

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

'04 JUL -7 P1:31

SENATE

RECEIVED BY: C

S.B. No. 1411

Introduced by Senator Pangilinan

EXPLANATORY NOTE

The entry and admission of foreigners into the Philippines is a matter of privilege, because every state has absolute and exclusive sovereignty of, and power to govern, its own territory. Once admitted into Philippine territory, all foreigners are bound to respect the laws of the territory, and owe a local or temporary allegiance to the Philippine government. They are bound to obey Philippine laws, and maybe prosecuted for violating them. They may be called upon to share in the *general public burden*, when properly imposed upon them.

In view of the public interest to police its territory and to ensure the orderly admission of aliens in the country, the Philippine state has deemed it advisable to promulgate a general law that will ensure the proper screening of persons who seek admission into the country. Also, it was deemed necessary to provide procedures and safeguards in the entry of foreigners into Philippine territory.

Thus, Philippine Immigration Act of 1940 (Commonwealth Act No. 613), also known as "An Act to Control and Regulate the Immigration of Aliens into the Philippines," was enacted by the Philippine Assembly on 2 May 1940. This legislation, together with its amendments, governs the entry and admission of foreigners into the Philippines. Then President of the Philippine Commonwealth, Manuel L. Quezon, signed the law on 26 May 1940.

In view of the changing times and the major events that have since shaped the international global arena, there is need to review the provisions of the Philippine Immigration Act of 1940. This bill seeks to further systematize and modernize, among others, the procedure for immigration of aliens into the Philippines. This bill also defines the rights and duties of immigrants while sojourning within Philippine territory.

Thus, the passage of this bill is earnestly sought.



FRANCIS N. PANGILINAN

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AN ACT REORGANIZING THE BUREAU OF IMMIGRATION HEREINAFTER TO BE KNOWN AS THE COMMISSION ON IMMIGRATION AND NATURALIZATION, DEFINING ITS ORGANIZATIONAL STRUCTURE, AND THE POWERS AND FUNCTIONS THEREOF, AND FOR OTHER PURPOSES.

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

TITLE I
GENERAL PROVISIONS

Sec. 1. *Title of the Act.* – This Act shall be known as the "***Philippine Immigration and Naturalization Act of 2002.***"

Sec. 2. *Declaration of Policy.* – 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) Process the entry of visitors into the Philippines for the purpose of fostering investments, trade and commerce, cultural and scientific activities, tourism and international understanding;
- (b) Enrich and strengthen the cultural and social fabric 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) Take an active participation in the advancement of national security and national interest

(e) Foster the development of a strong and viable economy and the prosperity of all regions in the Philippines;

(f) Institutionalize and strengthen the mechanisms for the protection of the health, morals, safety, and good order of the Philippine society;

(g) Promote international order and justice by denying the use of Philippine territory to persons who are engaged or likely to engage in terrorist, human smuggling and trafficking, criminal, and other nefarious activities;

(h) 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 adaptive to the growing immigration demands of the country;

(i) Professionalize the immigration service by instituting a rigid system of screening, selection and development of immigration officers and personnel.

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

(a) "Admission" — shall mean the process in which an alien arriving at a port of entry in the Philippines is allowed into the country by the immigration authorities;

(b) "Alien" — shall refer to any person not a citizen of the Philippines, also termed as foreign national;

(c) "Board" — shall refer to the Board of Commissioners provided for in this Act.

(d) "Captain" — shall mean 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;

(e) "Child" — shall refer to a person under eighteen (18) years of age;

(f) "Citizen" shall refer to any person who is a citizen of the Philippines.

(g) "Commission" – shall refer to the Commission on Immigration and Naturalization;

(h) "Commissioner" – shall refer to the Commissioner of Immigration

(i) "Consular officer" – shall refer 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;

(j) "Entry" – shall refer to any admission of an alien into the Philippines from a place outside thereof, except when 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;

(k) "Husband" and/or "Wife" – shall not include a wife or husband by reason of a proxy or picture marriage;

(l) "Immigrant" – shall refer to any alien, other than a non-immigrant, departing from any place outside the Philippines destined for the Philippines.

(m) "Immigration laws" – shall refer 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) "Immigration officer" – shall refer 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.

(o) "Naturalization" – means either a judicial or administrative process by which a foreign national acquires Philippine citizenship.

(p) "Naturalization laws" – shall mean Republic Act No. 9139, otherwise known as "The Administrative Naturalization Law of 2000."

(q) "Non-immigrant" – shall refer to any alien departing from any place outside the Philippines who is allowed entry and admitted into the Philippines for a temporary or limited period of stay.

(r) "Passport" — shall mean an official document issued by competent authority of a country showing the bearer's origin, identity, and nationality/citizenship, and which is used for identification, travel purposes and for entry of the bearer thereof into a foreign country.

(s) "Person" — shall refer 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.

(t) "Philippines" — shall refer to all the territory as defined in the 1987 Constitution of the Philippines;

(u) "Port of entry" — shall refer 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;

(v) "President" — shall refer to the President of the Philippines

(w) "Seaman," "crewman" or "crewmember" — shall mean a person actually employed in the operation or service in any capacity on board a vessel.

(x) "Secretary" — shall refer to the Secretary of Justice.

(y) "Travel document" — shall mean 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) "Unmarried" — when used in reference to an individual as of any time, shall refer to an individual who at such time is not married, whether or not previously married;

(aa) "Vessel" — shall refer to all means of conveyances, whether air or water;

(bb) "Visa" — shall mean 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; Immigration status granted

and/or issued to aliens by the Commission, under Sections 9 and 13 of this Act shall likewise be called visa.

TITLE II

COMMISSION ON IMMIGRATION AND NATURALIZATION

Chapter 1 – The Commission

Sec. 4. *Creation.* – A Commission on Immigration and Naturalization is hereby created which shall be principally responsible for the administration and enforcement of immigration, alien registration, citizenship and administrative naturalization 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 and admission into and the departure from the Philippines of all persons.

Sec. 5. *Composition and Qualification.* – The Commission shall be administered by a Board of Commissioners headed by the Commissioner as chairperson, and four (4) 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 holders of a college degree: *Provided, however,* That at least three (3) of the Members of the Board of Commissioners shall be members of the Philippine Bar in good standing and two (2) of them must have had executive and management experience preferably with an appreciation of electronic data processing and/or dynamics of organizations. The Commission shall be under the administrative supervision of the Department of Justice.

Chapter 2 – The Commissioner

Sec. 6. *Appointment Rank and Tenure of the Commissioner.* – The Commissioner shall be appointed by the President and shall hold office for a term of seven (7) years without reappointment to start from the time of assumption of office. He shall have the rank, salary, and privileges equivalent to an undersecretary of a department. At the expiration of the term of the Commissioner, the most senior Associate Commissioner shall temporarily assume and perform the duties and functions of the Commissioner until a permanent Commissioner is

appointed by the President. Any vacancy prior to the expiration of the term of the Commissioner shall be filled for the unexpired term only.

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 related to the powers, duties, and functions conferred upon the President, the Secretary, and the Secretary of Foreign Affairs or consular officers.

Sec. 7. *Powers and Functions of the Commissioner.* — In addition to his duties as Chairperson 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 dismiss any employee for cause, which dismissal in the case of permanent and classified employees shall be in conformity with the Civil Service Law;

(d) To delegate authority to subordinate officers and employees of the Commission, except with regard to the issuance of warrants of arrest, search warrants, warrants for deportation, hold-departure orders, allow-departure orders, and orders for blacklisting which may only be delegated to the Associate Commissioners;

(e) 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;

(f) To act on petitions for issuance of quota immigrant visa or change of admission status to quota immigrant:

(g) To act on petitions for issuance of special non-immigrant visa as provided under Section 35(m);

(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 approve application for visa waivers and extension of stay of non-immigrants, upon proper application and under such conditions as he/she may prescribe;

(k) To declare such control posts, landing places, airports or ports/points of entry, as he/she may consider to be necessary for the purposes of this Act;

(l) To increase, waive or reduce immigration fees, damages, fines and penalties;

(m) To issue certificates of identification to aliens who have obtained Filipino citizenship as recognition of their Philippine citizenship;

(n) 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;

(o) To authorize and prescribe the forms and the amount of cash bonds for the provisional release of respondents;

(p) 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. Immigration employees may be assigned by the Commissioner to do overtime work at rates fixed by him when the services rendered is to be paid for by the shipping companies and airlines or other persons served;

(q) To impose reasonable fines and penalties for violation of immigration and alien registration laws in accordance with guidelines adopted by the Commission;

(r) 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;

(s) To prepare and submit annual supplemental budget of the Commission for the consideration of the Department of Budget and Management;

(t) To prescribe such rules, regulations or other administrative issuance to govern proceedings or to carry out provisions of this Act;

(u) To prescribe such forms and bonds, reports, entries, and other papers; and

(v) To perform such other functions inherent in his office although not specified by law.

Chapter 3. – The Associate Commissioners

Sec. 8. *Appointment, rank and tenure of the Associate Commissioners.*

– There shall be four (4) Associate Commissioners of Immigration who shall be appointed by the President, shall have the rank, salary and privileges equal to an assistant secretary. The first Associate Commissioner appointed shall hold office for six (6) years, and the second (2nd), third (3rd) and fourth (4th) Associate Commissioners, for five (5), four (4) and three (3) years, respectively. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

Sec. 9. *Duties of the Associate Commissioners.* – 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.

Chapter 4. – The Board of Commissioners

Sec. 10. *Powers & Functions of the Board.* – The Board of Commissioners shall have the following powers and functions:

(a) To have 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) To act on petitions for issuance of non-immigrant and non-quota immigrant and/or change of admission classification to such visa status as may be provided in this act or under special laws;

(c) To act on applications for adjustment of status or recommendations for revocation of status;

(d) 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;

(e) To decide on applications for legalization of residence;

(f) To decide Petitions for Recognition as Filipino citizen and for administrative naturalization under this Act heard by the Board of Special Inquiry;

(g) To decide applications for refugee status or asylum heard by the Board of Special Inquiry;

(h) To prescribe rules governing proceedings before it;

(i) To punish for contempt, both direct and indirect, in accordance with the pertinent provisions of the Revised Rules of Court;

(j) To 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;

(k) To professionalize the immigration service by instituting a rigid system of screening, selection and development 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;

(l) To formulate policies, directives, programs and projects, as well as the rules and regulations and guidelines to implement the provisions of this Act; and

(m) To 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.

Sec. 11. *Decisions of the Board.* — In any case or proceeding coming 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 stayed upon order of the Court of Appeals.

Sec. 12. *Period for Decision by the Board.* — 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.

Sec. 13. *Meetings of the Board.* — In all cases, the Board of Commissioners shall convene and act as a collegial body in all matters referred to in Sec. 10 of this Act. The Board shall meet at least twice a month, or as often as the need arises, on such day or days as the chairperson may fix. The notice of the meeting shall be given to all the members of the Board of Commissioners and the presence of the chairperson and two (2) members shall constitute a quorum. In no case shall the Board convene in the absence of the chairperson.

Chapter 5. — The Executive Director

Sec. 14. *Appointment; Tenure; Qualifications and Functions.* — There shall be an Executive Director of the Commission who shall be appointed by the Commissioner and shall hold office during good behavior, unless sooner removed for cause. He must be a natural born citizen of the Philippines, at least thirty (30) years of age, and a member of the Philippine Bar in good standing for at least three (3) years prior to his appointment. He shall act as the technical consultant of the Commissioner and shall serve as the Executive Secretary to the Board of Commissioners. The Executive Director shall have the following functions:

(1) To 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;

(2) To coordinate and supervise the activities of the different operating units of the Commission; and

(3) To perform such other functions that may be assigned by the Commissioners.

Chapter 6. – The Board of Special Inquiry

Sec. 15. *Constitution of a Board of Special Inquiry.* – Twelve (12) Boards of Special Inquiry are hereby constituted, each to be composed of a chairperson and two (2) members. Each Board shall be designated according to their areas of specialization. Among these areas are: application for immigrant and non-immigrant visas of foreign nationals in the Philippines, and exclusion and deportation cases.

