

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

OFFICE

10 JUL 15 19:48

SENATE

S. No. 1454

RECEIVED BY

Introduced by Senator JUAN MIGUEL F. ZUBIRI

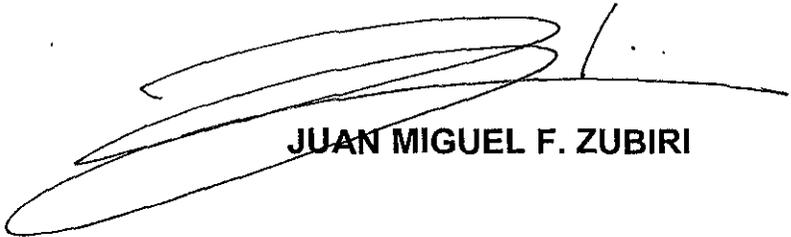
EXPLANATORY NOTE

The current organization, system and operations of the Bureau of Immigration are governed by Commonwealth Act No. 613, or the Philippine Immigration Act of 1940. Notwithstanding the amendments which have been introduced thereto over the years, the law needs to be further amended to enable our own Bureau of Immigration to adapt to the changing times. The Bureau needs to evolve into an agency that is more responsive to the challenges brought about by the advancement in science and technology.

This bill, therefore, seeks to reorganize the Bureau of Immigration and institute the same into a Commission. It defines the functions of each department created thereunder to avoid red tape and overlapping of functions, and likewise seeks to introduce changes to the now antiquated systems and procedures on immigration being used in our country. To attract foreign investments, more visa categories and privileges to foreign investors will likewise be made available. To protect the safety and security of our people, the classifications of foreigners or aliens who shall be disqualified to enter the country are also expanded. Moreover, penalties for foreigners or aliens who shall be engaged in unlawful activities are further strengthened.

In introducing these amendments, it is hoped that a more responsive immigration law shall augur well for the protection of the security, safety and well-being of our people.

In view of the foregoing considerations, the immediate approval of the bill is earnestly recommended.



JUAN MIGUEL F. ZUBIRI

10 JUL 15 09:48

SENATE

S. No. 1454

RECEIVED BY



Introduced by Senator JUAN MIGUEL F. ZUBIRI

PHILIPPINE IMMIGRATION ACT OF 2010

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

**TITLE I
GENERAL PROVISIONS**

SECTION 1. Title of the Act. — This Act shall be known as the "Philippine Immigration Act of 2010".

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

(a) The admission of foreign nationals for the purpose of enhancing capital investments, trade and commerce, cultural exchanges and other forms of friendly relations and cooperation;

(b) The need for increased technological and scientific development;

(c) Promotion of conditions for social welfare and economic security of the people;

(d) Compliance with obligations and standards set by international law in the admission or exclusion of foreign nationals;

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

(f) Modernization of structures and mechanisms necessary for the administration of immigration laws in keeping with the changing demands of the country's role in the global community; and

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

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

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

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

9 (c) "Border Control Officer" refers to any person tasked to man the border
10 control station as provided under Section 26 of this Act;

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

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

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

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

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

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

24 (j) "Consular officer" refers to any consular, diplomatic, or other officer of the
25 Government of the Philippines who has been duly granted a consular commission for
26 the purpose of issuing visas under this Act;

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

33 (l) "Exclusion" refers to the act of Immigration Officers denying admission of a
34 foreigner into the country on grounds provided for in this Act;

35 (m) "Foreigner" or "Foreign National" refers to any person not a citizen of the
36 Philippines;

37 (n) "Hold Departure Order" refers to (1) a directive that commands the
38 Commissioner to prevent a foreigner from leaving the territorial jurisdiction of the

1 Philippines in cases of grant of bail and recognizance pending implementation of
2 Summary Deportation Order, or (2) an order implementing a directive from the
3 President, the Senate, the House of Representatives, the Department of Justice (DOJ),
4 Regional Trial Courts, Sandiganbayan, and appellate courts to prevent a person from
5 leaving the Philippines to any place outside thereof;

6 (o) "Husband" and/or "Wife" refer(s) to those regarded as such by the laws of
7 the country of which they are nationals but shall not include husband or wife by reason
8 of proxy or "picture marriage";

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

11 (q) "Immigration laws" refers to this Act and any other law presently existing or
12 which may hereafter be enacted relating to movement of natural persons to and from
13 the Philippines, and their exclusion, interception, deportation and repatriation;

14 (r) "Immigration Officer" refers to any person appointed under Section 28 of
15 this Act or any employee of the Commission designated by the Commissioner, to
16 perform the powers, duties and functions of an Immigration Officer as specified under
17 this Act;

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

20 (t) "Non-immigrant" refers to any foreigner departing from any place outside
21 the Philippines who is allowed entry and admission into the Philippines for a temporary
22 or limited period of stay;

23 (u) "Non-refoulement" means a principle of international law which prohibits the
24 forced return of a refugee to the state or territory where his/her life or liberty would be
25 threatened;

26 (v) "Passport" means a document issued by the Philippine government to its
27 citizens requesting other governments to allow its citizens to pass safely and freely, and
28 in case of need to give him all lawful aid and protection;

29 (w) "Person" refers to natural and juridical person such as partnerships,
30 corporations, companies, and associations;

31 (x) "Port of entry" refers to any port designated by competent authority in
32 accordance with law through which a foreigner may apply to the Immigration Officer
33 thereat for admission into the Philippines;

34 (y) "President" refers to the President of the Republic of the Philippines;

35 (z) "Refugee" refers to a person who, owing to a well-founded fear of being
36 persecuted for reasons of race, religion, nationality, membership of a particular social
37 group, or political opinion, is outside the country of his/her nationality, and is unable or,
38 owing to such fear, is unwilling to avail of the protection of that country; or who, not

1 having a nationality and being outside the country of his/her former habitual residence,
2 is unable or, owing to such fear, is unwilling to return to it;

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

5 (bb) "Secretary" refers to the Secretary of the Department of Justice;

6 (cc) "Stateless Person" refers to a person who is not considered a national by
7 any State under its laws;

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

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

15 (ff) "Visa" refers to an endorsement on a passport or any travel document
16 issued by a consular officer abroad authorizing the holder thereof to proceed to a
17 designated port of entry in the Philippines and there to apply for entry and admission
18 under the status specified therein; or immigration status granted and/or issued to
19 foreigners by the Commissioner or the Board under this Act; and

20 (gg) "Watchlist Order" refers to an order issued by the Commissioner under
21 Section 7 (c) (4) of this Act that requires immigration personnel to monitor and/or
22 prevent the departure of any person for a period of fifteen (15) days, extendible for
23 another fifteen (15) days, and to notify concerned government or law enforcement
24 agencies, when his/her presence is required in criminal or legislative proceedings, or
25 he/she poses or may pose a threat to national security, public health or public safety.

