

**SENATE**

20 JUL -2 P3:20

**Senate Bill No. 1649**

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INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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**AN ACT  
MODERNIZING THE BUREAU OF 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**

The Bureau of Immigration acts as the primary enforcement arm of the Department of Justice and the President of the Philippines in ensuring that all foreigners within its territorial jurisdiction comply with existing laws. The Commonwealth Act of 1940 which provided the mandate of the Bureau of Immigration is an outdated law passed during the American regime. While amendments have been introduced over the years, the immigration system needs to be updated to reflect present challenges which confront immigration.

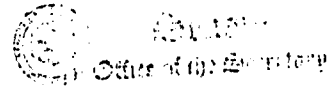
Furthermore, outdated mechanisms affect the functions and efficiency of the agency to provide quality service for the people. Therefore, there is a pressing need to modernize the Bureau of Immigration.

The proposed measure also calls for the creation of positions and compensation for co-terminus officials and employees of the agency. The creation for the said positions under this bill could boost productivity and efficiency of the Bureau of

Immigration. This bill also seeks to upgrade the salary grade of officials and employees to properly compensate their hard work not just for the agency but for the entire country as a whole.

In view of the foregoing, the approval of this measure is earnestly sought.

  
**SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO**



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**MODERNIZING THE BUREAU OF 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 House of Representatives of the Philippines in Congress assembled:*

**TITLE I**

**GENERAL PROVISIONS**

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Sec. 1. *Short Title.* — This Act shall be known as "The Bureau of Immigration Modernization Act of 2019."

Sec. 2. *Declaration of Policy.* — 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, the enhancement of economic diplomacy, and the protection of overseas Filipinos in destination countries, as it adheres to the policy of peace, cooperation and amity with all nations. Towards 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:

- 1 a. The admission of foreign nationals for the purpose of encouraging and  
2 enhancing capital investments, trade and commerce, cultural exchanges  
3 and other forms of friendly relations and cooperation;  
4  
5 b. The need to support the country's technological and scientific development;  
6  
7 c. The promotion of conditions for social welfare and economic security of the  
8 people;  
9  
10 d. The fulfillment of obligations and compliance with standards set by  
11 international law in the admission or exclusion of foreign nationals;  
12  
13 e. The modernization of structures and mechanisms necessary for the  
14 administration of immigration laws in keeping with the changing demands  
15 of the country's role in the global community; and  
16  
17 f. The professionalization of the immigration service by instituting a rigid  
18 system of screening and selection of immigration officials and employees  
19 and promoting their development.  
20

21 **Sec. 3. *Definition of Terms.* — As used in this Act:**  
22

- 23 a. *Admission* – refers to the process by which a foreign national arriving at a  
24 port of entry in the Philippines is allowed into the country by the immigration  
25 authorities;  
26  
27 b. *Border Control Officer* – refers to any person tasked to man the Border  
28 Station authorized as provided under Sec. 35 of this Act;  
29  
30 c. *Captain* – refers to the master of a vessel or pilot of an aircraft;  
31

- 1 d. *Child* – refers to a person below eighteen (18) years of age;  
2
- 3 e. *Citizen* – refers to any person who is a citizen of the Philippines under Sec.  
4 1, Article IV of the 1987 Constitution of the Republic of the Philippines;  
5
- 6 f. *Consular Officer* – refers to any consular, diplomatic, or other officer of the  
7 Department of Foreign Affairs (DFA) who has been duly granted a consular  
8 commission for the purpose of issuing visas under this Act;  
9
- 10 g. *Derogatory Information* – refers to details about persons and travel  
11 documents relating to immigration consisting of the following:  
12
- 13 1. *Blacklist Order* – refers to an order issued by the Commissioner that  
14 prevents a foreign national from entering the territorial jurisdiction of  
15 the Philippines;  
16
- 17 2. *Hold Departure Order* – refers to an order issued by the Commissioner  
18 preventing a foreign national from leaving the territorial jurisdiction of  
19 the Philippines in cases where bail or recognizance is granted pending  
20 implementation of a Summary Deportation Order, or a directive  
21 implementing an order from the Regional Trial Courts, the  
22 *Sandiganbayan*, or the appellate courts to prevent a person from leaving  
23 the territorial jurisdiction of the Philippines; and  
24
- 25 3. *Watchlist Order* – refers to an order issued by the Commissioner under  
26 this Act that requires immigration personnel to monitor the travel of any  
27 person for a period of sixty (60) days, extendible for another sixty (60)  
28 days and to notify the concerned government agencies of the  
29 Philippines;  
30

- 1 h. *Entry* – refers to the arrival of a foreign national into any designated port  
2 of entry in the Philippines from a place outside the Philippine territorial  
3 jurisdiction. A foreign national having a lawful permanent residence in the  
4 Philippines shall not be regarded as making an entry for the purpose of this  
5 Act if such foreign national proves that the departure to a place outside the  
6 Philippines was for a temporary or limited period, or the continued absence  
7 from the Philippines was occasioned by deportation proceedings,  
8 extradition, or other legal process;  
9
- 10 i. *Exclusion* – refers to the act of Immigration Personnel denying admission  
11 of a foreign national into the country on grounds provided under Sec. 77,  
12 Chapter IV of this Act;  
13
- 14 j. *Foreign National* – refers to any person who is not a citizen of the  
15 Philippines;  
16
- 17 k. *Immigrant* – refers to any foreign national, other than a non-immigrant,  
18 departing from any place outside the Philippines destined for the  
19 Philippines;  
20
- 21 l. *Immigration laws* – refer to this Act and any other law presently existing or  
22 which may hereafter be enacted relating to the movement of natural  
23 persons to and from the Philippines;  
24
- 25 m. *Immigration Officer* – refers to any person appointed under Sec. 25 this Act  
26 or any employee designated by the Commissioner to perform the powers,  
27 duties and functions of an Immigration Personnel as specified under this  
28 Act;  
29
- 30 n. *Non-immigrant* – refers to any foreign national departing from any place  
31 outside the Philippines who is allowed entry and admission into the  
Philippines for a temporary or limited period of stay;

- 1
- 2 o. *Non-refoulement* – refers to a principle of international law which prohibits
- 3 the forced return of refugees to the state or territory where their lives or
- 4 liberty would be threatened;
- 5
- 6 p. *Passport* – refers to a document issued by the Philippine government to its
- 7 citizens pursuant to Republic Act No. 8239, otherwise known as "*The*
- 8 *Philippine Passport Act of 1996*", as amended;
- 9
- 10 q. *Person* – refers to a natural or juridical person such as but not limited to
- 11 partnerships, corporations, companies, and associations;
- 12
- 13 r. *Port of entry* – refers to any port designated by the Commissioner through
- 14 which a foreign national may enter or exit the Philippines;
- 15
- 16 s. *Refugee* – refers to a person who, owing to a well-founded fear of being
- 17 persecuted for reasons of race, religion, nationality, membership in a
- 18 particular social group, or political opinion, is outside the country of
- 19 nationality, and is unable or, owing to such fear, is unwilling to avail of the
- 20 protection of that country; or who, not having a nationality and being
- 21 outside the country of former habitual residence, is unable or, owing to such
- 22 fear, is unwilling to return to it;
- 23
- 24 t. *Seaman, Seafarer or Crewmember* – refers to a person actually employed
- 25 in the operation or service in any capacity on board a vessel;
- 26
- 27 u. *Stateless Person* – refers to a person who is not considered a national by
- 28 any State under the operation of its laws;
- 29
- 30 v. *Travel document* – refers to a certification or identifying document
- 31 containing the description and other personal circumstances of its bearer,

1 issued for direct travel to and from the Philippines valid for short periods or  
2 a particular trip. It is issued only to persons whose claim to Philippine  
3 citizenship is doubtful or who fall under the category enumerated in Sec.  
4 13 of Republic Act No. 8239, otherwise known as "The Philippine Passport  
5 Act of 1996;"

6  
7 w. *Vessel* – refers to all means of conveyances, whether aircraft or sea craft;  
8 and

9  
10 x. *Visa* – refers to an endorsement on a passport or any travel document  
11 issued by an Immigration Attaché abroad authorizing the holder thereof to  
12 proceed to a designated port of entry in the Philippines and there to apply  
13 for entry and admission under the status specified therein; or immigration  
14 status granted and/or issued to foreign nationals by the Commissioner or  
15 the Board under this Act.

16  
17 **TITLE II**  
18 **THE BUREAU OF IMMIGRATION**

19  
20 **CHAPTER 1**  
21 **THE BUREAU**

22  
23 Sec. 4. *Creation.* — The Bureau of Immigration, hereinafter referred to as the  
24 Bureau, shall be under the control and supervision of the Department of Justice (DOJ).  
25 The Bureau shall be principally responsible for the administration and enforcement of  
26 this Act, and the implementation of all laws, rules regulations or orders of any  
27 competent authority concerning the entry and admission into, stay in and the  
28 departure from the Philippines of all persons. Its personnel shall be considered as the  
29 gatekeepers and border control officers of the country.





1 vi. Legalization of residence in accordance with law.

2  
3 2. Cite and punish for contempt in relation to the discharge of its quasi-  
4 judicial functions in accordance with the Rules of Court.

5  
6 b. Rule-making:

7  
8 1. Prescribe and promulgate rules of procedure for proceedings before it;

9  
10 2. Prepare and publish operations manual and rules of procedure, including  
11 schedule of fees, for all transactions entered into by the Bureau with the  
12 public; and

13  
14 3. Formulate policies, directives, programs and projects of the Bureau.

15  
16 The Board shall also perform such other powers and functions as provided in  
17 this Act and other existing laws, rules and regulations not inconsistent with any of the  
18 provisions of this Act.

19  
20 *Sec. 7. Decisions of the Board.* – All cases or proceedings before the Board shall  
21 be decided with the concurrence of the majority of the members of the board.  
22 Decisions of the Board shall become final and executory fifteen (15) days from receipt  
23 thereof by the concerned parties. Only one (1) Motion for Reconsideration shall be  
24 allowed.

25  
26 Decisions in deportation cases may be appealed to the Secretary of the DOJ  
27 within fifteen (15) days from receipt thereof by the concerned parties. The decision  
28 of the Secretary of the DOJ shall be final and immediately executory unless stayed by  
29 an order of the Court of Appeals.

30  
31 *Sec. 8. Period for Decision by the Board.* – The Board of Commissioners shall

1 decide deportation cases within (30) days from the date they are submitted for  
2 resolution.

3  
4 **Sec. 9. *Meetings of the Board.*** – In all cases, the Board of Commissioners shall  
5 convene and act as a collegial body in all matters referred to in Sec. 6 of this Act. The  
6 Board shall meet at least once a week or, if necessary, twice a week. Members of the  
7 Board shall be notified accordingly and the presence of the Chairperson and one (1)  
8 member shall constitute a quorum.

9  
10 **CHAPTER 3**  
11 **THE COMMISSIONER AND THE DEPUTY COMMISSIONERS**

12  
13 **Sec. 10. *Appointment of the Commissioner.*** — The Commissioner shall be  
14 appointed by the President and shall have the same rank, salary, and privileges of an  
15 Undersecretary of a Department.

