


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



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SENATE

S.B. No. 1556

RECEIVED 

Introduced by Senator LOREN LEGARDA

AN ACT CREATING THE COMMISSION ON IMMIGRATION, DEFINING ITS POWERS AND FUNCTIONS, EXPANDING, RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Explanatory Note

This bill seeks to reorganize and rename the Bureau of Immigration to the Commission on Immigration, to be the government agency principally responsible for the administration and enforcement of laws, rules, and regulations concerning the entry and admission into, stay, and departure from the Philippines of all persons.

This bill recognizes the need for a strengthened immigration agency in response to the modernization of structures and mechanisms necessary for the efficient administration of immigration laws, and for the promotion of international order by preventing and denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, and other criminal activities.

Further, this measure will enhance the quality of the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their organizational development.

For these reasons, passage of this bill is earnestly sought.


LOREN LEGARDA

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AN ACT CREATING THE COMMISSION ON IMMIGRATION, DEFINING ITS POWERS AND FUNCTIONS, EXPANDING, RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE COMPENSATION AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

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

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

- (a) The admission of foreign nationals for the purpose of encouraging and enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;
- (b) The need to support the country's technological and scientific development;
- (c) Promotion of conditions for social welfare and economic security of the people;
- (d) Compliance with obligations and standards set by international law in the admission or exclusion of foreign nationals;
- (e) Promotion of international order and justice by preventing and denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal and other nefarious activities;
- (f) Modernization of structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and

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

Section 3. Definition of Terms. – As used in this Act, the following terms are defined as follows:

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

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

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

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

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

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

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

(h) "Commissioner" and "Deputy Commissioner" refer to the Commissioner Of Immigration and the Deputy Commissioner of Immigration, respectively;

(i) "Commitment Order" refers to an order issued by the Commissioner under Section 7(c)(2) of this Act that directs the taking into custody of a foreign national after it has been determined that a probable cause exists that the foreign national committed acts and/or omissions in violation of Philippine immigration laws, rules and regulations, or during the pendency of deportation case against such foreign national: *Provided*, That such custody shall not exceed three (3) months, unless there exists other legal grounds for continued custody;

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

(k) "Derogatory Information" refers to details about persons and travel documents relating to immigration consisting of the following:

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

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

(3) "Watch list Order" refers to an order issued by the Commissioner under this Act that requires immigration personnel to monitor the travel of any person for a period of sixty (60) days, extendible for

another sixty (60) days and to notify the concerned government agencies of the Philippines.

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

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

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

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

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

(q) "Immigration Officer" refers to any person appointed under Section 26 of this Act or any employee of the Commission designated by the Commissioner to perform the powers, duties and functions of an Immigration Officer as specified under this Act. The Immigration Officers shall be considered as the gate keepers and border control officers of the country;

(r) "Immigration Police" refers to any person appointed under Section 29 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. The Immigration Police shall be considered as the armed component of the Commission;

(s) "Intelligence Officers" refers to any person appointed under Section 28 of this Act or any employee of the Commission designated by the Commissioner to perform the powers, duties and functions of an Immigration Officer as specified under this Act. The Intelligence Officers shall be considered as the armed component of the Commission;

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

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

(v) "Non-refoulement" refers to a principle of international law which prohibits the forced return of a refugee to the state or territory where one's life or liberty would be threatened;

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

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

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

(z) "President" refers to the President of the Republic of the Philippines;

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

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

(cc) "Secretary" refers to the Secretary of the Department of Justice;

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

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

(ff) "Vessel" refers to all means of conveyances, whether aircraft or sea craft;

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

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

Section 5. Composition and Qualification. - The Commission shall be administered by the Board of Commissioners headed by the Commissioner as Chairperson, and two (2) Deputy 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, holders of a college degree and with proven capacity for administration: *Provided*, That the majority of the members shall be members of the Philippine Bar in good standing for at least five (5) years.

Section 6. Powers and Functions of the Board. - The Board shall have the following powers and functions:

(1.) Quasi-judicial:

(a) Decide on applications and/or cases relative to:
(1) Deportation;

- (2) Revocation of immigration status;
- (3) Reacquisition and retention of Philippine citizenship under RA 9225;
- (4) Issuance and revocation of all visas and permits;
- (5) Declaration of indigence; and
- (6) Legalization of residence in accordance with law; and

- (b) Cite and punish for contempt in relation to the discharge of its quasi-judicial functions in accordance with the Rules of Court;

(2.) Rule making:

- (a) Prescribe and promulgate rules of proceedings before it;
- (b) Prepare and publish operations manual and rules of procedure, including schedule of fees, for all transactions entered into by the Commission with the public; and
- (c) Formulate policies, directives, programs and projects of the Commission.

Perform such other powers and functions as provided by existing laws, rules and regulations not inconsistent with any of the provisions of this Act.

Section 7. Decisions of the Board. – In all cases or proceedings before the Board, the decision of the majority shall prevail. Decisions of the Board shall become final and executory fifteen (15) days from receipt thereof. Only one (1) motion for reconsideration shall be filed with the Board.

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

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

Section 9. Meetings of the Board. – In all cases, the Board of Commissioners shall convene and act as a collegial body in all matters referred to in Section 10 of this Act. The Board shall meet at least once a week or, if necessary, twice a week. Members of the Board shall be notified accordingly and the presence of the Chairperson and one (1) member shall constitute a quorum.

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

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

- (a) Supervise, direct and coordinate the overall operations of the Commission;
- (b) Exercise control and supervision over the officers and personnel of the Commission, including but not limited to appointments, promotion, reassignments and other personnel movements, subject to existing civil service laws, rules and regulations. Provided, promotion of personnel shall be approved by the Department Secretary through the recommendation of the Commissioner;

1 (c) Issue, (1) letter orders after determination of the existence of probable cause for
2 the purpose of deportation; (2) commitment or release orders; (3) warrant of
3 deportation; (4) order to inspect the documents, premises and records of persons
4 covered by this Act and (5) derogatory information orders as defined in Section 3(k)
5 of this Act;

6
7 (d) Delegate authority to subordinate officers and employees of the Commission,
8 except with regard to powers and functions enumerated in the immediately
9 preceding paragraph, which may be delegated only to the Deputy Commissioners;

10
11 (e) Act on applications for issuance and extension of visas;

12
13 (f) Act on petitions for declaration of indigence;

14
15 (g) Control opening and closure of posts, landing places, airports or ports as
16 points of entry or exit, whether limited or unlimited;

17
18 (h) Increase, reduce or waive immigration fees, fines, penalties and other charges;

19
20 (i) Issue Certificate of Identification to foreign nationals who have been granted
21 Philippine citizenship;

22
23 (j) Deputize any official or employee of the national government and local
24 government units, including uniformed personnel of the Armed Forces of the
25 Philippines, the Philippine National Police and the Philippine Coast Guard to assist
26 immigration personnel in the performance of their duties and functions subject to
27 the concurrence of the Board;

28
29 (k) Authorize and prescribe the forms and the amount of cash bonds for the
30 provisional release of respondents in deportation proceedings;

31
32 (l) Impose reasonable fines and penalties for violation of immigration and alien
33 registration laws in accordance with this Act and the guidelines adopted by the
34 Commission;

35
36 (m) Provide an express lane for the rendition of services upon payment of
37 prescribed fees by persons served and to deposit in a government authorized
38 depository bank all such fees received under a trust fund that may be made
39 available for the payment of allowances to employees of the Commission, subject to
40 existing auditing and accounting rules and regulations;

41
42 (n) Accept donation of materials, equipment or technical services from any foreign
43 government, international or domestic organization, to upgrade the efficiency and
44 operations of the Commission;

45
46 (o) Submit to the President and Congress, annually or as may be directed, a report
47 on the:

48
49 (1) number and status of foreign nationals in the Philippines;

- (2) foreign nationals admitted or granted change of status as permanent residents;
- (3) foreign nationals who have been excluded or deported from the Philippines;
- (4) estimated number of illegal foreign nationals in the Philippines in each calendar year and actions taken to arrest them, by nationality grouping, for each region in the Philippines; and
- (5) such other transactions of the Commission;
- (p) Assign immigration employees to do overtime work or services pursuant to rules and regulations.
- (q) Determine the manning levels of immigration officers of the Commission nationwide in accordance with the number of arrivals in each port of entry as determined by the Board: *Provided*, That for every three hundred (300) passengers there shall be one (1) immigration officer in an eight-hour shift. *Provided further*, for every two (2) immigration officers, additional positions shall be created accordingly;
- (r) Prepare and submit supplemental budget of the Commission for the consideration of the Department of Budget and Management;
- (s) Prescribe such rules, regulations or other administrative issuances to carry out the provisions of this Act;
- (t) Prescribe the appropriate forms, bonds, reports, entries and other papers in accordance with this Act; and
- (u) Perform such other functions inherent to the Commission.

Section 12. Appointment and Rank of Deputy Commissioners. - There shall be two (2) Deputy Commissioners who shall be appointed by the President. They shall have the same rank, salary and privileges of an Assistant Secretary of a Department.

Section 13. Duties of Deputy Commissioners. - In addition to their duties as members of the Board, the Deputy Commissioners shall supervise a minimum of two (2) Directorates and one (1) regional office each as determined by the Commissioner.