26 **TITLE II**
27 **COMMISSION ON IMMIGRATION**

28
29 **CHAPTER 1**
30 **THE COMMISSION**

31
32 **SEC. 4. Creation.** — The Commission on Immigration is hereby created. It shall
33 be principally responsible for the administration and enforcement of this Act, and the
34 implementation of all laws, rules, regulations or orders of any competent authority
35 concerning the entry and admission into, stay in, and the departure from the Philippines
36 of all persons. The Commission shall be under the general supervision of the
37 Department of Justice.

38 **SEC. 5. Composition and Qualification.** — The Commission shall be
39 administered by the Board of Commissioners headed by the Commissioner as
40 Chairperson, and four (4) Deputy Commissioners as members, all of whom shall be

1 natural-born citizens of the Philippines and, at the time of their appointment, at least
2 thirty-five (35) years of age, holders of a college degree and with proven capacity for
3 administration: *Provided*, That the majority or three (3) members including the
4 Chairperson of the Commission shall be members of the Philippine Bar in good
5 standing for at least five (5) years.

6 **CHAPTER 2**
7 **THE COMMISSIONER**

8 **SEC. 6. Appointment and Rank of the Commissioner.** — The Commissioner
9 shall be appointed by the President and shall have the same rank, salary, and privileges
10 of an Undersecretary of a Department.

11 **SEC. 7. Powers and Functions of the Commissioner.** – In addition to the
12 duties as Chairperson of the Board of Commissioners, the Commissioner shall exercise
13 the following powers and functions:

14 (a) Supervise, direct and coordinate the overall operations of the
15 Commission;

16 (b) Appoint, and exercise control and supervision over, the officers and
17 personnel of the commission, subject to existing civil service laws, rules and
18 regulations;

19 (c) Issue, (1) letter orders after determination of the existence of probable
20 cause; (2) commitment or release orders; (3) warrant of deportation; (4) watchlist
21 orders; (5) hold departure orders; (6) allow entry or departure orders; (7) blacklist
22 orders; and (8) orders implementing watchlist orders issued by the Department of
23 Justice;

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

28 (e) Act on applications for issuance and extension or on petitions for
29 conversion, adjustment and amendment of visas;

30 (f) Act on petitions for declaration of indigency;

31 (g) Declare such control posts, landing places, airports or ports as points of
32 entry or exit, whether limited or unlimited;

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

35 (i) Participate as member of the Special Committee on Naturalization
36 pursuant to Section 6 of Republic Act No. 9139 otherwise known as "The Administrative
37 Naturalization Law of 2000";

- 1 (j) Act on applications for retention or reacquisition of citizenship under
2 Republic Act No. 9225 otherwise known as "Citizenship Retention and Re-acquisition
3 Act of 2003";
- 4 (k) Issue Certificate of Identification to foreigners who have obtained Filipino
5 citizenship;
- 6 (l) Issue letter orders and permits to carry firearms, ammunition and
7 communications equipment to authorized immigration operatives for use in enforcement
8 operations and in the execution of warrants: *Provided*, That such firearms are owned
9 and issued by the Commission;
- 10 (m) Inspect the documents, premises and records of persons covered by this
11 Act;
- 12 (n) Deputize any official or employee of the national government and local
13 government units, including uniformed personnel of the Armed Forces of the
14 Philippines, the Philippine National Police and the Philippine Coast Guard to perform
15 immigration duties and functions subject to the concurrence of the Board;
- 16 (o) Authorize and prescribe the forms and the amount of cash bonds for the
17 provisional release of respondents in deportation proceedings;
- 18 (p) *Impose reasonable fines and penalties* for violation of immigration and
19 alien registration laws in accordance with this Act and the guidelines adopted by the
20 Commission;
- 21 (q) Provide an express lane for the rendition of services upon payment of
22 prescribed fees by airlines/shipping companies or other persons served and to deposit
23 in a government authorized depository bank all such fees received under a trust fund
24 that may be made available for the payment of allowances to employees of the
25 Commission, subject to existing auditing and accounting rules and regulations;
- 26 (r) Accept donation of materials, equipment or technical services from any
27 foreign government, international or domestic organization, to upgrade the efficiency
28 and operations of the Commission;
- 29 (s) Submit to the President and Congress, annually or as may be directed, a
30 report on the: (1) number and status of foreigners in the Philippines; (2) foreigners
31 admitted or granted change of status as permanent residents; (3) foreigners who have
32 been excluded or deported from the Philippines; (4) estimated number of illegal
33 foreigners in the Philippines in each calendar year and actions taken to arrest them, by
34 nationality grouping, for each region in the Philippines; and (5) such other transactions
35 of the Commission;
- 36 (t) Prepare and submit supplemental budget of the Commission for the
37 consideration of the Department of Budget and Management;

1 (u) Prescribe such rules, regulations or other administrative issuances to
2 carry out the provisions of this Act;

3 (v) Prescribe the appropriate forms, bonds, reports, entries and other papers
4 in accordance with this Act; and

5 (w) Perform such other functions inherent to the Commission.