16  
17 **Sec. 11. *Powers and Functions of the Commissioner.*** – In addition to the duties  
18 as Chairperson of the Board of Commissioners, the Commissioner shall exercise the  
19 following powers and functions:

- 20  
21 a. Supervise, direct and coordinate the overall operations of the Office;  
22  
23 b. Exercise control and supervision over the officers and personnel of the  
24 Bureau, including the power to appoint, promote, and reassign personnel,  
25 subject to civil service laws, rules and regulations: Provided that promotions  
26 and appointments to positions of Division Chiefs and above shall be made  
27 by the Secretary of the DOJ upon the recommendation of the  
28 Commissioner;  
29  
30 c. Issue (1) letter orders after determination of the existence of probable  
31 cause for the purpose of deportation; (2) commitment or release orders;

1 (3) warrant of deportation; (4) order to inspect the documents, premises  
2 and records of persons covered by this Act; and (5) derogatory information  
3 orders defined in Sec. 3(h) of this Act;  
4

5 d. Delegate authority to subordinate immigration personnel and employees,  
6 except the powers and functions enumerated in the immediately preceding  
7 paragraph, which may be delegated only to a Deputy Commissioner;  
8

9 e. Act on applications for extension of visas;  
10

11 f. Control the opening and closure of posts, landing places, airports or ports  
12 classified as points of entry or exit, whether limited or unlimited;  
13

14 g. Increase, reduce or waive immigration fees, fines, penalties and other  
15 charges;  
16

17 h. Issue Certificates of Naturalization and Identification to foreign nationals  
18 who have been granted Philippine citizenship;  
19

20 i. Deputize, subject to the concurrence of the Board, any official or employee  
21 of the national government and local government units, including uniformed  
22 personnel of the Armed Forces of the Philippines, the Philippine National  
23 Police and the Philippine Coast Guard to assist immigration personnel in the  
24 performance of duties and functions;  
25

26 j. Authorize and prescribe, with the concurrence of the Board, the form and  
27 the amount of cash bonds for the provisional release of respondents in  
28 deportation proceedings;  
29

30 k. Impose reasonable fines and penalties for violations of immigration and  
31 alien registration laws in accordance with this Act and the guidelines

1 adopted by the Board;

- 2
- 3 l. Accept donation of materials, equipment or technical services from any  
4 foreign government, international or domestic organization, to upgrade the  
5 efficiency and operations of the Bureau;
- 6
- 7 m. Submit to the President and Congress, annually or as may be directed, a  
8 report on: (1) the number and status of foreign nationals in the Philippines;  
9 (2) foreign nationals admitted or granted change of status as permanent  
10 residents; (3) foreign nationals who have been excluded or deported from  
11 the Philippines; (4) the estimated number of illegal foreign nationals in the  
12 Philippines in each calendar year and actions taken to arrest them, grouped  
13 by nationality, for each region in the Philippines; and (5) such other  
14 transactions of the PIBCIS;
- 15
- 16 n. Determine the manning levels of immigration officers of the Bureau  
17 nationwide in accordance with the number of arrivals in each port of entry  
18 as determined by the Board: *Provided*, that for every three hundred (300)  
19 passengers there shall be one (1) immigration personnel in an eight-hour  
20 shift;
- 21
- 22 o. Exercise disciplinary authority over personnel of the Bureau charged with  
23 less grave and light administrative offenses, in accordance with the Revised  
24 Rules on Administrative Cases in the Civil Service (RRACS): *Provided*, That  
25 the disciplinary authority over those charged with grave administrative  
26 offenses under RRACS shall belong to the Secretary of the DOJ;
- 27
- 28 p. Prepare and submit a supplemental budget for the consideration of the  
29 Department of Budget and Management (DBM);
- 30
- 31 q. Prescribe, with the concurrence of the Board, the appropriate forms, bonds,

1 reports, entries and other papers in accordance with this Act; and

2  
3 r. Perform such other functions as are inherent to the Bureau.

4  
5 *Sec. 12. Appointment and Rank of Deputy Commissioners.* — There shall be  
6 two (2) Deputy Commissioners who shall be appointed by the President. They shall  
7 have the rank, salary and privileges of an Assistant Secretary of a Department.

8  
9 *Sec. 13. Duties of Deputy Commissioners.* — In addition to their duties as  
10 members of the Board, the Deputy Commissioners shall supervise a minimum of two  
11 (2) Directorates and one (1) regional office each as determined by the Commissioner.

12  
13 *Sec. 14. Creation of Positions and Compensation for Co-Terminus Officials and*  
14 *Employees.* — The following co-terminus positions are hereby created for the Office of  
15 the Commissioner and Deputy Commissioners, except for Executive Officer III/Board  
16 Secretary which shall be assigned only to the Office of the Commissioner. The basic  
17 monthly compensation of the following co-terminus officials and employees shall be  
18 as follows:

<b>POSITION</b>	<b>SALARY GRADE</b>
Head Executive Assistant	27
Executive Assistant VI	25
Executive Assistant V	24
Executive Assistant IV	22

19 **CHAPTER 4**  
20 **THE BOARD SECRETARY**  
21

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

1  
2 Sec. 16. *Powers and Duties.* – The Board Secretary shall:  
3

- 4 a. Attend in and take minutes of all meetings of the Board;  
5  
6 b. Prepare the agenda for the deliberations of the Board on Visa application;  
7  
8 c. Prepare the agenda for the deliberations of the Board on deportation cases  
9 as endorsed by a Member of the Board after initial review;  
10  
11 d. Implement the decision of the Board approving visa applications, including  
12 revalidation;  
13  
14 e. Keep and manage all records of the deliberation of the Board;  
15  
16 f. Advise the members of the Board on all matters relative to compliance with  
17 relevant laws and requirements of regulatory authorities; and  
18  
19 g. All other functions as may be directed by the Board.  
20

21 **CHAPTER 5**

22 **THE BOARDS OF SPECIAL INQUIRY**  
23

24 Sec. 17. *Constitution of the Boards of Special Inquiry.* – There shall be  
25 constituted as many Boards of Special Inquiry (BSI) as required in the exigency of  
26 service but not more than twelve (12). Each Board shall be composed of a Chairperson  
27 and two (2) members. The Overall Chairperson of the BSI shall sit as the Chairperson  
28 of the First Board of the BSI. The BSI shall be designated according to their areas of  
29 specialization to be determined by the Board.  
30

31 Sec. 18. *Appointment and Qualification of the Chairpersons and Members of*

1 *the BSI.* – The Chairpersons and members of the BSI shall be appointed by the  
2 Commissioner, all of whom shall be natural-born citizens of the Philippines and, at the  
3 time of their appointment, at least thirty (30) years of age, members of the Philippine  
4 Bar in good standing and engaged in the practice of law for at least three (3) years.  
5

6 **Sec. 19. Powers and Functions of the BSI.** – The BSI shall:  
7

8 a. Recommend to the Board for final resolution cases and applications relative  
9 to:

10  
11 1. Deportation;

12  
13 2. Revocation of immigration status;

14  
15 3. Recognition of Philippine citizenship by reason of birth, or marriage;

16  
17 4. Legalization of residence in accordance with law; and

18  
19 5. Issuance of visa for stateless person.  
20

21 b. Issue subpoena in cases being heard by the BSI;  
22

23 c. In the exercise of its quasi-judicial functions, cite and punish persons for  
24 contempt in accordance with the Rules of Court;  
25

26 d. Recommend to the Board the imposition, waiver or reduction of fees, fines,  
27 penalties and other charges subject to existing laws, rules and regulations;  
28

29 e. Administer oaths;  
30

31 f. Promulgate rules and regulations governing matters within its assigned



1 mandate subject to the approval of the Board; and

2  
3 g. Perform such other duties and functions as may be directed by the  
4 Commissioner and the Board.

5  
6 **Sec. 20. *Proceedings Before the BSI.*** – The proceedings before the BSI shall  
7 be public and recorded. In all cases, the BSI shall meet and act as a collegial body.  
8 Only members of the Philippine Bar in good standing shall appear for and in behalf of  
9 any party before the BSI.

10  
11 **Sec. 21. *Creation of Positions under the BSI.*** – The following positions with the  
12 corresponding salary grades are hereby created under the BSI:

<b>POSITION</b>	<b>SALARY GRADE</b>
Special Inquiry Officer II	25
Special Inquiry Officer I	24

13 **CHAPTER 6**  
14 **DIRECTORATES AND OTHER OPERATING OFFICES OF THE BUREAU**

15  
16 **Sec. 22. *Directorates and Other Operating Offices of the Bureau.*** — The Bureau  
17 shall have the following directorates and other operating offices, namely:

- 18  
19 a. Directorates:
- 20  
21 1. Administration;
  - 22  
23 2. Finance and Logistics;
  - 24  
25 3. Information and Communications Technology;
  - 26

1           4. Planning and Research;

2

3           5. Alien Registration;

4

5           6. Immigration Regulation;

6

7           7. Intelligence;

8

9           8. Law Enforcement;

10

11          9. Operations;

12

13          10. Legal Affairs; and

14

15          11. Human Resource Management and Development.

16

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

19

20          c. Districts:

21

22             1. Major Airports; and

23

24             2. Seaports

25

26           **Sec. 23. *Heads of the Directorates and Other Operating Units.*** — Each  
27           Directorate shall be headed by a Director with a Salary Grade of 28: Provided, That  
28           the Director for Legal Affairs shall be a member of the Philippine Bar in good standing  
29           and must have been engaged in the practice of law for at least three (3) years, and  
30           that the Director for Finance and Logistics shall be a Certified Public Accountant in  
31           good standing for at least three (3) years. The Regional Offices shall be headed by a

1 Regional Director with a Salary Grade of 27, while the District Offices shall be headed  
2 by a District Supervisor with a Salary Grade of 26.

3  
4 *Sec. 24. Duties and Functions of the Directorates, Regional Offices, Districts,*  
5 *Field Offices and Other Operating Offices.* – The different directorates and other  
6 operating offices of the Bureau shall have such number of officers and as may be  
7 defined by the Board to ensure the effective performance of their respective  
8 mandates.

9  
10 **CHAPTER 7**  
11 **IMMIGRATION OFFICERS**

12  
13 *Sec. 25. Immigration Officers, Immigration Inspectors and Immigration*  
14 *Agents.* – The Bureau shall employ an elite group of Immigration Officers who shall  
15 be assisted by Immigration Inspectors and Immigration Agents in the performance of  
16 their duties and functions. No person shall be appointed to the position of Immigration  
17 Officer, Immigration Inspector or Immigration Agent unless such person meets the  
18 qualification standards set by the Bureau, which shall include the following  
19 determinative factors in setting said qualification standards for each position:

20  
21 a. Educational Attainment

22  
23 b. Civil Service Eligibility

24  
25 c. Relevant Experience

26  
27 d. Training

28  
29 1. Basic

30  
31 2. Advanced

1  
2           **3. Executive**

3  
4           **e. Ability**

5  
6           **Sec. 26. *Powers and Functions of Immigration Officers.* – The Immigration**  
7 **Personnel shall have the following powers and functions:**

- 8  
9           **a. Examine, with the assistance and advice of medical authorities in**  
10           **appropriate cases, foreign nationals at the port of entry concerning their**  
11           **admissibility to enter and their qualifications to remain in the Philippines;**  
12  
13           **b. Exclude foreign nationals not properly documented, and to admit foreign**  
14           **nationals complying with the applicable provisions of immigration and**  
15           **related laws;**  
16  
17           **c. Administer oaths in connection with the performance of their duties;**  
18  
19           **d. Within lawful bounds, search for foreign nationals on any vessel reasonably**  
20           **believed to be used to illegally bring foreign nationals into the Philippines,**  
21           **and to take into custody any foreign national who in one's presence or view**  
22           **is entering or is about to enter the Philippines in violation of immigration**  
23           **and related laws, rules and regulations;**  
24  
25           **e. Act as control personnel with authority to prevent the departure of**  
26           **passengers who do not comply with duly published departure requirements;**  
27  
28           **f. Detect and report violations of the immigration and registration laws and,**  
29           **in appropriate cases, take the required necessary actions upon the**  
30           **instructions of the Commissioner, including follow-up on the stay of non-**  
31           **immigrants to prevent overstaying;**

- 1
- 2 g. Detect and report subversive activities of aliens in the interest of national
- 3 security;
- 4
- 5 h. Investigate any case at the instance of the Commissioner and submit the
- 6 required reports;
- 7
- 8 i. Report on the activities of aliens inimical to national interest with a view to
- 9 taking appropriate action in accordance with law;
- 10
- 11 j. Locate and conduct surveillance against foreign nationals in violation of
- 12 immigration laws, rules and regulations;
- 13
- 14 k. Provide actionable operational, tactical and strategic intelligence to the
- 15 operating units;
- 16
- 17 l. Conduct case build up, analysis and other in-depth research, as well as
- 18 provide analytical reports on foreign nationals who violate or are in violation
- 19 of immigration laws, rules and regulations;
- 20
- 21 m. Coordinate with other local and international law enforcement agencies in
- 22 the gathering of intelligence information related to immigration law
- 23 violations;
- 24
- 25 n. Conduct counter intelligence operations;
- 26
- 27 o. Enforce the immigration laws relating to the exclusion, deportation and
- 28 repatriation of aliens;
- 29
- 30 p. Take charge of the physical detention of aliens pending their exclusion,
- 31 deportation or repatriation;

- 1
- 2 q. Attend to the deportation of aliens;
- 3
- 4 r. Monitor all arriving and departing suspected terrorists, drug couriers and
- 5 members of crime syndicates;
- 6
- 7 s. Assist and escort deportees, excluded passengers and transiting restricted
- 8 passengers until finally boarded;
- 9
- 10 t. Assist in the queuing of passengers at the arrival and departure areas;
- 11
- 12 u. Investigate and escort from ports of entry intercepted passengers who are
- 13 found in possession of spurious travel documents;
- 14
- 15 v. Warrants of Deportation (WOD) and Mission Orders involving foreign
- 16 nationals who violate or are in violation of immigration laws, rules and
- 17 regulations; and
- 18
- 19 w. Perform such other functions as may be assigned by the Commissioner from
- 20 time to time.
- 21

22 Qualified Immigration Officers, Immigration Inspectors and Immigration Agents

23 with the requisite training and experience may be assigned to the Intelligence, Law

24 Enforcement, or Operations Directorates depending on the exigencies of the Bureau.

25 The Board may, in the exigencies of service, designate certain duties and

26 responsibilities listed in this Section to other officers and employees in the Intelligence,

27 Law Enforcement or Operations Directorates in an acting capacity: *Provided*, That

28 such designation shall not exceed a period of one (1) year.