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

Section 15. Powers and Duties. - The Executive Director shall:

- (a) Act as the Board Secretary in the meetings of the Board;
- (b) Advise and assist the Commissioner in the formulation and implementation of the objectives, policies, plans and programs of the Commission;

- (c) Supervise all the operational activities of the Commission;
- (d) Coordinate the programs and projects of the Commission and be responsible for its economical, efficient and effective administration;
- (e) Administer oaths in connection with all matters relating to the business of the Commission; and
- (f) Perform such other duties as may be assigned by the Commissioner.

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

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

Section 18. Powers and Functions of the BSI. – The BSI shall:

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

- (1) Deportation;
- (2) Revocation of immigration status;
- (3) Recognition of Philippine citizenship by reason of birth or marriage;
- (4) Legalization of residence in accordance with law; and
- (5) Issuance of visa for stateless person;

(b) Issue subpoena in cases being heard by the BSI;

(c) Cite and punish for contempt in the exercise of their quasi-judicial functions and in accordance with the Rules of Court;

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

(e) Administer oaths;

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

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

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

Section 20. Resolutions of the BSI. – Cases before the BSI shall be resolved within five (5) working days from the date the same are submitted for resolution.

Said resolution shall be submitted immediately to the Board for action.

Section 21. Creation and Compensation. – The basic monthly compensation of the following officials and employees shall be as follows:

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

Section 22. Directorates and Other Operating Offices of the Commission. -The Commission shall have the following directorates and other operating offices, namely:

A. Directorates:

- (1) Administration;
- (2) Finance and Logistics;
- (3) Information and Communications Technology;
- (4) Planning and Research;
- (5) Alien Registration;
- (6) Immigration Regulation;
- (7) Intelligence;
- (8) Law Enforcement;
- (9) Operation;
- (10) Legal; and
- (11) Human Resource Management and Development

B. Regional Offices shall be created according to political regions.

C. Districts:

- (1) Major Airports; and
- (2) Seaports

Section 23. Heads of the Directorates and Other Operating Offices.- Each Directorates and other operating offices shall be headed by a Director with a Salary Grade of 27. *Provided, however,* That Director for Legal shall be member of the Philippine Bar in good standing, and must have been engaged in the practice of law for at least three (3) years. The Director for Finance Division shall be a Certified Public Accountant in good standing for at least three (3) years.

Section 24. Duties and Functions of the Directorates and Other Operating Offices. – The directorates and other operating offices of the Commission shall have such number of different officers and employees to carry out their respective duties and functions as may be defined by the Commissioner in the implementing rules and regulations.

Section 25. Staffing Pattern. – The different directorates and other operating offices of the Commission shall have such number of officers and employees to carry out their respective duties and functions as may be defined by the Commissioner in the implementing rules and regulations.

Section 26. Immigration Officers. – No person shall be appointed to the position of Immigration Officer unless he or she meets the qualification standards set by the Commission. The Immigration Officers shall perform the following duties:

- 1 (a) Examine, with the assistance and advice of medical authorities in appropriate
2 cases, foreign nationals at the port of entry concerning their admissibility to enter
3 and their qualifications to remain in the Philippines;
4
- 5 (b) Exclude foreign nationals not properly documented, and to admit foreign
6 nationals complying with the applicable provisions of immigration and related
7 laws;
8
- 9 (c) Administer oaths in connection with the performance of their duties;
10
- 11 (d) Search for foreign nationals on any vessel believed to be used to illegally bring
12 foreign nationals into the Philippines, and to take into custody without warrant
13 any foreign national who in ones presence or view is entering or is about to enter
14 the Philippines in violation of immigration and related laws, rules and regulations;
15
- 16 (e) Act as control officer with authority to prevent the departure of passengers not
17 complying with departure requirements; and
18
- 19 (f) Perform such other functions as may be assigned by the Commissioner from
20 time to time. The Immigration Officers shall be considered as the gate keepers and
21 border control officers of the country and shall receive the benefits and privileges
22 given to uniformed personnel.
23

24 **Section 27.** Transfer of Duties, Powers, Functions, and Assets. - The functions,
25 powers, and assets of the Water Utilities Division of the National Water Resource
26 Board (NWRB), as set forth in Presidential Decree 1206, and other applicable laws
27 are hereby transferred to the Commission. In the same manner, the pertinent
28 economic regulation powers of LWUA as set forth under Presidential Decree No.
29 198, as amended; MWSS under RA 6234; PEZA under RA 7916; SBMA and under
30 RA 7227; CDC under RA 7227 and Executive Order 80; and TIEZA under RA 9593
31 are likewise hereby transferred to the Commission.
32

33 **Section 28.** Deployment of Immigration Personnel Abroad. - Within ninety (90)
34 days from the effectivity of this Act, the Department of Foreign Affairs and the
35 Commission shall promulgate the implementing rules and regulations on the
36 assignment and deployment of immigration personnel to select consular posts
37 abroad who shall, subject to the pertinent provisions of Republic Act No. 7157 or
38 the "*Philippine Foreign Service Act of 1991*", perform immigration duties, except
39 diplomatic and consular functions.
40

41 **Section 29.** Immigration Police. - No person shall be appointed to the position of
42 Immigration Police unless he or she meets the qualification standards set by the
43 Commission. The Immigration Police shall perform the following duties:

- 44 (a) Locate, arrest and conduct operations against foreign nationals in violation of
45 Immigration laws, rules and regulations;
46
- 47 (b) Enforce the immigration laws relating to the exclusion, deportation and
48 repatriation of aliens;
49
- 50 (c) Take charge of the physical detention of aliens pending their exclusion,
51 deportation or repatriation;
52
- 53 (d) Attend to the deportation of aliens;
54
- 55 (e) Monitor all arriving and departing suspected terrorists, drug couriers and other
56 crime syndicates;
57

- (f) Assist and escort deportees, excluded passengers and transiting restricted passengers until finally boarded;
- (g) Assists in the queuing of passengers at the arrival and departure areas;
- (h) Investigate and escort intercepted passengers who are found in possession of spurious travel documents from ports of entry;
- (i) Implement Warrant of Deportation (WOD) and Mission Orders involving foreign nationals in violation of Immigration laws, rules and regulations;
- (j) Represent the Commissioner in meetings, conferences and seminars involving enforcement of immigration laws, rules and regulations;
- (k) Perform such other tasks as may be directed by the Commissioner.

The Immigration Police shall be considered as the armed component of the Commission and shall receive the benefits and privileges given to uniformed personnel.

Section 30. Creation and Compensation. – The basic monthly compensation of the following officials and employees shall be as follows:

POSITION	SALARY GRADE
Immigration Police Director	27
Immigration Police Deputy Director	26
Immigration Police Colonel	25
Immigration Police Lieutenant Colonel	24
Immigration Police Major	21
Immigration Police Captain	18
Immigration Police Lieutenant	16
Immigration Agent I	15
Immigration Agent II	13

Section 31. Immigration Research Specialist. – No person shall be appointed to the position of Immigration Research Specialist unless he or she meets the qualification standards set by the Commission. The Immigration Research Specialist shall perform the following duties:

- (a) Formulates and implements the Bureau’s planning programs, projects and processes;
- (b) Facilitates organization and Commission wide strategic planning sessions;
- (c) Conducts workload assessment and forecasting;

- (d) Provides assistance to the Bureau in the implementation and establishment of a risk management process;
- (e) Implements a monitoring feedback measurement and evaluation system for the implementation of projects and programs;
- (f) Represents the Commission in meetings relating to Planning and Research; and
- (g) Perform such other tasks as may be directed by the Commissioner.

Section 32. Creation and Compensation. – The basic monthly compensation of the following officials and employees shall be as follows:

POSITION	SALARY GRADE
Chief Immigration Research Specialist	27
Supervising Immigration Research Specialist	25
Immigration Research Officer III	23
Immigration Research Officer II	21
Immigration Research Officer I	17
Immigration Research Assistant	15

Section 33. Human Resource Management Officer. – No person shall be appointed to the position of Human Resource Management Officer unless he or she meets the qualification standards set by the Commission. The Human Resource Management Officer shall perform the following duties:

- (a) Responsible for developing and executing human resource strategy in support of the overall plan and strategic direction of the Bureau specially in the areas of selection, hiring and promotion;
- (b) Handles and designs employee training module;
- (c) Develop comprehensive strategic recruiting and retention plans to meet the human capital needs of strategic goals;
- (d) Oversee recruitment, selection and promotion;
- (e) Prepares schemes to strengthen the relationship between management and employees;
- (f) Set strategic course for the Commission to improve its performance;
- (g) Set qualification standards and competency based modeling, hiring and promotion; and
- (h) Perform such other tasks as may be directed by the Commissioner.

Section 34. Creation and Compensation. – The basic monthly compensation of the following officials and employees shall be as follows:

POSITION	SALARY GRADE
Chief Human Resource Management Officer	27
Supervising Human Resource Management Officer	25
HR Management Officer III	23
HR Management Officer II	21
HR Management Officer I	17
HR Management Assistant	15

Section 35. Career Pattern.The Commission shall:

- a) Establish and strengthen the Philippine Immigration Academy which shall be under the control and supervision of the Commissioner;
- b) Create a continuing program to enhance the knowledge, skills and competence of Immigration Officers, Intelligence Officers, Immigration Police and other personnel through a career advancement training and education prior to their promotion; and
- c) Formulate training requirements to implement this provision.