6 **CHAPTER 3**
7 **THE DEPUTY COMMISSIONERS**

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

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

16 a. Deputy Commissioner for Administration, Finance, Planning, Legal and
17 Information and Communications Technology;

18 b. Deputy Commissioner for Regional Operations, Registration, Immigration
19 Regulation and Visa and Special Permit;

20 c. Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and
21 Complaint and Prosecution; and

22 d. Deputy Commissioner for International Policies, Cooperation and Social
23 Integration.

24 **CHAPTER 4**
25 **THE BOARD OF COMMISSIONERS**

26
27 **SEC. 10. Powers and Functions of the Board.** — The Board shall have
28 the following powers and functions:

29 (a) Decide on deportation cases;

30 (b) Act on appeals on decisions promulgated by immigration hearing officers;

31 (c) Act on applications or recommendations for revocation of immigration status;

32 (d) Act on applications for recognition of Philippine citizenship by reason of birth or
33 marriage;

34 (e) Decide on applications for legalization of residence in accordance with law;

35 (f) Prescribe and promulgate rules of proceedings before it;

36 (g) Cite and punish for contempt any person in accordance with the Rules of
37 Court;

38 (h) Prepare and publish operations manual and rules of procedure, including
39 schedule of fees, for all transactions entered into by the Commission with the public;

40 (i) Formulate policies, directives, programs and projects of the Commission; and

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

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

7 Decisions in deportation cases may be appealed to the Office of the President
8 within fifteen (15) days from receipt thereof, whose decision shall be final and executory
9 unless stayed by an order of the Court of Appeals. The appeal shall stay the execution
10 of the decision appealed from unless the Board, in the interest of national security
11 and/or public safety, directs its execution pending appeal.

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

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

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

27 **CHAPTER 5**
28 **THE EXECUTIVE DIRECTOR**
29

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

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

37 (a) Advise and assist the Commissioner in the formulation and
38 implementation of the objectives, policies, plans and programs of the Commission;

39 (b) Oversee all the operational activities of the Commission;

1 (c) Coordinate the programs and projects of the Commission and be
2 responsible for its economical, efficient and effective administration;

3 (d) Administer oaths in connection with all matters relating to the business of
4 the Commission; and

5 (e) Perform such other duties as may be assigned by the Commissioner.

6 **CHAPTER 6**
7 **THE BOARD OF SPECIAL INQUIRY**
8

9 **SEC. 17. Constitution of Boards of Special Inquiry.** There shall be constituted
10 as many Boards of Special Inquiry as required in the exigency of service but not more
11 than twelve (12). Each Board shall be composed of a Chairperson and two (2)
12 members. The Board shall be designated according to their areas of
13 specialization to be determined by the Board.

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

21 **SEC. 19. Powers and Functions of the Boards of Special Inquiry.** – The
22 Boards of Special Inquiry shall:

23 (a) Administer oaths;

24 (b) Cite and punish for contempt in accordance with the Rules of Court;

25 (c) Issue subpoena in cases being heard by the Board of Special Inquiry;

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 (e) Exercise exclusive original authority to hear and recommend to the Board for
29 final resolution the following cases:

30 (1) Deportation;

31 (2) Applications for revocation of immigration status;

32 (3) Applications for recognition of Philippine citizenship by reason of
33 birth or marriage;

34 (4) Applications for legalization of residence in accordance with law;

35 (5) Application for issuance of visa for stateless person; and

36 (f) Perform such other duties and functions as may be directed by the
37 Commissioner.

38 **SEC. 20. Proceedings Before the Boards of Special Inquiry.** – The
39 proceedings before the Boards of Special Inquiry shall be public and recorded. In all

1 cases, the Boards of Special Inquiry shall meet and act as a collegial body. Only
2 members of the Philippine Bar in good standing shall appear for and in behalf of any
3 party before the Boards of Special Inquiry.

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

8 **CHAPTER 7**
9 **DIVISIONS OF THE COMMISSION**

10
11 **SEC. 22. Divisions and Other Operating Offices of the Commission.** — The
12 Commission shall have the following divisions and other operating offices, namely: (1)
13 Administration; (2) Finance; (3) Information and Communications Technology; (4)
14 Planning and Research; (5) International Policies and Cooperation; (6) Social
15 Integration; (7) Intelligence; (8) Law Enforcement; (9) Fraud Prevention; (10) Legal; (11)
16 Immigration Regulation; (12) Registration; (13) Visa and Special Permit; (14) Complaint
17 and Prosecution; (15) Internal Audit Office; (16) National Operations Center; and (17)
18 Immigration Academy of the Philippines.

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

26 **SEC. 24. Duties and Functions of the Divisions and Other Operating**
27 **Offices.** – The different divisions and other operating offices of the Commission shall
28 operate in accordance with their respective duties and functions as defined by the
29 Commissioner, subject to the requirements of efficiency, economy, transparency,
30 accountability and effectiveness, and pertinent budget and civil service laws, rules and
31 regulations.

32 **CHAPTER 8**
33 **REGIONAL OFFICES**

34
35 **SEC. 25. Field Offices of the Commission.** — The Commission shall operate
36 and maintain a Regional Immigration Office in each of the administrative regions
37 including the National Capital Region.

38 The Regional Immigration Offices of the Commission shall each be headed by a
39 Regional Immigration Officer, all of whom shall be appointed by the Secretary upon the
40 recommendation of the Commissioner.

1 **SEC. 26. Border Control Stations** – There shall be established Border Control
2 Stations which shall be manned by Border Control Officers appointed by the
3 Commissioner. The Border Control Stations shall be placed in specific areas in the
4 Philippines which shall be determined by the Board. Their duties and responsibilities
5 shall be determined by the Commissioner.

6 **SEC. 27. Changes in the Composition, Distribution of Assignment of
7 Regional Offices.** – The Commissioner may make changes in the composition,
8 distribution and assignment of Regional Offices, as well as its personnel, based on the
9 demographics of the Philippines' foreigner population and as the exigency of the service
10 requires.