29

30 *Sec. 27. Deployment of Immigration Personnel Abroad.* – Within ninety (90)

31 days from the effectivity of this Act, the Bureau shall promulgate the implementing

1 rules and regulations on the assignment and deployment of immigration personnel to  
2 select consular posts abroad who shall, subject to the pertinent provisions of Republic  
3 Act No. 7157 or the "Philippine Foreign Service Act of 1991," perform immigration  
4 duties, except diplomatic and consular functions.

5  
6 **CHAPTER 8**  
7 **PLANNING AND RESEARCH**  
8

9 *Sec. 28. Immigration Research Specialist.* – No person shall be appointed to  
10 the position of Immigration Research Specialist unless such person meets the  
11 qualification standards set by the Bureau. The Immigration Research Specialists shall  
12 perform the following duties:

- 13
- 14 a. Formulate and implement the planning programs, projects and processes;
  - 15
  - 16 b. Facilitate and organize a strategic planning;
  - 17
  - 18 c. Conduct workload assessment and forecasting;
  - 19
  - 20 d. Provide assistance to the Board in the implementation and establishment of  
21 a risk management process;
  - 22
  - 23 e. Implement a monitoring feedback measurement and evaluation system for  
24 the implementation of projects and programs;
  - 25
  - 26 f. Represent the Board in meetings relating to Planning and Research; and
  - 27
  - 28 g. Perform such other tasks as may be directed by the Commissioner.
  - 29

30 *Sec. 29. Creation of Positions; Directorate for Planning and Research.* – The  
31 following positions with corresponding salary grades are hereby created:

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

1 **CHAPTER 9**

2 **HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT**

3

4 *Sec. 30. Human Resource Management Officer.* – No person shall be appointed  
5 to the position of Human Resource Management Officer unless such person meets the  
6 qualification standards set by the Commission. The Human Resource Management  
7 Officers shall perform the following duties:

- 8
- 9 a. Develop and execute human resource strategies in support of the overall  
10 plan and strategic direction of the Commission especially in the areas of  
11 selection, hiring and promotion;
- 12
- 13 b. Design employee training modules;
- 14
- 15 c. Develop comprehensive strategic recruiting and retention plans to meet the  
16 human capital of strategic goals;
- 17
- 18 d. Oversee the recruitment, selection and promotion of employees;
- 19
- 20 e. Prepare schemes to strengthen the relationship between management and  
21 employees;
- 22



- 1 f. Set qualification standards and implement competency-based hiring and  
 2 promotion policies;  
 3  
 4 g. Set performance standards for the employees of the Commission in order  
 5 to meet the objectives, plans and programs of the Commission; and  
 6  
 7 h. Perform such other tasks as may be directed by the Commissioner.  
 8

9 *Sec. 31. Creation of Positions; Directorate for Human Resources Management*  
 10 *and Development.* – The following positions with the corresponding salary grades are  
 11 hereby created under the Directorate for Human Resources Management and  
 12 Development:

<b>POSITION</b>	<b>SALARY GRADE</b>
Chief Human Resource Management Officer	28
Supervising Human Resource Management Officer	25
Human Resource Management Officer III	23
Human Resource Management Officer II	21
Human Resource Management Officer I	17
HR Management Assistant	15

13 **CHAPTER 10**  
 14 **CAREER DEVELOPMENT PATTERN**  
 15

16 *Sec. 32. Career Development.* – The Bureau shall:  
 17

- 18 a. Establish and strengthen the Philippine Immigration Academy which shall  
 19 be under the control and supervision of the Commissioner;  
 20

1 b. Create a continuing program to enhance the knowledge, skills and  
2 competence of all personnel through a career advancement training and  
3 education prior to their promotion; and  
4

5 c. Formulate training requirements to implement the provisions in this Title.  
6

7 **CHAPTER 11**  
8 **OTHER OFFICES**  
9

10 *Sec. 33. Field Offices of the Bureau.* – The Bureau shall operate and maintain  
11 a field office in each of the administrative or political regions, including the National  
12 Capital Region.  
13

14 *Sec. 34. Changes in the Composition, Distribution of Assignment of Field*  
15 *Offices.* – The Commissioner may make changes in the composition, distribution and  
16 assignment of field offices, as well as its personnel, based on the demographics of the  
17 foreign nationals and as the exigency of the service requires.  
18

19 *Sec. 35. Border Control Stations.* – There shall be established Border Control  
20 Stations which shall be manned by Border Control Personnel appointed by the  
21 Commissioner. The Border Control Stations shall be placed in specific areas in the  
22 Philippines which shall be determined by the Board.  
23

24 **TITLE III**  
25 **IMMIGRATION**  
26

27 **CHAPTER 1**  
28 **NON-IMMIGRANTS**  
29

30 *Sec. 36. Categories of Non-immigrants and Types of Visa Issued.* – Foreign  
31 nationals departing from any place outside the Philippines who are otherwise

1 admissible and who qualify under any one of the following categories may be admitted  
2 as non-immigrants:

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

6  
7 1. **Business (A-1 Visa):** Temporary visitors engaged in activities of a  
8 commercial or professional nature for a foreign employer or for  
9 themselves that will not result in gainful employment in the Philippines.  
10 As used herein, the term "business" refers to conventions, conferences,  
11 consultations and other legitimate activities of a commercial or a  
12 professional nature, but does not include local employment or labor for  
13 hire;

14  
15 2. **Pleasure (A-2 Visa):** Temporary visitors who stay in the Philippines for  
16 holiday, including sightseeing, recreation or visiting relatives; and

17  
18 3. **Health (A-3 Visa):** Temporary visitors who stay in the Philippines to avail  
19 of medical treatment.

20  
21 b. **Transit Persons (B Visa):** Persons passing through the Philippines solely for  
22 a "stop over" who have a confirmed connecting flight to another country or  
23 passengers in immediate and continuous transit to a destination outside the  
24 Philippines;

25  
26 c. **Crew members (C Visa):** Members of the crew of vessels required for the  
27 normal operation and servicing of the vessels who come to the Philippines  
28 temporarily as part of their jobs either arriving with or coming to join the  
29 vessels;

30

1 d. Treaty Traders (D-1 Visa) and Treaty Investors (D-2 Visa): Citizens from a  
2 country that has a trade treaty with the Philippines, including their family  
3 members, and who come to work in the Philippines for either a company  
4 they own or one that is at least fifty percent (50%) owned by nationals of  
5 their home country and which company is engaged in substantial trade  
6 between the Philippines and their home country shall be granted a D-1 visa.  
7

8 Citizens from a country that has an investor treaty with the Philippines,  
9 including their family members, and who come to work in the Philippines  
10 for a business they own or one that is at least fifty percent (50%) owned  
11 by nationals of their home country and which business is supported by a  
12 substantial investment from nationals of their home country shall be  
13 granted a D-2 visa;  
14

15 e. Accredited Foreign Government Officials, Their Families and Household  
16 Member (E Visas): Foreign government officials, their families and  
17 household members coming to the country for official purpose, pursuant to  
18 international conventions and bilateral agreements, shall be granted E Visas  
19 divided into four (4) types, namely:  
20

21 1. Persons eligible for E-1 Visa: The E-1 Visa shall be issued to the following  
22 classes of foreign nationals:  
23

24 i. Heads of State and/or Heads of Government and their personal  
25 representatives;  
26

27 ii. Members of reigning royal families from countries recognized by the  
28 Philippine Government;  
29

30 iii. Governors-General, Governors, and High Commissioners of  
31 dependent territories and their personal representatives;

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- 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;

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

24  
25  
26

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

- 27  
28  
29  
30  
31
- i. Administrative and technical members of the staff of a diplomatic or consular mission;
  - ii. Officials participating in programs under the auspices of the Philippine Government or recognized international institutions; and

1  
2           iii. Accompanying spouses and unmarried dependents of foreigners  
3                 within the abovementioned categories;  
4

5           3. Persons eligible for E-3 Visa: The E-3 visa shall be issued to an official  
6                 of a foreign government recognized by the Philippines, is a national of  
7                 the country whose government he represents, and is proceeding to the  
8                 Philippines on a short-term basis in connection with official business for  
9                 such foreign official's government.  
10

11           This category includes, *inter alia*, the following classes of foreign  
12                 nationals:  
13

- 14                 i. Diplomatic couriers regularly and professionally employed as such;  
15  
16                 ii. All members of official special missions of a diplomatic character;  
17  
18                 iii. Members of delegations proceeding to or from an international  
19                         conference of a diplomatic or official nature; and  
20  
21                 iv. Such other officials going to the Philippines on diplomatic or official  
22                         missions;  
23

24           4. Persons eligible for E-4 Visa: The E-4 Visa shall be issued to the private  
25                 employees and household members of persons to whom E-1 and E-2  
26                 visas have been granted, as well as their immediate dependents;  
27

28           All visas under enumerated in Sec. 36(e) of this Act shall be exclusively  
29                 issued and renewed by the DFA, which shall also determine the type of E-  
30                 Visa of Foreign Government Officials not identified in the foregoing lists.  
31           The grant of immunities and privileges shall be subject to applicable

1 domestic and international law and international agreements to which the  
2 Philippines is a party, as well as in consideration of the principle of  
3 reciprocity.  
4

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

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

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

25  
26 i. **Representatives of Accredited International Organizations and Government**  
27 **Agencies (I Visa):** Foreign officials and staff of accredited international  
28 organizations, including their dependent family members, staff, and  
29 household members shall be granted I Visas divided into four (4) types,  
30 namely:  
31

- 1           1. Persons eligible for I-1 Visa: The I-1 Visa shall be issued to the principal  
2           officials of international organizations, as well as their accompanying  
3           wives and dependents;  
4  
5           2. Persons eligible for I-2 Visa: The I-2 visa shall be issued to the other  
6           officials and staff of international organizations, as well as their  
7           accompanying spouses and dependents;  
8  
9           3. Persons eligible for I-3 Visa: The I-3 visa shall be issued to officials and  
10          staff of international organizations who will perform short-term official  
11          work with the international organization upon its invitation; and  
12  
13          4. Persons eligible for I-4 Visa: The I-4 Visa shall be issued to the private  
14          employees and household members of persons to whom E-1 and E-2  
15          visas have been granted, as well as their immediate dependents.  
16

17          Accredited international organization include any public international  
18          organization engaged in activities of which the Philippines participates  
19          pursuant to any treaty or under the authority of any act of the Congress of  
20          the Philippines authorizing such participation or making an appropriation for  
21          such participation and such other international organizations, institutions,  
22          agencies, programs, foundations and entities which are recognized by the  
23          government of the Republic of the Philippines, including those existing and  
24          already recognized as such at the time of the effectivity of this Act.  
25

26          All types of visas under Sec. 36(i) of this Act shall be exclusively issued and  
27          renewed by the DFA, which shall also determine the type of I Visa of officials  
28          and staff of International Organizations who are not identified in the  
29          foregoing list. The grant of immunities and privileges shall be subject to  
30          applicable domestic and international law, relevant Headquarters



1           Agreements, and international agreements to which the Philippines is a  
2           party.

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

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

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

21  
22          m. **Bridging Visa (M Visa):** A temporary visa which allows a foreign national to  
23          stay in the Philippines after the expiration of the current visa, other than  
24          temporary visitor visa under Sec. 43(a), while an application for adjustment  
25          of status is being processed; and

26  
27          n. **Special Non-Immigrants (N Visas):** Such other foreign nationals including  
28          their family members who may be admitted as non-immigrants under  
29          special laws or foreign nationals not otherwise provided for by this Act who  
30          are coming for temporary periods only, and whose admission is authorized

1 by the Board or the President in the interest of the public or for humanitarian  
2 considerations and under such conditions as may be prescribed.