Sec. 16. *Appointment; Qualification and Tenure of the Members of the Board of Special Inquiry.* – The chairpersons and members of the Boards of Special Inquiry shall be appointed by the Commissioner, all of whom shall be natural-born citizens of the Philippines, and at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing, with at least three (3) years in actual court practice. They shall hold office during good behavior, unless sooner removed for cause.

The Commissioner shall appoint from among all members of the Board an executive chairperson, who shall be responsible in designating the Boards according to their areas of specialization subject to the approval of the Commissioner.

The chairpersons and members shall receive an annual salary in accordance with the salary standardization law.

Sec. 17. *Functions and Duties of the Board of Special Inquiry.* – The Boards of Special Inquiry shall :

1. Have exclusive original jurisdiction to hear and submit for final resolution of the Board of Commissioners the following cases:

(a) Deportation cases;

- (b) Applications for legalization of unlawful residence;
- (c) Applications for refugee status or asylum;
- (d) Questionable or doubtful admission or exclusion;

(e) Cancellation of immigrant visa, reentry permits, identification certificate as a citizen of the Philippines or any other document issued by the Commission obtained by fraud, misrepresentation or concealment of material facts; and

- (f) Violations of the immigration and alien registration laws.

2. 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.

Sec. 18. *Powers of the Board of Special Inquiry.* – In order to effectively exercise their functions, the Boards of Special Inquiry shall have the following powers:

- (a) To administer oaths;

(b) To 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;

(c) To recommend to the Commissioner the issuance subpoena and subpoena duces tecum and summon witnesses to appear in any proceedings of the Boards of Special Inquiry; and

(d) To 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.

Sec. 19. *Proceedings before the Board of Special Inquiry.* – 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.

Sec. 20. *Resolutions of the Board of Special Inquiry.* — 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. Resolutions of the Board of Special Inquiry shall be submitted to the Board of Commissioners for their approval/disapproval and shall become final and executory fifteen (15) days after receipt of a copy thereof by the alien or his counsel of record, unless appeal has been perfected to the Board of Commissioners. No motion for reconsideration is allowed.

Sec. 21. *Procedure and Period for Appeal.* — An alien may appeal the resolution of the Board of Special Inquiry to the Board of Commissioners 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 and/or counsel of record. No appeal filed after this period shall be accepted. Where such appeal has been taken, any further appeal shall be disregarded.

Sec. 22. *Transmittal of the Records on Appeal to the Board of Commissioners.* — 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.

Sec. 23. *Period for Resolution of the Appeal.* — The Board of Commissioners 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.

Chapter 7. — Departments and Personnel of the Commission

Sec. 24. *Departments of the Commission.* — The Commission shall have seven (7) departments, namely:

- A. Administration;
- B. Law and Investigation
- C. Financial and Management;
- D. Intelligence;
- E. Immigration Regulations and Alien Control
- F. Alien Registration and Statistics;
- G. Electronic Data Processing and Records Management;

Sec. 25. *Heads of the Department.* — 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 Law 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.

Sec. 26. *Functions of each Department.* — A. *The Administration Department* shall have the following functions:

(1) Direct and supervise the administrative and other support activities of the Commission;

(2) 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;

(3) 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;

(4) Acquire and process requisitions for supplies, materials, and equipment, provide for the safe and proper storage thereof, and conduct periodic inventory of the same; provide messengerial, janitorial, security, and other utility services;

(5) Reproduce, disseminate, and maintain an updated compilation of all issuance 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 issuance;

(6) Administer the medical and dental services and physical fitness programs of the Commission;

(7) Receive complaints and grievances from the general public, prepare referrals to concerned offices and monitor responses or actions taken; and

(8) Perform such other functions as directed by the Commissioner or as may be provided by law.

B. *The Law and Investigation Department* shall have the following functions:

(1) 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;

(2) 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;

(3) Process, evaluate, and recommend appropriate action to the Commissioner on applications/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;

(4) Prepare request to any law enforcement agency for a background investigation and records check of native-born foreign national applying for administrative naturalization or recognition for the approval of the Commissioner;

(5) Process, evaluate, and recommend appropriate action to the Board of Commissioners visa applications/petitions provided for under Section 35 paragraphs (e), (f), (g), (h), (i), (j), (k) and (l);

(6) Prepare request to any law enforcement agency for a background investigation and records check of native-born foreign national applying for administrative naturalization or recognition for the approval of the Commissioner;

(7) To 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;

(8) To recommend to the Commissioner the issuance of search warrants and warrants of arrest and other processes against aliens complained of or charged;

(9) Recommend confiscation of cash bonds or surety bonds for violation of the terms and conditions thereof;

(10) Evaluates complaints on alien smuggling; prepares complaint affidavits against aliens and other persons who engaged in human smuggling for filing with the office of the prosecutor for possible filing of criminal charges before the courts;

(11) Investigate administrative cases against employees of the Commission when directed by the Commissioner;

(12) Represent the Commission in matters relating to agreements between the Philippines and another country concerning immigration, illegal entry, and border crossing;

(13) Shall act as the prosecuting arm of the Commission, more particularly on deportation cases;

(14) 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;

(15) They shall likewise process and make recommendations on Petitions for administrative naturalization and petitions for recognition as Filipino citizens which shall include the following functions:

(a) Process and make recommendations on applications for administrative naturalization and cancellation of alien registry based on claims of Philippine citizenship either by birth, election, marriage, repatriation, or naturalization;

(b) Process and make recommendations on petitions for recognition of Filipino citizens;

(c) Process, evaluate and make recommendations to the Board of Commissioners on visa applications/petitions for conversion of admission status from temporary visitor to quota or non-quota immigrant visa.

(d) Receive and docket all petitions for administrative naturalization, cancellation of Alien Certificate of Registration (ACR) or recognition as Filipino citizens filed under this Act and handle the publication requirements thereof;

(e) Recommend the revocation or Certificates of Identification of Philippine Citizenship or Certificates of naturalization issued pursuant to this Act, acquired through fraud, misrepresentation, false and misleading statements or documents, or concealment of material facts;

(f) Keep and preserve intact at all times records of all proceedings for the acquisition or reacquisition of Philippine citizenship and all other official actions related to or in connection therewith;

(g) Process and make recommendations on applications for administrative naturalization and cancellation of alien registry based on claims of Philippine citizenship either by birth, election, marriage, repatriation, or naturalization;

(h) Process and make recommendations on petitions for recognition of Filipino citizens;

(i) Receive and docket all petitions for administrative naturalization, cancellation of Alien Certificate of Registration (ACR) or recognition as Filipino citizens filed under this Act and handle the publication requirements thereof; and

(16) Perform such other functions as may be directed by the Commissioner or as may be provided by law.

C. *The Financial Management Department* shall have the following functions:

(1) 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;

(2) 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;

(3) 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;

(4) Undertake income projections for the Commission;

(5) Prepare annual budgetary requirements of the Commission to be submitted to the Department of Justice and the Department of Budget and Management; and

(6) Perform such other functions as directed by the Commissioner or as may be provided by law.

D. *The Intelligence Department* shall have the following functions:

(1) Provide accurate and complete intelligence information for the effective enforcement of the immigration, alien registration, citizenship, and laws and regulations;

(2) 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;

(3) 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;

- (4) Detect and report subversive and terrorist activities of aliens and other activities inimical to national interest;
- (5) Take steps to safeguard the country from illegal entrants;
- (6) Conduct surveillance operations in specific target areas as directed by the Commissioner or his/her authorized representative;
- (6) Interview aliens summoned or conduct inquiry of aliens taken into custody pursuant to a warrant of detention;
- (7) Serve orders and/or subpoenas issued by the competent authorities of the Commission; and
- (8) Perform such other functions as directed by the Commissioner or as may be provided by law.

E. *The Immigration Regulations and Alien Control Department shall have the following functions:*

1. Immigration Regulation

- (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 Intelligence Division;
- (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 reparability;

(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.

2. The Sub-ports and Border Crossing Monitoring

(a) To 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) To establish an expeditious and simplified system of control for the entry and exit of qualified border crossers;

(c) To enforce passport, visa and immigration laws and regulations in all other cases of travel or border crossing not covered by such agreement;

(d) To oversee the exclusion, apprehension, deportation, and repatriation of illegal entrants; and

(e) To perform such other duties and functions as directed by the Commissioner or higher authorities.

3. The Travel Control for International Airports and Seaports

(a) The enforcement and the administration of the immigration laws within the premises and areas of an international airport;

(b) To establish an expeditious and simplified system of control for the entry and exit of qualified border crossers;

(c) To enforce passport, visa and immigration laws and regulations in all other cases of travel or border crossing not covered by such agreement;

(d) To oversee the exclusion, apprehension, deportation, and repatriation of illegal entrants; and

(e) To perform such other duties and functions as directed by the Commissioner or higher authorities.

F. *The Alien Registration and Statistics Department* shall have the following functions.

(1) 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 census of aliens who are residents in the Philippines;

(2) Prepare certificates of identification of Philippine citizenship and certificates of naturalization under this Act, for the signature of the Commissioner and transmittal to the Department of Justice for the signature of the Secretary;

(3) *Keep and maintain photofile records* of registered aliens; and records of all portrait parole examinations;

(4) 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;

(5) Issue certifications reflecting the true status or category of aliens, such as non-immigrants, immigrants, temporary visitors, treaty traders, pre-arranged employee and non-immigrant students;

(6) Issue exit clearance certificates, certificates of exemption, re-entry permits of aliens under the same status prior to leaving the country;

(7) Issue duplicate originals for lost certificates of registration, certificates of residence or other registration documents of aliens, after investigation and favorable recommendation of the Alien Registration and Statistics Department;

(8) 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

(9) Perform such other functions as directed by the Commissioner or as may be provided by law.

G. *The Electronic Data Processing and Records Management Department* shall have the following functions:

(1) Plan, design, and implement all management information, office automation, and data processing systems of the Commission;

(2) Plan for, install, maintain in proper condition, and operate computers, data communication facilities, and automation equipment with emphasis on ensuring the integrity and protection of the data and information stored in the system;

(3) Linking, planning, execution and control within the subsystem;

(4) Coordinating and integrating the subsystem;

(5) Prepare computer equipment sites and acquire related software, materials and supplies;

(6) Ensure effective usage of computer resources;

(7) Develop and train service personnel in modern computer and office automation techniques, and train other personnel in its efficient usage;

(8) 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 cancellation of the alien's registry by reasons of his death or acquisition of Philippine citizenship, and preserve their integrity at all times;

(9) Keep and maintain an updated file of derogatory 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 watch list;

(10) Establish links with other government agencies to facilitate validation of required documents presented for all transactions and gathering supplement information for other services of the Commission;

(11) Ensure the security, safety and integrity of all records, data and information stored in the system; and

(11) Perform such other functions as directed by the Commissioner or as may be provided by law

Chapter 8. - Immigration and Naturalization Regions

Sec. 27. *Establishment of Immigration And Naturalization Regions; Head Thereof.* – The Commissioner shall group provinces and cities in the Philippines on the demographics of its alien population, into immigration and naturalization regions, the respective limits of which may be changed from time to time for the effective administration, implementation and enforcement of this Act. An immigration and naturalization region shall have its principal office in the place where the principal port of entry for customs purposes is located. It shall be headed by a Regional Alien Control Supervisor who shall be charged with the administration and enforcement of immigration, alien registration, citizenship, and naturalization laws and other related laws within his jurisdiction and operational area of responsibility. He shall also perform such other functions as may be directed by the Commissioner.