Section 36.Field Offices of the Commission. - The Commission shall operate and maintain a field office in each of the administrative regions including the National Capital Region.

Section 37. Changes in the Composition, Distribution of Assignment of Field Offices. – The Commissioner may make changes in the composition, distribution and assignment of field offices, as well as its personnel, based on the demographics of the foreign nationals and as the exigency of the service requires.

Section 38.Border Control Stations. –There shall be established Border Control Stations which shall be manned by Border Control Officers appointed by the Commissioner. The Border Control Stations shall be placed in specific areas in the Philippines which shall be determined by the Board.

Section 39.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 under any one of the following categories may be admitted as non-immigrants:

- (a) Temporary visitors (A Visas):Visitors coming to the Philippines for a temporary period for reasons of business, pleasure or health:
 - (1) Business (A-1 Visa): Temporary visitors engaged in activities of a commercial or professional nature for a foreign employer or for themselves that will not result in gainful employment in the Philippines. As used herein, the term “business” refers to conventions, conferences, consultations and other legitimate

activities of a commercial or a professional nature, but does not include local employment or labor for hire;

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

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

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

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

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

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

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

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

- i. Heads of State and/or Heads of Government and their personal representatives;
- ii. Members of reigning royal families from countries recognized by the Philippine Government;
- iii. Governors-General, Governors, and High Commissioners of dependent territories and their personal representatives;
- iv. Cabinet ministers and their deputies, and officials with cabinet rank of ministers;
- v. Presiding officers of national legislative bodies;
- vi. Justices or judges of the highest national judicial bodies;
- vii. Diplomats and career consular officials on foreign assignment in the Philippines;

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

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

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

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

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

ii. Official participating in programs under the auspices of the Philippine Government or recognized international institutions; and

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

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

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

i. Diplomatic couriers regularly and professionally employed as such;

ii. All members of official special missions of a diplomatic character;

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

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

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

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

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

8
9 (g) Prearranged Employment (G Visa): Foreign nationals coming to the Philippines
10 on prearranged employment, including their family members accompanying or
11 following to join them within the period of their employment. This category includes
12 intra-company transferees, professionals, performing artists, athletes, and
13 cultural exchange workers under a work exchange program;

14
15 (h) Religious Workers (H Visa): Duly ordained or professional missionaries and
16 religious ministers, including members of their family, coming to the Philippines to
17 join a religious congregation or denomination duly registered with the Securities
18 and Exchange Commission, upon invitation, sponsorship or guarantee of such
19 religious congregation or denomination, solely for the purpose of propagating,
20 teaching and disseminating their faith or religion;

21
22 (i) Representatives of International Organizations and Government Agencies (I
23 Visa): For purposes of this Act, the term "accredited international organization",
24 includes any public international organization in the activities of which the
25 Philippines participates pursuant to any treaty or under the authority of any act of
26 the Congress of the Philippines authorizing such participation or making an
27 appropriation for such participation and such other international organizations,
28 institutions, agencies, programs, foundations and entities which are recognized by
29 the government of the Republic of the Philippines, including those existing and
30 already recognized as such at the time of the effectivity of this Act.

31
32 Foreign officials and staff of accredited international organizations, including their
33 dependent family members, staff, and household members shall be granted I-Visas
34 divided into four (4) types, namely:

35
36 (1) Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the principal
37 officials of international organizations, as well as their accompanying
38 wives and dependents.

39
40 (2) Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other
41 officials and staff of international organizations, as well as their
42 accompanying wives and dependents.

43
44
45 (3) Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials and
46 staff of international organizations who will perform short-term official
47 work with the international organization upon its invitation.

48
49 (4) Persons eligible for I-4 Visa: The I-4 Visa shall be issued to the private
50 employees and household members of persons to whom E-1 and E-2
51 visas have been granted, as well as their immediate dependents.

52
53 All visas under Section 29(i) of this Act shall be exclusively issued and renewed by
54 the Department of Foreign Affairs, which shall also determine the type of I-Visa of
55 officials and staff of International Organizations who are not identified in the
56 foregoing lists. The grant of immunities and privileges shall be subject to applicable
57 domestic and international law, relevant Headquarters Agreements, and
58 international agreements to which the Philippines is a party.

1 international agreements to which the Philippines is a party.

2
3 (j) Media Workers (J Visa): Foreign media personnel or correspondents, duly
4 accredited by the government agency concerned, who are bona fide representatives
5 of a foreign press, radio, satellite, television, film, or other information media, and
6 are coming to the Philippines solely to engage in gathering information principally
7 for dissemination abroad, including their family members accompanying or
8 following to join them during the period of the assignment in the Philippines;

9
10 (k) Exchange Visitors (K Visa): Foreign nationals entering the Philippines to teach,
11 study, observe, conduct research or receive training in a specific Exchange Visitor
12 Program duly approved by the Philippine Government;

13
14 (l) Refugees (L-1 Visa) and Stateless Persons (L-2 Visa): Refugees as defined in
15 Section 3 (z) hereof shall be issued L-1 Visa. Stateless persons, whose admission
16 for humanitarian reasons and not inimical to public interest has been approved by
17 the Commissioner or the President in such cases and under such conditions as he
18 may prescribe, shall be issued L-2 Visa;

19
20 (m) Bridging Visa (M Visa): A temporary visa which allows a foreign national to stay
21 in the Philippines after his/her current visa, other than temporary visitor visa
22 under Section 29(a), expires and while his/her application for adjustment of status
23 is being processed.

24
25 (n) Special Non-Immigrants (N Visas): Such other foreign nationals including
26 their family members who may be admitted as non-immigrants under special laws
27 or foreign nationals not otherwise provided for by this Act who are coming for
28 temporary periods only, and whose admission is authorized by the Commissioner
29 or the President in the interest of the public or for humanitarian considerations
30 and under such conditions as he may prescribe.

31
32 **Section 40.** Quota Immigrants.- Subject to conditions set forth in this Act, there
33 may be admitted into the Philippines, immigrants, otherwise known as "*quota*
34 *immigrants*", not to exceed two hundred (200) of any one nationality based on
35 immigration reciprocity for any one calendar year and upon allotment by the
36 Commissioner of the corresponding quota number. In the allotment of quota
37 numbers, the following order of preference shall be observed:

38
39 (a) First Preference: Those whose service and qualifications show high educational
40 attainment, technical training, specialized experience, or exceptional ability in the
41 sciences, arts, professions, or business as would reasonably enhance and
42 contribute substantial benefits prospectively to the national economy, or cultural
43 or educational interests or welfare of the Philippines, including their family
44 members, accompanying or following to join them, who shall likewise be allotted
45 individual quota numbers;

46
47 (b) Second Preference: Parents of a naturalized Philippine citizen;

48
49 (c) Third Preference: Spouses or minor children of foreign nationals who are lawful
50 permanent residents of the Philippines; and

51
52 (d) Fourth Preference: Parents of foreign nationals who are lawful permanent
53 residents of the Philippines.

54
55 **Section 41.** Allotment of Quota. - The Commissioner shall, with respect to the first
56 preference, allot not more than fifty percent (50%) of the annual quota allotment up
57 to the end of June each year: *Provided, however,* That if the fifty percent (50%) is
58 not utilized by the first preference, the balance thereof shall be given to the second,

1 third, and fourth preferences in accordance with Section 30 of this Act. Any
2 unused quota allotment for a calendar year cannot be carried over and utilized for
3 the ensuing calendar year.

4
5 **Section 42.**Basis in Determination of Quota Allotment. - The nationality of an
6 immigrant whose admission is subject to the numerical limitation imposed by
7 Section 30 of this Act shall be that of the country of which the immigrant is a
8 national or a citizen. The nationality of an immigrant possessing dual nationality
9 may be that of either of the two countries regarding him/her as a national or citizen
10 if he/she applies for a visa in a third country. If he/she applies for a visa within one
11 of the two countries regarding him/her as a national or citizen, his/her nationality
12 shall be that of the country in which he/she files his/her application for a visa to
13 enter the Philippines.

14
15 **Section 43.**Non-Quota Immigrants.— The following immigrants, known as
16 “non-quota immigrants”, may be admitted without regard to numerical limitation
17 and immigration reciprocity:

18
19 (a) The spouse of a Philippine citizen: *Provided, however,* That the abandonment
20 and failure to give support by the foreign spouse to his/her Filipino spouse and
21 family, legal separation, or termination of the marital status by annulment,
22 declaration of nullity of marriage or divorce where the cause is attributable to the
23 foreign spouse, shall constitute grounds for cancellation of the immigrant visa
24 issued to the foreign spouse;

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

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

32
33 (d) A child born subsequent to the issuance of an immigrant visa to the
34 accompanying parent, the visa not having expired or revoked;

35
36 (e) A foreign national who had been previously lawfully admitted into the
37 Philippines for permanent residence who is returning from a temporary visit
38 abroad to an unrelinquished residence in the Philippines;

39
40 (f) A natural-born citizen who becomes a naturalized citizen of a foreign country
41 and is returning to the Philippines for permanent residence therein, including
42 his/her spouse and minor children accompanying or following to join him/her; and

43
44 (g) Spouse, parent, children, legitimate siblings of a foreign national who is
45 gainfully employed and holder of a permanent resident status for a period of seven
46 (7) years.