3  
4 **CHAPTER 2**  
5 **IMMIGRANTS**  
6

7 **Sec. 37. *Quota Immigrants.*** — Subject to the conditions set forth in this Act,  
8 there may be admitted into the Philippines, immigrants, otherwise known as “quota  
9 immigrants,” not to exceed two hundred (200) of any one nationality for any one  
10 calendar year and upon allotment by the Commissioner of the corresponding quota  
11 number. In the allotment of quota numbers, the following order of preference shall  
12 be observed:

- 13  
14 a. **First Preference:** Those whose service and qualifications show high  
15 educational attainment, technical training, specialized experience, or  
16 exceptional ability in the sciences, arts, professions, or business as would  
17 reasonably enhance and contribute substantial benefits prospectively to the  
18 national economy, or cultural or educational interests or welfare of the  
19 Philippines, including their family members, accompanying or following to  
20 join them, who shall likewise be allotted individual quota numbers;  
21  
22 b. **Second Preference:** Parents of a naturalized Philippine citizen;  
23  
24 c. **Third Preference:** Spouses or minor children of foreign nationals who are  
25 lawful permanent residents of the Philippines; and  
26  
27 d. **Fourth Preference:** Parents of foreign nationals who are lawful permanent  
28 residents of the Philippines.  
29

30 **Sec. 38. *Allotment of Quota.*** — The Commissioner shall, with respect to the  
31 first preference, allot not more than fifty percent (50%) of the annual quota allotment

1 up to the end of June each year: *Provided*, That if the fifty percent (50%) is not  
2 utilized by the first preference, the balance thereof shall be given to the second, third,  
3 and fourth preferences in accordance with Sec. 37 of this Act shall be that of the  
4 country of which the immigrant is a national or a citizen. Any unused quota allotment  
5 for a calendar year shall not be carried over and utilized for the ensuing calendar year.  
6

7       **Sec. 39. *Basis in Determination of Quota Allotment.*** — The nationality of  
8 immigrants whose admission is subject to the numerical limitation imposed by Sec. 37  
9 of this Act shall be that of the country of which the immigrant is a national or a citizen.  
10 The nationality of immigrants possessing dual nationality may be that of either of the  
11 two countries regarding them as a national or citizen if they apply for a visa in a third  
12 country. If such immigrants apply for a visa within one of the two countries regarding  
13 them as a national or citizen, their nationality shall be that of the country in which  
14 they filed their application for a visa to enter the Philippines.  
15

16       **Sec. 40. *Non-Quota Immigrants.*** — The following immigrants, known as “non-  
17 quota immigrants,” may be admitted without regard to numerical limitation and  
18 immigration reciprocity:  
19

- 20       a. The spouse of a Philippine citizen: *Provided*, That abandonment by the  
21 foreign spouse, the failure to give support by the foreign spouse to the  
22 Filipino spouse and family, and the legal separation or termination of the  
23 marital status by annulment, declaration of nullity of marriage or divorce  
24 where the cause is attributable to the foreign spouse, shall constitute  
25 grounds for cancellation of the immigrant visa issued to the foreign spouse;  
26
- 27       b. A person of Filipino descent regardless of generation;  
28
- 29       c. A child born to a foreigner mother during her temporary visit abroad, the  
30 mother being a lawful permanent resident of the Philippines, if accompanied

1 by or coming to join the mother who applies for admission within five (5)  
2 years from the birth of the child;

3  
4 d. A child born subsequent to the issuance of an immigrant visa to the  
5 accompanying parent, the visa not having expired or revoked;

6  
7 e. A foreign national who had been previously lawfully admitted into the  
8 Philippines for permanent residence who is returning from a temporary visit  
9 abroad to an unrelinquished residence in the Philippines;

10  
11 f. A natural-born citizen who becomes a naturalized citizen of a foreign  
12 country and is returning to the Philippines for permanent residence therein,  
13 including the spouse and minor children accompanying or following to join  
14 such person; and

15  
16 g. Spouse, parent, children, legitimate siblings of a foreign national who is  
17 gainfully employed and holder of a permanent resident status for a period  
18 of seven (7) years.

19  
20 **CHAPTER 3**

21 **NATIVE-BORN FOREIGN NATIONAL**

22  
23 *Sec. 41. Status of Children Born to Immigrants.* — A child born in the Philippines  
24 to parents who are foreign nationals and lawful residents of the Philippines shall be  
25 deemed a native-born permanent resident.

26  
27 *Sec. 42. Status of Children Born to Non-immigrants.* — A child born to parents  
28 who are both non-immigrants shall be deemed a native-born non-immigrant or  
29 temporary resident and may remain in the Philippines only during the period of  
30 authorized stay of parents, unless the child reaches the age of eighteen (18) years

1 while continuously residing in the Philippines, in which case such child may apply for  
2 naturalization under existing laws or for an appropriate visa.

3  
4 **CHAPTER 4**  
5 **ADJUSTMENT OF STATUS**  
6

7 *Sec. 43. Conditions for Adjustment of Status of Foreign Nationals.* — The status  
8 of a foreign national admitted into the Philippines as non-immigrant may be adjusted  
9 by the Board to that of a foreigner lawfully admitted as a permanent resident if:

- 10  
11 a. The foreigner makes an application for such adjustment;  
12  
13 b. The foreigner is eligible to receive a quota or non-quota immigrant visa and  
14 is admissible to the Philippines as a permanent resident; and  
15  
16 c. A quota immigrant visa, if such is the case, is immediately available to the  
17 foreign national at the time of application, without the need of first  
18 departing from the Philippines.

19  
20 In all such cases, the personal appearance of the foreigner shall be required  
21 during the consideration of the application.  
22

23 *Sec. 44. Effect of Approval on Application for Adjustment.* — Upon the approval  
24 of an application for adjustment of status under the preceding Sec., the Commissioner  
25 shall record the foreign national's lawful admission as a permanent resident as of the  
26 date of the approval of the application and shall be included as part of the quota for  
27 the calendar year in accordance with Sec. 37 of this Act.  
28

1           Sec. 45. *Adjustment of Status, When Not Allowed.* — Adjustment of status  
2 under this Act shall not be applicable to:

3  
4           a. A foreign national who has violated or is in violation of immigration laws,  
5           rules and regulations unless the violation is without the fault of the foreign  
6           national or for purely technical reasons; and

7  
8           b. Transients.  
9

10           Sec. 46. *Loss of Status.* — A registered foreign national, except a temporary  
11 visitor, who fails to return to the Philippines within a period of one (1) year from  
12 departure shall lose the status granted under Title III of this Act. Such foreign national  
13 may apply for an extension of the period within which to return prior to its expiration  
14 and pay the prescribed fees and charges in order to maintain the status or type of  
15 visa granted.  
16

## 17   CHAPTER 5

### 18                           DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS 19

20           Sec. 47. *Documentary Requirements of Non-immigrants.* — Non-immigrants  
21 must present for admission into the Philippines valid passports issued by the  
22 governments of the countries to which they owe allegiance or other travel documents  
23 showing their nationality and identity as prescribed by regulations, a valid visa granted  
24 by the Philippine Immigration Attaché, if required, and such other relevant documents  
25 as may be required under existing laws, rules, regulations, or multilateral or bilateral  
26 agreements.  
27

28           Sec. 48. *Conditions and Period of Authorized Stay of Temporary Visitors.* — The  
29 initial period of authorized stay of a foreign national admitted as a temporary visitor  
30 under Sec. 37(a) of this Act shall not exceed fifty-nine (59) calendar days from the  
31 date of arrival, subject to bilateral, regional and multilateral visa agreements entered

1 into by the Philippines: *Provided*, That the conditions for extensions and total period  
2 of authorized stay shall be prescribed by the Commissioner: *Provided, further*, That  
3 during the foreign national's authorized stay, such foreign national: (a) shall not take  
4 any employment, whether paid or unpaid; (b) shall not establish or join in any  
5 business; and (c) shall not enroll or become a student at a school, college, university,  
6 academy, or other educational institution, unless granted, upon proper application, a  
7 conversion to another immigration status provided under this Act.

8  
9 **Sec. 49. *Conditions for Issuance of Pre-Arranged Employment Visas.*** — A  
10 foreign national who is coming to the Philippines for prearranged employment shall  
11 not be issued a non-immigrant visa referred to in Sec. 36(g) until the Immigration  
12 Attaché shall have received authorization for the issuance of the same. Such  
13 authorization shall be given only upon the filing of a petition with the Board  
14 establishing, among others, that no person can be found in the Philippines willing and  
15 competent to perform the work or service for which the foreigner is desired and that  
16 the admission would be beneficial to the public interest. The petition shall be under  
17 oath by the prospective employer or the latter's representative in the form and manner  
18 prescribed by the Board.

19  
20 If the Board finds that the petition complies with the requirements of the  
21 preceding paragraph and of other regulations, it shall grant the petition and shall  
22 promptly transmit the authorization to the DFA.

23  
24 **Sec. 50. *Submission of Crew List and Passenger Manifest.*** — Simultaneous to  
25 the vessel's departure from the port of origin, the master, captain, agent, owner or  
26 consignee of any commercial vessel arriving to the Philippines shall submit to the  
27 Bureau, within a reasonable time prior to such arrival, the crew lists, passenger  
28 manifests and such other information concerning the persons arriving on such a  
29 vessel. In the same manner and condition, the master, captain, agent, owner or  
30 consignee of any commercial vessel departing from any port in the Philippines shall  
31 submit to the Bureau, within a reasonable time prior to such departure, the crew list,

1 passenger manifest and such other information concerning the persons departing on  
2 such vessel. The crew list of an incoming sea craft shall contain the appropriate visa  
3 granted by the Consular Officer.  
4

5 *Sec. 51. Inspection of Crewmembers.* – It shall be the duty of the master,  
6 captain, agent, owner or consignee of any vessel arriving in the Philippines to have  
7 available on board, for inspection by the Immigration Personnel, any foreign  
8 crewmember employed on such vessel and, when required by the immigration  
9 authorities, to detain such crewmember on board after inspection or to remove such  
10 crewmember. No crewmember on board such vessel shall be discharged while the  
11 vessel is in port without the permission of the Commissioner.  
12

13 *Sec. 52. Permission for Temporary Landing of a Foreign Crewmember.* — A  
14 foreign crewmember on a vessel arriving in the Philippines may be permitted to land  
15 temporarily under such conditions as may be prescribed by the Commissioner. All  
16 expenses incurred by the Office while the crewmember is on land shall be borne by  
17 the master, captain, agent, owner or consignee of the carrying vessel.  
18

## 19 **CHAPTER 6**

### 20 **DOCUMENTATION AND ADMISSION OF IMMIGRANTS**

21  
22 *Sec. 53. Documentary Requirements of Immigrants; Instances When Not*  
23 *Required.* — Immigrants must present for admission into the Philippines valid  
24 passports or travel documents issued by the government of the country to which they  
25 owe allegiance, showing their nationality and identity and valid immigrant visas  
26 indicating the date of issue and the period of validity thereof. Immigrant visas shall  
27 not be required of the following:  
28

- 29 a. A child born subsequent to the issuance of a valid immigrant visa to the  
30 accompanying parent;  
31



- 1 b. A child born during the temporary visit abroad of the mother who is a lawful  
2 permanent resident of the Philippines and a holder of a valid re-entry  
3 permit, if the child is accompanied by either parent within five (5) years  
4 from the date of the child's birth; and  
5  
6 c. A foreign national who is returning to an unrelinquished lawful permanent  
7 residence in the Philippines after a temporary residence abroad and  
8 presents for admission a valid re-entry permit.  
9

10 **CHAPTER 7**  
11 **VISA ISSUANCE**  
12

13 Sec. 54. *Nature of Visa.* — Nothing in this Act shall be construed to  
14 automatically entitle any foreign national to whom a visa or other travel document has  
15 been issued to enter the Philippines if, upon arrival at a port of entry, he/she is found  
16 to be inadmissible under this Act or any other law.  
17

18 Sec. 55. *Visa Policy.* – The policies governing the issuance, extension, renewal  
19 and conversion of visas referred to in this Act shall be formulated by the Bureau and  
20 the DFA, when appropriate, in consultation with concerned government agencies and  
21 offices.  
22

23 Sec. 56. *Visa Issuance Abroad.* - All visas issued abroad shall be done by  
24 Consular Officers assigned at Philippine Foreign Service posts in the following manner:  
25

- 26 a. Upon approval by the Commissioner and recommendation by a Consular  
27 Officer, a quota immigrant visa may only be issued to a foreign national  
28 who has made a proper application therefor, which shall specify the  
29 nationality to which the quota number is assigned, the immigrant's  
30 particular status in such country, the preference to which the foreign

1 national is classified, the date on which the validity of the visa shall expire,  
2 and such additional information as may be required; and  
3

- 4 b. The DFA, through its Consular Office abroad or the Office of the Visa  
5 Director, shall approve the issuance of non-quota immigrant and non-  
6 immigrant visas to a foreign national who has made a proper application  
7 therefor.  
8

9 The issuance of special non-immigrant visas falling under the jurisdiction of a  
10 particular government office or agency can only be done in coordination with and  
11 upon recommendation of the government agency or office concerned.  
12

13 *Sec. 57. Requirements for Physical and Mental Examination Prior to Issuance*  
14 *of Immigrant Visa.* – Prior to the issuance of an immigrant visa to any foreign national,  
15 the Consular Officer shall require such person to submit to a physical and mental  
16 examination in accordance with such regulations as may be prescribed by the  
17 Commissioner.  
18

19 *Sec. 58. Visa Validity Period.* — A single-entry non-immigrant or immigrant visa  
20 issued by a Consular Officer abroad pursuant to Sec. 56 of this Act shall be valid for a  
21 period not exceeding three (3) months: *Provided,* That in prescribing the validity  
22 period of a single-entry non-immigrant visa, the Consular Officer may allow a longer  
23 validity period based on reciprocity as accorded by the foreign country to citizens of  
24 the Philippines who are within a similar class.  
25

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

1  
2       Sec. 59. *Denial of Visa; Grounds.* — The Consular Officer may deny the  
3 application for visa (a) if it appears from the statements in the application or in the  
4 documents submitted the applicant is not eligible for a visa under this Act; or (b) if  
5 the applicant fails to comply with the requirements of the provisions of this Act.  
6