Sec. 28. *Powers, duties and functions of the Regional Alien Control Supervisor.* – Subject to the rules, regulations, policies and standards to be prescribed by the Commissioner, the Regional Alien Control Supervisor shall, within the region under his jurisdiction and operational area of responsibility, perform the following powers, duties and functions:

- (a) Implement the laws, policies, programs, and the rules and regulations of the commission;
- (b) Collect immigration fees as may be allowed by the Commissioner;
- (c) Issue immigration documents including visas as may be delegated by the Commissioner;
- (d) Prescribe regulations, not inconsistent with this Act, or the regulations of the Commission, for the effective administration of the region, the same to be effective upon approval by the Commissioner;

(e) Supervise the officers and employees of the immigration field offices in the cities and provinces;

(f) Coordinate with other regional officials of other departments, commissions, or agencies of the government in his region; and

(g) Perform such other functions as may be provided by law or as directed or delegated to him by the Commissioner.

Chapter 9. - Immigration Field Offices

Sec. 29. *Establishment of Immigration Field Offices.* — The Commissioner shall establish immigration field offices in such cities and provinces where the entry of foreigners and the alien population in such places warrant.

Sec. 30. *Head of Immigration Field Office; Responsibility.* — The Immigration Field Office shall be headed by the District Alien Control Officer who shall be responsible for the enforcement and administration of the immigration laws, policies and procedure within their respective cities or provinces. Said field office shall be under the supervision and control of the Regional Alien Control Supervisor.

Chapter 10. — Other Officers of the Commission

Sec. 31. *Immigration Attachés.* — 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. They shall report directly to the Commissioner

Sec. 32. *Immigration Officers.* — 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) To 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) To exclude aliens not properly documented, and to admit non-immigrants complying with the applicable provisions of immigration and related laws;

(c) To 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) To 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) To 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) To implement regulations or orders issued by the Commissioner concerning the entry into and the departure from the Philippines of all persons.

Sec. 33. *Designation of Employees; Special Inquiry Officers.* — 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.

Sec.34. *Assignment of Employees to do Overtime Work.* — The Commissioner may assign immigration employees to do overtime work or to perform express lane services pursuant to rules and regulations to be prescribed and at rates fixed by the Commissioner when the services to be rendered is to be paid by the airline/shipping companies or other persons served: Provided, That payments for the above services shall be made directly to the Commission: and 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: Provided, finally, that said utilization of funds shall be in accordance with the existing budget, accounting and auditing rules and regulations.

TITLE III

IMMIGRATION

Chapter 1. – Non-Immigrants

Sec. 35. *Categories of Non-immigrants and types of Visa issued.* –Foreign nationals departing from any place outside the Philippines who are otherwise admissible and who qualify within one of the following categories may be admitted as non-immigrants:

(a) Foreign Government Officials (A Visas) - Foreign government officials, their families and servants including ambassadors, diplomats, public ministers and consular officers who are assigned to represent their respective countries in the Philippines;

(b) Business Visitors (B-1 Visas) & Pleasure Visitors (B-2 Visas) - Temporary visitors or visitors temporarily engaged in activities of a commercial or professional nature for a foreign employer or for themselves that will not result in gainful employment in the Philippines. As used herein, the term "business" refers to conventions, conferences, consultations and other legitimate activities of a commercial or a professional nature, but does not include local employment or labor for hire. The term "pleasure" refers to leisurely stay or stay in the Philippines for holiday purposes.

(c) Transit Persons (C Visas) - Persons passing through the Philippines merely for a "stop over" who have confirmed reservations to catch connecting flights to another country within a designated period of time or passengers in immediate and continuous transit through the Philippines to a destination outside thereof.

(d) Crew members (D Visas) - Members of the crew of aircraft or vessels required for the normal operation and servicing of the aircrafts or vessels, who come to the Philippines temporarily as part of their jobs either arriving with or coming to join the vessels or aircrafts. As used herein, a crewman is defined as one serving as such in any capacity required for the normal operation and services on board a vessel or aircrafts who intends to land temporarily and solely in pursuit of his calling as a crewman and to depart from the Philippines with the vessel or aircraft.

(e) Treaty Traders (E-1 Visas) & Treaty Investors (E-2 Visas) - Citizens and their family members from a country that has trade treaty with the Philippines and coming to work in the Philippines for either a company they own or one that has at least fifty percent (50%) by other nationals of their home country and which company must be engaged in substantial trade between the Philippines and their home country shall be granted an E-1 visa.

Citizens and their family members of a country that has an investor treaty with the Philippines and coming to work in the Philippines for a business they own or one that has at least fifty percent (50%) by other nationals of their home country and which business is supported by a substantial investment from nationals of their home country shall be granted an E-2.

(f) Representatives of International Organizations and Government Agencies (F Visas) - Officials and principal representatives and foreign workers of accredited international organizations as well as missions including their family members, staff and servants. As used herein, 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 organizations, institutions, agencies, programs, foundations and entities which are recognized by the government of the Republic of the Philippines, including those existing and already recognized as such at the time of the effectivity of this Act. The term "servants" refers to members of the households and employees of persons to whom the F visa has been granted.

(g) Media Workers (G Visas) - 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 unrestricted information principally for dissemination abroad, including their family members accompanying or following to join them during the period of the assignment in the Philippines.

(h) Students (H Visas) - Foreign students having means sufficient for their support and education in the Philippines who are at least sixteen (16) years of age and who 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 akin students by the Commissioner; Provided that the Commissioner shall, in collaboration with the Commission for Higher Education, regularly monitor that status and activities of said alien students in the Philippines under such arrangements as maybe agreed by the two agencies.

(i) Exchange Visitors (I Visas) - Aliens entering the Philippines temporarily to teach, study, observe, conduct research or receive training in a specific Exchange Visitor Program duly approved by the Philippine Government which includes experts, industrial and business trainees, scholars, students, teachers, researchers, medical residents or interns.

(j) Foreigners Under Prearranged Employment (J Visas) - Aliens coming to the Philippines on prearranged employment, including their family members accompanying or following to join them within the period of their employment. This includes intra-company transferees, professionals, specialty occupations, persons of extraordinary capabilities, performing artists and athletes, and cultural exchange workers under a work exchange program.

(k) Religious Workers (K Visas) - Duly ordained or professional missionaries and religious ministers including members of their family coming to the Philippines to join a religious congregations or denomination duly registered with the Securities and Exchange Commission, upon invitation, sponsorship or guarantee of such religious congregation or denomination, solely for the purpose of propagating, teaching and disseminating the doctrines, dogmas or tenets of their faith or religion.

(l) Refugees and Asylum seekers (L-1 Visas) & Stateless Persons (L-2 Visas) - Refugees and stateless persons whose admission for humanitarian reasons and when not opposed to public interest has been approved by the Commissioner or the President in such class of cases and under such conditions as he may prescribe. As used herein, the term "refugee" refers to a person, who owing to a well founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country, or who not having a nationality and being outside the country of his former habitual residence is unable or unavailing to return to it. As used herein, the term "stateless person" refers to a person who is not considered a national by any State under the operation of its law.

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

Sec. 36. Quota Immigrants. — Subject to conditions set forth in this Act, there may be admitted into the Philippines immigrants, termed “quota immigrants”, not to exceed two hundred (200) of any one nationality based on immigration reciprocity, for any one calendar year, and upon allotment by the Commissioner of the corresponding quota number. In the allotment of quota numbers, the following order of preference shall be observed:

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

(b) Second Preference - Parents of a citizen

(c) Third Preference - Spouses or minor children of foreign nationals who are lawful permanent residents of the Philippines.

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

Sec. 37. Non-Quota Immigrants. — The following immigrants, termed “non-quota immigrants”, may be admitted without regard to numerical limitation and immigration reciprocity:

(a) The spouse of a 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 if such event occurs within two (2) years from the date of their marriage.

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

(c) A child born subsequent to the issuance of the immigrant visa of the accompanying parent, the visa not having expired;

(d) A woman who was formerly a citizen of the Philippines and who lost her citizenship by reason of marriage to a foreign national or the loss of Philippine citizenship by her husband, including her family members accompanying or following to join her;

(e) A foreign national who had been lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to a non-relinquished residence in the Philippines;

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

(g) A foreign national legally adopted by a citizen; and

(h) Spouse of a foreign national who has been granted a permanent resident visa.

Sec. 38. *Allotment of Quota.* — 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 June 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 36 of this Act. Any unused quota allotment for a calendar year cannot be carried over and utilized for the ensuing calendar year.

Sec. 39. *Basis in Determination of Quota Allotment.* — The nationality of an immigrant whose admission is subject to the numerical limitation imposed by Section 36 of this Act shall be that of the country of which the immigrant is a national or a 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 within 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.

Sec. 40. *Status of Children Born to Foreign Nationals.* — A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident. However, a child born to parents who are both nonimmigrant shall be deemed a native-born

nonimmigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless he reaches the age of eighteen (18) while continuously residing in the country, in which case he may apply for naturalization under this Act.

Chapter 3. – Adjustment Of Status

SEC. 41. *Conditions for Adjustment of Status of Foreign Nationals.* –

The status of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board, 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.

Sec. 42. *Effect of Approval of Request for Adjustment.* –

Upon the approval of an application for adjustment of status under the preceding section, the Commissioner shall record the foreign national's lawful admission for permanent residence as of the date of approval of the application. The Commissioner shall reduce by one the number of the preference immigrant visa authorized to be issued under Section 36 of this Act within the class to which the foreign national is chargeable for the calendar year then current, if such be the case.

Sec. 43. *Adjustment of Status, When Not Allowed.* –

Adjustment of status under Section 41 of this Act shall not be applicable to (a) an alien crewman, (b) a foreign national who hereafter continues in or accepts unauthorized employment prior to filing of his application or who is in unlawful immigration status on the date of filing of his application or who has failed (other than through no fault of his own or for technical reasons) to maintain continuously a lawful status since entry into the Philippines, (c) a foreign national admitted as a temporary visitor without visa, and (d) transients.

Chapter 4. – Documentation and Admission of Non-Immigrants

Sec. 44. *Documentary Requirements of Non-immigrants; Instances when not required.* – 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 visa granted by Philippine 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 52 and 53 of this Act; and
- (f) An alien coming to the Philippines as a bona fide tourist under special laws.

SEC. 45. *Conditions and Period of Authorized Stay of Temporary Visitors.* – The period of authorized stay of a non-high risk foreign national admitted as a temporary visitor under Section 35 paragraph (b) of this Act shall in no case exceed one (1) year and fifty-nine (59) days counted from the date of arrival, while that of a high risk foreign national shall in no case exceed seven (7) months and twenty-nine (29) days and 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.

Sec. 46. *Conditions for Issuance of Pre-arranged Visas.* — A passport visa for a nonimmigrant referred to in Sec. 35 (j) 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 nonimmigrant 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 nonimmigrant 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 nonimmigrant is desired and why the nonimmigrant'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 nonimmigrant'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.

Sec. 47. *Conditions for Admission and Stay of Other Non-immigrants.* — Except as provided for in Sections 45 and 46 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, and such alien will depart from the Philippines.

Sec. 48. *Submission of Crew list and Passenger Manifest to the Immigration Officer.* — 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 required by regulations. The crew lists of incoming vessels shall be duly visited by the appropriate Philippine consular official abroad.

Sec. 49. *Inspection of Crewmembers* — 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.

Sec. 50. *Permission for temporary landing of alien crewmembers.* — 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.

Sec. 51. *Temporary Detention of Excludable Aliens.* — 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.

Sec. 52. *Asylum Seekers, Grant of Refugee Status.* — Asylum seekers (refugees physically present in the Philippines) may apply for and be granted refugee status upon the discretion of the Commissioner or President and under such terms and conditions as he/she 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 Section 35(l) 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.

Sec. 53. *Effect of Grant of Refugee Status to Wife & Children.* – 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 in the public interest, if accompanying or following to join the refugee.

Chapter 5. – Documentation and Admission of Immigrants

Sec. 54. *Documentary Requirements of Immigrants; Instances when not required.* – Immigrants must present for admission into the Philippines valid passports or travel documents issued by the government of the country to which they owe allegiance, showing their 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 reentry 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.

SEC. 55. *Issuance of Special Permit to Reenter.* – 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.