11 **SEC. 28. Immigration Officers.** – The position of Immigration Officer is hereby
12 created. No person shall be appointed to the position of Immigration Officer unless he is
13 a holder of a bachelor's degree and a first grade civil service eligible. The Immigration
14 Officers shall perform the following duties:

15 (a) Examine, with the assistance and advice of medical authorities in appropriate
16 cases, foreigners at the port of entry concerning their admissibility to enter and their
17 qualifications to remain in the Philippines;

18 (b) Exclude foreign nationals not properly documented, and to admit foreign
19 nationals complying with the applicable provisions of immigration and related laws;

20 (c) Administer oaths in connection with the performance of their duties;

21 (d) Search for foreign nationals on any vessel believed to be used to illegally
22 bring foreign nationals into the Philippines, and to arrest without warrant any foreigner
23 who in his presence or view is entering or is about to enter the Philippines in violation of
24 immigration and related laws, rules and regulations;

25 (e) Act as control officer with authority to prevent the departure of passengers
26 not complying with departure requirements; and

27 (f) Perform such other functions as may be assigned by the Commissioner from
28 time to time.

29 **SEC. 29. Designation of Employees.** – The Commissioner may designate, in
30 accordance with civil service laws, rules and regulations, any competent and qualified
31 employee of the Commission, to act as immigration officer or assign any employee to
32 other offices within the Commission and/or assign him/her additional or other duties as
33 the best interest or exigency of the service may require.

34 **SEC. 30. Assignment of Employees to do Overtime Work.** — The
35 Commissioner may assign immigration employees to do overtime work or services
36 pursuant to rules and regulations to be prescribed and at the rates fixed by the
37 Commissioner when the work or service to be rendered is to be paid by the airline,
38 shipping companies or other persons served.

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

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

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

16 1. Persons entitled to E-1 Visa: The E-1 Visa shall be issued to persons
17 enjoying diplomatic immunities and privileges, particularly the following^a
18 classes of foreign nationals:

- 19 a. Heads of the State and Heads of Government and their personal
20 representatives;
- 21 b. Members of reigning royal families recognized by the Philippine
22 Government;
- 23 c. Governors-General, Governors, and High Commissioners of
24 dependent territories and their personal representatives;
- 25 d. Cabinet ministers and their deputies and officials with cabinet rank
26 of ministers;
- 27 e. Presiding officers of national legislative bodies;
- 28 f. Justices or judges of the highest national judicial bodies;
- 29 g. Diplomats and career consular officials;
- 30 h. Diplomatic couriers regularly and professionally employed as such;
- 31 i. Military, naval, air and other attaches assigned to a diplomatic
32 mission;
- 33 j. All members of official special missions of a diplomatic character;
- 34 k. Officials of international organizations bearing diplomatic passports
35 when traveling on official business;
- 36 l. Representatives of international organizations who have diplomatic
37 status and bearing diplomatic passports issued by their
38 governments;

- 1 m. Members of delegations proceeding to or from an international
- 2 conference of an official or diplomatic nature;
- 3 n. Accompanying spouses and unmarried minor children of foreigners
- 4 within the abovementioned categories; and
- 5 o. Such other officials going to the Philippines on diplomatic missions.

6 2. Persons entitled to E-2 Visa: The E-2 visa shall be issued to any other
7 person not included in the foregoing list, who is an officer of a foreign
8 government recognized by the Philippines, is a national of the country
9 whose government he represents, and is proceeding to the Philippines in
10 connection with official business for his/her government.

11 This category includes, *inter alia*, the members of the staff of a
12 diplomatic mission or consular post, the staff of international
13 organizations, and official students or participants in programs under the
14 auspices of the Philippine Government or recognized international
15 institutions.

16 The family members of the above-mentioned persons shall also be
17 issued E-2 Visa.

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

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

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

33 (h) Religious Workers (H Visa): Duly ordained or professional missionaries and
34 religious ministers, including members of their family, coming to the Philippines to join a
35 religious congregation or denomination duly registered with the Securities and
36 Exchange Commission, upon invitation, sponsorship or guarantee of such religious
37 congregation or denomination, solely for the purpose of propagating, teaching and
38 disseminating their faith or religion;

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

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

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

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

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

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

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

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

7 **CHAPTER 2**
8 **IMMIGRANTS**
9

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

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

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

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

26 (d) Fourth Preference: Parents of foreign nationals who are lawful permanent
27 residents of the Philippines.

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

35 **SEC. 36. Basis in Determination of Quota Allotment.** — The nationality of an
36 immigrant whose admission is subject to the numerical limitation imposed by Section 34
37 of this Act shall be that of the country of which the immigrant is a national or a citizen.
38 The nationality of an immigrant possessing dual nationality may be that of either of the
39 two countries regarding him/her as a national or citizen if he/she applies for a visa in a

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

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

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

12 (b) A person of Filipino descent regardless of generation;

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

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

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

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

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

34
35 **CHAPTER 3**
36 **ADJUSTMENT OF STATUS**
37

38 **SEC. 39. Conditions for Adjustment of Status of Foreign Nationals.** — The
39 status of a foreign national admitted into the Philippines as non-immigrant may be

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

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

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

19 **CHAPTER 4**
20 **DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS**

21
22 **SEC. 42. Documentary Requirements of Non-immigrants.** — Non-immigrants
23 must present for admission into the Philippines valid passports issued by the
24 governments of the countries to which they owe allegiance to or other travel documents
25 showing their nationality and identity as prescribed by regulations and a valid visa
26 granted by the Philippine Consular Officer, if required under existing laws, rules,
27 regulations, or multi-lateral or bilateral agreements.

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

1 **SEC. 48. Grant of Refugee Status.** – Persons seeking refugee status may
2 apply for recognition as a refugee upon seeking admission at any port of entry or within
3 a reasonable time thereafter. Refugee status shall be granted after a determination by
4 the Board that an applicant meets the qualifications of a refugee as defined in Section
5 3(z) hereof. Refugee status shall not be granted to an applicant if he/she:

6 (a) has committed a crime against peace, a war crime, crime against humanity
7 or any other crime under international law;

8 (b) has committed a serious non-political crime outside the Philippines prior to
9 his admission as a refugee; or

10 (c) has been guilty of an act contrary to the purposes and principles of the
11 United Nations.