7       Sec. 60. *Revocation of Visa Issued by Consular Officer.* — The Commissioner  
8 may, for valid cause and upon confirmation by the DFA, revoke a visa issued by any  
9 Consular Officer. If the notice of revocation is not received and the visa holder applies  
10 for admission into the Philippines, the admission or entry of the foreign national shall  
11 be determined by the Immigration Personnel upon arrival at the port of entry.  
12

13   **CHAPTER 8**  
14   **RE-ENTRY AND EMIGRATION CLEARANCE**  
15

16       Sec. 61. *Re-entry.* — In all instances when a registered foreign national, except  
17 a temporary visitor, departs or is about to depart temporarily from the Philippines with  
18 the intention to return within one (1) year from departure, the foreign national must  
19 secure a re-entry permit or, if the authorized stay is less than one (1) year, a Special  
20 Return Certificate, and pay the corresponding fees and charges therefor.  
21

22       Sec. 62. *Emigration Clearance.* — A registered foreign national who departs  
23 permanently from the Philippines shall surrender all Philippine immigration documents  
24 and apply for and be issued an Emigration Clearance Certificate, subject to the  
25 following conditions:  
26

- 27       a. The immigrant has no pending obligation with the government or any of its  
28            agencies or instrumentalities;  
29  
30       b. The immigrant has no pending criminal, civil, or administrative proceeding  
31            which requires continued presence in the country; and

- 1  
2 c. There is no ongoing legislative inquiry where the immigrant is called upon  
3 to testify as a witness.  
4

5 A temporary visitor departing from the Philippines shall, after the expiration of  
6 the initial authorized stay, apply for emigration clearance and pay the prescribed fees  
7 and charges therefor.  
8

9 **CHAPTER 9**  
10 **PRESIDENTIAL PREROGATIVES**  
11

12 *Sec. 63. Presidential Prerogatives.* — Any provision of this Act to the contrary  
13 notwithstanding, the President may:  
14

- 15 a. Deny the entry and admission into the Philippines, or impose such  
16 restrictions as may be deemed appropriate, any foreign national or a class  
17 of foreign nationals, whenever the President finds that such entry would be  
18 detrimental to the interest of the Philippines;  
19
- 20 b. Waive passport or documentary requirements for non-immigrants and  
21 immigrants under such terms and conditions as may be prescribed;  
22
- 23 c. Change the status of non-immigrants by allowing them to acquire  
24 permanent residence status without necessity of a visa;  
25
- 26 d. Deport any foreign national, subject to the requirement of due process;  
27
- 28 e. Admit non-immigrants not otherwise provided for in this Act for  
29 humanitarian considerations and when not detrimental to public interest,  
30 under such terms and conditions as may be prescribed;  
31

- 1 f. Prohibit the departure from the Philippines of any person who is likely to  
2 disclose information affecting national security, or who is likely to organize  
3 a rebellion abroad against the Philippines, or whose presence in the country  
4 is necessary to face, or be a witness in, criminal proceedings; and  
5  
6 g. Exercise, with respect to foreign nationals in the Philippines, such powers  
7 as are recognized by the generally accepted principles of international law.  
8

9 **TITLE IV**  
10 **PROVISIONS RELATING TO ENTRY**

11  
12 **CHAPTER 1**  
13 **CLASSIFICATION OF PORTS OF ENTRY**  
14

15 *Sec. 64. Authority to Classify Ports.* – The Commissioner shall classify and  
16 designate, from among the ports of entry established by law for immigration purposes,  
17 limited or unlimited ports of entry through which foreign nationals may be admitted  
18 into the Philippines. Only such classes of foreign nationals as provided under the rules  
19 and regulations prescribed by the Commissioner may be admitted at limited ports of  
20 entry. The Commissioner may, after due notice to the public, close designated ports  
21 of entry in the interest of national security or public safety.  
22

23 **CHAPTER 2**  
24 **PROCEDURES ON ARRIVAL**  
25

26 *Sec. 65. Inspection by Immigration Personnel.* — A foreign national seeking  
27 admission or readmission shall present a valid passport and visa, if required, to the  
28 immigration Personnel at the port of entry and shall be subject to primary inspection.  
29 The decision of the examining Immigration Officer, if favorable to the admission of  
30 any foreigner, may be challenged by another Immigration Officer on any ground  
31 provided in this Act. The final determination on the admissibility of such foreign

1 national shall be determined by the Commissioner within forty-eight (48) hours in case  
2 no resolution is reached between the Immigration Officer on the challenged  
3 admission. In case of admission, the Immigration Officer shall indicate in the passport  
4 the date, the port of entry and the identity of the vessel boarded.  
5

6 **Sec. 66. *Detention or Quarantine for Examination.*** — For the purpose of  
7 determining whether a foreign national arriving at any port in the Philippines belongs  
8 to any of the classes excludable under this Act by reason of being afflicted with any  
9 of the contagious or communicable disease or mental disorder as set forth under Sec.  
10 76(a) of this Act or whenever the Commissioner has received information showing  
11 that foreigners are coming from a country or a place where any of such diseases are  
12 prevalent or widespread, the foreigner shall be detained or quarantined for a  
13 reasonable period of time to enable the immigration and medical officers to subject  
14 such person to observation and examination.  
15

16 **Sec. 67. *Medical Examination Requirement.*** — Any arriving foreign national  
17 whom the examining Immigration Officer believes to belong under the class of  
18 excludable foreign nationals specified in Sec. 76(a) of this Act shall be referred to  
19 designated medical officers for physical and mental examination. Such medical officer  
20 shall certify the findings of the examination for the information of the Immigration  
21 Officer.  
22

23 **Sec. 68. *Arrival Notice Requirements of Vessel.*** — The immigration authorities  
24 shall be given prior notice of the arrival of any civilian vessel before such vessel comes  
25 into any area in the Philippines from any place outside thereof. Such prior notice shall  
26 not be required in the case of vessels with scheduled arrivals filed with the  
27 Immigration Officer in charge at the international port of entry.  
28

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

1 inspection area until the Immigration Officer shall have conducted the primary  
2 inspection formalities.

3  
4 **Sec. 69. *Contents of Notice of Arrival.*** — The advance notice of arrival required  
5 in the preceding Sec. shall specify the following:

- 6  
7 a. Type of vessel and registration marks;  
8  
9 b. Crew list, who have been duly issued visas;  
10  
11 c. Passenger manifest;  
12  
13 d. Port of last departure;  
14  
15 e. International port of intended destination, or other place authorized by the  
16 Commissioner;  
17  
18 f. Estimated time of arrival; and  
19  
20 g. Authorized agent or representative at the place of arrival.

21  
22 **CHAPTER 3**  
23 **FOREIGN CREWMEMBER**  
24

25 **Sec. 70. *Conditional Permit to Disembark.*** — A foreign crewmember of a vessel  
26 under Sec. 36(c) of this Act may be granted a conditional permit, in a form prescribed  
27 by regulations, to disembark temporarily from the vessel on which such crewmember  
28 arrived while the vessel remains in port under such terms and conditions as may be  
29 prescribed by the Commissioner.

1           **Sec. 71. Confiscation and Cancellation of Permit; Deportation from the**  
2 ***Philippines.*** — Upon the determination that the foreign national is not a *bona fide*  
3 crewmember or does not intend to depart on the vessel that brought him, the  
4 Commissioner shall cancel and confiscate the conditional permit already issued, take  
5 such foreign national into custody, and require the owner, operator, captain, master,  
6 pilot, agent or consignee of the vessel on which the foreigner arrived to receive and  
7 detain the foreigner on board. The expenses for removal of the foreign national,  
8 including the cost of detention and other expenses incidental thereto, shall be borne  
9 by the owner, operator, captain, master, pilot, agent or consignee of such vessel.

10  
11           **Sec. 72. Liability for Overstaying Foreign Crewmen.** — A foreign crewmember  
12 who remains in the Philippines in excess of the period allowed in the conditional permit  
13 issued shall be solidarily liable with the owner, operator, captain, master, pilot, agent  
14 or consignee of the vessel to pay the penalties prescribed in Sec. 120 of this Act.

15  
16           **Sec. 73. Liability for Unauthorized Discharge of Foreign Crewmember.** — It shall  
17 be unlawful for any person, including the owner, operator, captain, master, pilot,  
18 agent or consignee of any vessel to discharge any foreign crewmember employed by  
19 a vessel arriving in the Philippines and while in port, without first obtaining the prior  
20 permission of the Commissioner. Otherwise, such person or owner, operator, captain,  
21 master, pilot, agent or consignee of the vessel shall pay such fines as may be  
22 prescribed under this Act. No vessel shall be granted clearance from any port in the  
23 Philippines while such fines remain unpaid or while the validity thereof is being  
24 determined: *Provided*, That a clearance may be granted prior to such determination  
25 upon deposit of a sum or cash bond sufficient to cover such fines as approved by the  
26 Commissioner.

27  
28           **Sec. 74. Duty to Report Desertion or Illegal Landing of Foreign Crewmember.**  
29 —The owner, operator, captain, master, pilot, agent or consignee of any vessel shall  
30 immediately report, in writing, to the Immigration Officer all cases of desertion or



1 illegal disembarkation in the Philippines from the vessel, together with a description  
2 of such foreign nationals and any information that shall result in their apprehension.

3  
4 *Sec. 75. Requirement for Submission of List of Newly Employed, Discharged*  
5 *and Illegally Landed Foreign Crewmember.* — Prior to the departure of any vessel  
6 from the last port in the Philippines destined to any place outside thereof, the owner,  
7 operator, captain, master, pilot, agent or consignee thereof shall deliver to the  
8 Immigration Officer at that port a list containing:

- 9  
10 a. The names of crewmembers who were not employed thereon at the time  
11 of the vessel's arrival on such port but will depart thereat on the same  
12 vessel;
- 13  
14 b. The names of those who have been discharged, if any;
- 15  
16 c. The names of those who have deserted or illegally landed at that port, if  
17 any; and
- 18  
19 d. Such other additional information as the Commissioner deems necessary.

20  
21 *Sec. 76. Liability for Failure to Submit Complete, True and Correct Report.* —  
22 The owner, operator, captain, master, pilot, agent, or consignee who fails to submit  
23 a true and complete list or report of foreign nationals or to report cases of desertion  
24 or illegal landing shall pay such sum as may be prescribed under this Section 116 of  
25 this Act. No vessel shall be granted clearance from any port in the Philippines while  
26 such fines remain unpaid or while the validity thereof is being determined: *Provided,*  
27 that clearance may be granted prior to such determination upon deposit of a sum or  
28 cash bond sufficient to cover such fines as approved by the Commissioner.

29  
30 **CHAPTER 4**  
31 **EXCLUSIONS**

1  
2           **Sec. 77. Exclusion Grounds.** - The following classes of foreign national shall not  
3 be allowed entry and shall be excluded from the Philippines:

4  
5           **a. Health Related Grounds**

- 6  
7           1. Those who are found to be suffering from a communicable, dangerous  
8           or contagious disease, unless excepted under existing laws, rules and  
9           regulations;  
10  
11          2. Those who are found to be suffering from mental disorder or associated  
12          behavior that may pose a threat to persons or danger to property;  
13  
14          3. Those who are found to be suffering from addiction to prohibited or  
15          regulated substance;

16  
17          **b. Economic Grounds**

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

24  
25          **c. Moral Grounds**

- 26  
27          1. Those coming to the Philippines to practice polygamy or who advocate  
28          the practice of polygamy unless the person's religion allows such  
29          practices;  
30

- 1           2. Those who are pedophiles, sexual perverts, or those coming to the  
2           Philippines for immoral purposes;  
3
- 4           3. Those who are engaged or who seek to engage in prostitution or to  
5           procure or attempt to procure prostitutes, or who receives in whole or  
6           in part the proceeds of prostitution;  
7
- 8           4. Those who, at the time of primary inspection, by the Immigration Officer  
9           exhibit any obnoxious behavior, contempt or disrespect for the said  
10          officer or any government official or employee of the Bureau;  
11

12          **d. Criminal and Security Grounds**

- 13
- 14          1. Those who have been convicted of a crime involving moral turpitude or  
15          who admit to the Immigration Officer having committed such crime, or  
16          who attempt and conspire to commit the crime;  
17
- 18          2. Those who have been convicted, or who admit having committed, or are  
19          committing acts which constitute the elements of a violation or  
20          conspiracy to violate any law or regulation of the Philippines or a foreign  
21          country relating to a controlled, regulated or prohibited substance, or  
22          who admit having attempted or conspired to commit the crime;  
23
- 24          3. Those that the Philippine Government knows or has reason to believe is  
25          a trafficker of any controlled, regulated or prohibited substance or knows  
26          or has reason to believe is or has been an accomplice, accessory,  
27          abettor, or co-conspirator in the illicit trafficking of any controlled,  
28          regulated or prohibited substance;  
29
- 30          4. Those who are fugitives from justice;  
31

1           5. Those who seek to enter the Philippines to engage in:

2  
3           i. Espionage or sabotage, or a violation or evasion of any laws  
4           prohibiting export of goods, technology or sensitive information;

5  
6           ii. Any activity aimed to promote membership in an organization of  
7           syndicated criminal activities;

8  
9           iii. Any activity, the purpose of which is to overthrow the Philippine  
10          government by force, violence or other unlawful means; and

11  
12          iv. Any other unlawful activity.