Chapter 6. – Visa Issuance

SEC. 56. *Requirements for Issuance of Visa.* — Under the conditions and subject to the limitations prescribed in this Act or regulations issued thereunder, a consular officer may upon approval by the Commissioner 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 35 of this Act, the period during which the visa shall be valid, and such additional information as may be required.

Sec. 57. *Period for Validity of Visa.* — A non-immigrant or immigrant visa issued by a consular officer abroad shall be valid for a period not exceeding six (6) 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.

Sec. 58. *Requirements for Physical and or Mental Examination Prior to Issuance of Visa.* — 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. In the case of application for non-immigrant visa, the consular officer may prior to the issuance of such visa require the alien to submit to a physical or mental examination, or both.

Sec. 59. *Denial of Visa, Grounds Thereof.* — 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.

Sec. 60. *Treatment of Immigrant Visa Upon Entry* — 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.

Sec. 61. *Treatment of Non-Immigrant Visa Upon Entry.* — 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 visited 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.

Sec. 62. *Nature of Visa Construed.* — Nothing in this Act shall be construed as to automatically 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.

Sec. 63. *Revocation of Visa by the Consular Office*— 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.

Sec. 64. *Authority of Commissioner to Revoke Visa.* — The Commissioner may, at any time, for what he/she deems to be good and sufficient cause, revoke the approval of any visa petition filed in the consulates abroad and approved by him/her. Such revocation shall be effective as of the date 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 notice of revocation is not so 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.

Chapter 7. — Reentry Permits

SEC. 65. *Application Requirements.* — 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.

SEC. 66. *Reentry Permits, When Issued; Validity thereof.* — The Commissioner may authorize the issuance of a reentry permit in the following cases:

- (a) The alien is a permanent or 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 two (2) years 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.

SEC. 67. *Treatment of Reentry Permits.* – 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.

Chapter 8. – Exit Clearance Certificate

SEC. 68. *Exit Certificate Clearance Requirements.* – 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 its 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.

Chapter 9. – Presidential Prerogatives

Sec. 69. *Power of President on Entry of Foreign Nationals* – Whenever the President finds that the entry of any foreign national or a class of foreign nationals would be detrimental to the interest of the Philippines, he/she may for such period as he/she shall deem necessary, suspend their entry and admission into the Philippine or impose such restrictions as he/she may deem appropriate.

Sec. 70. *Power of President Re: Immigration and Departure of Aliens* – Any provision of this Act notwithstanding, the President may:

(a) Waive documentary requirements and/or passport requirements for non-immigrants, and immigrants, under such terms and conditions as he/she 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 foreign national 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/she 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; or whose presence in the country is necessary to face or be a witness in criminal proceedings; and

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

Title IV

PROVISIONS RELATING TO ENTRY

Chapter 1. – Procedures on Arrival

SEC. 71. *Inspection by Immigration Officer* – 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. A Board of Special Inquiry shall determine the final determination of admissibility of such alien.

SEC. 72. *Detention or Quarantine for Examination.* — 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 Section 77A 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.

SEC. 73. *Medical Examination Requirement.* — 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 Section 77(A) 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.

Sec. 74. *Arrival Notice Requirement of Aircraft.* — 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.

Sec. 75. *Contents of Notice of Arrival.* – 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.

Chapter 2. – Classification Of Ports Of Entry

Sec. 76. *Authority to Classify Ports.* –The Commissioner shall classify and 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.

Chapter 3. – Exclusions

Sec. 77. *Exclusion Grounds.* – The following classes of foreign nationals are ineligible for entry and shall be excluded from admission into the Philippines.

A. Health Related Grounds

1. An alien who is determined in accordance with regulations prescribed by the Secretary of Health to have a communicable,

loathsome, dangerous or incurable disease of public health significance;

2. An alien who is determined in accordance with regulations prescribed by the Secretary of Health:
 - (a) To have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety and welfare of the person or others; or
 - (b) To have such disorder and associated behavior in the past and is likely to recur or to lead to other harmful behavior.
3. An alien who is determined in accordance with regulations prescribed by the Secretary of Health to be a drug abuser or drug addict;
4. An alien person or guardian who accompanies an inadmissible alien who is certified to be helpless due to infancy, sickness, physical or mental disability, and whose protection or guardianship is determined, as certified by a medical examining officer, to be required by the person.

B. Economic Grounds

1. An alien who in the opinion of the immigration official, is likely at any time to become a public charge, which is defined to be a person who by reason of poverty, insanity, disease or disability would become a charge upon the public, such as paupers, beggars and vagrants or person who might resort to crimes for their sustenance;
2. An alien who is seeking entry for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor certifies that there are not enough workers who are able, willing, qualified and available to perform such labor and that the wages and working conditions of workers in the Philippines similarly employed will not be adversely affected.

C. Moral Grounds

1. An alien coming to the Philippines to practice polygamy or who advocates the practice of polygamy unless his religion allows such practices.
2. Aliens who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes.
3. Aliens whom at the time of primary inspection or inquiry by an immigration officer exhibit any obnoxious behavior, contempt or disrespect for the said officer or any government official or authority.

D. Criminal & Security Grounds

1. An alien who has been convicted of a crime of moral turpitude, which refers generally to conduct which is inherently base, vile, depraved and contrary to the accepted rules of morality and the duties owed between persons or to society in general, or who admits to an immigration official having committed such crime, or who attempts and conspires to commit the crime.
2. An alien who has been convicted, or who admits having committed, or who admits committing acts which constitute the essential elements of a violation or conspiracy to violate any law or regulation of the Philippines or a foreign country relating to controlled substances, regulated or prohibited drug, or who attempts or conspires to commit the crime.
3. An alien that the Philippine government knows or has reason to believe is a trafficker in any controlled substance, regulated or prohibited drug or knows or has reason to believe is or has been a knowing assister, abettor, conspirator or colluder with others in the illicit trafficking in any controlled substance, regulated or prohibited drug;
4. An alien who has been convicted of two or more offenses (other than purely political, and whether or not it was a conviction in a single trial or whether the conviction form a single scheme) if

the aggregate sentence of confinement actually imposed is five (5) years or more.

5. Alien prostitutes or persons who have engaged in or sought to engage in prostitution or to procure or attempts to procure prostitutes, even if prostitution is not illegal in his/her country, or who receives in whole or in part the proceeds of prostitution.
6. Diplomats and other aliens involved in serious criminal activity who assert and has been granted immunity from prosecution.
7. An alien coming to the Philippines to engage in any other unlawful commercialized vice, whether or not related to prostitution, drug, etc.
8. Aliens who are fugitives from justice of other countries
9. An alien who, Philippine authorities know or have reasonable ground to believe, seeks to enter the Philippines to engage solely, principally or incidentally in:
 - (a) Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology or sensitive information;
 - (b) Any activity aimed to promote membership in an organization of criminally syndicated activities, including aliens who are believed to be members of organized crime syndicates;
 - (c) Any activity, a purpose of which is the opposition, control or overthrow of the Philippine government by force, violence or other unlawful means; and
 - (d) Any other unlawful activity.
10. An alien is inadmissible if he:
 - (a) Is engaged in a terrorist activity, individually or as part of an organization;

- (b) Philippine authorities know or have reasonable grounds to believe is engaged in or likely to engage in such terrorist activity;
- (c) Is under circumstances indicating an intention to cause death or serious bodily harm or incite terrorist activity;
- (d) Is a representative of a foreign terrorist organization as identified by Philippine authorities;
- (e) is a member of a foreign terrorist organization as identified by Philippine authorities.

"Terrorist activity" is defined as an act unlawful in a foreign country or would be unlawful in the Philippines and involves:

- i) Hijacking or sabotage of any conveyance (aircraft, vessel, vehicle, etc.)
- ii) The seizing or detaining or threatening to kill, injure or continue to detain another individual to compel a third person to carry on or abstain from an act as an explicit or implicit condition for release;
- iii) A violent attack on an internationally protected person;
- iv) An assassination;
- v) The use of any biological or chemical agent or nuclear device or explosive or firearm with intent to endanger directly or indirectly the safety of one or more individuals or to cause substantial property damage;
- vi) Sowing terror in order to impose on others an ideology, political/philosophical/religious belief and practice.

- vii) Provide sanctuary or protection to known terrorists whether foreign or local;
 - viii) Any threat or attempt or conspiracy to commit the above acts.
11. Aliens who have been identified by competent authorities, local or foreign as having engaged or are engaging in human trafficking and smuggling; and
 12. Aliens that have been identified by competent authorities, local and foreign as having engaged or are engaging in importation of contrabands and other prohibited articles into the country.

E. Violation of Immigration Laws/Entry/Documentation

1. An alien who has been ordered removed (through summary exclusion or removal initiated at person's arrival in the Philippines) and who seeks admission within three (3) years (or ten (10) years if second or subsequent removal) or at anytime if convicted of an aggravated felony.
2. An alien who has been ordered removed after a deportation hearing from the Philippines or who is deported while an order of removal was outstanding and who seeks admission within five (5) years (or ten (10) years if second or subsequent removal) or at anytime if convicted of an aggravated felony from the date of such physical deportation or removal;
3. An alien who is unlawfully present beginning on the effectivity of this Act in the Philippines for a period of more than 180 days but not less than one (1) year who voluntarily departs the Philippines before commencement of proceedings is barred from readmission for three (3) years from the date of the person's departure or removal, provided he does not possess any of the disqualifying conditions stated in Section 77.
4. An alien who is unlawfully present, which is defined as being unlawfully present in the Philippines without being admitted,

beginning on the effectivity of this Act in the for one (1) year or more and again seeks admission is barred for five (5) years from the date of such person's departure or removal from the Philippines.

5. An alien who has been unlawfully present in the Philippines for an aggregate period of more than one (1) year or has been ordered removed under summary exclusion or removal provisions and who enters or attempts to enter without inspection is inadmissible.
6. An alien present in the Philippines without being admitted or who arrives at a place other than that designated by Philippine authorities.
7. An alien who without cause fails or refuses to attend or remain in attendance at his removal proceeding is inadmissible for five (5) years from departure or removal.
8. An alien who is a stowaway, which is defined as a person who obtains transportation without consent and through concealment.
9. An alien who at anytime knowingly encourages, induces assists, and abets or aids any other alien to try to enter the Philippines in violation of law.
10. An alien who is subject to a final order of deportation for falsely making or using fraudulent documents or using someone else's lawfully issued document.
11. An alien who is not properly documented for admission as maybe required under this Act.
12. An alien who falsely represents or has falsely represented that he is a Filipino citizen or a former Filipino citizen to obtain a benefit under any Philippine law.

13. An intending immigrant not in possession of valid immigrant visa or other document needed for entry and a valid unexpired passport.
14. A non-immigrant not in possession of a valid passport for six (6) months and non-immigrant visa or border crossing card.

Sec. 78. *Exclusion of Foreign Nationals.* – Any foreign national who may appear to the examining immigration officer to be excludable under the provisions of Section 77 shall be excluded. No further inquiry by a Special Inquiry Officer 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 on the grounds set forth under Section 77 D, 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 not appear to the examining immigration officer to be clearly and without doubt entitled to be admitted or excluded may be temporarily detained for inquiry.

Sec. 79. *Procedures for Inquiry by Special Inquiry Officers.* – A Special Inquiry Officer 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.

Sec. 80. *Appeal of Decision for Exclusion.* – A decision of the Special Inquiry Officer excluding an alien based on Section 77 D 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, which decision shall be immediately executory and shall not be given a motion to appeal. Except as provided in Section 78 such decision shall be rendered solely upon the evidence adduced before the Boards of Special Inquiry.

SEC. 81. *Appeals, When Not Allowed.* – If a government medical officer or authorized private physician has certified under Section 73 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 Section 77A, 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.

Sec. 82. *Decisions of Special Inquiry Officers; Appeals therefrom.* – Except as provided in Sections 80 and 81 of this Act, in every case where an alien is excluded from admission into the Philippines 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.