47
48 **Section 44.**Status of Children Born to Immigrants.- A child born in the Philippines
49 to parents who are foreign nationals and lawful residents of the Philippines shall be
50 deemed a native-born permanent resident.

51
52 **Section 45.**Status of Children Born to Non-immigrants. -A child born to parents
53 who are both non-immigrants shall be deemed a native-born non-immigrant or
54 temporary resident and may remain in the Philippines only during the period of
55 authorized stay of the parents, unless he/she reaches the age of eighteen (18) years
56 while continuously residing in the Philippines, in which case he/she may apply for
57 naturalization under existing laws or for an appropriate visa.

1 resident if: (a) the foreigner makes an application for such adjustment; (b) the
2 foreigner is eligible to receive a quota or non-quota immigrant visa and is
3 admissible to the Philippines as a permanent resident: and (c) a quota immigrant
4 visa, if such is the case, is immediately available to him/her at the time of his/her
5 application, without the need of first departing from the Philippines. In all such
6 cases, the personal appearance of the foreigner shall be required during the
7 consideration of his/her application.
8

9 **Section 47.** Effect of Approval on Application for Adjustment. - Upon the approval
10 of an application for adjustment of status under the preceding section, the
11 Commissioner shall record the foreign national's lawful admission as a permanent
12 resident as of the date of the approval of the application and shall be included as
13 part of the quota for the calendar year in accordance with Section 30 of this Act.
14

15 **Section 48.** Adjustment of Status, When Not Allowed. - Adjustment of status
16 under Section 36 of this Act shall not be applicable to a foreign national: (a) who
17 has violated or is in violation of immigration laws, rules and regulations unless the
18 violation is without the fault of the foreign national or for purely technical reasons;
19 and (b) transients.
20

21 **Section 49.** Loss of Status. - A registered foreign national, except a temporary
22 visitor, who fails to return to the Philippines within a period of one (1) year from
23 departure shall loss his status. Otherwise, such foreign national shall apply for an
24 extension of the period within which to return prior to its expiration and pay the
25 prescribed fees and charges therefor in order to maintain ones visa category.
26

27 **Section 50.** Documentary Requirements of Non-immigrants. - Non-immigrants
28 must present for admission into the Philippines valid passports issued by the
29 governments of the countries to which they owe allegiance or other travel
30 documents showing their nationality and identity as prescribed by regulations, a
31 valid visa granted by the Philippine Consular Officer, if required, and such other
32 relevant documents as may be required under existing laws, rules, regulations, or
33 multilateral or bilateral agreements.
34

35 **Section 51.** Conditions and Period of Authorized Stay of Temporary Visitors. - The
36 initial period of authorized stay of a foreign national admitted as a temporary
37 visitor under Section 29(a) of this Act shall not exceed fifty-nine (59) calendar days
38 from the date of arrival, subject to bilateral, regional and multilateral visa
39 agreements entered into by the Philippines; *Provided*, That the conditions for
40 extensions and total period of authorized stay shall be prescribed by the
41 Commissioner: *Provided further*, That during the foreign national's authorized
42 stay: (a) he/she shall not take any employment, whether paid or unpaid; (b) he/she
43 shall not establish or join in any business; or (c) he/she shall not enroll and
44 become a student at a school, college, university, academy, or other educational
45 institution, unless he/she is granted, upon proper application, a conversion to
46 another immigration status provided under this Act.
47

48 **Section 52.** Conditions for Issuance of Pre-arranged Employment Visas. - A foreign
49 national who is coming to the Philippines for prearranged employment shall not be
50 issued a non-immigrant visa referred to in Section 29(g) until the Consular Officer
51 shall have received authorization for the issuance of the same. Such authorization
52 shall be given only upon the filing of a petition with the Board establishing, among
53 others, that no person can be found in the Philippines willing and competent to
54 perform the work or service for which the foreigner is desired and that the
55 admission would be beneficial to the public interest. The petition shall be under
56 oath by the prospective employer or the latter's representative in the form and
57 manner prescribed by the Board.
58

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

5 **Section 53.** Submission of Crew List and Passenger Manifest to the Commission. –
6 Simultaneous to the vessel's departure from the port of origin, the master, captain,
7 agent, owner or consignee of any commercial vessel arriving to the Philippines shall
8 submit to the Commission, within a reasonable time prior to such arrival, the crew
9 lists, passenger manifests and such other information concerning the persons
10 arriving on such a vessel. In the same manner and condition, the master, captain,
11 agent, owner or consignee of any commercial vessel departing from any port in the
12 Philippines shall submit to the Commission, within a reasonable time prior to such
13 departure, the crew list, passenger manifest and such other information
14 concerning the persons departing on such vessel. The crew list of an incoming sea
15 craft shall contain the appropriate visa granted by the Consular Officer.
16

17 **Section 54.** Inspection of Crew members. – It shall be the duty of the master,
18 captain, agent, owner or consignee of any vessel arriving in the Philippines to have
19 available on board, for inspection by the Immigration Officer, any foreign
20 crewmember employed on such vessel and to detain such crewmember on board
21 after inspection and to remove such crewmember when required by the
22 immigration authorities. No crewmember on board such vessel shall be discharged
23 while the vessel is in port without the permission of the Commissioner.
24

25 **Section 55.** Permission for Temporary Landing of a Foreign Crew member. - A
26 foreign crewmember on a vessel arriving in the Philippines may be permitted to
27 land temporarily under such conditions as may be prescribed by the Commissioner.
28 All expenses incurred by the Commission while the crewmember is on land shall be
29 borne by the master, captain, agent, owner or consignee of the carrying vessel.
30

31 **Section 56.** Documentary Requirements of Immigrants; Instances When Not
32 Required. - Immigrants must present for admission into the Philippines valid
33 passports or travel documents issued by the government of the country to which
34 they owe allegiance, showing their nationality and identity and valid immigrant
35 visas indicating the date of issue and the period of validity thereof. Immigrant visas
36 shall not be required of the following:
37

38 (a) A child born subsequent to the issuance of a valid immigrant visa to the
39 accompanying parent;
40

41 (b) A child born during the temporary visit abroad of the mother who is a lawful
42 permanent resident of the Philippines and a holder of a valid reentry permit, if the
43 child is accompanied by either parent within five (5) years from the date of the
44 child's birth; and
45

46 (c) A foreign national who is returning to an unrelinquished lawful permanent
47 residence in the Philippines after a temporary residence abroad and presents for
48 admission a valid reentry permit.
49

50 **Section 57.** Nature of Visa. - Nothing in this Act shall be construed to
51 automatically entitle any foreign national to whom a visa or other travel document
52 has been issued to enter the Philippines if, upon arrival at a port of entry, he/she is
53 found to be inadmissible under this Act or any other law.
54

55 **Section 58.** Visa Policy. – The policies governing the issuance, extension, renewal
56 and conversion of visas referred to in Sections 29 and 33 hereof shall be jointly
57 formulated by the Commission and the Department of Foreign Affairs and, when
58 appropriate, in consultation with concerned government agencies and offices.

Section 59. Visa Issuance Abroad. - All visas issued abroad shall be done by Consular Officers assigned at Philippine Foreign Service posts in the following manner:

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

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

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

Section 60. Requirements for Physical and/or Mental Examination Prior to Issuance of Immigrant Visa. - Prior to the issuance of an immigrant visa to any foreign national, the Consular Officer shall require such person to submit to a physical and mental examination in accordance with such regulations as may be prescribed by the Commissioner.

Section 61. Visa Validity Period. - A single-entry non-immigrant or immigrant visa issued by a Consular Officer abroad pursuant to Section 49 of this Act shall be valid for a period not exceeding three (3) months: *Provided:* That in prescribing the validity period of a single-entry non-immigrant visa, the Consular Officer may, insofar as practicable, allow a longer validity period based on reciprocity as accorded by the foreign country to citizens of the Philippines who are within a similar class.

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

Section 62. Denial of Visa, Grounds Thereof. - The Consular Officer may deny the application for visa (a) if it appears from the statements in the application or in the documents submitted the applicant is not eligible for a visa under this Act; or (b) if he/she fails to comply with the requirements of the provisions of this Act.

Section 63. Revocation of Visa Issued by Consular Officer. - The Commissioner may, for valid cause and upon confirmation by the Department of Foreign Affairs, revoke the visa issued by any Consular Officer. If the notice of revocation is not received and the visa holder applies for admission into the Philippines, his/her admission or entry shall be determined by the Immigration Officer upon his/her arrival at the port of entry.

Section 64. Re-entry. - Every time a registered foreign national, except a temporary visitor, departs or is about to depart temporarily from the Philippines with the intention to return within one (1) year from departure, the foreign

1 national must secure from the Commission a re-entry permit or if his/her
2 authorized stay is less than one (1) year, a Special Return Certificate and pay the
3 corresponding fees and charges therefor.
4

5 **Section 65.** Emigration Clearance. – A registered foreign national who departs
6 permanently from the Philippines shall surrender all Philippine immigration
7 documents to the Commission and apply for and be issued an Emigration
8 Clearance Certificate, subject to the following conditions:
9

10 (a) The immigrant has no pending obligation with the government or any of its
11 agencies or instrumentalities;
12

13 (b) The immigrant has no pending criminal, civil, or administrative proceeding
14 which requires continued presence in the country; and
15

16 (c) There is no ongoing legislative inquiry where the immigrant is called upon to
17 testify as a witness.
18

19 A temporary visitor departing from the Philippines shall, after the expiration of
20 initial authorized stay, apply for emigration clearance with the Commission and
21 pay the prescribed fees and charges therefor.
22

23 **Section 66.** Presidential Prerogatives.- Any provision of this Act to the contrary
24 notwithstanding, the President may:
25

26 (a) Deny the entry and admission into the Philippines of any foreign national or a
27 class of foreign nationals whenever the President finds that the entry would be
28 detrimental to the interest of the Philippines or impose such restrictions as he/she
29 may deem appropriate;
30

31 (b) Waive passport and/or documentary requirements for non-immigrants and
32 immigrants under such terms and conditions as he/she may prescribe;
33

34 (c) Change the status of non-immigrants by allowing them to acquire permanent
35 residence status without necessity of a visa;
36

37 (d) Deport any foreign national, subject to the requirement of due process;
38

39 (e) Admit non-immigrants not otherwise provided for in this Act for humanitarian
40 considerations and when not detrimental to public interest, under such terms and
41 conditions as he/she may prescribe;
42

43 (f) Prohibit the departure from the Philippines of any person who is likely to
44 disclose national security information, or who is likely to organize a rebellion
45 abroad against the Philippines, or whose presence in the country is necessary to
46 face, or be a witness in, criminal proceedings; and
47

48 (g) Exercise, with respect to foreign nationals in the Philippines, such powers as
49 are recognized by the generally accepted principles of international law.
50

51 **Section 67.** Authority to Classify Ports. – The Commissioner shall classify and
52 designate, from among the ports of entry established by law for immigration
53 purposes, limited or unlimited ports of entry through which foreign nationals may
54 be admitted into the Philippines. Only such classes of foreign nationals as provided
55 under the rules and regulations prescribed by the Commissioner may be admitted
56 at limited ports of entry. The Commissioner may, after due notice to the public,
57 close designated ports of entry in the interest of national security or public safety.
58

Section 68. Inspection by Immigration Officer. - A foreign national seeking admission or readmission shall present ones valid passport and visa, if required, to the immigration officer at the port of entry and shall be subject to primary inspection. The decision of the examining Immigration Officer, if favorable to the admission of any foreigner, may be challenged by another Immigration Officer. The final determination of admissibility of such foreign national shall be determined by the Commissioner in case no resolution is reached between the Immigration Officers on the challenged admission. In case of admission, the Immigration Officer shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

Section 69. Detention or Quarantine for Examination. - For the purpose of determining whether a foreign national arriving at any port in the Philippines belongs to any of the classes excludable under this Act by reason of being afflicted with any of the contagious or communicable disease or mental disorder set forth under Section 70(a) of this Act or whenever the Commissioner has received information showing that foreigners are coming from a country or a place where any of such diseases are prevalent or widespread, the foreigner shall be detained or quarantined for a reasonable period of time to enable the immigration and medical officers to subject such person to observation and examination.

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

Section 71. Arrival Notice Requirements of Vessel. - The immigration authorities shall be given prior notice of the arrival of any civilian vessel before such vessel comes into any area in the Philippines from any place outside thereof. Such prior notice shall not be required in the case of vessels with scheduled arrivals filed with the Immigration Officer in charge at the international port of entry.

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

Section 72. Contents of Notice of Arrival. - The advance notice of arrival required in the preceding section shall specify the following:

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

Section 73. Conditional Permit to Disembark. - A foreign crewmember of a vessel under Section 29(c) of this Act may be granted a conditional permit, in a form prescribed by regulations, to disembark temporarily from the vessel on which he/she arrived while such vessel remains in port under such terms and conditions as may be prescribed by the Commissioner.

Section 74. Confiscation and Cancellation of Permit; Deportation from the

1 Philippines. - Upon the determination that the foreign national is not a *bona fide*
2 crewmember or does not intend to depart on the vessel that brought him, the
3 Commissioner shall cancel and confiscate the conditional permit already issued,
4 take such foreign national into custody, and require the owner, operator, captain,
5 master, pilot, agent or consignee of the vessel on which the foreigner arrived to
6 receive and detain him/her on board. The expenses for removal of the foreign
7 national, including the cost of detention and other expenses incidental thereto,
8 shall be borne by the owner, operator, captain, master, pilot, agent or consignee of
9 such vessel.

10
11 **Section 75.** Liability for Overstaying Foreign Crewmen. - A foreign crewmember
12 who remains in the Philippines in excess of the period allowed in the conditional
13 permit issued to him shall be solidarily liable with the owner, operator, captain,
14 master, pilot, agent or consignee of the vessel to pay the penalties prescribed in
15 Section 115 of this Act.

16
17 **Section 76.** Liability for Unauthorized Discharge of Foreign Crewmember.- It shall
18 be unlawful for any person, including the owner, operator, captain, master, pilot,
19 agent or consignee of any vessel to discharge any foreign crewmember employed by
20 a vessel arriving in the Philippines and whilst in port, without first obtaining the
21 prior permission of the Commissioner. Otherwise, such person or owner, operator,
22 captain, master, pilot, agent or consignee of the vessel shall pay the Commission
23 such fines as may be prescribed under this Act. No such vessel shall be granted
24 clearance from any port in the Philippines while such fines remain unpaid or while
25 the validity thereof is being determined: *Provided*, That a clearance may be granted
26 prior to such determination upon deposit of a sum or cash bond sufficient to cover
27 such fines as approved by the Commissioner.

28
29 **Section 77.** Duty to Report Desertion or Illegal Landing of Foreign Crewmember.
30 -The owner, operator, captain, master, pilot, agent or consignee of any vessel shall
31 immediately report, in writing, to the Immigration Officer all cases of desertion or
32 illegal disembarkation in the Philippines from the vessel, together with a
33 description of such foreign nationals and any information that shall result in their
34 apprehension.

35
36 **Section 78.** Requirement for Submission of List of Newly Employed, Discharged
37 and Illegally Landed Foreign Crewmember. - Prior to the departure of any vessel
38 from the last port in the Philippines destined to any place outside thereof, the
39 owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to
40 the Immigration Officer at that port a list containing:

- 41
42 (a) The names of crewmembers who were not employed thereon at the time of the
43 vessel's arrival on such port but will depart thereat on the same vessel;
44
45 (b) the names of those, if any, who have been discharged;
46
47 (c) the name of those who have deserted or illegally landed at that port, if any; and
48
49 (d) such other additional information as the Commissioner deems necessary.

50
51 **Section 79.** Liability for Failure to Submit Complete, True and Correct Report. -
52 The owner, operator, captain, master, pilot, agent, or consignee who fails to submit
53 a true and complete list or report of foreign nationals or to report cases of desertion
54 or illegal landing shall pay to the Commission such sum as may be prescribed
55 under this Act. No such vessel shall be granted clearance from any port in the
56 Philippines while such fines remain unpaid or while the validity thereof is being
57 determined: *Provided*, that clearance may be granted prior to such determination
58 upon deposit of a sum or cash bond sufficient to cover such fines as approved by

1 the Commissioner.

2
3 **Section 80.** Exclusion Grounds. - The following classes of foreign national shall
4 not be allowed entry and shall be excluded from the Philippines:

5
6 (a) Health Related Grounds

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

15
16 (b) Economic Grounds

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

21
22 (c) Moral Grounds

- 23 1. Those coming to the Philippines to practice polygamy or who
24 advocate the practice of polygamy unless the person's religion
25 allows such practices;
26 2. Those who are pedophiles, sexual perverts or those coming to the
27 Philippines for immoral purposes;
28 3. Those who are engaged or who seek to engage in prostitution or to
29 procure or attempt to procure prostitutes, or who receives in whole
30 or in part the proceeds of prostitution;
31 4. Those who, at the time of primary inspection, by the Immigration
32 Officer exhibit any obnoxious behavior, contempt or disrespect for
33 the said officer or any government official or Commission;

34
35 (d) Criminal and Security Grounds

- 36 1. Those who have been convicted of a crime involving moral turpitude
37 or who admit to the Immigration Officer having committed such
38 crime, or who attempt and conspire to commit the crime;
39 2. Those who have been convicted, or who admit having committed, or
40 are committing acts which constitute the elements of a violation or
41 conspiracy to violate any law or regulation of the Philippines or a
42 foreign country relating to a controlled, regulated or prohibited
43 substance, or who admit having attempted or conspired to commit
44 the crime;
45 3. Those that the Philippine Government knows or has reason to
46 believe is a trafficker of any controlled, regulated or prohibited
47 substance or knows or has reason to believe is or has been an
48 accomplice, accessory, abettor, or co-conspirator in the illicit
49 trafficking of any controlled, regulated or prohibited substance;
50 4. Those who are fugitives from justice;
51 5. Those who seek to enter the Philippines to engage in:
52 a. Espionage or sabotage, or a violation or evasion of any laws
53 prohibiting export of goods, technology or sensitive
54 information;
55 b. Any activity aimed to promote membership in an organization
56 of syndicated criminal activities;

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

Section 81. Temporary Custody of Excludable Foreign Nationals. - For the purpose of ascertaining whether a foreign national arriving in the Philippines belongs to any of the excludable classes of foreign national provided for in this Act or related laws, the Immigration Officer, for a period not exceeding seventy-two (72) hours, may temporarily take into custody for investigation such foreign national either on board the vessel or at a place designated for the purpose at the expense of the master, captain, agent, owner or consignee of the carrying vessel.

Section 82. Finality of Exclusion Order. - An order by the Immigration Officer to exclude a foreign national who is excludable under Section 70 hereof is final and executory unless revoked by the Commissioner upon a timely appeal prior to the implementation of the exclusion order.

Section 83. Authority to Waive Grounds for Exclusion. - Except for grounds of exclusion under Section 70(d), subparagraphs 1 to 7 and 9, the Commissioner may waive any of the grounds for exclusion mentioned therein.

Section 84. Procedure of Removal and Cost Thereof. - Any foreign national arriving in the Philippines who is ordered excluded shall be immediately removed in the same accommodation to the country where he/she boarded the vessel on which he/she arrived, unless the Commissioner determines that immediate removal is not proper and practicable. The cost of detention and other expenses incidental thereto shall be borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel on which he/she arrived.

Section 85. Country Where Removal is to be Directed. - If the government of the country designated in the preceding section will not accept the foreign national into its territory, the removal of the foreign national shall be directed by the Commissioner's discretion and without necessarily giving preference, either to:

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

Section 86. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or Consignee. - It shall be unlawful for an owner, operator, master, captain, pilot,

1 agent, or consignee of a vessel to refuse or fail to:

2
3 (a) Board a foreign national ordered excluded and removed under Section
4 70 hereof in the same vessel or another vessel owned or operated by the same
5 company;

6
7 (b) Detain a foreign national on board any such vessel at the port of arrival when
8 required by this Act or when so ordered by an Immigration Officer;

9
10 (c) Deliver a foreign national for medical or other examinations when so ordered
11 by such officer;

12
13 (d) Remove a foreign national from the Philippines to the country to which the
14 individual's removal has been directed; or

15
16 (e) Pay the cost of detention and other expenses incidental thereto of a foreign
17 national incurred while being detained as required by Section 74 of this Act or
18 other costs necessary or incidental to his removal as provided in this Act.

19
20 **Section 87.** Penalty for Non-compliance of Obligation. - The owner, operator,
21 master, captain, pilot, agent, or consignee of a vessel who violated Section 76
22 hereof shall pay the fines prescribed under this Act. No such vessel shall be
23 granted clearance from any port in the Philippines while such fines remain unpaid
24 or while the validity thereof is being determined: *Provided*, That clearance may be
25 granted prior to such determination upon deposit of a sum or cash bond sufficient
26 to cover such fines as approved by the Commissioner.

27
28 **Section 88.** Classes of Deportable Foreign Nationals. - The following foreign
29 nationals shall be taken into custody upon the order of the Commissioner and
30 deported upon recommendation by the Board of Special Inquiry and approval by
31 the Board:

32
33 (a) Those who entered the Philippines by means of false and misleading statements
34 or documents, misrepresentations or without inspection and admission by the
35 immigration authorities;

36
37 (b) Those who entered the Philippines who were not lawfully admissible at the time
38 of entry;

39
40 (c) Those who abet or aid in the practice of prostitution, including the owner or
41 manager of a prostitution den, or are pedophiles;

42
43 (d) Those who, at any time after the date of entry, have become a public charge;

44
45 (e) Those who remain in the Philippines in violation of any period of limitation or
46 condition under which they were admitted;

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

57
58 (g) Those who, at any time after entry, engage in, abet, aid or finance any terrorist

1 activity;

2
3 (h) Those who, at any time after entry, are charged of a crime involving acts or
4 omissions punishable under Philippine penal laws cognizable by the Regional Trial
5 Courts and the *Sandiganbayan*;

6
7 (i) Those who, at any time after entry, are convicted by final judgment of a crime
8 involving moral turpitude which is punishable under Philippine penal laws and
9 cognizable by the first level courts;

10
11 (j) Those who were admitted as non-immigrants and who obtained an adjustment
12 of their admission status for convenience, or through fraud, falsification of
13 documents, misrepresentations or concealment of material facts;

14
15 (k) Those who violated Philippine labor and taxation laws, rules and regulations;

16
17 (l) Those who are found to be undesirable and whose further stay in the
18 Philippines is inimical to public welfare and interest, or the dignity of the Filipinos,
19 or the Republic of the Philippines as a sovereign nation;

20
21 (m) Those who forge, counterfeit, alter or falsely make any document; or use,
22 attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit,
23 altered or falsely made document; or use, attempt to use, provide, attempt to
24 provide, accept or receive a genuine document, even of another person, without
25 authority to do so for the purpose of satisfying or complying with the requirements
26 of the Commission;

27
28 (n) Those whose presence or activities in the country may result in adverse
29 consequences to Philippine foreign policies as determined by the Secretary of
30 Foreign Affairs;

31
32 (o) Those who misrepresented themselves as Filipino citizens in all immigration
33 matter; and

34
35 (p) Those who commit any violation of the provisions of this Act, independent of
36 any criminal action which may be brought against them: *Provided, however,* That
37 in the case of a foreign national who, for any reason, is convicted and sentenced to
38 suffer both imprisonment and deportation, said foreign national shall first serve
39 the entire period of the sentence before being deported.

40
41 **Section 89.** Non-Prescription of Deportation Cases.—The right of the State to
42 initiate at any time deportation proceedings shall not prescribe.

43
44 **Section 90.** Nature of Deportation Proceedings. – Deportation proceedings shall be
45 independent of any action that may be instituted against a foreign national:
46 *Provided,* That no deportation orders shall be issued against foreign nationals
47 facing preliminary investigation, prosecution and trial before competent
48 authorities.

49
50 **Section 91.** Formal Charge of Deportation. – A formal charge for deportation shall
51 be issued upon determination of the existence of a *prima facie* case against the
52 foreign national.

53
54 **Section 92.** Bail.— Pending final determination of the foreign national's deportation
55 case, the foreign national shall, upon the discretion of the Commissioner: (a)
56 remain under detention; or (b) be released on bail or recognizance. The bail may
57 be revoked and confiscated in favor of the government if there is sufficient evidence
58 that the foreign national is evading the proceedings or is attempting to abscond, in

1 which case he/she shall be taken into custody and placed under detention by order
2 of the Commissioner.

3
4 **Section 93.** Custody of a Foreign National Convicted of a Felony or an
5 Offense.—After service of the sentence or compliance with the conditions of parole or
6 probation, as the case may be, the foreign national shall be taken into custody for
7 immediate deportation by order of the Board.

8
9 **Section 94.** Voluntary Deportation, When Authorized. – In case the foreign
10 national does not contest the formal charge against and opts to voluntarily leave
11 the country at the own expense of the foreign national, the Commissioner may
12 waive the deportation proceedings and order the departure within the period
13 specified in the voluntary deportation order: *Provided*, That the foreign national has
14 not committed any criminal offense or has no pending criminal investigation:
15 *Provided, further*, That the said foreign national so deported shall be barred from
16 re-entering the country without prior written authorization from the
17 Commissioner.

18
19 **Section 95.** Period to Enforce Order of Deportation. – The order of deportation
20 shall be enforced immediately but in no case shall exceed three (3) months from the
21 date it has become final and executory. If deportation is not enforced within the
22 prescribed period, the foreign national may be released on bail or recognizance.

23
24 **Section 96.** Suspension of Deportation Order. – The Commissioner may suspend
25 the implementation of the deportation order and order the release of the foreign
26 national on bail or recognizance, taking into account the following factors:

- 27
28 (a) Age, health, family or conduct;
29 (b) Period of detention;
30 (c) Impact on national security and public welfare;
31 (d) Unavailability of travel documents;
32 (e) Existence of an application for refugee or statelessness status; or
33 (f) Other humanitarian considerations.

34
35 **Section 97.** Reinstatement of a Deportation Order. – A deportation order
36 previously implemented against a foreign national who unlawfully re-entered the
37 Philippines shall be deemed automatically reinstated and shall be implemented in
38 accordance with this Act. This provision shall also apply to a foreign national who
39 departed voluntarily under Section 84 hereof.

40
41 **Section 98.** Country of Destination of a Deportee. – Except as provided for under
42 existing treaty or international agreement, a foreign national shall be deported to
43 the country of which the person is a citizen or national, or to the country of birth of
44 the individual, or to the country of which the individual is a resident, or to the
45 country from which the individual embarked for the Philippines, subject to the
46 acceptance by the receiving country.

47
48 **Section 99.** Cost of Deportation. – The cost of deportation shall be borne by the
49 owner, operator, captain, master, pilot, agent or consignee of a vessel in case its
50 foreign crewmember is to be deported for violation of Section 90 of this Act. In all
51 other cases, the cost of deportation shall be borne by the deportee himself/herself,
52 the concerned consular office, nongovernment organizations or people's
53 organizations with which the Commission has an agreement on this matter, or
54 from the appropriations for the enforcement of this Act.

55
56 **Section 100.** Liability of Owner, Operator, Captain, Master, Pilot, Agent or
57 Consignee of a Vessel.— Failure or refusal on the part of the owner, operator,
58 captain, master, pilot, agent or consignee of a vessel to take on board, guard safely

1 and transport the deportee to the foreign national's country of destination, or to
2 shoulder the cost of deportation of the foreign crew member as provided in Section
3 89 hereof, shall be punished by an administrative penalty prescribed under this
4 Act.

5
6 **Section 101.** Expenses of Accompanying Person. – The Commissioner may, for
7 security reason or by reason of the mental or physical condition of the deportee,
8 direct an employee of the Commission to accompany such deportee to the country
9 of the person's destination, subject to the provisions of the immediately preceding
10 sections.

11
12 **Section 102.** Removal of Indigent Foreign National. – At any time after entry, the
13 Commissioner may remove indigent foreign nationals from the Philippines to the
14 country of which they are citizens or nationals, or country of birth, or country of
15 residence, as the case may be. The cost of deportation may be charged against the
16 available funds of the Commission. Any foreign national removed under this
17 section shall be barred re-admission except upon written authorization of the
18 Board of Commissioners.

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

25
26 **Section 103.** Requirement of Registration. - All foreign nationals shall register with
27 the Commission or any Immigration Office nearest to the place of residence on or
28 before the sixtieth (60th) day of his/her latest arrival in the Philippines.

29
30 **Section 104.** Registration Form and Oath.- Applications for registration shall be
31 under oath and in such form as prescribed by the Commission. Upon registration,
32 a certificate of registration shall be issued by the Commission to the registrant. In
33 case of loss or destruction of the certificate, a replacement thereof may be issued by
34 the Commission upon proper application and payment of prescribed fees.

35
36 **Section 105.** Amendment of Registration.- A registered foreign national shall notify
37 the Commission in writing of any change of information in the person's registration
38 documents not later than seven (7) days thereof.

39
40 **Section 106.** Presentation of Certificate of Registration. - Every foreign national
41 required to register under this Act or the parent or guardian of such foreign
42 national shall, upon demand of any personnel authorized by the Commissioner,
43 present a certificate of registration of the individual, and failure to do so without
44 justifiable cause shall be dealt with in accordance with the provisions of this Act.

45
46 **Section 107.** Reportorial Requirements. -Every foreign national registered under
47 this Act shall, within the first sixty (60) days of every calendar year, report in
48 person to the Commission. The Commissioner may exempt personal appearance of
49 foreign nationals registered under this Act subject to certain requirements and
50 conditions as may be prescribed in the rules and regulations issued for the
51 purpose.

52
53 **Section 108.** Failure to Comply with Requirements. - A foreign national, or the
54 parent or guardian of the foreign national, as the case may be, who, without
55 justifiable reason, fails to comply with all the requirements under this Act, or who
56 files an application for registration containing statements known by the individual
57 to be false, or who utilizes registration documents other than that of the individual,

1 shall be dealt with in accordance with the provisions of this Act and other existing
2 laws.

3
4 **Section 109.**Cancellation of Registration of Foreign National.- In case of death of a
5 foreign national registered under the provisions of this Act, the legal heir,
6 representative or administrator of the foreign national must inform the
7 Commission within sixty (60) days from death and the Commission shall cancel
8 such registration. The Local Civil Registrar or other civil registry officer of the
9 locality where said foreign national died shall furnish the Commission with a copy
10 of the Certificate of Death within thirty (30) days from issuance thereof. Failure on
11 the part of the persons concerned to comply with the requirements of this section
12 shall be dealt with pursuant to the provisions of existing laws.

13
14 **Section 110.**Bonds, When Required. - The Commission shall have the authority to
15 require cash bonds in such amounts and under such conditions as it may
16 prescribe:

17 (a) To control and regulate the admission into, and departure from, the
18 Philippines of foreign nationals applying for temporary admission;

19
20 (b) To insure against foreign passengers liable to be excluded as likely to
21 become public charges; and

22
23 (c) To insure the appearance of foreign nationals released from custody
24 during the course of deportation proceedings instituted against them.

25
26 **Section 111.**Requirement of Cash Deposits for Services Rendered. - The
27 Commission shall likewise have the authority to require cash deposits in such
28 amounts as may be necessary from vessel's owner, operator, captain, master, pilot,
29 agent, or consignee or other persons served for services rendered as established by
30 the implementing rules and regulations.

31
32 **Section 112.** Cancellation and Forfeiture of Bonds. - When the conditions of the
33 bond are fulfilled, or in case of a bond posted to insure against a foreign national
34 becoming a public charge, when the Commissioner decides that the likelihood no
35 longer exists, or death of the foreign national in whose behalf the bond is posted,
36 the bond shall be cancelled and released to the depositor or the legal representative
37 of the foreign national. In case of violation of the conditions of the bond, the same
38 shall be forfeited and deposited in a trust fund account which may be utilized for
39 the purchase of passage tickets for removal of indigent foreign nationals and to
40 cover the costs of operations in locating deportees who jump bail.

41
42 **Section 113.** Petitions for Recognizance, Sanction for Breach of Conditions. - The
43 Commissioner may order the release of a foreign national upon recognizance of the
44 individual's lawyer or a person who is of good standing in the community, under
45 such terms and conditions as he/she may prescribe. Failure to comply with the
46 terms and conditions of the recognizance shall subject said lawyer or person to a
47 fine of not less than Fifty thousand pesos (P50,000.00) but not more than One
48 hundred thousand pesos (P100,000.00), without prejudice to other administrative
49 sanctions and/or proceedings against the erring party.

50
51 **Section 114.** Working Cooperation with the Department of Foreign Affairs. -For
52 purposes of efficient implementation and administration of this Act, the
53 Commission shall maintain a working cooperation with the Department of Foreign
54 Affairs.

55
56 **Section 115.**Working Cooperation with the Commission on Higher Education. -

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

Section 116. Working Cooperation with the Civil Aviation Authority of the Philippines. – The Commission shall maintain a working cooperation with the Civil Aviation Authority of the Philippines (CAAP) with respect to accreditation of flying schools for the enrollment of foreign students.

Section 117. Coordination with Law Enforcement, Security and Other Offices. -The Commissioner shall have authority to maintain coordination with the National Security Council, the Philippine National Police, and other law enforcement agencies of the government.

Section 118. Authority of the Commissioner to Prescribe, Impose and Collect Fees and Charges. - The Commissioner is authorized to prescribe, impose and collect fees and charges for services rendered pursuant to the provisions of this Act.

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

Section 120. Fine for Violation of Obligation on the Landing or Removal of Foreign Nationals. - A pilot, master, agent, owner or consignee of any vessel arriving at a port of the Philippines from a place outside thereof for having a foreign national on board in violation of this Act shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each act of violation consisting of:

(a) Failure to prevent the landing of such foreign national in the Philippines at any time or place other than as designated by the immigration officer;

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

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

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

Section 121. Fine for Bringing Undocumented Foreign National, or Foreign National Afflicted with Communicable or Contagious Disease, or Suffering from Mental Disorder. - The pilot, master, agent, owner or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board an undocumented foreign national shall be fined One hundred thousand pesos

(P100,000.00) for each foreign national. If the foreign national is afflicted with a communicable or contagious disease or is suffering from mental disorder, the fine shall be not less than Two hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00) for each foreign national.

Section 122. Fine for Bringing a Foreign National to Assist His Illegal Entry or Misrepresenting a Foreign National as a Member of the Crew. - The pilot, master, agent, owner or consignee of the vessel arriving at any port in the Philippines from a place outside thereof bringing on board a foreign national bound for the Philippines to assist the illegal entry of the foreign national, or misrepresenting the foreign national to the Immigration Officer at the port of arrival as a *bona fide* member of the crew, shall be fined not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each foreign national.

Section 123. Fine for Violation of Other Provisions of this Act.- The pilot, master, agent, owner or consignee of any vessel arriving at any port of the Philippines from a place outside thereof who violates any other provision of this Act not specifically provided in this Chapter shall be fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred thousand pesos (P200,000.00) for each violation.

Section 124. Other Prohibited Acts and Penalties Thereof. -Any person who shall commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00) or both, at the discretion of the court:

(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 or travel 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) Misrepresents himself/herself 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 person 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) of this section 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 of the employee by the employer before or after apprehension shall not

1 the vessel which may be enforced in the same manner as fines are collected and
2 enforced under existing laws. Such vessel shall not be allowed to depart without
3 prior clearance issued by the Commission. Where forfeiture is justified under the
4 particular circumstances of the case, the forfeiture of the vessel in favor of the
5 government in lieu of the fine shall be decreed.

6
7 Conviction by final judgment of any offense punishable under this Act or other
8 related laws shall result in the automatic revocation or cancellation of any
9 immigration document issued to the offender, including that of the foreign
10 national's spouse and unmarried children, if applicable.

11
12 **Section 125.**Penalty for Aiding the Escape of Detained Foreign National. - Any
13 person who shall be found to have helped, assisted, supported, caused and
14 ministered the escape including harbouring and concealing of a foreign national
15 shall, upon conviction, be imprisoned for not less than five (5) years and not more
16 than ten (10) years and a fine of not less than Five Thousand Dollars (\$5,000.00).
17 Provided, that if the person liable is a foreign national, he/she shall be deported
18 after service of sentence. Provided further, that any tools, equipment, implements
19 and/or vehicles used in the escape of a detained foreign national shall be destroyed
20 or forfeited in favor of the government.

21
22 **Section 126.**Penalty for Non-compliance of Subpoena.- Any person who, having
23 been duly served with a *subpoena*, fails to comply without valid and justifiable
24 reasons shall, upon conviction, suffer the penalty of imprisonment of not more
25 than fifteen (15) days or a fine of not more than One thousand pesos (P1,000.00), or
26 both, at the discretion of the court.

27
28 **Section 127.**Penalty for an Overstaying Crewmember.- Any foreign crewmember
29 who wilfully remains in the Philippines beyond the period allowed for temporary
30 landing shall, upon conviction, suffer the penalty of imprisonment of six (6) months
31 or fine of not less than Fifty thousand pesos (P50,000.00) but not more than One
32 hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

33
34 **Section 128.**Penalty for Disrespecting an Immigration Officer- Any form of assault
35 directed to any personnel of the Commission while in the performance of duty shall
36 be considered as an assault of a person in authority and shall be punished by:

- 37
38 1. If directed against Immigration Officers at the ports of entry and exit,
39 Exclusion or Deportation and fine of Five Thousand Dollars
40 (\$5,000.00) in case the assault is done by a foreign national;
41
42 2. If directed against any of the armed personnel of the Commission shall
43 be prosecuted under the Revised Penal Code and fine of Five Thousand
44 Dollars (\$5,000.00). Provided, that if the person liable is a foreign
45 national, he/she shall be deported after service of sentence; and
46 3. Prosecution of a crime under the Revised Penal Code in case the
47 assault is done by a citizen of the Philippines.

48
49 **Section 129.** Imposition of Maximum Penalty, When Applicable.-A person
50 convicted under Republic Act No. 3019, as amended, otherwise known as the
51 "*Anti-Graft and Corrupt Practices Act*", or other laws against corruption and bribery
52 who shall violate or circumvent any provisions of this Act shall, upon conviction,
53 suffer the maximum penalty for such offense as provided under this Act.

54
55 **Section 130.** Creation and Upgrading of Compensation. - The basic monthly
56 compensation of the following officials and employees of the Commission shall be
57 as follows:
58

EXISTING POSITION	RECLASSIFICATION POSITION	UPGRADED SALARY GRADE
Commissioner	Commissioner III	30
Deputy Commissioner	Deputy Commissioner III	29
Attorney V (Board of Special Inquiry)	Chief Special Inquiry Officer	28
Attorney IV (BSI)	Special Inquiry Officer IV	27
Attorney III (BSI)	Special Inquiry Officer III	26
Attorney V (Legal Division)	Chief Immigration Prosecutor	28
Attorney IV (LD)	Immigration Prosecutor IV	27
Attorney III (LD)	Immigration Prosecutor III	26
Attorney II (LD)	Immigration Prosecutor II	25
Attorney I (LD)	Immigration Prosecutor I	24
Special Investigator II	Immigration Investigator II	17
Special Investigator I	Immigration Investigator I	16
Translator II	Immigration Translator II	12
Legal Aide	Immigration Legal Assistant	10
Chief Immigration Officer (POD)	Chief District Officer	27
Supervising Immigration Officer	Supervising Immigration Officer	26
Senior Immigration Officer	Senior Immigration Officer	24
Immigration Officer III	Immigration Officer III	21
Immigration Officer II	Immigration Officer II	18
Immigration Officer I	Immigration Officer I	16
Immigration Assistant	Immigration Assistant	11
Immigration Officer (ARD)	Chief Alien Registration Officer	27
Chief Immigration Officer (IRD)	Chief Immigration Officer	27
Chief Intelligence Officer	Chief Immigration Intelligence Officer	27
Intelligence Officer IV	Immigration Intelligence Officer IV	25
Intelligence Officer III	Immigration Intelligence Officer III	21
Intelligence Officer II	Immigration Intelligence Officer II	18

Intelligence Officer I	Immigration Intelligence Officer I	16
Intelligence Agent II	Immigration Intelligence Agent II	15
Intelligence Agent I	Immigration Intelligence Agent I	12
Chief Administrative Officer	Chief Administrative Officer	27
Administrative Officer IV	Immigration Administrative Officer IV	24
Administrative Officer II	Immigration Administrative Officer II	15
Administrative Assistant III	Immigration Administrative Assistant III	13
Administrative Assistant II	Immigration Administrative Assistant II	12
Administrative Assistant I	Immigration Administrative Assistant I	10
Administrative Aide VI	Immigration Aide VI	14
Administrative Aide V	Immigration Aide V	13
Administrative Aide IV	Immigration Aide IV	12
Administrative Aide III	Immigration Aide III	11
Administrative Aide II	Immigration Aide II	10
Chief Administrative Officer (Finance)	Chief Finance Officer	27
Supervising Administrative Officer	Supervising Administrative Officer IV	26
Accountant III	Immigration Accountant V	25
Accountant II	Immigration Accountant II	22
Accountant I	Immigration Accountant I	19
Information Technology Officer III	Chief Immigration IT Officer	27
Information Technology Officer I	Immigration IT Officer I	24
Information System Analyst	Immigration Information System Analyst	22
Computer Programmer II	Immigration Computer Programmer II	19
Computer Maintenance Technologist II	Immigration Maintenance Tech. II	19

Medical Officer III	Immigration Physician	26
Dentist II	Immigration Dental Officer	19
Nurse II	Immigration Healthcare Officer	18
Nursing Attendant	Immigration Healthcare Assistant	10
Fingerprint Examiner IV	Alien Fingerprint Examiner IV	17
Fingerprint Examiner III	Alien Fingerprint Examiner III	15
Fingerprint Examiner II	Alien Fingerprint Examiner II	13
Fingerprint Examiner I	Alien Fingerprint Examiner I	10
Executive Assistant II	Chief of Staff (Office of the Commissioner	24
Executive Assistant I	Immigration Executive	23
Security Guard II	Civil Security Officer II	11
Security Guard I	Civil Security Officer I	10
Seaman	Immigration Seaman	10
Launch Patron	Immigration Launch Patron	10
Marine Engineman	Immigration Marine Engineman I	10
Quartermaster	Immigration Quartermaster	10

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

Section 131.Benefits and Privileges. - The BI shall provide all its employees with the following benefits:

- (1) Night shift differential in accordance with existing guidelines;
- (2) Quarters allowance; and
- (3) Hazardous dutypay amounting to twenty five percent (25%) of base pay.

Section 132.Interim Period. - The incumbent Commissioner and two Deputy Commissioners, if qualified under this Act, shall continue to discharge the functions of their position unless otherwise removed by the President. All personnel of the Bureau of Immigration shall continue to discharge the functions of their position.

Section 133. Staffing Pattern and Salary Schedule.— To carry out the provisions of this Act, the Commissioner shall submit a new staffing pattern and salary schedule for personnel services to the Secretary of the Department of Budget and Management in accordance with Section 118 taking into account the Salary Standardization Law and other applicable laws under the National Compensation and Classification Plan.

Section 134. Reorganization of the Commission. - Upon approval of this Act, all employees of the Bureau of Immigration covered by the civil service law and regulations shall continue to hold their present positions pending the reorganization of the Commission in accordance with the new staffing pattern: *Provided*, That the salaries, wages, allowances and other benefits of incumbent officers and employees of the Commission shall not be subject to diminution: *Provided, further*, That in the event that the positions are abolished in accordance with the reorganization, the affected employees shall be *retained*. *Provided, finally*, That employees who have been dismissed for cause shall no longer qualify for any position in the Commission.

Section 135. Inventory and Transfer of Properties, Accounts, Assets, Liabilities and Obligations to the Commission. - All buildings, properties, equipment, facilities, accounts, other assets, liabilities and other obligations as well as records of the Bureau of Immigration shall be properly inventoried and transferred to the Commission.

Section 136. Treaty or Agreement.—Any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act shall remain in force and effect.

Section 137. Pending Cases. – Any prosecution, suit, action, proceeding, or any act or matter, civil or criminal, pending at the time of the effectivity of this Act shall not be affected by the provision of this Act unless otherwise applicable.

Section 138. Administration and Implementation Abroad.—The administration and implementation of this Act abroad, including the rules and regulations as well as specific visa policies or guidelines, shall be the responsibility of the Department of Foreign Affairs, with due notice to the Commission and other concerned agencies and/or offices.

Section 139. Implementing Rules and Regulations. -The Commission shall promulgate the rules and regulations for the implementation of this Act within sixty (60) days from its effectivity.

Section 140. Separability Clause.- If any of the provisions of this Act is held invalid or unconstitutional the other provisions not affected thereby shall continue to be in force and effect.

Section 141. Retroactive Application.- The renaming of positions with the corresponding increase in salary grade and allowances enumerated in Title VI Chapter 8 shall be effective 1 January 2017.

Section 142. Repealing Clauses.— (a) Commonwealth Act No. 613, otherwise known as the “*Philippine Immigration Act of 1940*”, as amended, and Republic Act No. 750, are hereby repealed; (b) All laws, presidential decrees, executive orders, proclamations, memorandum orders, instructions, rules and regulations or parts thereof inconsistent with this Act are hereby amended or modified accordingly.

1
2 **Section 143.**Effectivity Clause.- This Act shall take effect fifteen (15) days after its
3 complete publication in the Official Gazette or in two (2) newspapers of general
4 circulation.
5
6 Approved.