13  
14          6. Those who are engaged or believed to be engaged or likely to engage  
15          in, aid, abet or finance any terrorist activity and members or  
16          representatives of a foreign terrorist organization;

17  
18          7. Those who have been identified by competent authorities, local or  
19          foreign, as having engaged or are engaging in human trafficking and  
20          smuggling;

21  
22          8. Those who are under fifteen (15) years of age and unaccompanied by  
23          or not coming to a parent, except that they may be admitted at the  
24          discretion of the Commissioner, if otherwise admissible: *Provided*, That  
25          they present a written consent to travel from either parent citing the  
26          purpose thereof and affirmed by a Consular Officer; and

27  
28          9. Those who have been identified by competent authorities, local and  
29          foreign, as having engaged or are engaging in importation of  
30          contrabands and other prohibited articles into the country.  
31

1           **Sec. 78. *Temporary Custody of Excludable Foreign Nationals.*** — For the  
2 purpose of ascertaining whether a foreign national arriving in the Philippines belongs  
3 to any of the excludable classes of foreign national provided for in this Act or related  
4 laws, the Immigration Officer, for a period not exceeding seventy-two (72) hours, may  
5 temporarily take into custody for investigation such foreign national either on board  
6 the vessel or at a place designated for the purpose at the expense of the master,  
7 captain, agent, owner or consignee of the carrying vessel; *Provided* that nothing in  
8 this provision shall be construed to unlawfully deprive persons so taken into custody  
9 of any of their rights under international law or the Constitution.

10  
11           **Sec. 79. *Finality of Exclusion Order.*** — An order by the Immigration Personnel  
12 to exclude a foreign national who is excludable under this Act is final and executory  
13 unless revoked by the Commissioner upon a timely appeal prior to the implementation  
14 of the exclusion order.

15  
16           **Sec. 80. *Authority to Waive Grounds for Exclusion.*** — Except for grounds of  
17 exclusion under Sec. 77(d), subparagraphs 1 to 7 and 9, the Commissioner may waive  
18 any of the grounds for exclusion mentioned in Sec. 77 of this Act.

19  
20           **Sec. 81. *Procedure of Removal and Cost Thereof.*** — Foreign nationals arriving  
21 in the Philippines who are ordered excluded shall be immediately removed in the same  
22 accommodation to the country where they boarded the vessel on which they arrived,  
23 unless the Commissioner determines that immediate removal is not proper and  
24 practicable, in which case such excluded foreign nationals shall be ordered detained.  
25 The cost of detention and other expenses incidental thereto shall be borne by the  
26 owner, operator, master, pilot, captain, agent or consignee of the vessel on which  
27 such foreigners arrived.

28  
29           **Sec. 82. *Country Where Removal is to be Directed.*** — If the government of the  
30 country designated in the preceding Sec. will not accept the foreign national into its

1 territory, the removal of the foreign national shall be directed, at the Commissioner's  
2 discretion to any of the following:

- 3
- 4 a. The country which the excluded foreigner is a citizen or national;
  - 5
  - 6 b. The country of birth;
  - 7
  - 8 c. The country of the foreign national's habitual residence; or
  - 9
  - 10 d. The country willing to accept the foreign national into its territory, if removal  
11 to any of the foregoing countries is impractical or impossible.
  - 12

13 *Sec. 83. Obligation of Owner, Operator, Master, Captain, Pilot, Agent or*  
14 *Consignee.* — It shall be unlawful for an owner, operator, master, captain, pilot, agent,  
15 or consignee of a vessel to refuse or fail to:

- 16
- 17 a. Board a foreign national ordered excluded and removed in the same vessel  
18 or another vessel owned or operated by the same company;
  - 19
  - 20 b. Detain a foreign national on board any such vessel at the port of arrival  
21 when required by this Act or when so ordered by an Immigration Officer;
  - 22
  - 23 c. Deliver a foreign national for medical or other examinations when so  
24 ordered by an Immigration Officer;
  - 25
  - 26 d. Remove a foreign national from the Philippines to the country to which the  
27 individual's removal has been directed; or
  - 28
  - 29 e. Pay the cost of detention and other expenses incidental thereto incurred  
30 while the excluded foreign national is being detained as required by Sec. 82

1 of this Act or other costs necessary or incidental to his removal as provided  
2 in this Act.

3  
4 **Sec. 84. *Penalty for Non-compliance of Obligation.*** — The owner, operator,  
5 master, captain, pilot, agent, or consignee of a vessel who violates Sec. 83 of this Act  
6 shall pay the fines prescribed in Sec. 117 of this Act. No vessel shall be granted  
7 clearance from any port in the Philippines while such fines remain unpaid or while the  
8 validity thereof is being determined: *Provided,* That clearance may be granted prior  
9 to such determination upon deposit of a sum or cash bond sufficient to cover such  
10 fines as approved by the Commissioner.

11  
12 **TITLE V**  
13 **DEPORTATION**

14  
15 **CHAPTER 1**  
16 **DEPORTABLE FOREIGN NATIONALS**

17  
18 **Sec. 85. *Classes of Deportable Foreign Nationals.*** — The following foreign  
19 nationals shall be taken into custody upon the order of the Commissioner and  
20 deported upon recommendation by the BSI and approval by the Board:

- 21  
22 a. Those who entered the Philippines: (1) by means of misrepresentations or  
23 false or misleading statements or documents, or (2) without inspection and  
24 admission by the immigration authorities;
- 25  
26 b. Those who entered the Philippines who were not lawfully admissible at the  
27 time of entry;
- 28  
29 c. Those who abet or aid in the practice of prostitution, including the owner  
30 or manager of a prostitution den, or who are pedophiles;
- 31

- 1 d. Those who, at any time after the date of entry, have become a public  
2 charge;
- 3
- 4 e. Those who remain in the Philippines in violation of any period of limitation  
5 or condition under which they were admitted;
- 6
- 7 f. Those who believe in, advise, advocate or teach the overthrowing by force  
8 and violence the Government of the Republic of the Philippines or any duly  
9 constituted authority, or those who do not believe in or are opposed to  
10 organized governments, or those who advise, advocate or teach the assault  
11 or assassination of public officials, or those who advise, advocate or teach  
12 the unlawful destruction of property, or those who are members of or  
13 affiliated with any organization entertaining, advocating or teaching such  
14 doctrines, or those who in any manner whatsoever extend assistance,  
15 financial or otherwise, in the dissemination of such doctrines;
- 16
- 17 g. Those who, at any time after entry, engage in, abet, aid or finance any  
18 terrorist activity;
- 19
- 20 h. Those who, at any time after entry, are charged of a crime involving acts  
21 or omissions punishable under Philippine penal laws cognizable by the  
22 Regional Trial Courts and the Sandiganbayan;
- 23
- 24 i. Those who, at any time after entry, are convicted by final judgment of a  
25 crime involving moral turpitude punishable under Philippine penal laws;
- 26
- 27 j. Those who were admitted as non-immigrants and who obtained an  
28 adjustment of their admission status for convenience, or through fraud,  
29 falsification of documents, misrepresentations or concealment of material  
30 facts;
- 31



- 1 k. Those who violated Philippine labor and taxation laws, rules and  
2 regulations;  
3
- 4 l. Those who are found to be undesirable and whose further stay in the  
5 Philippines is inimical to public welfare and interest, or the dignity of the  
6 Filipinos, or the Republic of the Philippines as a sovereign nation;  
7
- 8 m. Those who forge, counterfeit, alter or falsely make any document; or use,  
9 attempt to use, possess, obtain, accept or receive or provide any forged,  
10 counterfeit, altered or falsely made document; or use, attempt to use,  
11 provide, attempt to provide, accept or receive a genuine document, even  
12 of another person, without authority to do so for the purpose of satisfying  
13 or complying with the requirements of the Bureau;  
14
- 15 n. Those whose presence or activities in the country may result in adverse  
16 consequences to Philippine foreign policies as determined by the Secretary  
17 of Foreign Affairs;  
18
- 19 o. Those who misrepresented themselves as Filipino citizens in all immigration  
20 matters; and  
21
- 22 p. Those who commit any violation of the provisions of this Act, independent  
23 of any criminal action which may be brought against them: *Provided*, That  
24 in case of a foreign national who, for any reason, is convicted and sentenced  
25 to suffer both imprisonment and deportation, said foreign national shall first  
26 serve the entire period of the sentence before being deported.  
27

28 **Sec. 86. *Non-Prescription of Deportation Cases.*** – The right of the State to  
29 initiate at any time deportation proceedings shall not prescribe.  
30

31 **Sec. 87. *Nature of Deportation Proceedings.*** – Deportation proceedings shall

1 be independent of any action that may be instituted against a foreign national:  
2 *Provided*, That no deportation orders shall be implemented against foreign nationals  
3 facing preliminary investigation, prosecution and trial before competent authorities.  
4

5 **CHAPTER 2**  
6 **DEPORTATION OF FOREIGN NATIONALS**  
7

8 **Sec. 88. *Formal Charge of Deportation.*** – A formal charge for deportation shall  
9 be issued upon determination of the existence of a *prima facie* case against the foreign  
10 national.  
11

12 **Sec. 89. *Bail.*** – Pending final determination of the foreign national's  
13 deportation case, the foreign national shall, upon the discretion of the Commissioner:  
14 (a) remain under detention; or (b) be released on bail or recognizance. The bail may  
15 be revoked and confiscated in favor of the government if there is sufficient evidence  
16 that the foreign national is evading the proceedings or is attempting to abscond, in  
17 which case such foreign national shall be taken into custody and placed under  
18 detention by order of the Commissioner.  
19

20 **Sec. 90. *Custody of a Foreign National Convicted of a Felony or an Offense.*** –  
21 After service of the sentence or compliance with the conditions of parole or probation,  
22 as the case may be, the foreign national shall be taken into custody for immediate  
23 deportation by order of the Board.  
24

25 **Sec. 91. *Voluntary Deportation, When Authorized.*** –The Commissioner may  
26 waive the deportation proceedings and order the departure of the foreign national  
27 within the period specified in the voluntary deportation order if the foreign national  
28 does not contest the formal charge and opts to voluntarily leave the country and pays  
29 for all expenses: *Provided*, That the foreign national has not committed any criminal  
30 offense or has no pending criminal investigation: *Provided, further*, That the said  
31 foreign national so deported shall be barred from re-entering the country without prior

1 written authorization from the Commissioner.

2

3 **Sec. 92. *Period to Enforce Order of Deportation.*** – The order of deportation  
4 shall be enforced immediately but in no case shall exceed three (3) months from the  
5 date it has become final and executory. If deportation is not enforced within the  
6 prescribed period, the foreign national may be released on bail or recognizance.

7

8 **Sec. 93. *Suspension of Deportation Order.*** – The Commissioner may suspend  
9 the implementation of the deportation order and order the release of the foreign  
10 national on bail or recognizance, taking into account the following factors:

11

12 a. Age, health, family or conduct;

13

14 b. Period of detention;

15

16 c. Impact on national security and public welfare;

17

18 d. Unavailability of travel documents;

19

20 e. Existence of an application for refugee or statelessness status; or

21

22 f. Other humanitarian considerations.

23

24 **Sec. 94. *Reinstatement of a Deportation Order.*** – A deportation order previously  
25 implemented against a foreign national who unlawfully re-entered the Philippines shall  
26 be deemed automatically reinstated and shall be implemented in accordance with this  
27 Act. This provision shall also apply to a foreign national who departed voluntarily under  
28 Sec. 92 and re-entered the Philippines unlawfully or without prior written authorization  
29 from the Commissioner.

30

31 **Sec. 95. *Country of Destination of a Deportee.*** – Except as provided for under

1 an existing treaty or international agreement, a foreign national shall be deported to  
2 the country of which the person is a citizen or national, or foreign national's country  
3 of birth, or the country of which the individual is a resident, or the country from which  
4 the individual embarked for the Philippines, subject to the acceptance by the receiving  
5 country.

6  
7 *Sec. 96. Cost of Deportation.* – The cost of deportation shall be borne by the  
8 owner, operator, captain, master, pilot, agent or consignee of a vessel in case its  
9 foreign crewmember is to be deported under Sec. 85 of this Act. In all other cases,  
10 the cost of deportation shall be borne either by the deportee, by the concerned  
11 consular office, nongovernment organizations or people's organizations with which the  
12 Bureau has an agreement on this matter, or from the appropriations for the  
13 enforcement of this Act.