Sec. 83. *Burden of Proof in Exclusion Cases.* – 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.*

Sec. 84. *Authority to Waive Grounds for Exclusion.* – The Commissioner may, for good and sufficient reasons, waive any of the grounds for exclusion under Section 77, except paragraph D: Provided, That with respect to the ground for exclusion mentioned in paragraph E (1) & (2) of Section 77 above, the Commissioner shall not exercise his discretion in favor of aliens previously excluded or deported on the ground of having engaged in hoarding, black-marketing, profiteering, terrorism or any act of economic sabotage.

Chapter 4. – Immediate Removal Or Exclusion of Foreign Nationals

Sec. 85. *Classes Subject of Immediate Removal and Cost thereof.* – Any foreign national (other than an alien crewman) arriving in the Philippines who fall under any of the classes set forth in Section 77 of this Act and is ordered excluded shall be immediately removed, in accommodations of the same class and to the

country in which the foreign national boarded the vessel or aircraft on which he arrived, unless the Commissioner, in an individual case and in his discretion, determine that immediate removal is not practicable and proper. The cost of the maintenance including detention expense and other expenses incident to the detention of such foreign national, 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 foreign national was in possession of a valid unexpired immigrant visa, or

(b) *The foreign national was in possession of a valid unexpired non-immigrant visa or other document authorizing such foreign national to apply for temporary admission to the Philippines, or an unexpired reentry permit issued in his name, and*

1. *Such application was made within one hundred twenty (120) days from the date of issuance of visa and other document, or in the case of a foreign national in possession of a reentry permit, within one hundred and twenty (120) days from the date on which the foreign national was last examined and admitted to the Philippines, or*

2. *In the event the application was last made later than one hundred twenty (120) days as stated in the preceding subparagraph, if the owner or operator of such vessel or aircraft established to the satisfaction of the Commissioner that the ground for exclusion could not have been ascertained by the exercise of due diligence prior to the foreign national's embarkation; or*

(c) The foreign national excluded claimed Philippine citizenship and was in possession of a valid and unexpired Philippine passport issued in his name.

Sec. 86. *Country Where Removal is to be Directed.* – If the government of the country designated in the preceding section will not accept the foreign national into its territory, the foreign national's removal shall be directed by the Commissioner, in his/her discretion and without necessarily giving any priority or preference, either to:

- (a) The country which the foreign national 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;
- (d) The country where he departed from or his last port of departure; or
- (e) The country, which is willing to accept the foreign national into its territory, if removal to any of the foregoing country is impracticable, inadvisable, or impossible.

Sec. 87. *Obligation of Captain or Transport Operator.* — It shall be unlawful for any captain, person in charge, agent, owner, operator, or consignee of any vessel or aircraft:

- (a) To refuse to receive any alien ordered excluded and removed under Section 86, back on board such vessel or aircraft or another vessel or aircraft owned or operated by the same interests;
- (b) To fail to detain any foreign national on board any such vessel or aircraft at the port of arrival when required by this Act or when so ordered by an immigration officer, or to fail or refuse to deliver a foreign national for medical or other inspection and when so ordered by such officer;
- (c) To refuse or fail to remove any foreign national from the Philippines to the country to which his deportation has been directed; or
- (d) To fail to pay the cost of the maintenance of any foreign national and other expenses incurred while being detained as required by Section 85 of this Act or such cost necessary or incident to his deportation as may be provided in subsequent sections of this Act.

Sec. 88. *Penalty for Non-compliance of Obligation.* — 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 87, supra, such violator shall pay to the Commission such fine as may be imposed in Title VII, Chapter 10 of this Act. No such vessel or aircraft

shall be granted clearance from any port in the Philippines while any such fine is unpaid or while the question of liability to pay any such fine is being determined, nor any such fine paid 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.

Sec. 89 *When Removal to be Effected.* – If the removal of an excluded foreign national is effected on a vessel or aircraft not owned or operated by the owner or operator of the vessel or aircraft on which the foreign national arrived in the Philippines, the transportation expense of the foreign national'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 foreign national arrived.

Sec. 90. *When Removal May Be Stayed.* – The Commissioner under such conditions as he/she may prescribe, may stay the removal of any foreign national if in his/her judgment, the testimony of such foreign national is vital and necessary on behalf of the government in the prosecution of offenders for violation of any of the provisions of this Act or other laws of the Philippines.

Chapter 5. – Conditional Permits To Land and Discharge Of Alien Crewmen

Sec. 91. *Conditional Permit to Land; Period thereof.* – If an immigration officer finds upon examination that an alien crewman is a non-immigrant under Section 35(d) 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 on a form prescribed by the regulations, subject to revocation in subsequent proceedings as provided in Section 92 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.

Sec. 92. *Confiscations and Cancellation of Permit.* – 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 expense of the carrier, which brought him to the Philippines. Until such alien is so removed, any expense 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.

Sec. 93. *Liability for Overstaying Crewmen.* – Any alien crewmen 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 such penalties prescribed in Section 192 of this Act. The owner, agent, or consignee of the vessel shall be solidarity liable for the payment of such fines.

Sec. 94. *Liability for Unauthorized Pay-off or Discharge Alien Crewmen.* – It shall be unlawful for any person, including the owner, agent, consignee, or captain of any vessel to payoff 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 such fine as may be prescribed in Title VII Chapter 10 of this Act. 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, upon such terms, as he considers proper.

Sec. 95. *Duty to Report Desertion or Illegal Landing of Alien Crewmen.* — 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.

Sec. 96. *Requirement for Submission of List of Newly Employed Crewmen, Those Discharged and Those Who Have Illegally Landed.* — 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 or 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.

Sec. 97. *Liability for Failure to Submit Complete, True and Correct Report* — 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 95 and 96 of this Act, such owner, agent, consignee, or captain shall, if required by the Commissioner, pay to the Commission such sum as may be prescribed in Title VII, Chapter 10 hereof. 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.

TITLE V
DEPORTATION OF ALIENS

Chapter 1. — Deportable Foreign Nationals

Sec. 98. *Classes of Deportable Aliens.* — The following aliens shall be arrested upon the warrant of the Commission and deported after hearing and resolution submitted by the 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 period of 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;

(j) Those who at any time after entry *engages in terrorist activity; as used* herein, the term "engages 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, and safekeeping of any terrorist assets, properties and propaganda materials;

(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 alien 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, black-marketing, dollar salting, technical smuggling, gunrunning, illegal recruitment, other acts of economic sabotage, and other illegal acts independent of any criminal action which may be 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;

(s) Those who are pedophiles or pedophiliac, or sexual perverts; and

(t) 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.

Sec. 99. *Rules on Prescription in Deportation Cases.* — 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), (p) and (s) of Section 98 of this Act, shall be imprescriptible: Provided, however, That no deportation proceedings may be initiated under any other paragraphs of the aforesaid Section 98 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), (i), (k), (n), (q), (s) and (t) of Section 98 shall not be effective if the court or judge thereof, when sentencing the alien, shall recommend that the alien not be deported.

Chapter 2. – Detention And Deportation of Foreign Nationals

Sec. 100. *Issuance of Summons and Warrants of Detention* – If it appears to the Commissioner that there is reasonable ground for inquiry as to whether an alien ought to be deported under Section 98 of this Act, the Commissioner may issue a 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 (t) of Section 98 of this Act.

Sec. 101. *Authority to Issue Warrants of Detention.* – 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.

Sec. 102. *Formal Charge of Deportation.* – 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 98 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 bail and/or 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.

Sec. 103. *Detention of Alien Convicted of a Felony or an Offense.* — In the case of an alien convicted of an offense or a felony, which is a ground for deportation under this Act, said alien shall not be deported until his imprisonment is terminated by service of sentence or release from confinement. Parole, probation or possibility of re-arrest or further confinement in respect to the same offense shall not be a ground for deferral of deportation. Upon release from confinement, the Commissioner shall take into custody and place under detention said alien, after giving notice to the court or agency concerned. Such alien shall remain under detention, either before or after determination of deportability, and may be released by the Commissioner at Commissioner's discretion, and under such terms and conditions prescribed by him/her, if the alien demonstrates to the satisfaction of the Commissioner that he/she is not a threat to the community and that he/she is likely to appear before any scheduled hearings.

Chapter 3. — Deportation Procedures

Sec. 104. *Proceedings in Deportation Cases.* — The 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.

Sec. 105. *Attendance of the Alien in Deportation Proceedings.* — 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 incompetence it is unpractical 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.

Sec. 106. *Assignment of Special Prosecutors in Deportation Cases.* — The Commissioner shall assign a special prosecutor to present the evidence of the government if the alien charged denies the factual allegations of 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.

Sec. 107. *Burden of Proof in Deportation Cases.* — In cases where the charge for deportation is based on paragraph (a) of Section 98 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.

Sec. 108. *Rules of Procedure Before the Board of Special Inquiry.* — Proceedings before a Board of Special Inquiry in deportation cases shall be in accordance with such rules of procedure, as the Commissioner shall prescribe. These rules shall be the sole and exclusive procedure for determining the deportability of an alien under this Act.

Sec. 109. *Voluntary Deportation, When Authorized.* — 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 a 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 (t) of Section 98 of this Act.

Sec. 110. *Findings of the Board of Special Inquiry in Deportation Cases.* — The Boards of Special Inquiry conducting the hearing in a deportation case shall submit its findings and recommendations to the Board of Commissioners. 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, the Board of Special Inquiry shall likewise inform the Board of Commissioners in its report.

Chapter 4. – Decision of Board of Commissioners on Deportation Cases

Sec. 111. *Transmittal of the Records to the Board of Commissioners.* – 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 of Commissioners for final decision.

Sec. 112. *Petition for New Hearing, Grounds Therefor.* – At any time before the alien is deported, but not later than one (1) month 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.

Chapter 5. – Order of Deportation and Cost

Sec. 113. *Contents of an Order or Warrant of Deportation.* – 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; and
- (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.

Sec. 114. *Period to Effect Deportation.* – When a final order of deportation is made against any alien, the Commissioner shall have a period of three

(3) months from the date of such order within which to affect 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 is 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 103. 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.

Sec. 115. *Suspension of Order of Deportation; Justification.* — The Commissioner may upon application of an alien and payment of appropriate fees, 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.

Sec. 116. *Reinstatement of the Order of Deportation.* — 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 98 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.

Sec. 117. *Country Where Deportation is to be Directed.* — 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. 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, either to the country from which such alien embarked for the Philippines, to the country in which the foreign national was born, the country of his nationality or citizenship 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.

Sec. 118. *Costs of Deportation.* — 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 91 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.

Sec. 119. *Liability of Transport Operators.* — 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, 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 119, supra, shall be punished by the imposition of a penalty in the sum and manner prescribed in Title VII, Chapter 10 of this Act.

Sec. 120. *Expenses of the Accompanying Person.* — 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 of accompanying 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.

Sec. 121. *Existence of Danger in Country Where Alien is to be Deported.* — 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 of a felony, 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/or a danger to the security of the Philippines.

Chapter 6. – INDIGENT ALIENS

Sec. 122. *Removal of Indigent Aliens.* – 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 previous to embarkation for the Philippines.

TITLE VI

CITIZENSHIP AND NATURALIZATION

Chapter 1 – Citizens of the Philippines

Sec. 123. *Who are citizens of the Philippines.* – The following are citizens of the Philippines:

- (a) Those who are citizens of the Philippines at the time of the adoption of the Constitution of the Philippines;
- (b) Those whose fathers or mothers are citizens of the Philippines;
- (c) Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
- (d) Those who are naturalized in accordance with law.

Sec. 124. *Natural Born, Defined.* – Natural-born citizens are those who are citizens from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship by virtue of Paragraph (c) of the preceding section shall be deemed natural-born citizens.

Sec. 125. *Requirements and Period to Elect Philippine Citizenship.* – The option to elect Philippine citizenship shall be exercised within the lifetime of the applicant and expressed in a statement to be signed and sworn to by the person

concerned before any person authorized administer oaths, and shall be filed with the Commissioner accompanied with the oath of allegiance of the person to the constitution and the Government of the Republic of the Philippines. If the person concerned is absent from the Philippines, he may make the statement and the oath of allegiance herein required before a consular officer of the Philippines nearest his place of residence in the foreign country where he is residing. The consular officer shall forward to the Commissioner the statement and oath of allegiance within fifteen (15) days from receipt and proper determination thereof.

Sec. 126. *Recognition as Filipino.* — A person whose father or mother is a Filipino citizen but has been granted citizenship by another country may file within his lifetime a petition for recognition as a Filipino citizen. His recognition will not cause the loss of his citizenship to the other country.

Sec. 127. *Administrative Determination of Citizenship.* — The Commissioner shall make a determination upon recommendation of an immigration hearing officer whether the person concerned is qualified to elect or be recognized as a citizen of the Philippines and, if determined to be so, shall issue to the person concerned a certificate of identity of Philippine citizenship to be signed by the Commissioner or his authorized representative. Within fifteen (15) days after the election or recognition for Philippine citizenship is perfected, the Commissioner shall furnish a copy of the statement and oath of allegiance, together with a certification that a certificate of identity has been issued, to the local civil registrar of the place where the person was born, for registration, or of foreign-born, of the place where the person has his domicile.

Chapter 2 — Loss of Philippine Citizenship

Sec. 128. *Philippine Citizenship, How Lost.* — 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: 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 (1) such armed forces are engaged in hostilities against the Philippines, or (2) such person serve 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 Philippines in time 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 arms against, the Government of the Republic of the Philippines.

Sec. 129. *Loss of Citizenship, Burden of Proof.* — 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 occurrence, to establish such claim by a preponderance of the 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 a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.

Sec. 130. *Renunciation of Citizenship.* — Except as provided in paragraphs © and (h) of Section 158, 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.

Sec. 131. *Expatriation, When Not Recognized.* – A Philippine citizen who asserts his claim to Philippine citizenship in such manner as the Commissioner shall by regulations prescribe, shall not be deemed 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 158 of this Act.

Chapter 3 – Reacquisition of Philippine Citizenship

Sec. 132. *Citizenship, How Reacquired.* – A person who losses Philippine citizenship in any of the ways and/or means enumerated under Section 128 of this Act may reacquire his Philippine citizenship through any of the following means:

- (a) By naturalization: Provided, that the applicant possesses none of the disqualification for naturalization under section 136 of this Act;
- (b) By repatriation of deserters of the Armed Forces of the Philippines; or
- (c) By direct act of the Congress of the Philippines;

Sec. 133. *Administrative Naturalization, When Applicable.* – The provisions for administrative naturalization under this Act and the regulations issued pursuant thereto shall be made applicable to any petition filed for the reacquisition of Philippine citizenship under paragraph (a) of the preceding Section. In all other cases, repatriation shall be effected by taking the required oath of allegiance to the Republic of the Philippines before the Commissioner or any officer authorized by him.

Chapter 4 – Naturalization of Native-Born and Non-Native-Born

Sec. 134. *Persons eligible for Administrative Naturalization.* – The provisions of Commonwealth Act No. 473, as amended by Republic Act No. 9139, otherwise known as the “The Administrative Naturalization Law of 2000”, and all

other laws to the contrary notwithstanding, any foreign national who was born in the Philippines or not born in the Philippines but a permanent resident may apply for Philippine citizenship through administrative process, by filing with the Commission a petition for naturalization under this Act.

Sec. 135. *Qualifications for Naturalization.* — Native-born foreign nationals and those foreign nationals not native born but who have acquired permanent resident status in the Philippines under Philippine immigration laws having the following qualifications may become a citizen of the Philippines by naturalization:

(a) He must not be less than eighteen (18) years of age on the date of filing of the petition;

(b) He must have resided continuously in the Philippines for a period of not less than seven (7) years prior to the filing of the petition;

(c) He must be of good moral character, and believes in the principles underlying the Philippine Constitution;

(d) He must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines;

(e) He must have some known business, trade, profession, or lawful occupation from which he derives income sufficient for his support and that of his spouse or children, if any; Provided, that this requirement may be waived with respect to bona fide students at least eighteen (18) years of age who, on the basis of their qualifications and potentials, and their parents, resources, can become useful citizens of the Philippines;

(f) He must be able to speak and write English and any one of the principal Philippine dialects;

(g) He must have given primary and secondary education to all his children of school age, if any, in the public schools or recognized private schools where Philippine history, government, and civics are taught or prescribed as part of the school curriculum, and not limited to any nationality, race, during the entire period

of his residence in the Philippines required of him prior to the filing of his petition for naturalization; and

- (h) He must have commingled socially with Filipinos.

Sec. 136. *Persons Disqualified to be Citizens by Naturalization.* – The following persons cannot be naturalized as Philippine citizens:

- (a) Persons opposed to organized government or affiliated with any association or group of person who uphold and teach doctrines opposing all organized government;

- (b) Persons defending or teaching the necessity or propriety or violence, personal assault, or assassination for the success and predominance of their ideas;

- (c) Polygamists or polyandry people or believers in the practice thereof unless their religion allows it;

- (d) Persons suffering from mental alienation or incurable contagious disease;

- (e) Persons who, during the entire period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos;

- (f) Citizens or subjects of a foreign country which the Philippines is at war, during the period of such war or hostilities;

- (g) Citizens of a foreign country whose laws do not grant Philippine citizens the privilege to become naturalized citizens thereof; and

- (h) Persons engaging and/or supporting any terrorist activity or organization.

Sec. 137. *Residence Requirements, when reduced.* – The seven years continuous residence required in Paragraph (b) of Section 135, shall be reduced to five (5) years under any of the following conditions:

- (a) He is a native-born foreign national;
- (b) Being married to a woman who is a natural-born citizen, which marriage took place not less than three (3) years immediately prior to the filing of the petition;
- (c) Having established a new industry duly registered or introduced a useful invention in the Philippines duly patented; or
- (d) Having been engaged as a teacher in the Philippines in a recognized private school not established for the exclusive instruction of children of persons of a particular nationality or race, for a continuous period of not less than three (3) years.

Sec. 138. *Petition, Filing Fee and Contents Thereof.* — A filing fee of Twenty Five Thousand Pesos shall be paid and petitions for naturalization shall be signed by the petitioner in his own handwriting and sworn to by the petitioner on four copies, each accompanied by a recent photograph of the petitioner, and shall set forth:

- (a) His name and surname, including aliases or other names by which he is commonly known and called; his citizenship; and whether single or married;
- (b) The place and date of birth, and his trade, profession or occupation;
- (c) The name of his spouse and his living children, if any, indicating their corresponding dates and places of birth, and whether living with him or not;
- (d) His parents and former places of residence, indicating the periods of his residence in each place;
- (e) That he has all the qualifications required under Section 135 of this Act;
- (f) That he is not disqualified under Section 136 of this Act;

(g) That he will reside continuously in the Philippines from the date of filing of the petition up to the time of his admission to Philippine citizenship; and

(h) The names and place of residence of the witnesses whom he desires to introduce at the hearing of his petition.

Sec. 139. *Affidavit Requirement.* — The petition shall be supported by the affidavits of at least two credible persons of good standing in the community, stating that they personally know the petitioner to have been born in or a resident of the Philippines for the period of time required by this Act, that the petitioner is a person of good repute and morally irreproachable, and that the petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act.

Sec. 140. *Publication Requirements.* — Immediately upon the filing of a petition, the Commissioner shall cause the publication of the petition at petitioner's expense, once a week for three (3) consecutive weeks in the Official Gazette, in one national newspaper of general circulation, and in one local (city or provincial) newspaper where the petitioner resides. Copies of said petition and a general notice of hearing shall also be posted in a public and conspicuous place in the central office or immigration regional or field office where the proceedings will be heard, which hearing shall not be held until after three (3) months from the date of last publication of the notice in the national newspaper. The Commissioner shall, as soon as possible, forward copies of the petition together with the affidavits of the witnesses to the office of the Solicitor General, the Director of the National Bureau of Investigation, the provincial director of the Philippine National Police, and the provincial or city prosecutor of the province or city where petitioner resides.

Sec. 141. *Naturalization Proceeding.* — The Board of Special Inquiry shall conduct naturalization hearings under this Act: Provided, however, that no petition shall be heard within thirty (30) days preceding any election. The hearing shall be open to the public and the Solicitor General or his authorized representative shall appear on behalf of the government at all proceedings and at the hearing. The Board of Special Inquiry shall submit in writing its findings and recommendations taking into account the evidence presented and the testimony of witnesses whether the petitioner possess all the qualifications and none of the disqualification set forth under Section 136 and 137, to the Board of Commissioners for decision, within thirty (30) days after termination of the hearing, together with the complete records of

the case. The Board shall render its decision within thirty (30) days upon receipt of the entire records of the case.

If it is found in the course of the hearing that any of the witnesses is not credible or is incompetent, and it is satisfactorily shown that the petitioner acted in good faith in presenting such witness, another witness may be presented by the petitioner upon proper motion, subject to approval of the Board of Commissioners.

Sec. 142. *Decision of the Board of Commissioners, When Final.* — The Decision of the Board of Commissioners granting or denying the petition shall become final and executory after the lapse of fifteen (15) days from the date parties or counsel receive a copy of the decision and no appeal has been filed with the Court of Appeals.

Should the Board of Commissioners affirm the petition for naturalization and said decision becomes final and executory, the Commissioner shall upon payment of the two hundred thousand pesos naturalization fee, issue a certificate of naturalization to the petitioner and furnish a copy thereof to the civil registrar of the locality where the petitioner was born and also the locality where petitioner resides, for registration in the civil registry.

Sec. 143. *Certificate of Naturalization, Contents thereof.* — A certificate of naturalization issued under this Act shall, among other things, contain the following:

- (a) The case number of the petition, as docketed;
- (b) The number of the certificate of naturalization;
- (c) The signature of the person naturalized which shall be affixed in the presence of the members of the Board of Special Inquiry, which heard the petition;
- (d) The recent picture of the person naturalized;
- (e) The personal circumstances of the person naturalized;
- (f) The date on which his petition was filed;

- (g) The date of the decision granting the petition; and
- (h) The payment of the filing fee and naturalization fee; and
- (i) The names of the members of the Board of Special Inquiry who conducted the hearing of the petition.

Sec. 144. *Renunciation and Oath of Allegiance.* — Before the issuance of the certificate of naturalization which shall be in such form as may be prescribed by the regulations, the petitioner shall, before the Commissioner or any member of the Board, taken the following oath translated in Pilipino, whereupon, and not before, he will be entitled to all the privileges of a citizen of the Philippines:

"I, _____, do hereby solemnly swear that I renounce absolutely and forever all allegiance and fidelity to any foreign potentate, state, sovereignty, and particularly to the _____, of which at this time I am a subject or citizen; that I will support and defend the Constitution of the Philippines and that I will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities of the Republic of the Philippines; and I hereby declare that I recognize and accept the supreme authority of the Republic of the Philippines and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion.

So help me God."

Sec. 145. *Books and Records.* — The Citizenship and Naturalization Department of the Commission shall keep two books: one in which the petitions shall be recorded in chronological order, noting all proceedings thereof from the filing of the petition to the final issuance of the certificate of naturalization; and another, which shall be a record of naturalization certificates, each page of which shall have a duplicate copy which shall all be duly attested by any member of the Board of Special Inquiry concerned.

Sec. 146. *Retention of Fees.* — The Commission shall retain fifty percent (50%) of the payment made under these naturalization proceedings to be used for the operating expenses of the Commission.

Chapter 5 — Effects of Naturalization

Sec. 147. *Effects on Wife and Children.* — Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized under the provisions of this Act shall be deemed a citizen of the Philippines, and minor children of persons naturalized under this Act, who have been born in the Philippines, shall be deemed citizen thereof: Provided that they shall first qualify and be recognized as such by the Commission.

Sec. 148. *Children Born Prior to Naturalization of Parent.* — A foreign-born minor child, if dwelling in the Philippines at the time of the naturalization of the parent, shall automatically become a citizen but a foreign-born child, who is not in the Philippines at the time the parent is naturalized, shall be deemed a citizen only during his minority. However, he may continue to be a citizen even after reaching the age of majority or eighteen (18) years of age: Provided, that he shall first qualify and be recognized as such in the Commission.

Sec. 149. *Children Born Outside the Philippines after Naturalization.* — A child born outside the Philippines after the naturalization of his father shall be considered a citizen, subject to prior recognition of his citizenship by the Commission.

Sec. 150. *Effects of Petitioner's Death Before Finality of the Order.* — In case a petitioner dies before the final decision has been rendered, his widow and/or minor children may continue the proceedings. The decision rendered in the case shall, insofar as the widow and minor children are concerned, produce the same legal effect as if it had rendered during the lifetime of the petitioner.

Chapter 6. — Cancellation of Naturalization Certificate

Sec. 151. *Cancellation of Naturalization Certificate.* — Upon motion made in the proper proceedings by the Solicitor General or by the provincial or city

prosecutor concerned or by any concerned citizen, the Commissioner, upon hearing by and recommendation of the Board of Special Inquiry concerned, may cancel naturalization certificate issued and its registration in the proper civil registry shall be ordered revoked and considered null and void:

(a) if it is shown that said naturalization certificate was obtained fraudulently by means of any false and fictitious statements or documents, misrepresentations, or concealment of material facts; or

(b) if it is shown that the naturalized citizen has allowed himself to be used as a dummy in violation of the Constitution or any provision of law requiring Philippine citizenship as a requisite for the exercise, use or enjoyment of a right, franchise, or privilege; or

(c) if it is shown that the minor children of the person naturalized failed to finish high school in a public school or recognized by neglecting to support the education of any such children;

Any person who claims to be a citizen by virtue of the naturalization of a parent or spouse whose certificate of naturalization has been ordered revoked and cancelled on any of the grounds set forth in this section, shall be deemed to have lost his Philippine citizenship and any right or privilege of a citizen which he may have or may hereafter acquire under and by virtue of the naturalization of such parent or spouse. If said person wishes to continue to stay in the Philippines, he must apply for an appropriate visa as provided under this Act.

TITLE VII MISCELLANEOUS PROVISIONS

Chapter 1. – Legalization of Unlawful Residence of Qualified Foreign Nationals

Sec. 152. *When to File Application.* – The provisions of this Act notwithstanding, any foreign national whose stay in the Philippines is otherwise unlawful under existing laws and who desires to reside permanently in the Philippines may apply for the legalization of his stay which shall be filed with the

Commission on Immigration and Naturalization within one (1) year from the effectivity of the rules and regulations to implement the provisions of this Act.

Sec. 153. *Qualifications and Requirements.* — Any foreign national who wants to avail himself of the benefits under this Act must establish that:

(a) He has remained unlawfully in the Philippines for a period of at least five (5) years prior to filing of his application for legalization;

(b) He has, during the last five (5) years prior to the filing of his application, been continuously present physically in the country: Provided, that he shall not be considered to have failed to maintain continuous physical presence by virtue of brief, casual, and innocent absences from the Philippines;

(c) He possesses minimal understanding and knowledge of either English or any of the major dialects of the Philippines. Provided that the Commissioner may waive this requirement in the case of a foreign national who is sixty-five (65) years of age or over;

(d) He has no pending deportation case, or criminal case whereby he may be subject to deportation, or he is not engage in any activity where by he may be subject to deportation: Provided, that in case of dismissal of a deportation or criminal case against him, he may and could avail himself of the benefits under this Act.

Sec. 154. *Who are Qualified.* — The following foreign nationals are disqualified from availing themselves of the benefits under this Act:

(a) Those who are suffering from any mental disorder or are afflicted;

(b) Those who have been convicted by final judgment, any crime or offense involving moral turpitude during the entire period of his stay in the Philippines;

(c) Those who are fugitives from justice of any country;

(d) Those who have been convicted by final judgment of any crime or offense where the penalty imposed is imprisonment for more than one year or a fine exceeding ten thousand (10,000) pesos;

(e) Those who have been found guilty of unfair labor practices;

- (f) Those who are shown to have defrauded their creditors by absconding or alienating properties to prevent their being attached or executed;
- (g) Those who are indigents or likely to become public charges; and
- (h) Those who have been identified by competent authorities are involved or are sympathizers of terrorism, human smuggling and human trafficking.

Sec. 155. *Filing Fees.* — A filing fee of fifty thousand pesos for the applicant, ten thousand for the spouse and five thousand for each minor child shall be paid upon submission by a foreign national of his application for legalization of his residence which amounts are not refundable. Such fees may be adjusted, as the Board of Commissioners may deem necessary.

Sec. 156. *Filing of the Application: Its Effects.* — Any foreign national who has a pending application for legalization of residence under this Act shall not be subject to deportation proceedings.

Sec. 157. *Death of Applicant: Its Effects.* — In cases where the foreign national should die before the decision is rendered on his application, any decision rendered shall, insofar as the wife and unmarried children are concerned, produce the same legal effect as if the decision was rendered during the lifetime of the applicant.

Sec. 158. *Period to Resolve Applications.* — All applications filed under this Act shall be decided by the Board upon recommendation by the Board upon recommendations by the Board of Special Inquiry. All decisions of the Board shall become final and executory after fifteen (15) days from receipt of the notice and copy of the decision of the applicant or his counsel. The Board shall entertain only one motion for reconsideration, which must be filed in writing within fifteen (15) days from receipt of the notice and copy of the decision by the applicant or his counsel of record

Sec. 159. *Effect of Approval and Consequences of Denial.* — Any foreign national whose application for legalization under this Act has been approved shall pay a legalization fee of fifty thousand pesos (P50,000.00) for the applicant, twenty-five thousand pesos (P25,000.00) for the spouse and ten thousand pesos (P10,000.00) for each minor child for such legalization to be implemented. The Board of Commissioner's may adjust such fees whenever they deem necessary. He shall be

deemed to have been lawfully admitted for permanent residence in the Philippines as of the date of approval of his application. In case of denial, the applicant and his dependents, if any, shall be ordered to leave the country at their own expense, without prejudice to their returning to the Philippines and applying for adjustment of their status from temporary visitor to some other category or classification as non-immigrants or immigrants: Provided that the Commissioner may waive their physical departure if it is impossible or impracticable, or would result in exceptional and extreme hardship to the foreign national and his dependents, if any.

Sec. 160. *Waiver of Requirement by the Commissioner and Non-applicability of some Limitations.* — For purposes of this Act, the reciprocity requirement of immigrants may be waived by the Commissioner: Provided that such waiver shall not be exercised if it contravenes or is opposed to public interest or national security considerations. Similarly, the limitation for quota immigrant under this Act shall not apply to the legalization of unlawful residence and the status of a foregoing national as immigrant under this Act.

Sec. 161. *Non-disclosure of Information.* — Any employee of the Commission shall not:

- (a) Use any information furnished pursuant to an application filed under this Act for any purpose other than to make a determination of the application for an enforcement of penalties for false and misleading statements in the application;
- (b) Make any publication whereby any information furnished may identify a particular individual; or
- (c) Permit anyone, other than the duly authorized officials and employees of the Commission, to examine individual applications;

Sec. 162. *Disposition of the Fees Collected.* — The Commission shall retain 50% of the payments received under these legalization proceedings and shall deposit the same in a special account in any government depository bank, same to be made available, without any fiscal year limitation, to cover administrative and all other expenditures which may be incurred in connection with the implementation of this legalization program and also for the general enforcement of this Act.

SEC. 163. Requirement of Registration. — 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, after fifty-nine (59) days from their arrival in the Philippines.

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

Sec. 164. Registration, Form and Oath. — 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.

Sec. 165. Notice for Change in Address. — 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.

Sec. 166. Presentment of Alien Certificate of Registration. — 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 copy thereof. Failure to do so without justifiable cause shall subject such alien to an administrative fine.

Sec. 167. Reportorial Requirement. — Every alien registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Commission. An annual report fee as prescribed by the Commission shall be paid by the alien.

Sec. 168. Compliance by Minors of Registration Requirement. — The parent or legal guardian of aliens below fourteen (14) years of age shall have the duty of complying with registration, notice and reporting requirements prescribed in this Act.

Sec. 169. Failure to Comply with Registration Requirement. — An alien or the parent or legal guardian of an alien who fails without justifiable cause to comply with the registration, notice and reporting requirements, provided in this

Act, or who files an application for registration containing statement known by him to be false, or who utilizes a registration certificate other than his own, shall be subject to the appropriate administrative fine as prescribed in the implementing rules and regulations of the Commission.

Sec. 170. *Surrender of Alien Certificate of Registration.* — In the case of the death of an alien registered under the provisions of this Act, his legal heirs, representative or administrator must surrender the Alien Certificate of Registration of said deceased alien to the Commission within sixty (60) days from date of death. The Local Civil Registrar or other civil registry officer of the locality where said alien died shall also furnish the Commission with a copy of the certificate of death of said alien within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements of this section shall subject the offender to the appropriate fine or sanction as prescribed in the implementing rules and regulations of the Commission.

Chapter 3. — Head Tax

Sec. 171. *Head Tax; Amount Thereof, and By Whom Payable.* — A tax of five hundred (P500.00) pesos shall be collected from every foreign national who is fourteen (14) years of age or over admitted into the Philippines for a temporary stay exceeding sixty (60) days, or from every foreign national whose stay in the Philippines has exceeded sixty (60) days, which tax shall be paid to the Commission.

Chapter 4. — Bonds and Deposits

Sec. 172. *Bonds, When Exacted.* — 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.

Sec. 173. *Requirement of Cash Deposits for Overtime Services.* — 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.

Sec. 174. *Cancellation and Forfeiture of Bonds.* — 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 cancelled 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.

Chapter 5. — Recognizance

Sec. 175. *Petitions for Recognizance Sanction for Breach of Conditions.* — The Commissioner may order the release of an alien upon recognizance of his lawyer or a person who is of good standing in the community, under such terms and conditions as he may prescribe. Any lawyer, individual or a juridical person who fails to comply with any term or condition of the recognizance entered into by him shall be subject to a fine of not more than one hundred thousand pesos (P100,000.00) but not less than ten thousand (P10,000.00) pesos, without prejudice to administrative sanction and or disbarment proceedings, if appropriate and warranted, in the case of a lawyer. If non-compliance under this section is committed by a foreign diplomatic or consular officer, he shall be reported to the ambassador of his country and to the Secretary of Foreign Affairs. If committed by a travel agency, it shall be barred from transacting business with the Commission or to enter its premises. In all cases, the erring individual or agency shall be fined an amount of not more than one hundred thousand pesos (P100,000.00) but not less than ten thousand pesos (P10,000.00).

Chapter 6 –Human Trafficking and Alien Smuggling

Sec. 176. *Human Trafficking and Alien Smuggling, Defined.* – As used herein, "Human Trafficking" shall refer to the illicit and profit-motivated transportation of persons, especially women and children across international borders, with or without their consent or knowledge, by small crime rings or international criminal syndicates, for purposes of sexual exploitation or clandestine labor under inhumane, abusive, and slave-like conditions. Alien Smuggling shall refer to any of the following acts:

(a) The recruitment, transfers, development or travel of any alien with or without the alien's consent or knowledge, or other illegal means for landing or entry into the Philippines without valid passport visa or travel documents.

(b) The recruitment, transfers, deployment or travel of any alien with or without the alien's consent or knowledge, or other illegal means for landing or entry into the Philippines with valid passport, visa or travel documents but without proper inspection, admission and clearance by immigration officials.

(c) The entry of an alien into the Philippines not duly admitted by an immigration official or not lawfully entitled to enter or reside within the Philippines under the terms of the immigration laws.

(d) Being an alien shall for any fraudulent purpose obtains entry into the Philippines by willful, false or misleading representation or willful concealment of a material fact, including the use of falsified visa, passports or travel documents.

Alien smuggling may be committed by the alien himself, any person, group of persons, corporation, associations, clubs or other entity aiding, harboring; concealing, employing or giving comfort to the alien mentioned herein.

Sec. 177. *Arrest of Those Involved in Alien Smuggling and Human Trafficking.* – Immigration officers and agents and police officers, agents of the National Bureau of Investigation and other agents of law enforcement units duly deputized may arrest an alien and any person, group of persons, officers or corporations, associations, clubs or other entity aiding, harboring, concealing,

employing or giving comfort to the alien mentioned herein on violations of the preceding section. The arresting officer shall within twenty-four (24) hours after the arrest have been made, turn over the arrested alien to the Law and Investigation Department for investigation to be conducted by the legal officer.

Sec. 178. *Complaints for Acts of Alien Smuggling and Human Trafficking.* — Complaints for Acts of Alien Smuggling and Human Trafficking shall be evaluated by a legal officer of the Law and Investigation Division. Should there exist a prima facie case of alien smuggling, the Immigration Prosecutor shall file with the Board of Special Inquiry the Deportation Charge against the alien concerned for deportation proceedings.

The Law and investigation Department shall likewise prepare a complaint affidavit for filing with the office of the prosecutor for possible filing of criminal charges before the courts against the alien and those other persons who aided, harbored, concealed, employed, or gave comfort to the alien.

The final deportation order shall be stayed while the criminal case is pending.

Chapter 7. — Liaison With Internal Security Officers

SEC. 179. *Liaison With Internal Security Officers.* — 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.

Chapter 8. — Designation Of Ex Officio Special Agents

SEC. 180. *Designation of Personnel as Ex-Officio Special Agents.* — 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 I 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.

SEC. 181. *Supervision Over Ex-Officio Special Agents.* — Ex officio special agents shall be under the general supervision of the Regional Immigration Supervisors under whose jurisdiction the municipality is located, and shall perform such duties and functions as indicated in their designation. Pending issuance of the rules and regulations governing enforcement of the preceding section, 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, 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 as fore cited.

Chapter 9. — Fees and Charges

SEC. 182. *Authority of the Commissioner to Collect Fees and Charges.* — The Commissioner 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.

Chapter 10. — Administrative Fines Against Vessels or Aircraft

Sec. 183. *Fine for failure to submit crew list, passenger manifest or failure to account every passenger and crew.* — Any vessel arriving at a port in the Philippines from a place outside thereof who fails to submit to the immigration authorities the crew list and/or passenger manifest as provided in Sections 48 and 97 hereof, or fails to produce satisfactorily or account for every crewmember or passenger, whose name appears in said list, 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 failure to submit a complete, true and accurate report and a fine of fifty thousand pesos (P50,000) for each unaccounted person.

Sec. 184. *Fine for violation of obligation on the landing or removal of aliens.* – Any vessel arriving at a port of the Philippines from a place outside thereof and violates any of the provisions in Sections 86 and 119 hereof shall pay to the Commission a fine of not less than fifty thousand pesos (P50,000.00) but not more than two hundred thousand pesos (P 200,000.00) for each violation as may be determined by the Commissioner.

Sec. 185. *Fine imposed for bringing undocumented alien or aliens afflicted with a disease or a physical or mental disorder, which are loathsome, communicable or incurable.* – If any vessel arriving at a port in the Philippines from a place outside thereof bring 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 one hundred thousand pesos (P100,000.00) in the case of each such person brought. If the alien is afflicted with a disease or a physical or mental disorder which are loathsome, communicable or incurable, the fine to be imposed shall be not less than two hundred thousand pesos (P200,000.00) but not more than three hundred thousand pesos (P 300,000.00) in the case of each such person brought as may be determined by the Commissioner,

Sec. 186. *Fine imposed for bringing an alien signed on the ship's article to assist his illegal entry or falsely represents an alien as a member of the crew.* – If any vessel arriving at a port in the Philippines from a place outside thereof bring on board an alien bound for the Philippines with an intention to permit or assist said alien in violation of the provisions of this Act or falsely represents to the consular officer at the time of application of visa or to the immigration officer at the port of arrival in the Philippines to be a bona fide member of the crew, the pilot, master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of not less than one hundred thousand pesos (P 100,000.00) but not more than two hundred thousand pesos (P 200,000.00) in the case of each such person brought as may be determined by the Commissioner.

Sec. 187. *Fine for violation of provisions of the act.* – Any vessel arriving at a port of the Philippines from a place outside thereof and violates any of the

provisions of this Act not specifically discussed in this Chapter shall pay to the Commission a reasonable fine as may be determined by the Commissioner which shall in no case be less than fifty thousand pesos (P50,000.00) but not more than two hundred thousand pesos (P 200,000.00) for each violation.

Chapter 11. – Other Penal Provisions

SEC. 188. *Acts Penalized, against whom and penalty imposed,* – A fine of not less than One hundred pesos (P100,000.00) but not more than One million pesos (P1,000,000.00), provided no other cases are filed against the alien in the regular courts of law, shall be imposed 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 resides 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) hereof 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) hereof 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.

SEC. 189. *Penalty for Non-compliance of a Subpoena.* — 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 then who fails to observe the provisions of this Act.

Sec. 190. *Penalty for Overstaying Crewmen.* — Any alien crewman who willfully remains in the Philippines beyond the period allowed him for temporary landing shall be guilty of an offense, and upon conviction thereof shall be fined of not less that fifty-thousand pesos (P50,000.00) but not more than one hundred thousand pesos (P 100,000.00) or imprisonment of six (6)months or both at the discretion of the Board, and shall be summarily deported after his release from confinement.

Sec. 191. *Penalties on Fraudulent Applications.* — Any foreign national who makes any fraudulent application on materially false and misleading statements therein, regardless of whether or not the application is granted, shall, upon conviction, be punished with imprisonment of not less than one year but not more than five (5) years or a fine of not less than fifty thousand pesos (P50,000.00) but not more than one hundred thousand pesos (P100,000.00), or both at the discretion at the court, and summarily deported after serving the entire period of his

imprisonment. This shall be without prejudice to prosecution for any other acts committed in connection with his application, which are punishable under existing laws. In cases where the application has already been approved, the conviction by final judgment of any offense punishable under this Act or other laws arising from acts committed in connection with his application shall automatically revoke the legalization of the residence and status in the Philippines of the applicant, including his wife and unmarried children, if any.

Sec. 192. *Penalty for Tampering and or Alteration of Naturalization Certificate.* — Any individual who shall fraudulently make, falsify, forge, change, alter or cause or aid any person to do the same; or who shall purposely aid and assist in falsely making, falsifying, changing, or altering a naturalization certificate for the purpose of making use thereof, or in order that the same be used by another person or persons; and any person, who shall purposely aid or assist another in obtaining a naturalization certificate in violation of the provisions of this Act shall be punished by a fine of not less than fifty thousand pesos (P 50,000.00) but not more than two hundred thousand pesos (P200,000.00) or by imprisonment of not less than five (5) years or both, and in the case that the person convicted is a naturalized citizen, his certificate of naturalization and the registration of the same in the proper civil registry shall be ordered cancelled

Sec. 193. *Penalty for Human Trafficking and Alien Smuggling.* — Any person found guilty of committing any of acts enumerated in Section 176 shall suffer the penalty of prison mayor and a fine of one million pesos (P1, 000,000.00) but not more than two million pesos (P2,000,000.00) for each alien smuggled into the Philippines: Provided, that if the offender is a foreigner, he shall be immediately deported, Provided that there are no other case filed and/or pending against the alien in the regular courts of law after service of his sentence and be barred permanently from entering the country again except if the offender is married to a Filipino citizen, he shall be barred from entering the country for a period of five (5) years. If the offender is an agency, corporation, association, club or establishment, or any place of entertainment committing any of the acts enumerated in Section 176, the owner, president, head, manager, or any responsible official shall suffer the penalty herein provided. The registration with the Securities and Exchange Commission (SEC) and license to operate of the agency, corporation, association, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, or head manager thereof shall not be allowed to operate similar establishments in a different name.

Sec. 194. *Penalty for Terrorists.* — Any alien found engaging in, supportive of any terrorist activity and/or abetting a terrorist shall be meted a penalty of not less than five (5) years imprisonment and a fine of One Million Pesos (P1,000,000.00) but not more than two (2) million, Provided that immediately after the service of sentence, said alien shall be immediately deported and perpetually barred from entering the Philippines.

Sec. 195. *Penalty for Exploitation of Natural Resources and/or violation of Environmental Protection laws.* — Any alien caught disturbing/exploiting or attempting to disturb/exploit our natural resources without the appropriate permit or violating any of our environmental protection laws, rules and regulations shall without prejudice to the filing of appropriate charges or institution of deportation proceedings be made to pay and administrative fine of one-hundred thousand (P100,000.00) pesos, plus cost of the property damaged as may be determined by the Department of Environment and Natural Resources (DENR).

Sec. 196. *Penalty for violation of other provisions of the act.* — Any other violations of this Act, which penalties are not specifically provided for, as well as the rules or regulations of the Commission which may hereafter be promulgated shall be subject to a reasonable penalty as may be determined by the Commissioner shall be penalized vessel arriving at a port of the Philippines from a place outside thereof and violates any of the provisions of this Act not specifically discussed in this Chapter shall pay to the Commission a reasonable fine as may be determined by the Commissioner which shall in no case be less than fifty thousand pesos (P50,000.00) but not more than two hundred thousand pesos (P 200,000.00) for each violation.

Chapter 12. — Funding

SEC. 197. *Funding.* — In additional 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, 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.

Chapter 13. — Transitory Provisions

Sec. 198. *Interim Period.* — The incumbent Commissioner and the two associate commissioners and the present immigration manpower complement shall continue to exercise the powers and discharge the duties and responsibilities of their position and carry out the provisions of this Act for a period of one year from the date of its enactment into law and until such time that the members of the Commission are duly appointed by the President, and the new organizational, functional and manpower chart have been finalized.

SEC. 199. *Staffing Pattern and Salary Scale.* — 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 of the Department of Budget and Management for approval, which shall be in accordance with the Salary Standardization Law and other applicable laws under the National Compensation and Classification Plan.

SEC. 200. *Organization of the Commission.* — Upon approval of this Act, all employees of Bureau of Immigration covered by the civil service law and regulations shall continue to hold their present positions pending the organization of the Commission in accordance with the new staffing pattern: Provided however, That in the event that the positions are abolished in accordance with the reorganization, the affected employees shall be given first priority in the appointment or promotion to the newly created positions to which they may qualify; Provided further that no incumbent qualified employee of the Bureau of Immigration shall be unjustly separated from service; Provided finally that any qualified employee who cannot be absorbed by the Commission shall be entitled to a separation pay of two months (2) pay for every year of service and other benefits under existing retirement laws, at the option of the personnel concerned. Provided further that employees who have been dismissed for cause will no longer qualify for any position in the Commission.

Sec. 201. *Inventory and Transfer of Properties to the Commission.* — 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.

Sec. 202. Forms. – Naturalization certificate and other blank forms required for carrying out of the provisions under this Act shall be printed on security paper with identifying watermarks and other security features.

Sec. 203. Policies, Rules and Regulations. – The Commissioner shall promulgate the necessary rules and regulations for the proper implementation and enforcement of the provisions of this act, which rules and regulations shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Chapter 14– Repealing Clauses

Sec. 204. 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 76 and 78 hereof, 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, or as to such acts, things, or matters, 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.

Sec. 205. Section 70 of Act No. 279, 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.

Chapter 14– Separability Clause

SEC. 206. Separability Clause. – If any of the provisions of this Act is held invalid or unconstitutional, the other provisions thereof shall not be affected thereby.

Chapter 15 – Effectivity Clause

SEC. 207. *Effectivity Clause.* – This Act shall take effect after its complete publication in at least two (2) newspapers of general circulation.

Approved,