12 **SEC. 49. Cessation of Refugee Status.** – Refugee status granted under the
13 previous section shall cease if a refugee:

14 (a) Voluntarily repatriates himself/herself or has re-established himself/herself in
15 another State;

16 (b) Acquired a new nationality and enjoys the protection of such a State; or

17 (c) Can no longer continue to refuse to avail the protection of the country of
18 his/her nationality or, not having a nationality, is able to return to the country of former
19 habitual residence in view of the cessation of the reasons that resulted to his/her being
20 a refugee: *Provided*, That this ground shall not apply if a refugee is able to invoke
21 compelling reasons arising out of the previous persecution.

22 **SEC. 50. Effect of Grant of Refugee Status to Refugee Dependents.** – A
23 spouse, minor child, and other dependents of a foreigner who is granted a refugee
24 status may, if not otherwise eligible under Section 48, be granted the same status as
25 the refugee to assure family unity or when it is in the public interest.

26 **SEC. 51. Confidentiality of Information.** – In proceedings for the recognition of
27 refugee status, the confidentiality of information shall be respected and no information
28 relating to the refugee shall be shared with the country of origin, directly or indirectly.

29 **SEC. 52. Burden of Proof.** – In proceedings for the recognition of refugee
30 status, the burden of proof lies with the applicant, subject to the principle of non-
31 refoolment.

32 **SEC. 53. Stay of Exclusion or Deportation.** – Notwithstanding the provisions of
33 Sections 78 and 86, the exclusion from entry and deportation of a foreigner shall be
34 stayed during the pendency of an application for refugee status. Where grounds under
35 Section 78 are present, the refugee shall be allowed entry and the application shall be
36 immediately referred by the Immigration Officer to the Board.

1 visa to a foreign national who has made a proper application therefor in accordance with
2 Section 33 of this Act.

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

6 All other non-immigrant visas under Section 33 shall be issued by the Consular
7 Officer, when the application is made abroad, or may be issued by the Office of the Visa
8 Director, when the application is made in the Philippines for conversion or renewal.

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 upon
11 recommendation of the government agency or office concerned.

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

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

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

34 **SEC. 61. Revocation of Visa Issued by Consular Officer.** — The
35 Commissioner may, for valid cause and upon confirmation of the Secretary of Foreign
36 Affairs, revoke the visa issued by any Philippine Consular Office. If the notice of
37 revocation is not received and the visa holder applies for admission into the Philippines,

1 his/her admission or entry shall be determined by the Immigration Officer upon his/her
2 arrival at the port of entry.

3 **CHAPTER 8**
4 **RE-ENTRY AND EMIGRATION CLEARANCE**
5

6 **SEC. 62. Re-entry.** — Every time a registered foreign national, except a
7 temporary visitor, departs or is about to depart temporarily from the Philippines with the
8 intention to return, he/she must pay a re-entry fee, emigration clearance fee and head
9 fee: *Provided*, That said foreign national returns to the Philippines within a period of one
10 (1) year from his/her departure in order to maintain his/her visa category. Otherwise,
11 he/she shall apply for an extension of the period within which to return prior to its
12 expiration and pay the prescribed fees and charges therefor: *Provided*, That if his/her
13 authorized stay is less than one (1) year, he/she shall pay a special return fee,
14 emigration clearance fee and head fee for every departure: *Provided, further*, That in
15 both cases, if the registered foreign national departs permanently from the Philippines,
16 he/she shall surrender all his/her Philippine immigration documents to the Commission
17 and apply for and be issued an Emigration Clearance Certificate upon payment of the
18 prescribed fees and charges therefor, subject to the following conditions:

19 (a) He/she has no pending obligation with the government or any of its agencies
20 or instrumentalities;

21 (b) He/she has no pending criminal, civil, or administrative proceeding which
22 requires his continued presence in the country; and

23 (c) There is no ongoing legislative inquiry where he/she is called upon to testify
24 as a witness.

25 **SEC. 63. Emigration Clearance.** — Any temporary visitor departing from the
26 Philippines shall, after the expiration of his/her initial authorized stay, apply for
27 emigration clearance with the Commission and pay the prescribed fees and charges
28 therefor.

29 **CHAPTER 9**
30 **PRESIDENTIAL PREROGATIVES**
31

32 **SEC. 64. Presidential Prerogatives.** — Any provision of this Act to the contrary
33 notwithstanding, the President may:

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

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

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

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

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

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

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

13 **TITLE IV**
14 **PROVISIONS RELATING TO ENTRY**

15 **CHAPTER 1**
16 **CLASSIFICATION OF PORTS OF ENTRY**

17 **SEC. 65. Authority to Classify Ports.** – The Commissioner shall classify
18 and designate, from among the ports of entry established by law for immigration
19 purposes, limited or unlimited ports of entry through which foreigners may be admitted
20 into the Philippines. Only such classes of foreigners as provided under the rules and
21 regulations prescribed by the Commissioner may be admitted at limited ports of entry.
22 The Commissioner may, after due notice to the public, close designated ports of entry in
23 the interest of national security or public safety.

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

26 **SEC. 66. Inspection by Immigration Officer.** — A foreigner seeking admission
27 or readmission shall present his/her valid passport and visa, if required, to the
28 immigration officer at the port of entry and shall be subject to primary inspection. The
29 decision of the examining Immigration Officer, if favorable to the admission of any
30 foreigner, may be challenged by another Immigration Officer. The final determination of
31 admissibility of such foreigner shall be determined by the Commissioner in case no
32 resolution is reached between the Immigration Officers on the challenged admission. In
33 case of admission, the Immigration Officer shall indicate in the passport the date, the
34 port of entry and the identity of the vessel boarded.

35 **SEC. 67. Detention or Quarantine for Examination.** — For the purpose of
36 determining whether a foreigner arriving at any port in the Philippines belongs to any of
37 the classes excludable under this Act by reason of being afflicted with any of the
38 contagious or communicable disease or mental disorder set forth under Section 78(a) of
39
40
41

1 this Act or whenever the Commissioner has received information showing that
2 foreigners are coming from a country or a place where any of such diseases are
3 prevalent or widespread, the foreigner shall be detained or quarantined for a reasonable
4 period of time to enable the immigration and medical officers to subject such person^s to
5 observation and examination.

6 **SEC. 68. Medical Examination Requirement.** – Any arriving foreign national
7 whom the examining Immigration Officer believes to belong under the class of
8 excludable foreign nationals specified in Section 78(a) herein shall be referred to
9 designated medical officers for physical and mental examination. Such medical officer
10 shall certify his/her findings for the information of the Immigration Officer.

11 **SEC. 69. Arrival Notice Requirements of Vessel.** – The immigration
12 authorities shall be given prior notice of the arrival of any civilian vessel before such
13 vessel comes into any area in the Philippines from any place outside thereof. Such
14 prior notice shall not be required in the case of vessels with scheduled arrivals filed with
15 the Immigration Officer in charge at the international port of entry.

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

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

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

31 **CHAPTER 3**
32 **FOREIGN CREWMEMBER**
33

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

1 **SEC. 72. Confiscation and Cancellation of Permit; Deportation from the**
2 **Philippines.** — Upon the determination that the foreigner 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 foreigner into custody, and require the owner, operator, captain, master, pilot,
6 agent or consignee of the vessel on which the foreigner arrived to receive and detain
7 him/her on board. The expenses for his/her removal, including the cost of detention and
8 other expenses incidental thereto, shall be borne by the owner, operator, captain,
9 master, pilot, agent or consignee of such vessel.

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

15 **SEC. 74. Liability for Unauthorized Discharge of Foreign Crewmember.** — It
16 shall be unlawful for any person, including the owner, operator, captain, master, pilot,
17 agent or consignee of any vessel to discharge any foreign crewmember employed a
18 vessel arriving in the Philippines and whilst in port, without first obtaining the prior
19 permission of the Commissioner. Otherwise, such person or owner, operator, captain,
20 master, pilot, agent or consignee of the vessel shall pay the Commission such fines as
21 may be prescribed under this Act. No such vessel shall be granted clearance from any
22 port in the Philippines while such fines remain unpaid or while the validity thereof is
23 being determined: *Provided*, That a clearance may be granted prior to such
24 determination upon deposit of a sum or cash bond sufficient to cover such fines as
25 approved by the Commissioner.

26 **SEC. 75. Duty to Report Desertion or Illegal Landing of Foreign**
27 **Crewmember.** —The owner, operator, captain, master, pilot, agent or consignee of any
28 vessel shall immediately report, in writing, to the immigration officer all cases of
29 desertion or illegal disembarkation in the Philippines from the vessel, together with a
30 description of such foreigners and any information that shall result in their
31 apprehension.

32 **SEC. 76. Requirement for Submission of List of Newly Employed,**
33 **Discharged and Illegally Landed Foreign Crewmember.** — Prior to the departure of
34 any vessel from the last port in the Philippines destined to any place outside thereof, the
35 owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to the
36 Immigration Officer at that port a list containing: (a) the names of crewmembers who
37 were not employed thereon at the time of the vessel's arrival on such port but will depart
38 thereat on the same vessel; (b) the names of those, if any, who have been discharged;

1 (c) those who have deserted or illegally landed at that port, if any; and (d) such other
2 additional information as the Commissioner deems necessary.

3 **SEC. 77. Liability for Failure to Submit Complete, True and Correct Report.**

4 — In case the owner, operator, captain, master, pilot, agent, or consignee, fails to
5 submit a true and complete list or report of foreigners, or to report cases of desertion or
6 illegal landing, he/she shall pay to the Commission such sum as may be prescribed
7 under this Act. No such vessel shall be granted clearance from any port in the
8 Philippines while such fines remain unpaid or while the validity thereof is being
9 determined: *Provided*, that clearance may be granted prior to such determination upon
10 deposit of a sum or cash bond sufficient to cover such fines as approved by the
11 Commissioner.

12 **CHAPTER 4**
13 **EXCLUSIONS**

14
15 **SEC. 78. Exclusion Grounds.** - The following classes of foreign nationals shall
16 not be allowed entry and shall be excluded from the Philippines:

17 (a) Health Related Grounds

- 18 1. Those who are found to be suffering from a communicable, dangerous or
19 contagious disease;
- 20 2. Those who are found to be suffering from mental disorder or associated
21 behavior that may pose threat to persons or danger to property;
- 22 3. Those who are found to be suffering from addiction to prohibited or
23 regulated substance;

24 (b) Economic Grounds

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

29 (c) Moral Grounds

- 30 1. Those coming to the Philippines to practice polygamy or who advocate the
31 practice of polygamy unless his/her religion allows such practices;
- 32 2. Those who are pedophiles, sexual perverts or those coming to the
33 Philippines for immoral purposes;
- 34 3. Those who are engaged or who seek to engage in prostitution or to
35 procure or attempt to procure prostitutes, or who receives in whole or in
36 part the proceeds of prostitution;
- 37 4. Those who, at the time of primary inspection, by the Immigration Officer
38 exhibit any obnoxious behavior, contempt or disrespect for the said officer
39 or any government official or Commission;

1 (d) Criminal and Security Grounds

- 2 1. Those who have been convicted of a crime involving moral turpitude or
3 who admit to the Immigration Officer having committed such crime, or who
4 attempt and conspire to commit the crime;
- 5 2. Those who have been convicted, or who admit having committed, or are
6 committing acts which constitute the elements of a violation or conspiracy
7 to violate any law or regulation of the Philippines or a foreign country
8 relating to a controlled, regulated or prohibited substance, or who attempt
9 or conspire to commit the crime;
- 10 3. Those that the Philippine Government knows or has reason to believe is a
11 trafficker of any controlled, regulated or prohibited substance or knows or
12 has reason to believe is or has been an accomplice, accessory, abettor, or
13 co-conspirator in the illicit trafficking of any controlled, regulated or
14 prohibited substance;
- 15 4. Those who are fugitives from justice;
- 16 5. Those who seek to enter the Philippines to engage in:
- 17 a. Espionage or sabotage, or a violation or evasion of any laws
18 prohibiting export of goods, technology or sensitive information;
- 19 b. Any activity aimed to promote membership in an organization of
20 syndicated criminal activities;
- 21 c. Any activity, the purpose of which is to overthrow the Philippine
22 government by force, violence or other unlawful means; and
- 23 d. Any other unlawful activity.
- 24 7. Those who are engaged or believed to be engaged or likely to engage in,
25 aid, abet or finance any terrorist activity and members or representatives of a
26 foreign terrorist organization;
- 27 8. Those who have been identified by competent authorities, local or
28 foreign, as having engaged or are engaging in human trafficking and
29 smuggling;
- 30 9. Those who are under fifteen (15) years of age and unaccompanied by or not
31 coming to a parent, except that they may be admitted in the discretion of the
32 Commissioner, if otherwise admissible; and
- 33 10. Those who have been identified by competent authorities, local and foreign,
34 as having engaged or are engaging in importation of contrabands and other
35 prohibited articles into the country.

36 **SEC. 78-A. Minor Persons/ Minority.** – Persons under fifteen (15) years of age,
37 and not accompanied by or not coming to a parent, may be admitted: *Provided*, That the
38 written consent of either parent allowing them to travel is presented. The written consent

1 must cite the purpose of the travel and must be affirmed by the Philippine Consular post
2 in the minor's country of origin.

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

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

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

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

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

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

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

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

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

3 (c) Deliver a foreign national for medical or other examinations when so ordered
4 by such officer;

5 (d) Remove a foreign national from the Philippines to the country to which his/her
6 removal has been directed; or

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

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

17
18 **TITLE V**

19 **DEPORTATION**

20
21 **CHAPTER 1**

22 **DEPORTABLE FOREIGN NATIONALS**
23

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

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

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

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

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

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

38 (f) Those who believe in, advise, advocate or teach the overthrowing by force and
39 violence of the Government of the Republic of the Philippines, or duly constituted
40 authority, or those who do not believe in or are opposed to organized governments, or

1 those who advise, advocate or teach the assault or assassination of public officials by
2 reason of their office, or those who advise, advocate or teach the unlawful destruction of
3 property, or those who are members of or affiliated with any organization entertaining,
4 advocating or teaching such doctrines, or those who in any manner whatsoever extend
5 assistance, financial or otherwise, in the dissemination of such doctrines;

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

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

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

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

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

22 (l) Those who defraud their creditors by absconding or alienating properties, to
23 prevent their attachment or execution;

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

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

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

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

37 (q) Those whose presence or activities in the country may result in adverse
38 consequences to Philippine foreign policies as determined by the Secretary of Foreign

1 *Provided*, That he/she has not committed any criminal offense or has no pending case
2 in court: *Provided, further*, That the said foreigner so deported shall be barred from re-
3 entering the country without prior written authorization from the Commissioner.

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

8 **SEC. 94. Period to Enforce Order of Deportation.** – The order of deportation
9 shall be enforced immediately but in no case shall exceed three (3) months from the
10 date it has become final and executory. If deportation is not enforced within the
11 prescribed period for reasons beyond the control of the Commissioner, the foreigner
12 shall remain in custody.

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

- 17 (a) Age, health, family or conduct;
18 (b) Period of detention;
19 (c) Impact on national security and public welfare;
20 (d) Unavailability of travel documents;
21 (e) Existence of an application for refugee status; or
22 (f) Other humanitarian considerations.

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

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

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

- 38 (a) The foreigner participated, induced or cooperated in the persecution of

1 any person on account of race, religion, nationality, political opinion or membership in a
2 particular political or social group in the country where he/she is to be deported;

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

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

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

9 **SEC. 99. Cost of Deportation.** – The cost of deportation shall be borne by
10 the owner, operator, captain, master, pilot, agent or consignee of a vessel in case its
11 foreign crew member is to be deported for violation of Section 100 of this Act. In all
12 other cases, the cost of deportation shall be borne by the deportee himself/herself, the
13 concerned consular office, nongovernment organizations or people's organizations with
14 which the Commission has an agreement on this matter, or from the appropriations for
15 the enforcement of this Act.

16 **SEC. 100. Liability of Owner, Operator, Captain, Master, Pilot, Agent or**
17 **Consignee of a Vessel.** – Failure or refusal on the part of the owner, operator, captain,
18 master, pilot, agent or consignee of a vessel to take on board, guard safely and
19 transport the deportee to his/her country of destination, or to shoulder the cost of
20 deportation of the foreign crew member as provided in Section 99 hereof, shall be
21 punished by an administrative penalty prescribed under this Act.

22 **SEC. 101. Expenses of Accompanying Person.** – The Commissioner may,
23 by reason of the mental or physical condition of the deportee, direct an employee of the
24 Commission to accompany such deportee to the country of his/her destination, subject
25 to the provisions of the immediately preceding sections.

26 **CHAPTER 3**

27 **INDIGENT FOREIGNERS**

28 **SEC. 102. Deportation of Indigent Foreigners.** – At any time after entry, the
29 Commissioner may deport indigent foreigners from the Philippines to the country of
30 which they are citizens or nationals, or country of birth, or country of residence, as the
31 case may be. The cost of deportation may be charged against the available funds of the
32 Commission. Any foreigner deported under this section shall be barred re-admission
33 except upon written authorization of the Commissioner.

34 This provision shall not apply to a foreigner declared as an indigent by any
35 Philippine court for purposes of filing a case or to pursue a cause of action which
36 resulted in his/her indigency until such action is resolved with finality: *Provided,* That no
37 other grounds for deportation exist during the pendency of the same.

38 **TITLE VI**

1 MISCELLANEOUS PROVISIONS

2
3 CHAPTER 1
4 REGISTRATION OF FOREIGN NATIONALS
5

6 **SEC. 103. Requirement of Registration.** — All foreigners must register with the
7 Commission or any Immigration Office nearest his/her place of residence on or before
8 the sixtieth (60th) day of his/her arrival in the Philippines.

9 **SEC. 104. Registration Form and Oath.** — Applications for registration shall be
10 under oath and in such form as prescribed by the Commission. Upon registration, a
11 certificate of registration shall be issued by the Commission to the registrant. In case of
12 loss or destruction of the certificate, a replacement thereof may be issued by the
13 Commission upon proper application and payment of prescribed fees.

14 **SEC. 105. Amendment of Registration.** — A registered foreign national shall
15 notify the Commission in writing of any change of information in his/her registration
16 documents not later than seven (7) days thereof.

17 **SEC. 106. Presentation of Certificate of Registration.** — Every foreigner
18 required to register under this Act or the parent or guardian of such foreigner shall, upon
19 demand of any authorized immigration official, present his/her certificate of registration,
20 and failure to do so without justifiable cause shall be dealt with in accordance with the
21 provisions of this Act.

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

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

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

1 **Disorder.** — The pilot, master, agent, owner or consignee of the vessel arriving at a
2 port in the Philippines from a place outside thereof bringing on board an undocumented
3 foreigner shall be fined One hundred thousand pesos (P100,000.00) for each foreigner.
4 If the foreigner is afflicted with a communicable or contagious disease or is suffering
5 from mental disorder, the fine shall be not less than Two hundred thousand pesos
6 (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00) for
7 each foreigner.

8 **SEC. 122. Fine for Bringing a Foreigner to Assist His Illegal Entry or**
9 **Misrepresenting a Foreigner as a Member of the Crew.** — The pilot, master, agent,
10 owner or consignee of the vessel arriving at any port in the Philippines from a place
11 outside thereof bringing on board a foreigner bound for the Philippines to assist his/her
12 illegal entry, or misrepresenting the foreigner to the immigration officer at the port of
13 arrival as a *bona fide* member of the crew, shall be fined not less than One hundred
14 thousand pesos (P100,000.00) but not more than Two hundred thousand pesos
15 (P200,000.00) for each foreigner.

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

21 **CHAPTER 7**

22 **OTHER PENAL PROVISIONS**

23
24 **SEC. 124. Other Prohibited Acts and Penalties Thereof.** — Any person who
25 shall commit any of the acts specified hereunder shall, upon conviction, suffer the
26 penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum
27 period or a fine of not less than One hundred thousand pesos (P100,000.00) but not
28 more than Five hundred thousand pesos (P500,000.00) or both, at the discretion of the
29 court:

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

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

35 (c) Obtains, manufactures, prints, accepts or uses any immigration or travel
36 document knowing it to be false or uses immigration accountable form that is not legally
37 issued;

1 (d) Enters the Philippines without inspection and admission by the immigration
2 authorities, or obtains entry into the Philippines by fraud, misrepresentation, or
3 concealment of material facts;

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

5 (f) Knowingly makes under oath any false statement regarding any immigration
6 matter; or

7 (g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or
8 gives comfort to any person not duly admitted by any immigration officer or not lawfully
9 entitled to enter into or resides within the Philippines, or attempts, conspires with, or
10 aids another to commit any such acts.

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

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

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

32 **SEC. 126. Penalty for an Overstaying Crewmember.** — Any foreign
33 crewmember who wilfully remains in the Philippines beyond the period allowed him/her
34 for temporary landing shall, upon conviction, suffer the penalty of imprisonment of six
35 (6) months or fine of not less than Fifty thousand pesos (P50,000.00) but not more than
36 One hundred thousand pesos (P100,000.00), or both, at the discretion of the court.

37 **SEC. 127. Imposition of Maximum Penalty, When Applicable.** — A person
38 convicted under Republic Act No. 3019, as amended, otherwise known as the "Anti-

1 Graft and Corrupt Practices Act", or other laws against corruption and bribery who shall
2 violate or circumvent any provisions of this Act shall, upon conviction, suffer the
3 maximum penalty for such offense as provided under this Act.

4
5 **CHAPTER 8**
6 **FUNDING**

7
8 **SEC. 128. Funding.** — In addition to its annual budget under the General
9 Appropriations Act, the Commission is hereby authorized to retain and use thirty percent
10 (30%) of its income derived from collection of immigration fees, fines, penalties and
11 charges for maintenance and other operating expenses, intelligence and law
12 enforcement, information and communication technology infrastructure, transportation
13 facilities and other capital outlay expenditures. The Commission is likewise hereby
14 authorized to retain and use its income in excess of the prescribed collection target.

15 **CHAPTER 9**
16 **TRANSITORY PROVISIONS**

17
18 **SEC. 129. Staffing Pattern and Salary Schedule.** — To carry out the
19 provisions of this Act, the Commissioner shall submit a new staffing pattern and salary
20 schedule for personnel services to the Secretary of the Department of Budget and
21 Management for approval, which shall be in accordance with the Salary Standardization
22 Law and other applicable laws under the National Compensation and Classification
23 Plan.

24 **SEC. 130. Reorganization of the Commission.** — Upon approval of this Act,
25 all employees of Bureau of Immigration covered by the civil service law and
26 regulations shall continue to hold their present positions pending the
27 reorganization of the Commission in accordance with the new staffing pattern:
28 *Provided*, That the salaries, wages, allowances and other benefits of incumbent officers
29 and employees of the Commission shall not be subject to diminution: *Provided, further*,
30 That in the event that the positions are abolished in accordance with the
31 reorganization, the affected employees shall be *retained*. *Provided, finally*, That
32 employees who have been dismissed for cause shall no longer qualify for any position
33 in the Commission.

34 **SEC. 131. Inventory and Transfer of Properties, Accounts, Assets,**
35 **Liabilities and Obligations to the Commission.** — All buildings, properties,
36 equipment, facilities, accounts, other assets, liabilities and other obligations as well as
37 records of the Bureau of Immigration shall be properly inventoried and transferred to the
38 Commission.