14  
15 *Sec. 97. Liability of Owner, Operator, Captain, Master, Pilot, Agent or Consignee*  
16 *of a Vessel.* – Failure or refusal on the part of the owner, operator, captain, master,  
17 pilot, agent or consignee of a vessel to take on board, guard safely and transport the  
18 deportee to the foreign national's country of destination, or to shoulder the cost of  
19 deportation of the foreign crew member as provided in the preceding Sec., shall be  
20 subject to the administrative fines prescribed under Sec. 117 of this Act.

21  
22 *Sec. 98. Expenses of Accompanying Person.* – The Commissioner may, for  
23 security reason or by reason of the mental or physical condition of the deportee, direct  
24 an employee of the Bureau to accompany such deportee to the country of the  
25 deportee's destination, subject to the provisions of Sec. 96.

26  
27 **CHAPTER 3**  
28 **INDIGENT FOREIGN NATIONAL**  
29

30 *Sec. 99. Removal of Indigent Foreign National.* – At any time after entry, the  
31 Commissioner may remove or otherwise deport indigent foreign nationals from the

1 Philippines to the country of which they are citizens or nationals, their country of birth,  
2 or their country of residence, as the case may be. The cost of deportation may be  
3 charged against the available funds of the Office. Any foreign national removed under  
4 this Section shall be barred re-admission except upon written authorization of the  
5 Board of Commissioners.

6  
7 This provision shall not apply to a foreign national declared as an indigent by  
8 any Philippine court for purposes of filing a case or to pursue an action which resulted  
9 in the individual's indigency until such case or action is resolved with finality: *Provided,*  
10 That no other grounds for deportation exist during the pendency of such case or  
11 action.

12  
13 **TITLE VI**  
14 **MISCELLANEOUS PROVISIONS**

15  
16 **CHAPTER 1**  
17 **REGISTRATION OF FOREIGN NATIONALS**

18  
19 **Sec. 100. *Requirement of Registration.*** — All foreign nationals shall register  
20 with the Bureau or any Immigration Office nearest to their place of residence on or  
21 before the sixtieth (60<sup>th</sup>) day of their latest arrival in the Philippines.

22  
23 **Sec. 101. *Registration Form and Oath.*** — Applications for registration shall be  
24 under oath and in such form as prescribed by the Bureau. Upon registration, a  
25 certificate of registration shall be issued to the registrant. In case of loss or destruction  
26 of the certificate, a replacement certificate may be issued by the Bureau upon proper  
27 application and payment of prescribed fees.

28  
29 **Sec. 102. *Amendment of Registration.*** — A registered foreign national shall  
30 notify the Bureau in writing of any change of information in the person's registration  
31 documents not later than seven (7) days from such change.

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Sec. 103. *Presentation of Certificate of Registration.* — Every foreign national required to register under this Act or the parent or guardian of such foreign national shall, upon demand by any personnel authorized by the Commissioner, present a certificate of registration of such individual, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

Sec. 104. *Reportorial Requirements.* — Every foreign national registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Bureau. The Commissioner may exempt personal appearance of foreign nationals registered under this Act subject to certain requirements and conditions as may be prescribed in the rules and regulations issued for the purpose.

Sec. 105. *Failure to Comply with Requirements.* — A foreign national, or the parent or guardian of the foreign national, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by the individual to be false, or who utilizes registration documents other than that of the individual, shall be dealt with in accordance with the provisions of this Act and other existing laws.

Sec. 106. *Cancellation of Registration of Foreign National.* — In case of death of a foreign national registered under the provisions of this Act, the legal heir, representative or administrator of the foreign national must inform the Office within sixty (60) days from such death, and the Bureau shall cancel the registration of the deceased foreign national. The Local Civil Registrar or other civil registry officer of the locality where said foreign national died shall furnish the Bureau with a copy of the Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements specified in this Section shall be dealt with pursuant to the provisions of existing laws.

**CHAPTER 2**

1 **BONDS AND DEPOSITS**

2  
3 **Sec. 107. *Bonds, When Required.*** — The Bureau shall have the authority to  
4 require cash bonds in such amounts and under such conditions as it may prescribe in  
5 order to:

- 6  
7 a. Control and regulate the admission into, and departure from, the Philippines  
8 of foreign nationals applying for temporary admission;  
9  
10 b. Insure against foreign passengers liable to be excluded as likely to become  
11 public charges; and  
12  
13 c. Ensure the appearance of foreign nationals released from custody during  
14 the course of deportation proceedings instituted against them.  
15

16 **Sec. 108. *Requirement of Cash Deposits for Services Rendered.*** — The Bureau  
17 shall likewise have the authority to require cash deposits in such amounts as may be  
18 necessary from a vessel's owner, operator, captain, master, pilot, agent, or consignee  
19 or other persons served for services rendered as established by the implementing  
20 rules and regulations.  
21

22 **Sec. 109. *Cancellation and Forfeiture of Bonds.*** — When the conditions of the  
23 bond are fulfilled, or in case the Commissioner determines that the likelihood that a  
24 foreign national shall become a public charge no longer exists, or in case of death of  
25 the foreign national in whose behalf the bond is posted, the bond shall be cancelled  
26 and released to the depositor or the legal representative of the foreign national. In  
27 case of violation of the conditions of the bond, the same shall be forfeited and  
28 deposited in a trust fund account which may be utilized for the purchase of passage  
29 tickets for the removal of indigent foreign nationals and to cover the costs of  
30 operations in locating deportees who jump bail.  
31

1 **CHAPTER 3**  
2 **RECOGNIZANCE**

3  
4 **Sec. 110. *Petitions for Recognizance, Sanction for Breach of Conditions.*** — The  
5 Commissioner may order the release of a foreign national upon recognizance of the  
6 foreigner's lawyer or a person who is of good standing in the community, under such  
7 terms and conditions as the Board may prescribe. Failure to comply with the terms  
8 and conditions of the recognizance shall subject said lawyer or person to a fine of not  
9 less than Fifty Thousand Pesos (PHP 50,000.00) but not more than One Hundred  
10 Thousand Pesos (PHP 100,000.00), without prejudice to other administrative  
11 sanctions or proceedings against the erring party.  
12

13 **CHAPTER 4**  
14 **COOPERATION AND COORDINATION WITH OTHER OFFICES**

15  
16 **Sec. 111. *Working Cooperation with the Department of Foreign Affairs.*** – For  
17 purposes of efficient implementation and administration of this Act, the Bureau shall  
18 maintain a working cooperation with the DFA.  
19

20 **Sec. 112. *Working Cooperation with the Commission on Higher Education***  
21 **(CHED).** – The Bureau shall maintain a working cooperation with the CHED with  
22 respect to the accreditation of schools and learning centers for enrollment of foreign  
23 students as authorized under this Act.  
24

25 **Sec. 113. *Working Cooperation with the Civil Aviation Authority of the***  
26 ***Philippines (CAAP).*** – The Bureau shall maintain a working cooperation with the CAAP  
27 with respect to accreditation of flying schools for the enrollment of foreign students.  
28

29 **Sec. 114. *Coordination with Law Enforcement, Security and Other Offices.*** —  
30 The Commissioner shall have the authority to maintain coordination with the National



1 Security Council, the Philippine National Police (PNP), and other law enforcement  
2 agencies of the government.

3  
4 **CHAPTER 5**  
5 **FEES AND CHARGES**  
6

7 *Sec. 115. Authority of the Board to Prescribe, Impose and Collect Fees and*  
8 *Charges.* — The Board is authorized to prescribe, impose and collect fees and charges  
9 for services rendered pursuant to the provisions of this Act.  
10

11 **CHAPTER 6**  
12 **ADMINISTRATIVE FINES**  
13

14 *Sec. 116. Fine for Failing to Submit Crew List or Passenger Manifest, or*  
15 *Failure to Account Every Passenger and Crew.* — Any owner, operator, master,  
16 captain, pilot, agent, or consignee of a vessel arriving at any port in the Philippines  
17 from a place outside thereof who fails to submit to the immigration authorities a  
18 complete and accurate crew list or passenger manifest, or fails to produce or account  
19 every crewmember or passenger whose name appears in said list or manifest shall be  
20 subject to fines of One Hundred Thousand Pesos (PHP 100,000.00) and Fifty  
21 Thousand Pesos (PHP 50,000.00) for each unaccounted person, respectively.  
22

23 *Sec. 117. Fine for Violation of Obligation on the Landing or Removal of Foreign*  
24 *Nationals.* — Any owner, operator, master, captain, pilot, agent, or consignee of any  
25 vessel arriving at a port of the Philippines from a place outside thereof having a foreign  
26 national on board in violation of this Act shall be fined not less than Fifty Thousand  
27 Pesos (PHP 50,000.00) but not more than Two Hundred Thousand Pesos (PHP  
28 200,000.00) for each act or violation consisting of:  
29

- 30 a. Failure to prevent the landing of such foreign national in the Philippines at  
31 any time or place other than as designated by the Immigration Officer;

- 1
- 2       b. Refusal or failure to detain a foreign national on board any such vessel at
- 3       the port of arrival when required by this Act or so ordered by an Immigration
- 4       Officer;
- 5
- 6       c. Refusal or failure to deliver a foreign national for medical or other
- 7       examinations when so ordered by an Immigration Personnel;
- 8
- 9       d. Refusal or failure to pay the cost of maintenance and other costs, as
- 10      required by this Act, of such foreign national when temporarily removed
- 11      from the vessels for examination by order of the Immigration Officer;
- 12
- 13      e. Refusal to receive such foreign national on board for removal from the
- 14      Philippines if the foreign national is excluded, or to pay the cost of removal
- 15      as required under Sec. 81 and 96 of this Act;
- 16
- 17      f. Refusal or failure to take on board, guard safely and transport the deportee
- 18      to the foreign national's country of destination, or to shoulder the cost of
- 19      deportation of the foreign crew member;
- 20
- 21      g. Making any charge against such foreign national for the cost referred to in
- 22      (d) above, or for the cost of the removal of the foreign national from the
- 23      Philippines if the latter is excluded, or taking any security from the foreign
- 24      national for the payment of any such costs.
- 25

26        **Sec. 118. *Fine for Bringing Undocumented Foreign National, or Foreign National***

27        ***Afflicted with Communicable or Contagious Disease, or Suffering from Mental***

28        ***Disorder.*** — The owner, operator, master, captain, pilot, agent, or consignee of the

29        vessel arriving at a port in the Philippines from a place outside thereof bringing on

30        board an undocumented foreign national shall be fined One Hundred Thousand Pesos

31        (PHP 100,000.00) for each foreign national. If the foreign national is afflicted with a

1 communicable or contagious disease or is suffering from mental disorder, the fine  
2 shall be not less than Two Hundred Thousand Pesos (PHP 200,000.00) but not more  
3 than Three Hundred Thousand Pesos (P300,000.00) for each foreign national.

4  
5 **Sec. 119. *Fine for Bringing a Foreign National to Assist His Illegal Entry or***  
6 ***Misrepresenting a Foreign National as a Member of the Crew.*** — The owner, operator,  
7 master, captain, pilot, agent, or consignee of the vessel arriving at any port in the  
8 Philippines from a place outside thereof bringing on board a foreign national bound  
9 for the Philippines to assist the illegal entry of the foreign national, or misrepresenting  
10 the foreign national to the Immigration Officer at the port of arrival as a bona fide  
11 member of the crew, shall be fined not less than One Hundred Thousand Pesos (PHP  
12 100,000.00) but not more than Two Hundred Thousand Pesos (PHP 200,000.00) for  
13 each foreign national.

14  
15 **Sec. 120. *Fine for an Overstaying Crewmember.*** — Any foreign crewmember  
16 who wilfully remains in the Philippines beyond the period allowed for temporary  
17 landing shall be fined not less than Fifty Thousand Pesos (PHP 50,000.00) but not  
18 more than One Hundred Thousand Pesos (PHP 100,000.00). The owner, operator,  
19 master, captain, pilot, agent, or consignee of the vessel shall be solidarily liable for  
20 the fine imposed on such overstaying crewmember.

21  
22 **Sec. 121. *Fine for Assaulting an Immigration Personnel.*** — Any form of assault  
23 directed to any personnel of the Bureau is an act of disrespect. In case the assault is  
24 committed by a foreign national at the ports of entry and exit, such foreign national  
25 shall be excluded or deported, as the case may be, and shall be fined Two Hundred  
26 Thousand Pesos (PHP 200,000.00) without prejudice to the right of the aggrieved  
27 Immigration Personnel to file appropriate criminal, civil or administrative cases against  
28 such person.

29 For purposes of this Act, an Immigration Officer shall be considered a person in  
30 authority while in the performance of official duty.

31

1           Sec. 122. *Fine for Violation of Other Provisions of this Act.* — The owner,  
2 operator, master, captain, pilot, agent, or consignee of any vessel arriving at any port  
3 of the Philippines from a place outside thereof who violates any other provision of this  
4 Act not specifically provided in this Chapter shall be fined not less than Fifty Thousand  
5 Pesos (PHP 50,000.00) but not more than Two Hundred Thousand Pesos (PHP  
6 200,000.00) for each violation.

