing and Records Management Department shall have the following functions:

- a. Plan, design, and implement all management information, office automation, and data processing systems of the Commission;
- b. Plan for, install, maintain in proper condition, and operate computers, data communication facilities, and automation equipment;
- c. Prepare computer equipment sites and acquire related software, materials and supplies;
- d. Ensure effective usage of computer resources;
- e. Develop and train service personnel in modern computer and office automation techniques, and train other personnel in its efficient usage;
- f. Keep and maintain original up-to-date and accurate records of all registered aliens in the Philippines, reports of change of address, amendments to

- entries in their certificates of registry to show the correct particulars of registered aliens, and cancellations of the alien's registry by reasons of his death or acquisition of Philippine citizenship, and preserve their integrity at all times;
- g. Issue certifications reflecting the true status or category of aliens, such as non-immigrants, immigrants, temporary visitors, treaty traders, prearranged employee and non-immigrant students;
 - h. Issue exit clearance certificates, certificates of exemption, reentry permits of aliens under the same status prior to leaving the country;
 - i. Issue duplicate originals for lost certificates of registration, certificates of residence or other registration documents of aliens, after investigation and favorable recommendation of the legal affairs service;
 - j. Keep and maintain an updated file of records and properly evaluated summaries of information against aliens, including those who have been excluded, removed, and deported and those facing deportation charges, or are included in the hold-order list, blacklist or watchlist; and
 - k. Perform such other functions as directed by the Commissioner or as may be provided by law.

SECTION 32. The Subports and Border Crossing Monitoring Department shall have the following functions:

- a. Conduct border patrol operations in the agreed border areas in order to deter illegal activities and other acts inimical to the national interests of the Philippines and the contracting state concerned;
- b. Establish an expeditious and simplified system of control for the entry and exit of qualified border crossers;
- c. Enforce passport, visa and immigration laws and regulations in all other cases of travel or border crossing not covered by such agreement;
- d. Oversee the exclusion, apprehension, deportation, and repatriation of illegal entrants; and
- e. Perform such other duties and functions as directed by the Commissioner or higher authorities.

SECTION 33. The Travel Control for International Airports and Seaports Department shall have the following functions:

- a. Enforcement and the administration of the immigration laws within the premises and areas of an international airport;
- b. Establish an expeditious and simplified system of control for the entry and exit of qualified border crossers;
- c. Enforce passport, visa and immigration laws and regulations in all other cases of travel or border crossing not covered by such agreement;

- d. Oversee the exclusion, apprehension, deportation, and repatriation of illegal entrants; and
- e. Perform such other duties and functions as directed by the Commissioner or higher authorities.

SECTION 34. There shall be an Executive Director of the Commission who shall be a member of the Philippine Bar in good standing. He shall act as the technical consultant of the Commissioner and also serve as the Executive Secretary to the Board of Commissioners. The Executive Director, as the chief operating officer, shall have the following powers and functions:

- a. Be directly responsible for the effective implementation of the policies, directives, programs and projects and the rules and regulations and guidelines promulgated by the Commission;
- b. Coordinate and supervise the activities of the different operating units of the Commission; and
- c. Perform such other vested functions that may be assigned by the Commissioners.

SECTION 35. The positions of Immigration Attachés are hereby created. No person shall be appointed to the position of immigration attaché unless he has been employed in the Commission holding a position not lower than a section head for at least three (3) consecutive years immediately prior to his appointment with the appropriate eligibilities and qualifications for such a post. He should not have any administrative or criminal case filed against him.

SECTION 36. The positions of immigration officers are hereby created. No person shall be appointed to the position of immigration officer unless he is a holder of a bachelor's degree and a first grade civil service eligible. The immigration officers shall perform the following duties:

- a. Examine with the assistance and advice of medical authorities in appropriate cases, aliens at the port of entry concerning their admissibility to enter and their qualifications to remain in the Philippines;
- b. Exclude aliens not properly documented, and to admit non-immigrants complying with the applicable provisions of immigration and related laws;
- c. Administer oaths in connection with the performance of their duties: to take and consider evidence concerning the right of any alien to enter or reside in the Philippines: to go on board and search for aliens on any vessel, aircraft or other conveyance believed being used to bring aliens into the Philippines illegally, and to arrest without warrant any alien who in the presence or view of the immigration officers is entering or is about to enter the Philippines in violation of immigration and related laws, rules and regulations;

- d. Conduct a search, without warrant, of an alien seeking admission to the Philippines, and of the personal effects in his possession, whenever the immigration officer has reasonable cause to suspect that grounds exist for exclusion of such alien from the Philippines under this Act;
- e. Act as control officers in the departure of aliens, and in this connection, to prevent the departure of aliens who do not possess the necessary emigration clearance certificate or exemption certificate or other required exit document validly and regularly issued; and
- f. Implement regulations or orders issued by the Commissioner concerning the entry into and the departure from the Philippines of all persons.

SECTION 37. The Commissioner may designate, in accordance with Civil Service law, rules and regulations, any competent and qualified employee of the Commission, to act as immigration officer or special inquiry officer; or assign any employee to other offices within the Commission and/or assign him additional or other duties as the best interest or exigency of the service may require.

SECTION 38. The Commissioner may assign immigration employees to do overtime work or to perform express lane services as may be provided by the rules and regulations promulgated by the Commission: Provided, That payments for the above services shall be made directly to the Commission: Provided, further, That all collections shall be deposited under a special trust account in an authorized government depository bank which shall be made available for payment of overtime pay and allowances to the employees concerned and the maintenance of the system, subject to such rules and regulations that the Commissioner may prescribe in relation thereto with the approval of the Secretary of Justice: Provided, finally, that said utilization of funds shall be in accordance with the existing budget, accounting and auditing rules and regulations

XII. NON-IMMIGRANTS

SECTION 39. Aliens departing from any place outside the Philippines, and who qualify within one of the following categories, may be admitted as non-immigrants:

- a. Temporary visitors for business, pleasure or for reasons of health, and those who qualify for admission as temporary visitors under special laws; as used therein, the term "business" refers to conventions, conferences, consultations and other legitimate activities of a commercial or professional nature, but does not include local employment or labor for hire; and the term "pleasure" refers to legitimate activities of a recreational character, including tourism, amusement, visits with friends or relatives, rest, medical treatment, and activities of a fraternal, social or service nature;

- b. A transient, or passenger in immediate and continues transit in the Philippines to a destination outside thereof;
- c. A crewman who intends to land temporarily and solely in pursuit of his calling and who intends to depart from the Philippines with the vessel or aircraft on which he arrived, or a crewman who is coming to join a vessel or aircraft;
- d. Ambassadors, public ministers, career diplomats, and members of their immediate families;
- e. Accredited foreign government officials, their staff, and members of their immediate families;
- f. Attendants, servants, or personal employees, including their spouses and unmarried children under twenty-one (21) years of age, of those mentioned in paragraphs (d) an (e) above;
- g. Officials of accredited international organizations, or specialized agency of the United Nations, including their spouses -an unmarried children under twenty-one (21) years of age accompanying or following to join them; as used therein, the term "accredited international organization" includes any public international organization in which the Philippines participates pursuant to any treaty or under the authority of any act of the Congress of the Philippines authorizing such participation or making an appropriation for such participation: and, such other international associations, institutions, agencies, programs, foundations and entities which are recognized by the government of the Republic of the Philippines, including those existing and already recognized as such at the time of the effectivity of this Act.;
- h. "Balikbayans" and their spouses and unmarried children under twenty-one (21) years of age accompanying or following to join them, for an initial stay of one (1) year and fifty-nine (59) days. They shall be exempted from payment of immigration and registration fees for such period;
- i. Exchange visitors;
- j. Foreign media personnel or correspondents, duly accredited by the government agency concerned, who are bona fide representatives of a foreign press, radio, satellite, television, film, or other information media and are coming to the Philippines solely to engage in gathering and communicating unrestricted information principally for dissemination abroad, including their spouses and unmarried children under twenty-one (21) years of age accompanying or following to join them during the period of their assignment in the Philippines; and
- k. A refugee whose admission, for humanitarian reasons and when not opposed to public interest has been approved by the President in such class of cases and under such conditions as he may prescribe; as used in this Act, the term "refugee" means any person who is outside the country of such person's

nationality or, in the case of a person having no nationality, is outside the country in which such person last habitually resided, and who is unable or unwilling to return to or avail himself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

XIII. SPECIAL NON-IMMIGRANTS

SECTION 40. Aliens departing from any place outside of the Philippines, and who qualify within one of the following categories, may be admitted as special non-immigrants:

- a. Alien students having means sufficient for their support and education in the Philippines, who are at least sixteen (16) years of age, seek to enter the Philippines temporarily for the sole purpose of taking up a course of study higher than high school at a university, seminary, academy or college approved for such alien students by the Commissioner: Provided: That the Commission shall, in collaboration with the Department of Education, Culture and Sports, regularly monitor the status and activities of said alien students in the Philippines under such arrangements as may be agreed by the two agencies;
- b. Aliens coming to prearranged employment, for whom the issuance of a visa has been authorized by the Commission in accordance with SECTION 48 of this Act, their spouses and unmarried children under twenty-one (21) years of age if accompanying or following to join them within the period of their employment;
- c. Duly ordained or professed missionaries coming to join a religious congregation or denomination duly registered with the Securities and Exchange Commission, upon the invitation, sponsorship and guarantee of such religious congregation or denomination, solely for the purpose of propagating, teaching and disseminating the doctrines, dogmas or tenets of their faiths or religion, their spouses and unmarried children under twenty-one (21) years of age if accompanying or following to join them;
- d. Aliens entitled to enter the Philippines under and in pursuance of the provisions of a treaty of commerce and navigation to carry on substantial trade between the Philippines and the foreign state of which he is a national; or to develop and direct, in accordance with the Constitution and the laws of the Philippines, the operation of an enterprise they have invested in or are in the process of investing in a substantial amount of capital, their spouses and unmarried children under twenty-one (21) years of age if accompanying or following to join them;

- e. Industrial trainees, technicians, and consultants;
- f. Contractors and their technicians who are under contract with the Philippine government or any of its agencies, subdivisions or instrumentalities, on any government project, their spouses and unmarried children under twenty-one (21) years of age accompanying or following to join them.
- g. Aliens not otherwise provided for by this Act who are coming for temporary periods only and whose admission are authorized by the President in the public interest or for humanitarian considerations and under such conditions as he may prescribe; and
- h. Such other aliens including their dependents who may be admitted as non-immigrants under special laws.

XIV. IMMIGRANTS

SECTION 41. Under the conditions set forth in this Act, there may be admitted into the Philippines immigrants, termed "quota immigrants," not in excess of one hundred (100) of any one nationality based on immigration reciprocity or without nationality for any one (1) calendar year, with first preference given to those aliens who have the financial capability to make substantial investments in the Philippines or whose qualifications show a high educational attainment, technical training, specialized experience, or exceptional ability which would enhance and promote substantial benefits to the national economy and welfare. Their spouses and unmarried children under twenty-one (21) years of age, accompanying or following to join them, shall likewise be allotted individual quota numbers. Second preference shall be given to parents of a citizen and third preference shall be given to spouses or unmarried children under twenty-one (21) years of age of aliens who are lawful permanent residents of the Philippines.

SECTION 42. The following immigrants, termed "non-quota immigrants," may be admitted without regard to numerical limitations and immigration reciprocity:

- a. Filipino World War II Veterans who acquired United States citizenship by virtue of the U.S. Immigration Act of 1990. They shall be granted permanent resident status and shall have immunity from deportation and the right to retain property acquired as a Filipino citizen. They shall be exempted from payment of immigration fees and travel tax;
- b. The alien spouse and unmarried children under twenty-one (21) years of age of a citizen of the Philippines, if accompanying or following to join such citizen: Provided, however, That the abandonment and failure to give support by the alien spouse to his Filipino wife and family, legal separation or termination of the marital status by annulment or divorce where the cause is

- attributable to the alien spouse, shall constitute grounds for cancellation of the immigrant visa issued to the alien spouse;
- c. A child born to alien parents during the temporary visit abroad of the mother, the mother having been previously admitted into the Philippines for permanent residence, if the child is accompanying or coming to join a parent and applies for admission within five (5) years from the date of his birth;
 - d. A child born subsequent to the issuance of the immigrant visa of the accompanying parent, the visa not having expired;
 - e. A woman who was a citizen of the Philippines but lost her citizenship by marriage to an alien or by reason of the loss of Philippine citizenship by her husband, her spouse and their unmarried children under twenty-one (21) years of age if accompanying or following to join her;
 - f. An alien previously and lawfully admitted into the Philippines for permanent residence who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines;
 - g. A citizen of the Philippines who has been naturalized in a foreign country and is returning to the Philippines for permanent residence, his spouse and unmarried children under twenty-one (21) years of age if accompanying or following to join him;
 - h. An alien whose grandparent or parent is a citizen of the Philippines, his spouse and unmarried children under twenty one (21) years of age if accompanying or following to join him;
 - i. An alien legally adopted by a citizen; and
 - j. An alien employee or an honorary retired employee of the Philippine government who had performed faithful and continuous service to the government for at least ten (10) years, his spouse and unmarried children under twenty-one (21) years of age accompanying or following to join him.

SECTION 43. A child born in the Philippines to a parent who has been granted permanent residence in the Philippines is deemed a native-born permanent resident. However, a child born to parents who are both non-immigrants is considered a non-immigrant and may remain in the Philippines only for the duration of the authorized temporary stay of the parents.

SECTION 44. The Commissioner shall, in allotting quota numbers for the first preference, allot not more than fifty percent (50%) of the annual quota allotment up to the end of October each year: Provided, however, That if the fifty percent (50%) is not utilized by the first preference, the balance thereof shall be given to the second and third preferences following the order of preference specified under Section 41 of this Act. Any unused quota allotted for a calendar year cannot be carried over and utilized for the ensuing calendar year.

SECTION 45. The nationality of an immigrant whose admission is subject to the numerical limitation imposed by Section 41 of this Act shall be that of the country of which the immigrant is a national or citizen. The nationality of an immigrant possessing dual nationality may be that of either of the two countries regarding him as a national or citizen if he applies for a visa in a third country. If he applies for a visa in one of the two countries regarding him as a national or citizen, his nationality shall be that of the country in which he shall file his application for a visa to enter the Philippines.

XV. ADJUSTMENT OF STATUS

SECTION 46. The status of an alien admitted into the Philippines as non-immigrant may be adjusted by the Board, in their discretion and under such regulations as the Commissioner may prescribe, to that of an alien lawfully admitted for permanent residence if: (a) the alien makes an application for such adjustment; (b) the alien is eligible to receive a quota or non-quota immigrant visa and is admissible to the Philippines for permanent residence: and (c) a quota immigrant visa, if such is the case, is immediately available to him at the time his application is filed, without the need of first departing from the Philippines. In all such cases, the personal appearance of the alien shall be required during the consideration of his application.

XVI. DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

SECTION 47. Non-immigrants must present for admission into the Philippines valid passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid passport visas granted by Philippines diplomatic or consular officers; except that no documentation shall be required in respect of the following aliens:

- a. A child qualifying as a non-immigrant born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired;
- b. A crewman qualifying as such under the pertinent provisions of this Act;
- c. A foreign government official covered by agreements on the waiver of official visas;
- d. A national of a country with which the Philippines has agreement on waiver of visas;
- e. An alien entering with the approval of the President expressly waiving visa requirements pursuant to the provisions of Sections 48 and 49 of this Act; and
- f. An alien coming to the Philippines as a bona fide tourist under special laws.

SECTION 48. The period of authorized stay of an alien admitted as a temporary visitor under Section 39 (a) of this Act shall in no case exceed one (1) year and

fifty-nine (59) days counted from the date of arrival and it shall be subject to the following conditions, unless waived by the Commissioner:

- a. He shall not take any employment, whether paid or unpaid;
- b. He shall not establish or join in any business; and
- c. He shall not enroll and become a student at a school, college, university, academy, or other educational institution.

SECTION 49. A passport visa for a non-immigrant referred to in SECTION 40 (b) of this Act who is coming to prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the work or service for which the non-immigrant is desired and that the non-immigrant's admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations, by the prospective employer or his representative. The petition shall state fully the nature of the work or service for which the non-immigrant is desired, the probable length of time for which he is to be engaged, the salary and other compensation which he is to receive, the reasons why a person in the Philippines cannot be engaged to perform the work or service for which the non-immigrant is desired and why the non-immigrant's admission would be beneficial to the public interest. The petition shall be accompanied by a certified copy of any written contract or agreement entered into for the immigrant's service and shall contain such additional information as may be deemed material. Substantiation of all the allegations made in the petition shall be required and the allegations that no person can be found in the Philippines willing and competent to perform the work or service for which the nonimmigrant is desired and that the non-immigrant's admission would be beneficial to the public interest shall be established beyond doubt by convincing and satisfactory evidence. If the Board of commissioners finds that the petition complies with the requirements of the preceding paragraph and that the petitioner has established the facts entitling him to the authorization, the Board shall grant the petition and the Commissioner shall so inform the petitioner and promptly transmit authorization to the consular office at which the immigrant is to apply for a visa. Such an immigrant, upon receiving a visa and applying for admission into the Philippines, shall be exempt from the provisions of SECTION 80 (w) of this Act excluding aliens coming to perform unskilled manual labor in pursuance of a promise or offer of employment.

SECTION 50. The master, agent, owner or consignee of any vessel arriving in or departing from the Philippines shall furnish the immigration officer at the port of arrival or port of departure, crew lists and passenger manifests and such other

information concerning the persons arriving or departing on the vessel. The crew lists of incoming vessels shall be duly visaed by the appropriate Philippine consular official abroad.

SECTION 51. It shall be the duty of the master, agent, owner or consignee of any vessel arriving in the Philippines to have available on board, for inspection by the immigration officer, any alien crewmember employed on such vessel and to detain such crewmember on board after inspection and to remove such crewmember when required by the immigration authorities. No crewmember employed on board such vessel shall be paid off or discharged while the vessel is in port without the permission of the Commission.

SECTION 52. An alien crewmember employed on a vessel arriving in the Philippines may be permitted to land temporarily under such conditions as shall be prescribed by the Commission. The expenses incurred while on land or awaiting repatriation, for medical treatment in a hospital or elsewhere, burial in the event of death, and for transfer to the vessel in the event of return of any crewmember shall be borne by the master, agent, owner or consignee of the carrying vessel.

SECTION 53. The Commission shall designate, from among the ports of entry established by law for customs and immigration purposes, such unlimited or limited ports of entry through which aliens may enter the Philippines. Only such classes of aliens as provided under rules and regulations prescribed by the Commission may be allowed entry at limited ports of entry. The Commission shall also have the power to close ports of entry designated by it whenever advisable in the public interest after due notice to the public.

SECTION 54. For the purpose of ascertaining whether an alien arriving in the Philippines belongs to any of the excludable classes of aliens provided in this Act or related laws, the immigration officer may temporarily hold for investigation such alien, either on board the vessel or at any place designated by the officer at the expense of the master, agent, owner or consignee of the carrying vessel.

SECTION 55. Except as provided for in Sections 48 and 49 of this Act, the admission to the Philippines of any alien as a non-immigrant shall be for such time and under such conditions as may be prescribed by law or the regulations. The Commissioner may require the posting of a cash or surety bond in such sum and under such terms and conditions as he shall prescribe; to insure that at the expiration of such time or upon failure to maintain status under which an alien was admitted, or to maintain any status subsequently acquired, such alien will depart from the Philippines.

SECTION 56. Asylum seekers (refugees physically present in the Philippines) may apply for and be granted refugee status upon the discretion of the President and under such terms and conditions as he may prescribe. Asylum granted under this section may be terminated by the President at any time after determination by the appropriate agency that the alien is no longer a refugee within the meaning of paragraph (k) of Section 39 of this Act owing to a change in circumstances in the person's country of nationality or, in the case of a person having no nationality, in the country in which the person last habitually resided.

SECTION 57. A spouse or minor child of a refugee who is granted asylum under the preceding section may, if not otherwise eligible for asylum under said section, be granted the same status as the refugee to assure family unity, or when it is otherwise in the public interest, if accompanying or following to join the refugee.

XVIII. DOCUMENTATION AND ADMISSION OF IMMIGRANTS

SECTION 58. Immigrants must present for admission into the Philippines valid passports or travel documents issued by the government of the country to which they owe allegiance, showing their origin and identity and valid visas issued by the Philippine consular officer indicating the date of issue and the period of validity thereof. Immigrant visas, however, shall not be required of the following:

- a. A child born subsequent to the issuance of a valid immigrant visa to the accompanying parent;
- b. A child born during the temporary visit abroad of the mother who is a lawful permanent resident of the Philippines and a holder of a valid re-entry permit, if the child is accompanied by either parent within five (5) years from the date of the child's birth; and
- c. An alien who is returning to an unrelinquished lawful permanent residence in the Philippines after a temporary residence abroad and presents for admission a valid reentry permit.

SECTION 59. Any permanent resident alien about to depart from the Philippines who intends to return thereafter shall apply to the Commissioner for a reentry permit. If the applicant is a lawful permanent resident of the Philippines, the Commissioner shall authorize the issuance of such reentry permit, which shall be valid for a period not exceeding one (1) year. Upon application for extension and for valid reasons therefore, the reentry permit may be extended once by the Commissioner for another period of one (1) year.

SECTION 60. The Commissioner may issue a special permit to reenter the Philippines to permanent residents and investors who for valid reasons cannot obtain a passport or travel document from their country of nationality. This special permit to

reenter the Philippines is not a passport and will not bestow Philippine citizenship to the holder.

SECTION 61. The Commissioner may, at any time, for cause, revoke the approval of any petition approved by him under paragraphs (a) or (b) of Section 40 of this Act. Such revocation shall be effective as of the date of approval of any such petition. In no case, however, shall such revocation have effect unless notice of the revocation is communicated through the Secretary of Foreign Affairs. If the notice of revocation is not received and the petitioner applies for admission into the Philippines, his admissibility shall be determined by an immigration officer upon his arrival at the port of entry in the manner provided for in this Act.

SECTION 62. Under the conditions and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may issue the following:

- a. An immigrant visa to an alien who has made a proper application therefor, which shall specify the foreign country, if any, to which quota the number is charged, the immigrant's particular status in such country, the preference to which the alien is classified, the date on which the validity of the visa shall expire, and such additional information as may be required; and
- b. A non-immigrant visa to an alien who has made proper application therefor, which shall specify the classification of the non-immigrant under Section 47 of this Act, the period during which the visa shall be valid, and such additional information as may be required.

SECTION 63. A non-immigrant or immigrant visa issued by a consular officer abroad shall be valid for a period not exceeding three (3) months. In prescribing the period of validity of a non-immigrant visa, the consular officer shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to citizens of the Philippines who are within a similar class. An immigrant visa may be replaced under the original number during the calendar year in which the original visa was issued for an alien who establishes to the satisfaction of the consular officer that he was unable to use the original immigrant visa during the period of its validity because of reasons beyond his control and for which he was not responsible: Provided, That the alien is found by the consular officer to be eligible for an immigrant visa and again pays the required fees for an application and an immigrant visa.

SECTION 64. Prior to the issuance of an immigrant visa to any alien, the consular officer shall require such person to submit to a physical and mental examination in accordance with such regulations as may be prescribed by the Secretary of Foreign Affairs. Prior to the issuance of a non-immigrant visa to any alien,

the consular officer may require such alien to submit to a physical or mental examination, or both, if in his opinion such examination is necessary to ascertain whether such person is eligible to receive a visa.

SECTION 65. An immigrant shall present or surrender his immigrant visa to the immigration officer at the port of entry, who shall endorse on the visa the date and the port of arrival, the identity of the vessel or aircraft on which the immigrant arrived, and such other endorsements as may be required by the regulations.

SECTION 66. A non-immigrant shall present or surrender to the immigration officer at the port of entry such documents as may be required by the regulations. In the case of an alien crewman not in possession of a seaman's book or crewman's pocket-ledger, or equivalent document other than a passport, such crewman may be admitted if his name appears in the duly visaed crew list of the vessel on which he arrives, but the consular officer shall have the right to exclude any alien crewman from the list visa.

SECTION 67. No visa or other documentation shall be issued to an alien in the following cases:

- a. If it appears to the consular officer, from the statements in the application, or in papers submitted therewith, that such person is ineligible to receive a visa or such other documentation under this Act;
- b. If the application fails to comply with the provisions of this Act, or the regulations issued thereunder; or
- c. The consular officer knows or has reason to believe that such person is ineligible to receive a visa or other documentation and is inadmissible into the Philippines under this Act.

SECTION 68. Nothing in this Act shall be construed as to entitle any alien to whom a visa or other documentation has been issued to enter the Philippines if, upon arrival at a port of entry, he is found to be inadmissible under this Act or any other law.

SECTION 69. If a visa or other documentation is revoked by the consular officer or the Secretary of Foreign Affairs, notice of such revocation shall be communicated to the Commissioner. Such revocation shall invalidate the visa or other documentation from the date of issuance: Provided, That the vessel or aircraft on which such alien arrived in the Philippines shall not be penalized for the action taken in reliance on such visa or other documentation, unless they receive due notice of such revocation prior to the alien's embarkation.

XIX. RE-ENTRY PERMITS

SECTION 70. Any resident alien who intends and is about to depart from the Philippines with the intention of returning thereafter shall apply to the Commissioner for a permit to reenter the Philippines, stating the length of his intended absence and the reason therefor. Such application shall be made under oath, shall be in such form, contain such information, and be accompanied by such photographs of the alien as the Commissioner shall by regulations prescribe.

SECTION 71. The Commissioner may authorize the issuance of a re-entry permit in the following cases:

- a. The alien is a lawful resident;
- b. The alien has faithfully complied with all the obligations required of a resident alien;
- c. The application is made in good faith; and
- d. The alien's proposed departure from the Philippines will not be contrary to the interests of the Philippines.

The reentry permit shall be valid for a period of one (1) year from the date of issuance and may be extended on a year-to-year basis, unless earlier revoked for cause. The reentry permit shall be accepted in lieu of any visa which otherwise would be required from such alien, and may be made good for several trips within the period of its validity: Provided, however, That the holder thereof shall pay the exit clearance fee and the head tax for every departure from the Philippines.

SECTION 72. Unless the reentry permit is valid for multiple entry, it shall be surrendered to the immigration officer at the port of entry, upon the return of the alien to the Philippines. An unused or expired permit shall be surrendered to the Commission within thirty (30) days after expiration of its validity.

XX. EXIT CLEARANCE CERTIFICATE

SECTION 73. Except in the case of temporary visitors and other non-immigrants whose stay have not exceeded fifty-nine (59) days, any alien departing from the Philippines shall apply to the Commissioner for clearance to depart.

The Commissioner may authorize the issuance of an exit clearance to an alien without need of fingerprinting and upon surrender of all immigration and registration documents previously issued to him showing his admission status in the Philippines in the following cases:

- a. The alien has no pending obligation with the government or any of agencies or instrumentalities;
- b. There is no pending criminal, civil, or administrative proceeding which by law requires the alien's continued presence in the country; and

- c. There is no ongoing legislative inquiry where the alien is called upon to testify as a witness.

XXI. INSPECTION BY IMMIGRATION OFFICERS

SECTION 74. An alien seeking admission or readmission to the Philippines shall be subject to primary inspection at the port of arrival by immigration officers. The decision of the examining immigration officer, if favorable to the admission of any alien, may be challenged by another immigration officer. The final determination of admissibility of such alien shall be determined by a Board of Special Inquiry.

XXII. DETENTION OR QUARANTINE FOR EXAMINATION

SECTION 75. For the purpose of determining whether an alien arriving at ports in the Philippines belong to any of the classes excludable under this Act, by reason of being afflicted with any of the diseases or mental or physical defects or disabilities set forth in paragraphs (a) and (b) of Section 80 of this Act or whenever the Commissioner has received information showing that aliens are coming to the Philippines from a country or have embarked at a place where any of such diseases are prevalent or epidemic, the alien shall be detained or quarantined for a reasonable period of time to enable the immigration and medical officers to subject such person to observation and examination.

XXIII. MEDICAL EXAMINATION

SECTION 76. The physical and mental examination of an arriving alien whom the examining immigration officer or special inquiry officer has observed and believes to belong under the class of excludable aliens specified in paragraphs (a) and (b) of Section 80 of the same Act shall be made by a designated government medical officer who shall certify for the information of such officers any and all physical and/or mental defects, disorders, or diseases observed or found by him after an examination of the alien. If such medical officers are not available in the port of arrival, any reputable private physician may be hired and authorized by the Commissioner to examine the arriving alien, the necessary expenses therefor to be chargeable against the appropriations provided for the enforcement of this Act.

XXIV. CLASSIFICATION OF PORTS OF ENTRY

SECTION 77. The Commissioner shall classify and designate ports of entry either as unlimited or a limited port of entry as defined in paragraph (v) of Section 3 of this Act. At limited ports of entry, only such classes of aliens may be allowed entry under the rules and regulations prescribed by the Commissioner. Any such port so designated may be closed by the Commissioner when he deems it advisable in the public interest and after due notice to the public.

XXV. ARRIVAL NOTICES FOR CIVIL AIRCRAFT

SECTION 78. The immigration authorities shall be furnished with a timely notice of the arrival of any civil aircraft at or nearest such place of first landing before such aircraft comes into any area in the Philippines from any place outside thereof. If dependable facilities for giving such notice are not available before departure, any radio equipment in the aircraft shall be used if this will result in the giving of adequate and timely notice during its approach, otherwise, a landing shall be made at a place where necessary facilities exist before coming into any area in the Philippines. Such advance notice will not be required in the case of aircraft of scheduled airlines arriving in accordance with the regular schedule filed with the immigration officer in charge at the international airport of entry in which the place of first landing in the area is situated. If, upon landing in any area other than an international airport of entry, an immigration officer has not arrived, the captain of the aircraft shall keep the passengers and crew in a segregated place until the immigration officer arrives.

SECTION 79. The advance notice of arrival required in the preceding section shall specify the following:

- a. The type of aircraft and register marks;
- b. The name of captain of the aircraft;
- c. The place of last departure;
- d. The international airport of intended landing, or other place at which landing has been authorized by Customs;
- e. The number of alien passengers and citizen passengers;
- f. The estimated time of arrival; and
- g. The authorized agent or representative at place of landing.

XXVI. EXCLUSION

SECTION 80. The types of aliens not eligible for entry into the country and are, therefore, subject to exclusion are:

- a. Idiots, insane persons and those who have been previously insane; or persons suffering from any serious mental illness or disorder, or those who are afflicted with psychopatic personality;
- b. Those afflicted with any loathsome or incurable contagious disease;
- c. Those who have been convicted of a crime involving moral turpitude
- d. Prostitutes, procurers, pimps, pedophiles, sexual deviants, and those coming to the Philippines for immoral or illegal purposes;
- e. Paupers, vagrants, beggars, and those likely to become public charges;
- f. Polygamists or those who practice polygamy or advocate the practice of polygamy;

- g. Those who have been previously excluded or deported, and those who have been previously removed at government expense and who again seek admission within one (1) year from date of such removal, or those who have been apprehended and deported or have been previously removed from the Philippines at government expense in lieu of deportation or as indigent aliens;
- h. Stowaways, except that any stowaway may be allowed admission at the discretion of the Commissioner, if otherwise admissible; as used herein, the term "stowaway" refers to a person leaving or arriving in the Philippines secreted in a vessel without the consent of the captain or of a person entitled to give the consent;
- i. Those who seek to procure or have procured a visa or other documentation for entry into the Philippines or other benefits provided under this Act or the regulations through fraud, misrepresentations, or concealment of material facts;
- j. Those who are not properly documented for admission as may be required under this Act;
- k. Narcotics, drug addicts or chronic alcoholics, or unauthorized users, sellers or distributors of narcotics; those who have been convicted of violations of, or a conspiracy to violate, any law or regulation relating to the illicit possession of, or traffic in, narcotic drugs, marijuana and other prohibited drugs; and those previously deported for such violations;
- l. Those who are over fifteen (15) years of age who are physically capable but who cannot read printed matter in ordinary use in any language selected by the alien: Provided, however, That this provision shall not apply to the grandfather, grandmother, father, mother, and the spouse or child of a citizen or of an alien who is a permanent resident of the Philippines;
- m. Those seeking to enter the Philippines who have engaged directly or indirectly in a terrorist activity, or is likely to engage after entry in any terrorist activity. As used in this act, the term "terrorist activity" means any activity which is unlawful under the laws of the place where it is committed or which, if committed in the Philippines, Would be unlawful under the laws of the Philippines and which involves any of the following:
 - 1. The hijacking or sabotage of any vessel or vehicle;
 - 2. The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a government agency or instrumentality) to do or abstain from doing any act as an explicit or implicit condition for the release of an individual seized or detained;
 - 3. The use of any biological or chemical agent, or nuclear weapon or device, or an explosive or firearm, with intent to endanger, directly or

indirectly, the life and safety of one or more individuals or to cause substantial damage to property; or

4. An assassination.
- n. Smugglers, gunrunners, illegal recruiters, economic saboteurs, or members of international crime syndicates;
- o. Family members accompanying an excluded alien, unless in the opinion of the Commissioner no hardship would result from their admission;
- p. Those at any time have knowingly encouraged, induced, assisted, abetted, or aided any other alien to enter or try to enter the Philippines in violation of immigration laws or the regulations;
- q. Children under fifteen (15) years of age unaccompanied by or not coming to join a parent: Provided, however, That any such children may be allowed admission at the discretion of the Commissioner, if other admissible;
- r. Those who, prior to or at the time of primary inspection at the port of entry, show or exhibit any act of arrogance, hostility, insulting or obnoxious behavior, disrespect to or contempt for any Philippine government official or authority, or a callous disregard of or an obstinate refusal to comply with admission requirements;
- s. Those whose admission or proposed activities in the Philippines, the Secretary of Foreign Affairs or the intelligence agencies of the government have reasonable grounds to believe, would have potentially serious adverse foreign policy consequences for the Philippines;
- t. Those who have been convicted by final judgment of violations of, or a conspiracy to violate, any law relating to the illicit possession of, or traffic in, narcotics or other prohibited drugs, and previously deported for such violations;
- u. Fugitives from justice of other countries;
- v. Those accompanying another alien ordered excluded and certified to be helpless by reason of sickness, physical or mental disability or infancy, whose protection or guardianship is required by the alien ordered excluded, as shall be determined by the Commissioner; and
- w. Those coming to perform unskilled manual labor in pursuance of a promise or offer of employment, express or implied, but this provision shall not apply to those who are holders of non-quota immigrant visas under this Act.

SECTION 81. The Commissioner may, for good and sufficient reasons, waive any of the grounds fore exclusion aforementioned, except those stated paragraphs (b), (c), (d), (e), (f), (i), (k), (m), (n), (p), and (r) of Section 80 above: Provided, That with respect to the ground for exclusion mentioned in paragraph (g) of Section 80 above, the Commissioner shall not exercise his discretion in favor of aliens previously

excluded or deported on the ground of having engaged in hoarding, blackmarketing, profiteering, or any act of economic sabotage.

SECTION 82. Whenever the President finds that the entry of any alien or any class of aliens into the Philippines would be detrimental to the interests of the Philippines, he may, for such period as he shall deem necessary, suspend their entry and admission into the Philippines or impose such restrictions as he may deem appropriate.

SECTION 83. An alien seeking admission into the Philippines may be required to testify under oath on matters relating to his admissibility. The burden of proof shall be upon such alien to establish that he is not subject to any of the grounds for exclusion provided in this Act.

SECTION 84. Any alien who may appear to the examining immigration officer to be excludable under the provision of paragraphs (f), (k), (m), (p), (s), and (u) of aforesaid Section 80 may be temporarily excluded and detained. No further inquiry by a Board of Special Inquiry shall be conducted until after the matter is reported to the Commissioner together with any such written statement and accompanying information, if any, as the alien or his representative may submit in connection therewith and such an inquiry is directed by the Commissioner. If the Commissioner is satisfied that the alien is excludable under any of the aforesaid paragraphs of the same Section 80 on the basis of information of a confidential nature, the disclosure of which the Commissioner, after consultation with the concerned security agency of the government, concludes would be prejudicial to the national security or to public order, interest, and safety, he may order such alien to be excluded and removed without further inquiry. Other aliens who may nor appear to the examining immigration officer to clearly and without doubt entitled to be admitted or excluded may be temporarily excluded and detained for inquiry.

SECTION 85. A Board of Special Inquiry making an inquiry shall conduct proceedings under this section, administer oaths, present and receive evidence, and interrogate, examine, and cross-examine the alien or witnesses. It shall have the authority in any case to determine, based only on the evidence produced at the inquiry, whether an arriving alien who has been detained shall be allowed admission into the Philippines or shall be removed. At such inquiry, which shall be kept in chambers separate and apart from the public, the alien may have one friend or relative present under such conditions as may be prescribed by the regulations. A complete official record of the proceedings and of all testimony and evidence produced at such inquiry shall be kept.

SECTION 86. A decision of a Board of Special Inquiry excluding an alien may be appealed to the Commissioner by the alien immediately after a decision has been made and on a form prescribed therefor which he shall accomplish and sign, and after he has been advised of his right to take such appeal. An appeal by an alien shall operate to stay any final action with respect to the alien until the final decision of the Commissioner is made. The decision shall be immediately executory and shall not be appealable. Except as provided in Section 84 such decision shall be rendered solely upon the evidence adduced before the Boards of Special Inquiry.

SECTION 87. Except as provided in Sections 89 and 91 of this Act, in every case where an alien is excluded from admission into the Philippines under this Act or any other law or treaty now existing or hereafter entered into, the decision of a Board of Special Inquiry shall be final unless reversed on appeal by the Board of Commissioners.

SECTION 88. If a government medical officer or authorized private physician has certified under Section 76 of this Act that an arriving alien has a disease, illness, a physical or mental disorder or behavior, or drug addiction which would make the alien excludable under the provisions of paragraphs (a) and (b) of Section 80 of this Act, the decision of the Boards of Special Inquiry shall be based solely upon such certification. No alien shall have a right to appeal such a decision for exclusion.

XXVII. DEPORTATION OF ALIENS

SECTION 89. The following aliens shall be arrested upon the warrant of the Commission and deported after hearing and resolution submitted by a Board of Special Inquiry and approved by the Board of Commissioners:

- a. Those who entered the Philippines by means of false and misleading statements or documents, misrepresentations, or without inspection and admission by the immigration authorities;
- b. Those who entered the Philippines who were not lawfully admissible at the time of entry;
- c. Those who have been convicted in the Philippines for a crime involving moral turpitude;
- d. Those who have been convicted for violations of any law governing prohibited and/or regulated drugs;
- e. Those who practice prostitution or are inmates of a house of prostitution or are connected with the management of a house of prostitution or are connected with the management of a house of prostitution, or are procurers pedophiles, or sexual deviants;
- f. Those who, at any time after the date of entry, have become a public charge;

- g. Those who remain in the Philippines in violation of any limitation or condition under which they were admitted;
- h. Those who believe in, advise, advocate or teach the overthrow by force and violence of the government of the Republic of the Philippines, or duly constituted authority, or who do not believe in or are opposed to organized government, or those who advise, advocate, or teach the assault or assassination of public officials because of their office, or who advise, advocate, or teach the unlawful destruction of property, or who are members of or affiliated with any organization entertaining, advocating or teaching such doctrines or who in any manner whatsoever lend assistance, financial or otherwise, to the dissemination of such doctrines;
- i. Those who at any time after entry engages in terrorist activity; as used herein, the term "engage in terrorist activity" means to commit, in an individual capacity or as a member of an organization, an act of terrorist activity or an act which an alien knows, or reasonably should know, affords material support to any individual, organization, or government in conducting a terrorist activity at any time, including the soliciting of funds or other things of value for terrorist activity or for any terrorist organization;
- j. Those who commit any of the acts penalized under this Act, independent of any criminal action which may be brought against them: Provided, however, That in the case of an alien who for any reason is convicted and sentenced to suffer both imprisonment and deportation, said mien shall first serve the entire period of his imprisonment before his deportation: Provided, further, That the imprisonment may be waived by the Commissioner with the consent of the President, and upon payment by the alien concerned of such costs, fines and/or damages suffered by the government or any aggrieved party as the Commissioner may fix with the approval of the President;
- k. Those who at any time after entry is convicted under any law of purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying in violation of any law or regulation, any weapon, part or accessory, which is a firearm, explosive, or destructive device;
- l. Those who engage in profiteering, hoarding, blackmarketing, dollar salting, technical smuggling, gunrunning, illegal recruitment, other acts of economic sabotage, and other illegal acts independent of any criminal action which may brought against them;
- m. Those who are guilty of any offense penalized under the naturalization laws of the Philippines or any law relating to the acquisition of Philippine citizenship;
- n. Those who defraud their creditors by absconding or alienating properties to prevent their attachment or execution;

- o. Those who were admitted as non-immigrants and who obtained an adjustment of their admission status for convenience, or through fraud, falsification of documents, misrepresentations, or concealment of material facts;
- p. Those convicted of unfair labor practice and violation of other labor laws, illegal possession of firearms, tax evasion, or crimes against national security and public order;
- q. Those who, upon prior investigation and hearing, are found to be notoriously undesirable and whose further stay in the Philippines will be inimical to public welfare and interest, or the dignity of the Filipinos, or the Republic of the Philippines as a sovereign nation;
- r. Those who knowingly forge, counterfeit, alter, or falsely make any document; or use, attempt to use, possess, obtain, accept, or receive or provide any forged, counterfeit, altered, or falsely made document; or use or attempt to use or provide or attempt to provide other than the possessor (including a deceased individual); or accept or receive or provide any document lawfully issued to a person other than the possessor (including a deceased individual) for the purpose of satisfying or complying with the requirements for the employment of aliens in the Philippines; and
- s. Those whose presence or activities in the Philippines the Secretary of Foreign Affairs has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the Philippines.

SECTION 90. The right of the State to initiate at any time deportation proceedings for causes mentioned in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (o), and (p) of Section 89 of this Act, shall be imprescriptible: Provided, however, That no deportation proceedings may be initiated under any other paragraphs of the aforesaid Section 89 unless the apprehension in the deportation proceedings is made within (5) years after the cause for deportation arises. Deportation for causes mentioned in paragraphs (b), (c), (e), (j), (k), (n), (q), and (s) of Section 89 shall not be effective if the court or judge thereof, when sentencing the alien, shall recommend that the alien not be deported.

XXVIII. DETENTION AND DEPORTATION OF FOREIGN NATIONALS

SECTION 91. If it appears to the Commissioner that there is reasonable ground for inquiry as to whether an alien ought to be deported under Section 89 of this Act, the Commissioner may issue summons to the alien, inviting him to appear in person before the investigating officer at the time, date, and place stated in the summons; Provided, however, That if it is shown to the Commissioner that there are strong and convincing grounds for such inquiry, the alien should be taken into immediate

custody for the purpose of such inquiry. During such inquiry, the alien may, upon a warrant of detention issued by the Commissioner, be apprehended and detained for a period of not more than forty eight (48) hours after the apprehension, which may be extended for another forty-eight (48) hours by the Commissioner if the circumstances warrants such extension. No alien shall be detained for purposes of inquiry for more than four (4) days unless a formal charge for deportation shall have been filed against him, except in cases where the alien is deportable under paragraphs (d), (h), (i), or (s) of Section 89 of this Act. Failure or refusal of an alien to honor a summons issued for his appearance before an investigating officer shall be sufficient ground for issuance of a warrant of detention against him.

SECTION 92. The Commissioner may issue a warrant of detention if he determines that a prima facie case exists for the filing of deportation charges against an alien for violation of the immigration, alien registration and related laws or there is a strong probability that a deportable alien may flee from his place of abode and go into hiding or surreptitiously leave the country

SECTION 93. A formal charge for deportation against an alien shall be based on substantial evidence establishing that the person against whom a warrant of detention has been issued is an alien and deportable under Section 89 of this Act. After a formal charge for deportation is filed and pending final determination of deportability, any such alien shall, at the discretion of the Commissioner: (a) remain under detention; or (b) be released conditionally under recognizance: Provided, however, That any such bond or recognizance may be revoked at any time by the Commissioner if it appears that there is strong evidence against the alien or there is strong probability of his escaping or evading the proceedings, in which case, the alien may be returned into custody and detained under the same warrant of detention which initiated the proceedings until final determination of his deportability.

SECTION 94. The Commissioner, after giving notice to the court or agency concerned, shall take into custody and place under detention any alien convicted of an offense or felony which is a ground for deportation under this Act, upon the release of the alien, regardless of whether or not such release is on parole, probation, or suspended sentence and regardless of the possibility of re-arrest or further confinement in respect to the same offense. Such alien shall remain under detention, either before or after determination of deportability, and may be released by the Commissioner at his discretion, and under such terms and conditions prescribed by him, if the alien demonstrates to the satisfaction of the Commissioner that he is not a threat to the community and that he is likely to appear before any scheduled hearings.

XXIX. DEPORTATION PROCEDURES

SECTION 95. A Board of Special Inquiry shall conduct proceedings to determine the deportability of any alien and shall administer oaths, present and receive evidence, interrogate, examine and cross-examine the alien and witnesses. Any alien charged with deportation shall at all times be accorded due process. He shall be given notice and informed of the specific charge or charges against him and of the time, date, and place at which the proceedings shall be held. He shall have the privilege of being represented and assisted by such counsel of his choice, and shall have a reasonable opportunity to examine the evidence against him, to adduce and present evidence on his own behalf, and to confront and cross-examine witnesses presented by the government: Provided, however, That summary deportation proceedings shall be taken in the case of undocumented aliens or those who are holders of expired passports, travel documents and visas.

SECTION 96. Determination of deportability in any case shall be made only upon a record made in a proceeding before a Board of Special Inquiry at which the alien shall have reasonable opportunity to be present, unless by reason of the alien's mental incompetency it is impracticable for him to be present, in which case the Board of Special Inquiry shall prescribe necessary and proper safeguards for the rights and privileges of such alien. If any alien has been given a reasonable opportunity to be present and without reasonable cause fails or refuses to attend or remain in attendance at such proceedings, the Board of Special Inquiry may proceed to a determination in like manner as if the alien were present.

SECTION 97. The Commissioner shall assign a special prosecutor to present the evidence of the government if the alien charged denies the factual allegations and his deportability, or issues of law or fact remains unsolved. At any time during the hearing, the special prosecutor may file additional charges of deportation.

SECTION 98. In cases where the charge for deportation is based on paragraph (a) of Section 89 of this Act, the burden of proof shall be upon the alien to establish that he entered and was admitted into the Philippines lawfully, the time, place and manner of such entry and admission. For this purpose, he shall be entitled to the statement of the facts in connection with his arrival as shown by official records in the custody of the Commissioner.

SECTION 99. Proceedings before a Board of Special Inquiry in deportation cases shall be in accordance with such rules of procedure as the Commissioner shall prescribe, subject to the approval of the Secretary. These rules shall be the sole and exclusive procedure for determining the deportability of an alien under this Act.

SECTION 100. At the discretion of the Commissioner, deportation proceedings, including the issuance of warrant of detention and a finding of deportability, need not be required in the case of deportable alien who elects not to contest the charge against him and chooses to voluntarily depart at his own expense without being deported, if his departure without proceedings would be in the best interest of the Philippines: Provided, That any alien so authorized to depart voluntarily shall be barred from entering the country unless with prior written authorization from the Commissioner. Voluntary departure shall not be authorized in cases where the Commissioner believes such alien is deportable under paragraphs (d), (h), (i), (j), (k) and (s) of Section 89 of this Act.

SECTION 101. The Boards of Special Inquiry conducting the hearing in a deportation case shall submit its findings and recommendations to the Board except in cases where an alien elects not to contest the charge against him and chooses to voluntarily depart from the Philippines at his own expense, or when an alien admits during the pleadings to the factual allegations and his deportability.

XXX. DECISION OF THE BOARD OF COMMISSIONERS

SECTION 102. At the conclusion of the deportation hearing, the complete records of the proceedings together with the findings and recommendations of the Boards of Special Inquiry shall be forwarded to the Board for final decision.

SECTION 103. At any time before the alien is deported, but not later than three (3) months from the date he receives the notice and copy of the decision of the Board, the alien or his counsel may file a petition for rehearing but only on the ground of newly discovered evidence. The petition shall state the reason or reasons why such evidence was not produced during the proceedings. If such evidence is material and not merely cumulative and would probably warrant a reversal of the decision, the Board may remand the case to the Boards of Special Inquiry for rehearing. The filing of the petition for rehearing and the granting thereof shall have the effect of staying the order or warrant of deportation issued. No more than one petition for rehearing and no motion for reconsideration of the decision of the Board shall be entertained.

SECTION 104. The order or warrant of deportation shall be in the prescribed form and shall state the following:

- a. The grounds for deportation;
- b. The specific place to where the alien shall be deported;
- c. A directive commanding any officer of the Commission to carry out the deportation immediately, or within such period of time as the Commissioner may direct.

SECTION 105. When a final order of deportation is made against any alien, the Commission shall have a period of three (3) months from the date of such order within which to effect the alien's departure from the Philippines. During said period, at the Commissioner's discretion, the alien may remain under detention or be released under cash bond in an amount and under such conditions as the commissioner may prescribe. If deportation has not been practicable, advisable, or possible, or the order of deportation has not been effected within such three month period, the alien shall be subject to such further supervision and detention pending eventual deportation, as provided in Section 106. For the purpose of this section, an order of deportation heretofore or hereafter entered against an alien in detention or confinement shall be considered as being made as of the moment he is released from such detention or confinement, and not prior thereto.

SECTION 106. Any alien, against whom a final order of deportation issued has been outstanding for more than three (3) months shall, pending eventual deportation, be subject to supervision under regulations prescribed by the Commissioner. Any such alien under supervision shall be required to appear before a duly authorized officer of the Commission from time to time for identification; give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information as the Commissioner may deem fit and proper; and conform to such reasonable written restrictions on his conduct or activities as the Commissioner may prescribe.

SECTION 107. The Commissioner may, for good cause and under such conditions as he may prescribe, suspend the order of deportation of an alien and order his release. In determining whether good cause has been shown to justify releasing the alien, the Commissioner shall take into account the following factors:

- a. The age, health, and period of detention of the alien;
- b. The effect of the alien's release on the national security and public peace or safety;
- c. The likelihood of the alien resuming or following a course of conduct which make or would make him deportable;
- d. The character of the efforts made by such alien himself and by representatives of the country to which his deportation is directed to expedite the alien's departure from the Philippines; and
- e. The reason for the inability of the government to secure passports or other travel documents.

SECTION 108. Should the Commissioner find that an alien has unlawfully entered the Philippines after having previously departed voluntarily or been deported pursuant to an order of deportation on any ground described in any of the paragraphs

enumerated in Section 89 of this Act, the previous order of deportation shall be deemed reinstated from its original date and such alien shall be summarily deported at any time subsequent to such reentry. For the purpose of this section, the date at which a finding is made that such reinstatement is appropriate shall be deemed the date of the final order of deportation.

SECTION 109. The deportation of an alien provided for in this Act or any other act or treaty, shall be directed by the Commissioner to a country designated by the alien if that country is willing to accept him into its territory, unless the Commissioner concludes that deportation to such country would be prejudicial to the interests of the Philippines. If the government of the country designated by the alien fails to advise the Commissioner within thirty (30) days following original inquiry whether that government will or will not accept such person into its territory, the designation may thereafter be disregarded. No alien shall be permitted to make more than one such designation. Thereupon, deportation of such alien shall be directed to any country of which such person is a subject, national, or citizen, if such country is willing to accept him into its territory. If the government of such country fails to advise the Commissioner or the alien within thirty (30) days following the date of original inquiry whether that government will or will not accept such alien, then such deportation shall be ordered by the Commissioner at his discretion, either to the country from which such alien embarked for the Philippines, to the country in which the foreign national was born, or to any country in which he resided prior to coming to the Philippines.

If deportation to any of the foregoing places or countries is impracticable, inadvisable, or impossible, then the alien shall be deported to any country which is willing to accept him into its territory.

SECTION 110. If deportation proceedings are instituted at any time within five (5) years after the entry of the alien for causes existing prior to or at the time of entry, the cost of the removal to the country of deportation shall be at the expense of the vessel or aircraft by which such alien came into the Philippines: Provided, That the costs for the deportation of any such person shall not be assessed against the owner or owners of the vessel or aircraft in the case of any alien who arrived in possession of a valid unexpired immigrant visa and who was admitted to the Philippines for permanent residence. In the case of an alien crewman, if deportation proceedings are instituted at any time within five (5) years after the granting of the last conditional permit to land temporarily under the provisions of Section 98 of this Act, the cost of removal to the country of deportation shall be at the expense of the owner or owners of the vessel or aircraft by which such alien came into the Philippines, or if in the opinion of the Commissioner that it is not practicable, at the expense of the appropriations for the enforcement of this Act. In either of these cases, if deportation proceedings are

instituted later than five (5) years after the entry of the alien or granting of the last conditional permit to land temporarily, the cost thereof shall be payable from the appropriations for the enforcement of this Act.

SECTION 111. Failure or refusal on the part of the captain, or the agent, owner, or consignee of a vessel or aircraft, or other carrier to comply with the order of the Commissioner to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this Act, or any failure or refusal by any such person to comply with an order of the Commissioner to pay deportation expenses in accordance with the requirements of Section 110 of this Act, shall be punished by the imposition of a penalty in the sum and manner prescribed in this Act.

SECTION 112. When, in the opinion of the Commissioner, the mental or physical condition of an alien being deported is such as to require personal care and attendance, the Commissioner may employ a suitable person for that purpose who shall accompany such alien to his final destination. The expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed, and any failure or refusal to defray such expenses shall be punished in the manner prescribed in this Act.

SECTION 113. The Commissioner shall not deport or return any alien to a country if the Commissioner determines that such alien's life or freedom would be threatened in such country on account of race, religion, nationality, political opinion, or membership in a particular social group: Provided, however, That this provision shall not apply to any alien if the Commissioner determines the following:

- a. The person ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, political opinion, or membership in a particular social group;
- b. The person having been convicted by final judgment of a particular serious crime, constitutes a danger to the community of the Philippines;
- c. There are serious reasons for considering that the person has committed a serious non-political crime outside the Philippines prior to his arrival in the Philippines; or
- d. There are reasonable grounds for regarding the person an undesirable alien and a danger to the security of the Philippines.

SECTION 114. For purposes of paragraph (b) of the preceding section, an alien who has been convicted of a felony shall be considered to have committed a particular serious crime.

SECTION 115. Any alien, other than an alien crewman, arriving in the Philippines who fall under any of the classes prescribed in paragraphs (c), (d), (e), (f), (g), (i), (j), (k), (p), (t), (u), and (v) of Section 80 of this Act and is ordered excluded shall be immediately removed, in accommodations of the same class and to the country from which the alien boarded the vessel or aircraft on which he arrived, unless the Commissioner, in an individual case and in his discretion, determines the immediate removal is not practicable or proper. The cost of maintenance including detention expense and other expenses incident to the detention of such alien while he is being detained, shall be borne by the owner or operator of the vessel or aircraft on which he arrived: Provided, however, That such cost expenses shall not be assessed against the owner or operator of the vessel or aircraft if:

- a. The alien was in possession of a valid unexpired non-immigrant visa or other document authorizing such alien to apply for temporary admission to the Philippines, or an unexpired re-entry permit issued in his name, and such application was made within one hundred and twenty (120) days of the date of issuance of the visa and other document, or in the case of an alien in possession of a reentry permit, within one hundred and twenty (120) days of the date on which the alien was last examined and admitted to the Philippines; or
- b. The alien excluded claimed Philippine citizenship and is in possession of a valid and unexpired Philippine passport issued in his name.

SECTION 116. If the government of the country designated in the preceding section will not accept the alien into its territory, the alien's removal shall be directed by the Commissioner, at his discretion and without necessarily giving any priority or preference, either to the following:

- a. The country of which the alien is a subject, citizen or national;
- b. The country in which he was born;
- c. The country in which he has a residence or last habitually resided; or
- d. The country which is willing to accept the alien into its territory, if removal to any of the foregoing countries is impracticable, inadvisable, or impossible.

SECTION 117. It shall be unlawful for any captain, person in charge, agent, owner, operator, or consignee of any vessel or aircraft to:

- a. Refuse to receive any alien ordered excluded and removed under Section 115 of this Act back on board such vessel or another vessel owned or operated by the same interests;
- b. Fail to detain any alien on board such any vessel at the port of arrival when required by this Act or when so ordered by an immigration officer, or fail or refuse to deliver an alien for medical or other inspection and when so ordered by such officer;

- c. Refuse or fail to remove any alien from the Philippines to the country to which his deportation has been directed; or
- d. Fail to pay the cost of the maintenance of any alien and other expenses incurred while being detained as required by Section 115 of this Act.

SECTION 118. If it shall appear to the satisfaction of the Commissioner that the captain, person in charge, agent, owner, operator, or consignee of a vessel or aircraft has violated any of the provisions of Section 117, such violator shall pay to the Commission the sum of Fifty Thousand Pesos (P50,000.00) for each violation. No such vessel or aircraft shall be granted clearance from any port or airport in the Philippines while any such fine is unpaid or while the question of liability to pay any such fine is being determined. Any such fine paid shall not be refundable: Provided, however, That clearance may be granted prior to the determination of such question upon deposit with the Commissioner a sum sufficient to cover such fine or a cash bond or undertaking approved by the Commissioner.

SECTION 119. If the removal of an excluded alien is effected on a vessel or aircraft not owned or operated by the owner or operator of the vessel or aircraft on which the alien arrived in the Philippines, the transportation expenses of the alien's removal may be paid from the appropriations for the enforcement of this Act to be recovered from the owner or operator of the vessel or aircraft on which the alien arrived.

SECTION 120. The Commissioner, under such conditions as he may prescribe, may stop the removal of any alien if in his judgment the testimony of such alien is vital and necessary on behalf of the government in the prosecution of offenders for violations of any provisions of this Act or other laws of the Philippines.

XXXI. CONDITIONAL PERMITS TO LAND TEMPORARILY AND DISCHARGE OF ALIEN CREWMEN

SECTION 121. If an immigration officer finds upon examination that an alien crewman is a non-immigrant under paragraph (c) of Section 39 of this Act and is otherwise admissible and has agreed to accept such permit, he may grant the crewman a conditional permit to land temporarily, subject to revocation in subsequent proceedings as provided in Section 122 and for a period of time, in any event, not to exceed the following:

- a. The period of time during which the vessel on which he arrived remains in port, if the immigration officer is satisfied that the crewman intends to depart on the vessel on which he arrived, which period shall not exceed twenty-nine (29) days; or

- b. Twenty-nine (29) days, if the immigration officer is satisfied that the crewman intends to depart within the period for which he is temporarily permitted to land, on a vessel other than the one which he arrived.

SECTION 122. An immigration officer may, if he determines that an alien is not a bona fide crewman, or does not intend to depart on the vessel which brought him, cancel and confiscate the conditional permit to land, take such alien into custody, and require the captain of the vessel on which the alien arrived to receive and detain him on board such vessel. Such alien shall be removed from the Philippines at the expenses of the carrier which brought him to the Philippines. Until such alien is so removed, any expenses for his maintenance and detention shall be borne by such carrier including expenses for his medical treatment in a hospital or elsewhere, burial in the event of death, or for transfer to another vessel or aircraft in the event of return.

SECTION 123. Any alien crewman who willfully remains in the Philippines in excess of the number of days allowed in the conditional permit issued to him shall be liable to the penalties imposed in Section 118 of this Act. The owner, agent, or consignee of the vessel shall by solidarity liable for the payment of such fines.

SECTION 124. It shall be unlawful for any person, including the owner, agent, consignee, or captain of any vessel to pay off or discharge any alien crewman employed on board a vessel arriving in the Philippines and while it is in port, without first obtaining the permission of the Commissioner. If it shall appear to the satisfaction of the Commissioner that any alien crewman has been paid off or discharged in violation of the provisions of this section, such owner, agent, consignee, captain, or other person, shall pay the Commission a fine in the sum of Thirty thousand pesos (P30,000.00) for each such violation. No vessel shall be granted clearance pending determination of the question of liability to the payment of such fine, if such fine is imposed, while it remains unpaid, except that clearance may be granted prior to the determination of such question upon deposit with the Commission a sum sufficient to cover such fine or of a cash bond or undertaking with sufficient security to secure the payment thereof. No such fine shall be remitted or refunded but such fine may, at the discretion of the Commissioner, be mitigated to not less than Fifteen thousand pesos (P15,000.00) for each violation, upon such terms as he shall think proper.

SECTION 125. It shall be the duty of any owner, agent, consignee, or captain of any vessel or aircraft to report to an immigration officer, in writing, as soon as discovered, all cases in which an alien crewman has deserted or illegally landed in the Philippines from the vessel or aircraft, together with a description of such alien and any information likely to lead to his apprehension.

SECTION 126. Before the departure of any vessel or aircraft from any or the last port in the Philippines destined to any place outside thereof, it shall be the duty of the owner, agent, consignee, or captain thereof, to deliver to the immigration authorities at that port a list containing the name of names of any alien crewman who was not employed thereon at the time of arrival at that port but who will leave such port on such vessel or aircraft at the time of its departure, and the names of those, if any, who have been paid off or discharged, and those, if any, who have deserted or illegally landed at that port. The Commissioner may, as he deems necessary, require such a list to contain such additional or supplemental information.

SECTION 127. In case any owner, agent, consignee, or captain shall fail to deliver complete, true, and correct lists or report of aliens, or to report cases of desertion or illegal landing, as required by Sections 125 and 126 of this Act, such owner, agent, consignee, or captain shall, if required by the Commissioner, pay to the Commission the sum of Ten thousand pesos (P10,000.00) for each case of violation. No such vessel or aircraft shall be granted clearance from any port at which it arrived and/or departed pending determination of the question of the liability to the payment of such fine, if such fine is imposed, while it remains unpaid. No such fine shall be remitted or refunded, except that clearance may be granted prior to determination of such question upon deposit with the Commission a sum sufficient to cover such fine or a cash bond or undertaking with sufficient security to secure the payment thereof.

XXXII. SPECIAL PROVISIONS

SECTION 128. Any immigrant visa, re-entry permit, identification certificate, or any other document issued by the Commission, obtained by fraud, misrepresentation, or concealment of material facts, shall be subject to cancellation by resolution rendered by a Board of Special Inquiry after due notice and hearing and approved by the Board of Commissioners.

SECTION 129. Whenever the President finds that the entry of any alien or any class of aliens into the Philippines would be detrimental to the interests of the Philippines, he may, by proclamation and for such periods as he shall deem necessary, suspend their entry and admission into the Philippines, or impose on the entry of aliens any and such restrictions as he may deem appropriate.

SECTION 130. Any alien departing from the Philippines, except temporary visitors whose stay have not exceeded fifty-nine (59) days, shall apply to the Commissioner for an emigration clearance certificate. If the Commissioner finds that the alien has no pending obligation with the government, its instrumentalities, agencies and subdivisions, and that there are no pending criminal, civil or administrative actions which require the presence of the alien in the Philippines, the

Commissioner shall authorize the issuance of such emigration clearance certificate to the alien applicant without the need of fingerprinting the latter and without requiring the alien to surrender all immigration documents previously issued to him.

SECTION 131. Any provision of this Act notwithstanding, the President may:

- a. Waive documentary requirements and/or passport requirements for non-immigrants, special non-immigrants, and immigrants, under such terms and conditions as he may prescribe;
- b. Change the status of non-immigrants by allowing them to acquire permanent residence status without necessity of a visa;
- c. Deport any alien subject to the requirement of due process;
- d. Admit non-immigrants not otherwise provided for in this Act, for humanitarian consideration and when not opposed to public interest, under such terms and conditions as he may prescribe;
- e. Prohibit the departure from the Philippines of any person who is likely to disclose national security information, or who is likely to organize a rebellion abroad against the Philippines; and
- f. Exercise, with respect to aliens in the Philippines, such powers as are recognized by the generally accepted principles of international law.

XXXIII. INDIGENT ALIENS

SECTION 132. The Commission shall have the authority to remove such aliens as may fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed, to the country from whence they came, or to the country of which they are citizens or subjects, at any time after entry, at the expenses chargeable to any appropriation available. Any person thus removed shall forever be ineligible for readmission, except upon the authorization of the Commissioner obtained prior to embarkation for the Philippines.

XXXIV. BONDS AND DEPOSITS

SECTION 133. The Commission shall have the power to exact cash bond in such amounts and under such conditions as it may prescribe:

- a. To control and regulate the admission into, and departure from, the Philippines of aliens applying for temporary admission;
- b. To insure against alien passengers liable to be excluded as likely to become public charges, from becoming public charges; and
- c. To insure the appearance of aliens released from custody during the course of deportation proceedings instituted against them, as determined by the respective Boards of Special Inquiry hearing the deportation cases.

SECTION 134. The Commission shall likewise have the power to require cash deposits in such amounts as may be necessary from shipping and airline companies or other persons served to cover payments for overtime services to be performed by officers and employees of the Commission.

SECTION 135. When the conditions of the bond are fulfilled, or in the case of a bond posted to insure against an alien becoming a public charge when the Commission shall decide that the likelihood no longer exists, or in the event of the naturalization as a Philippine citizen or death of the alien in whose behalf the bond is posted, the bond shall be canceled and refunded to the depositor or his legal representative. In case of violation of the conditions of the bond, the same shall be forfeited and deposited in a trust fund account which may be utilized for the purchase of tickets of indigent deportees and to cover the costs of operations in the arrest of the deportee who jumps bail.

XXXV. FEES AND CHARGES

SECTION 136. The Commissioner, subject to the approval of the Secretary, is authorized under the provisions of this Act, to prescribe and collect fees and charges for services, which shall take effect fifteen (15) days after the last publication thereof for two (2) consecutive weeks in a national newspaper of general circulation.

XXXVI. ADMINISTRATIVE FINES AGAINST VESSELS

SECTION 137. If any vessel arriving at a port in the Philippines from a place outside thereof fails to submit to the immigration authorities at the port of arrival duly visaed crew list, passenger manifest and other information required by regulations, or fails to produce or satisfactorily account for every seaman or passenger whose name appears in such crew lists or passenger manifest, the pilot, master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of One hundred thousand pesos (P100,000.00) for each unaccounted person.

SECTION 138. If the vessel arriving at a port of the Philippines from a place outside thereof and having an alien on board: (a) fails to prevent the landing of such alien in the Philippines at any time or place other than that designated by the immigration authorities; or (b) refuses or fails to pay the expenses specified in Sections 52 and 54 of this Act; or (c) violates Section 53 of this Act; or (d) refuses to receive such alien on board for removal from the Philippines if ordered excluded or to pay the cost of his removal; or (e) makes any charge against such alien for the expenses and costs referred to or takes any security from the alien for the payment thereof, the pilot, master, agent, owner or consignee of the vessel shall be subject to a fine of Two Hundred Thousand Pesos (P200,000.00) for each violation.

SECTION 139. If any vessel arriving at a port in the Philippines from a place outside thereof brings on board an alien bound for the Philippines who is not properly documented as required by this Act, the pilot, master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of Two Hundred Thousand Pesos (P200,000.00) in the case of each such person brought.

SECTION 140. Whenever the Commission shall find any violation, the Commission shall collect the appropriate fine for such violation. No vessel committing such a violation shall be allowed to depart without prior clearance issued by the Commission.

XXXVII. PENAL PROVISIONS

SECTION 141. A fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00) or imprisonment for not less than five (5) years but not more than ten (10) years, or both such fine and imprisonment at the discretion of the court, and deportation if committed by an alien after service of his sentence, shall be imposed upon conviction on any person determined to have committed the following:

- a. Impersonates another individual, or falsely appears in the name of a deceased individual, or evades the immigration laws by using an assumed or fictitious name when applying for an immigration document;
- b. Issues or otherwise disposes of an immigration document or an immigration accountable form, to any person not authorized by law to receive such documents;
- c. Obtains, manufactures, prints, accepts or uses any immigration document knowing it to be false or uses immigration accountable form that is not legally issued;
- d. Enters the Philippines without inspection and admission by the immigration authorities, or obtains entry into the Philippines by fraud, misrepresentation, or concealment of material facts;
- e. Represents himself to be a Philippine citizen;
- f. Knowingly makes under oath any false statement regarding any immigration matter; or
- g. Brings into, or lands in the Philippines, or conceals, harbors, employs, or gives comfort to any alien not duly admitted by any immigration officer or not lawfully entitled to enter into or reside within the Philippines, or attempts, conspires with, or aids another to commit any such acts.

Where the offender of any acts specified in paragraph (g) is a corporation, company, partnership or other juridical entity, the president, general manager, managing partner, or chief executive officer thereof shall be held liable. Dismissal by the employer before or after apprehension shall not relieve the employer of the offense.

If the offender who commits any of the acts specified under paragraph (g) of this section is the pilot, master, agent, owner, consignee, or other person in charge of the vessel which brought the alien into the Philippines from any place outside thereof, the fine imposed under the first paragraph hereof shall constitute a lien against the vessel which may be enforced in the same manner as fines are collected and enforced under existing laws. Such vessel shall not be allowed to depart without prior clearance issued by the Commission. Where forfeiture is justified under the particular circumstances of the case, the forfeiture of the vessel in favor of the government in lieu of the fine shall be decreed.

SECTION 142. A fine of not more than One thousand pesos (P1,000.00) or imprisonment for not more than fifteen (15) days shall be imposed upon conviction on any person who having been duly served with a subpoena or subpoena duces tecum fails to comply with the requirements thereof without valid and justifiable cause and those who fails to observe the provisions of the Alien Registration Act of 1950.

XXXVIII. ALIEN REGISTRATION

SECTION 143. Temporary visitors in the Philippines must register at the Commission on Immigration, or at the office of the alien control officer or if there be none at the office of the city or municipal treasurer nearest their place of residence, within fifty-nine (59) days from their arrival in the Philippines.

Immigrants, non-immigrants other than those mentioned in paragraphs (a), (b), (c), (d), (e), (f), and (g) of Section 39 of this Act, and special non-immigrants, must register within thirty (30) days from date of admission or receipt of notice of approval in cases of adjustment of status.

Aliens born in the Philippines must be registered within thirty (30) days from date of birth by their parent or legal guardian.

SECTION 144. Applications for registration shall be under oath and in such form as prescribed by the Commission. Upon registration, an Alien Certificate of Registration in such form and containing such particulars as prescribed by the Commission shall be issued to the registrant. In the case of loss or destruction of such certificate a duplicate thereof upon application shall be issued by the Commission.

SECTION 145. The alien shall notify the Commission in writing of any change of residence and his new address not later than seven (7) days after such change.

SECTION 146. Every alien required to register under this Act or the parent or guardian of such alien shall, upon demand of any immigration official, or any peace officer authorized by the Commission, exhibit his Alien Certificate of Registration or a

Philippines if the absence from the Philippines was brief, casual, end innocent and did not meaningfully interrupt the continuous physical presence;

- c. An alien whose deportation would, in the opinion of the Commissioner, result in extreme hardship to him or to his spouse, parent or child who is a citizen of the Philippines; and
- d. An alien who has been lawfully admitted for permanent residence.

SECTION 152. Upon cancellation of deportation, the Commissioner shall record the alien's lawful admission for permanent residence as of the date of the cancellation of deportation is made. During the deliberation of the alien's application for adjustment of status, he shall be granted parole and temporary residence. In the case of an alien who upon the granting of parole and temporary residence, is authorized to travel abroad and/or seek employment the Commissioner may, in accordance with regulations, permit the alien to depart from and return to the Philippines after such brief and casual trips abroad as reflective of the alien's intention to adjust to his lawful permanent resident status, and after brief, temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative and other family need.

The Commissioner may further grant the paroled alien, a temporary work permit.

SECTION 153. In case the alien whose a application has been approved under this Act is a woman, her unmarried children below eighteen (18) years of age who possess all the qualifications and none of the disqualifications under this Act shall be deemed permanent residents upon payment of the legalization fees.

SECTION 154. In case an alien should die before the final decision has been rendered on his or her application, the decision rendered in such case shall, insofar as the widow/er and/or the children are concerned, produce the same legal effect as if it has been rendered during the lifetime of the alien.

SECTION 155. For purposes of this Act, the reciprocity requirement for permanent residents may be waived by the President upon recommendation of the Commissioner of Immigration: Provided, That such waiver shall not be exercised if it contravenes or is opposed to public interest or national security.

SECTION 156. The quota limitation of the Philippine Immigration Act of 1940, as amended, shall not apply to the aliens granted permanent resident status under this Act.

SECTION 157. Neither the Commissioner nor any other official or employee of the government may use the information furnished pursuant to an application filed under the preceding sections for any purpose other than to make a determination on the qualification or for the implementation of this Act or to make any publication whereby the information furnished by any particular individual can be identified or permit any one other than sworn officers of the Commission particularly designated to receive and process such applications.

SECTION 158. Whoever files an application for adjustment of status under the preceding sections and knowingly and willfully falsifies, misrepresents, conceals or covers up a material fact or makes any false, fictitious, and fraudulent statements or misrepresentation or makes or uses any false writing or document knowing the same to contain false, fictitious, and fraudulent statement or entry shall be fined the amount of One hundred thousand pesos (P100,000.00) or imprisoned for not more than five (5) years or both.

SECTION 159. In case of denial, the decision of the Board of Commissioner may be appealed to the Secretary of Justice within fifteen (15) days from receipt of a copy of the decision. Failure to appeal within the reglementary period shall render the decision of the Board of Commissioners final and executory.

SECTION 160. The Secretary of Justice shall decide the appeal within sixty (60) days from receipt of the complete records of the case from the Commission. His decision shall be final.

SECTION 161. An alien applying for a suspension of deportation shall pay an application fee such as that the Commissioner shall determine.

SECTION 162. The Commissioner, after consultation with the Committees on Justice of the House of Representatives and the Senate, shall provide the following:

- a. Regulations establishing a definition of the term "resided continuously" as used in this Act, and the evidence needed to establish that an alien has resided continuously in the Philippines for the purpose of this Act;
- b. Schedule of payment of fees for the principal applicant, his spouse, and dependent children; and
- c. Such other regulations as may be necessary to carry out this Act.

SECTION 163. The Commissioner may, in his discretion, allow the voluntary departure of a deportable alien, except those classes of aliens enumerated in Section 151, at the alien's expense in lieu of deportation if such alien establishes to the

satisfaction of the Commissioner that he is and has been, a person of good moral character.

XI. LOSS OF PHILIPPINE CITIZENSHIP

SECTION 164. A citizen of the Philippines may lose his citizenship in any of the following ways and/or events:

- a. By obtaining naturalization in a foreign country upon his own application or upon an application filed by a duly authorized representative, after having attained the age of eighteen (18) years;
- b. By taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof, after having attained the age of eighteen (18): Provided, however, That no person may divest himself of Philippine citizenship in any manner while the Philippines is at war with any country;
- c. By renunciation of Philippine citizenship, express or implied;
- d. By entering or serving, the armed forces of a foreign state if such armed forces are engaged in hostilities against the Philippines, or if such person serves as a commissioned or non-commissioned officer in such armed forces, except when done with the consent of the Republic of the Philippines;
- e. By accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen (18) years if he has or acquires the nationality of such foreign state or for which office, post, or employment an oath, affirmation, or declaration of allegiance is required;
- f. By cancellation of his certificate of naturalization;
- g. By having been declared by competent authority a deserter of the Armed Forces of the Philippine in times of war, unless subsequently granted a plenary pardon or amnesty; or
- h. By committing any act of treason against, or attempting by force to overthrow, or bearing arm against the government of the Republic of the Philippines.

SECTION 165. Whenever the loss of Philippine citizenship is put in issue in any action or proceeding, the burden of proof shall be upon the person or party claiming, that such loss occurred, to establish such claim by a preponderance of evidence. Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this Act or any other law shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing by preponderance of evidence that the act or acts committed or performed were not done voluntarily.

SECTION 166. Except as provided in paragraphs (c) and (h) of Section 164 the grant of foreign citizenship to a Filipino by reason of marriage, residence, or naturalization shall not operate to divest a Filipino of his/her citizenship unless he/she renounces Philippine citizenship and subscribes to an oath of allegiance to the foreign country.

SECTION 167. A citizen of the Philippines, within six (6) months after attaining the age of eighteen (18) who asserts his claim to Philippine citizenship, in such a manner as the Commissioner shall by regulations prescribe, shall not be determined to have expatriated himself by the Commission prior to his having attained the age of eighteen (18), of any acts specified in paragraphs (d) and (e) of Section 164 of this Act.

SECTION 168. Nothing in this Act shall be applied in contravention of the provisions of any treaty or convention to which the Philippines is a party and which has been ratified by the Senate: Provided, however, That no woman who was a citizen shall be deemed to have lost her Philippine citizenship solely by reason of marriage to an alien before the effectivity of this Act notwithstanding the provisions of any existing treaty or convention.

XLI. FUNDING

SECTION 169. In addition to its annual budget under the General Appropriations Act, the Commission on Immigration is authorized to use twenty percent (20%) of its income derived from collection of immigration fees but not exceeding Thirty million pesos (P30M) to be used for its computerization project and to augment its funds for maintenance and other operating expenses, information gathering and storage and for communication and transport facilities in the enforcement of its functions.

XLII. STAFFING PATTERN AND SALARY SCALE

SECTION 170. To carry out the provisions of this Act, the Commissioner shall submit a new staffing pattern and salary scale for personnel services to the Secretary for approval, which shall be in accordance with the Salary Standardization Law and other applicable laws under the National Compensation and Classification Plan.

XLIII. DESIGNATION OF EX OFFICIO SPECIAL AGENTS

SECTION 171. The Commissioner is authorized to designate any regular employee of a municipality as ex officio special agent of the Commission for the enforcement of this Act, without additional compensation, and to confer or impose upon the employee so designated any of the powers, duties, and functions conferred or imposed by this Act or the regulations issued thereunder upon employees of the Commission as the Commissioner shall, with the approval of the Secretary, prescribe

and define by appropriate rules and regulations: Provided, however, That any such designation shall be limited only to remote municipalities situated on the coastline of the Philippines where the employee designated is permanently residing: Provided, further, That any such designation may be revoked at any time by the Commissioner.

SECTION 172. Ex officio special agents shall be under the general supervision of the district director of the immigration and naturalization district under whose jurisdiction the municipality is located, and shall perform their duties and functions in coordination with the district director concerned. Pending issuance of the rules and regulations governing enforcement of the preceding section of this Act, city and municipal treasurers designated ex officio special agents of the Bureau of Immigration under Republic Act No. 750 shall continue to perform their duties and functions as provided for in the rules and regulations governing the enforcement of aforesaid Act issued by the Commissioner of said Bureau of February 1, 1960, except their functions to act on applications of aliens for registration and to receive the required fees therefor and collection of the annual report fee paid by aliens as provided for in the same Act aforesaid.

SECTION 173. From all collections made by reason of the enforcement of this Act or by reason of any fine or forfeiture that may be imposed for violation of the immigration and alien registration laws, where such collections were made possible by discovery of and report regarding any violations by an ex officio special agent designated pursuant to Section 161 of this Act, ten per centum (10%) thereof shall accrue to the general funds of the municipality of which the ex officio special agent is employed.

XLIV. LIAISON WITH INTERNAL SECURITY OFFICERS

SECTION 174. The Commissioner shall have authority to maintain direct and continuous liaison with the Director of the National Bureau of Investigation and the National Intelligence Coordinating Agency and with other internal security officers of the government for the purpose of obtaining and exchanging information for use in enforcing the provisions of this Act in the interest of the national security of the Philippines. The Commissioner and the head of the Office of Consular Affairs of the Department of Foreign Affairs shall likewise maintain direct and continuous liaison with each other with a view to a coordinated, uniform, and efficient administration of this Act and all other immigration and citizenship laws.

XLV. REPEALING CLAUSES

SECTION 175. This Act is in substitution of and supersedes Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended: Provided, That nothing contained in this Act, except Sections 80 and 84 thereof, shall

be construed to affect any prosecution, suit, action, or proceeding brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the effectivity of this Act; but as to all such prosecutions, suits, actions, proceedings, act, things, or matters, the provisions of aforementioned Commonwealth Act No. 613, as amended, are continued in force and effect: Provided, further, That as to such prosecutions, suits, actions, or proceedings, the procedure provided for by this Act or by regulations prescribed thereunder shall be followed insofar as the same may be applicable: Provided, finally, That nothing in this Act shall be construed as to abrogate any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act.

SECTION 176. Section 69 of Act No. 2711, otherwise known as the Revised Administrative Code; Commonwealth Act No. 63, as amended, Commonwealth Act No. 625; Republic Act Nos. 750, 965, and 2630; Presidential Decree No. 725; Letter of Instruction No. 270, as amended; Letter of Implementation No. 20; and all other laws, decrees, executive proclamations, instructions, rules and regulations, or parts thereof, inconsistent with this Act or any of the provisions thereof are hereby repealed, superseded, or modified accordingly.

XLVI. TRANSITORY PROVISIONS

SECTION 177. Upon approval of this Act, all positions by virtue of a Presidential appointment are hereby declared vacant. All other employees of the Bureau of Immigration covered by the civil service law and regulations shall continue holding their present positions pending reorganization of the Bureau of Immigration in accordance with the new staffing pattern: Provided, however, That in the event that positions are abolished in accordance with the reorganization, the affected employees shall be given first priority in appointments or promotions to new positions to which they may qualify under the new staffing pattern: Provided, further, that no incumbent qualified employee of the Bureau of Immigration shall be separated from the service due to or as a result of the reorganization of the Bureau of Immigration pursuant to this Act. All records, equipment, buildings, facilities, and other properties of the Bureau of Immigration reorganized under this Act shall be properly inventoried and transferred to the Commission established in this Act.

XLVII. MISCELLANEOUS PROVISIONS

SECTION 178. A tax of Two hundred pesos (P200.00) shall be collected by the Commission from every alien who is fourteen (14) years of age or over admitted into the Philippines for a temporary stay exceeding sixty (60) days, or from every alien whose stay in the Philippines has exceeded sixty (60) days.

XLVIII. RECORDS

SECTION 179. All offices in charge of border-crossing station, are required to keep true, correct, and permanent records of their official transaction, to submit the same to the inspection of authorized officials at all times, and to turn all records, and official papers to their successors or officials with proper authorization from the Commissioner.

XLIX. SEPARABILITY CLAUSE

SECTION 180. If any of the provisions of this Act is held invalid or unconstitutional, the other provisions thereof shall not be affected thereby.

LX. EFFECTIVITY CLAUSE

SECTION 181. This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,