7  
8                                   **CHAPTER 7**  
9                                   **PENAL PROVISIONS**

10  
11           Sec. 123. *Prohibited Acts and Penalties.* — Any person who shall commit any of  
12 the acts specified hereunder shall, upon conviction, suffer the penalty of imprisonment  
13 for not less than five (5) years but not more than ten (10) years, or a fine of not less  
14 than One Hundred Thousand Pesos (PHP 100,000.00) but not more than Five Hundred  
15 Thousand Pesos (PHP 500,000.00), or both imprisonment and fine, at the discretion  
16 of the court:

- 17  
18           a. Impersonating another individual, or falsely appearing in the name of a  
19           deceased individual, or evading immigration laws by using an assumed or  
20           fictitious name when applying for an immigration document;  
21  
22           b. Issuing or otherwise delivering an immigration document or an immigration  
23           accountable form to any person not authorized by law to receive such  
24           documents;  
25  
26           c. Obtaining, manufacturing, printing, accepting or using any immigration or  
27           travel document knowing it to be false, or using an immigration accountable  
28           form that is not legally issued;  
29

- 1 d. Entering the Philippines without inspection and admission by the  
2 immigration authorities, or obtaining entry into the Philippines through  
3 fraud, misrepresentation, or concealment of material facts;  
4  
5 e. Misrepresenting oneself to be a citizen of the Philippines;  
6  
7 f. Knowingly making any false statement under oath regarding any  
8 immigration matter; or  
9  
10 g. Bringing into, or landing in the Philippines, or concealing, harboring,  
11 employing, or giving comfort to, any person not duly admitted by an  
12 Immigration Personnel or not lawfully entitled to enter into or reside within  
13 the Philippines, or attempting, conspiring with, or aiding another to commit  
14 any such acts.  
15

16 Where the offender of any acts specified in paragraph (g) of this Section is a  
17 corporation, partnership or other juridical entity, the president, general manager,  
18 managing partner, or chief executive officer thereof shall be held liable. Dismissal of  
19 the employee by the employer before or after apprehension shall not relieve such  
20 employer from any liability arising from the offense: *Provided*, That if the offender is  
21 the owner, operator, master, captain, pilot, agent, or consignee, or other person in  
22 charge of the vessel that brought the foreign national into the Philippines from any  
23 place outside thereof, the fine imposed under this Section shall constitute a lien  
24 against the vessel which may be enforced in the same manner as fines are collected  
25 and enforced under existing laws. Such vessel shall not be allowed to depart without  
26 prior clearance issued by the Bureau. Where forfeiture is justified under the particular  
27 circumstances of the case, the forfeiture of the vessel in favor of the government in  
28 lieu of the fine shall be decreed.  
29

30 Conviction by final judgment of any offense punishable under this Act or other  
31 related laws shall result in the automatic revocation or cancellation of any immigration

1 document issued to the offender, including that of the foreign national's spouse and  
2 unmarried children, if applicable.

3  
4 **Sec. 124. *Penalty for Aiding the Escape of Detained Foreign National.*** — Any  
5 person who shall be found to have helped, assisted, supported, caused or ministered  
6 the escape, including harboring and concealing, of a foreign national shall, upon  
7 conviction, be imprisoned for not less than five (5) years but not more than ten (10)  
8 years and a fine of not less than Two Hundred Thousand Pesos (PHP 200,000.00):  
9 *Provided*, That if the person liable is a foreign national, such person shall be deported  
10 after service of sentence: *Provided further*, That any tools, equipment, implements  
11 or vehicles used in the escape of a detained foreign national shall be destroyed or  
12 forfeited in favor of the government.

13  
14 **Sec. 125. *Penalty for Non-compliance of Subpoena.*** — Any person who, having  
15 been duly served with a *subpoena*, fails to comply without valid and justifiable reasons  
16 shall suffer the penalty of imprisonment of not more than fifteen (15) days or a fine  
17 of not more than One Thousand Pesos (PHP 1,000.00), or both, at the discretion of  
18 the court.

19  
20 **Sec. 126. *Imposition of Maximum Penalty, When Applicable.*** — A person  
21 convicted under Republic Act No. 3019, as amended, otherwise known as the "Anti-  
22 Graft and Corrupt Practices Act," or other laws against corruption and bribery in  
23 relation to any violation or circumvention of any provision of this Act shall suffer the  
24 maximum penalty under the said Republic Act or other laws against corruption and  
25 bribery, as the case may be.

## 26 **CHAPTER 8**

### 27 **UPGRADING OF COMPENSATION AND BENEFITS**

28  
29 **Sec. 127. *Creation of New Positions, Reclassification of Existing Positions and***  
30 ***Upgrading of Salary Levels.*** — The following positions in the Bureau are hereby

- 1 created, and the existing positions reclassified, with the corresponding salary grade
- 2 levels:

<b>EXISTING POSITION</b>	<b>RECLASSIFIED POSITION</b>	<b>SALARY GRADE</b>
Commissioner	Commissioner III	30
Deputy Commissioner	Deputy Commissioner III	29
Attorney V (Board of Special Inquiry)	Chief Special Inquiry Officer (Overall Chairperson, BSI)	28
Chief Administrative Officer (Administrative Division)	Chief Administrative Officer (Director for Administration)	28
Chief Administrative Officer (Finance and Management Division)	Chief Finance and Logistics Officer (Director for Finance and Logistics)	28
Information Technology Officer III	Chief Information and Communications Technology Officer (Director for ICT)	28
Immigration Officer (Alien Registration Division)	Chief Alien Registration Officer (Director for Alien Registration)	28
Chief Immigration Officer (Immigration Regulation Division)	Chief Immigration Officer for Immigration Regulation (Director for Immigration Regulation)	28
Chief Intelligence Officer (Intelligence Division)	Chief Immigration Officer for Intelligence (Director for Intelligence)	28

Chief Immigration Officer (Port Operations Division)	Chief Immigration Officer for Operations (Director for Operations)	28
Attorney V	Chief Immigration Officer for Legal Affairs (Director for Legal Affairs)	28
	Chief Immigration Officer for Law Enforcement (Director for Law Enforcement)	28
	Chief Planning and Research Specialist (Director for Planning and Research)	28
	Chief Human Resource and Management Officer (Director for Human Resource Management and Development)	28
	Regional Director	27
Attorney IV (BSI)	Special Inquiry Officer IV (Chairperson, BSI)	27
Attorney IV (Legal Division)	Immigration Prosecutor IV	27
Attorney III (BSI)	Special Inquiry Officer III (Member, BSI)	26
Attorney III (Legal Division)	Immigration Prosecutor III	26
Supervising Immigration Officer	Supervising Immigration Officer	26
Supervising Administrative Officer	Supervising Administrative Officer	26
Medical Officer III	Immigration Physician	26



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

Immigration Officer II	Immigration Officer II	19
Intelligence Officer II		
Special Investigator II		
Immigration Officer I	Immigration Officer I	17
Intelligence Officer I		
Special Investigator I		
Fingerprint Examiner IV	Alien Fingerprint Examiner IV	17
	Immigration Research Officer I	17
	HR Management Officer I	17
Immigration Assistant	Immigration Inspector	15
Intelligence Agent II	Immigration Agent II	15
Administrative Officer II	Immigration Administrative Officer II	15
	Immigration Research Assistant	15
	HR Management Assistant	15
Fingerprint Examiner III	Alien Fingerprint Examiner III	15
Administrative Aide VI	Immigration Aide VI	14
Administrative Assistant III	Immigration Administrative Assistant III	13
Administrative Aide V	Immigration Aide V	13
Fingerprint Examiner II	Alien Fingerprint Examiner II	13
Security Guard II	Civil Security Officer II	13
Intelligence Agent I	Immigration Agent I	13
Translator II	Immigration Translator II	12
Administrative Assistant II	Immigration Administrative Assistant II	12
Administrative Aide IV	Immigration Aide IV	12
Administrative Aide III	Immigration Aide III	11
Nursing Attendant	Immigration Healthcare Assistant	11
Fingerprint Examiner I	Alien Fingerprint Examiner I	11

Security Guard I	Civil Security Officer I	11
Seaman		
Launch Patron		
Marine Engineman		
Quartermaster		
Legal Aide	Immigration Legal Assistant	10
Administrative Assistant I	Immigration Administrative Assistant IV	10
Administrative Aide II	Immigration Administrative Assistant II	8

1           Upon the recommendation of the Board, the Secretary of the DOJ shall  
2 reorganize, upgrade, or otherwise make adjustments in the offices of the Bureau as  
3 required by the implementation of this Act: *Provided*, That to the extent possible, the  
4 incumbent chiefs of sections and divisions whose offices are hereby affected may be  
5 upgraded to positions of comparable rank in the reorganization: *Provided, further*,  
6 That for the new directorates and positions created under this Act, the Board shall  
7 designate the directors and officers thereof.

8

9           **Sec. 128. Additional Grant of Benefits.** —The Bureau shall provide its employees  
10 with the following benefits:

11

- 12           a. Health care services through an accredited Health Maintenance  
13                Organization for its regular employees;
- 14
- 15           b. Accident Insurance policies for all employees;
- 16
- 17           c. Night Shift differential and overtime pay for actual work rendered, in  
18                accordance with existing guidelines;

19

- 1 d. Longevity pay, subject to guidelines that shall be issued by the Board in  
2 accordance with existing laws and regulations and subject to the approval  
3 of the Secretary of the DBM;  
4  
5 e. Transportation benefits;  
6  
7 f. Dislocation allowance; and  
8  
9 g. Hazard pay amounting to twenty-five percent (25%) of basic salary to  
10 qualified employees as may be determined by the Board.  
11

12 **Sec. 129. Retention and Use of Immigration Fees, Fines and Other Income;**  
13 ***Immigration Trust Fund.*** — The Board is hereby authorized to retain and use every  
14 year thirty percent (30%) of its collections from immigration fees, fines and penalties,  
15 and other income that may be collected by the Bureau for the effective implementation  
16 of this Act.  
17

18 There is hereby created an Immigration Trust Fund (ITF) sourced from the  
19 collections mentioned in this Section. The ITF shall be administered by the Board in  
20 accordance with existing government auditing rules and regulations, and shall be used  
21 exclusively as follows:  
22

- 23 a. Forty percent (40%) for the modernization of equipment, facilities and  
24 offices used by employees of the Bureau, including capital outlay for the  
25 establishment of new buildings and field offices for the effective  
26 implementation of this Act;  
27  
28 b. Thirty percent (30%) for the payment of employee benefits provided in this  
29 Act, and as may be hereafter provided by the Board with the approval of  
30 the Secretary of the DOJ; and  
31

1 c. Thirty percent (30%) for the further professionalization of the employees  
2 of the Bureau including trainings, seminars and other career advancement  
3 programs.  
4

5 All interest income, dividends and earnings accrued from the ITF shall also form  
6 part of the Trust Fund. No portion of the ITF shall revert to the general fund of the  
7 National Government, except when the ITF is no longer necessary for the purposes  
8 for which it was established.  
9

10 **CHAPTER 9**  
11 **TRANSITORY PROVISIONS**  
12

13 **Sec. 130. *Interim Period.*** — The incumbent Commissioner and the two Deputy  
14 Commissioners, if qualified under this Act, shall continue to discharge the functions of  
15 their position unless otherwise removed by the President. All personnel of the present  
16 Bureau of Immigration shall continue to discharge the functions of their position  
17 pending the reorganization as provided in this Act.  
18

19 **Sec. 131. *Reorganization of the Bureau.*** — Upon approval of this Act, all  
20 employees of the Bureau of Immigration covered by the civil service law and  
21 regulations shall continue to hold their present positions pending the  
22 reorganization of the Bureau in accordance with the new staffing pattern: *Provided,*  
23 That the salaries, wages, allowances and other benefits of incumbent officers and  
24 employees of the Bureau shall not be subject to diminution: *Provided, further,* That  
25 employees who have been dismissed for cause shall no longer qualify for any position  
26 in the Bureau.  
27

28 **Sec. 132. *Inventory and Transfer of Properties, Accounts, Assets, Liabilities and***  
29 ***Obligations to the Commission.*** — All buildings, properties, equipment, facilities,  
30 accounts, other assets, liabilities and other obligations as well as records of the Bureau  
31 of Immigration shall be properly inventoried and transferred to the Bureau.



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

4  
5                                   **CHAPTER 11**  
6                                   **FINAL PROVISIONS**  
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8           Sec. 138. *Separability Clause.* – Should any provisions of this Act be declared  
9 invalid, the remaining provisions shall continue to be in force and effect.

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11           Sec. 139. *Repealing Clause.* – Commonwealth Act No. 613, otherwise known  
12 as the "Philippine Immigration Act of 1940," as amended, and Republic Act No. 750  
13 are hereby repealed. All other laws, presidential decrees, executive orders,  
14 proclamations, memorandum orders, instructions, rules and regulations or parts  
15 thereof inconsistent with this Act are hereby amended or modified accordingly.

16  
17           Sec. 140. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
18 publications in the Official Gazette or in any newspaper of general circulation.

**SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO**