

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

SENATE

Senate Bill No. 2384

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

It is incumbent upon the Congress to pass a law amending one of the most important pieces of legislation – the Philippine Immigration Act of 1940 (Commonwealth Act No. 613) which was passed exactly seventy (70) years ago. Without doubt, there are significant changes in the socio-economic-political milieu, including major technological advancements in the Philippine bureaucracy during the past 70 years. As such, the Bureau of Immigration should be able to adapt to the changing times and be responsive to the needs of the people. The agency is a vital component of government and a potent factor in the development of the country thru the promotion of investments, trade and commerce and tourism.

This bill seeks to reorganize and strengthen the Bureau of Immigration and institute it into a Philippine Immigration Authority (PIA) which shall be principally responsible for the administration and enforcement of immigration, alien registration, citizenship laws, among others. Additionally, there is a need to systematize the procedures for immigrants and non-immigrants as well as provide for penalties for foreigners or aliens engaged in unlawful activities. For administrative purposes, the PIA shall be under the Department of Justice or under any other executive department which the President may subsequently determine.

This measure is a consolidated/substituted bill drafted by the Committees on Justice and Human Rights, Civil Service and Government Reorganization and Finance during the 14th Congress.

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


JINGGOY EJERCITO ESTRADA
Senator

SENATE

Senate Bill No. 2384

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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

- (a) Administer the entry and admission of visitors into the Philippines for the purpose of fostering investments, trade and commerce, cultural and scientific activities, tourism and international understanding;
- (b) Enrich and strengthen the cultural and social fabric of the Philippines;
- (c) Ensure that any person who seeks admission into the Philippines on either permanent or temporary basis is subject to standards of admission that are not inconsistent with the basic principles of justice and fair play, the generally accepted principles of international law and state obligations under treaties and international agreements that the Philippines is a party to;
- (d) Take an active participation in the advancement of national security and national interest;
- (e) Foster the development of a strong and viable economy and the prosperity of the country;
- (f) Institutionalize and strengthen the mechanisms for the protection of the family, health, morals, safety, and good order of the Philippine society;

- (g) Promote international order and justice by denying the use of Philippine territory to persons who are engaged or likely to engage in terrorism, human smuggling and trafficking, criminal, and other nefarious activities;
- (h) Streamline and strengthen the existing governmental structures charged with the administration and enforcement of immigration, asylum and related laws, rules and regulations in order to make them adaptive to the growing immigration demands of the country; and
- (i) Professionalize the immigration service by instituting a rigid system of screening and selection of immigration officials and employees and promoting their development.

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

- (a) "Admission" - shall mean the process in which a foreigner arriving at a port of entry in the Philippines is allowed into the country by the immigration authorities;
- (b) "Asylum Seeker" - a foreigner who seeks recognition and protection as a refugee;
- (c) "Authority" - shall refer to the Philippine Immigration Authority;
- (d) "Board" -shall refer to the Board of Directors General provided for in this Act;
- (e) "Border Control Officer" - shall refer to any person appointed under Section 26 of Act or any employee of the Authority designated by the Director General to perform the powers, duties and functions of a Border Control Officer as specified under this Act;
- (f) "Captain"- shall mean the master of a vessel or pilot of an aircraft;
- (g) "Child"- shall refer to a person below eighteen (18) years of age;
- (h) "Citizen" - shall refer to any person who is a citizen of the Philippines as provided for under Section 1, Article IV of the 1987 Philippine Constitution;
- (i) "Director General" - shall refer to the Director General of Immigration;
- (j) "Consular Officer" - shall refer to any official of the government of the Philippines Designated /appointed by the President for the purpose of issuing visas to foreigners as required[of foreigners] by this Act;
- (k) "Entry" - shall refer to the arrival of a foreigner into any designated port of entry in the Philippines from a place

outside thereof, except when a foreigner having a lawful permanent residence in the Philippines shall not be regarded as making an entry for the purpose of this Act, if the foreigner proves that his departure to a place outside the Philippines was for a temporary or limited period, or his continued absence from the Philippines was occasioned by removal proceedings, extradition, or other legal process;

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

(m) "Foreigner" or "Foreign National" - shall refer to any person not a citizen of the Philippines;

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

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

(p) "Immigration laws" - shall refer to this Act and any other law presently existing or which may hereafter be enacted relating to movement of natural persons to and from the Philippines, and their exclusion, interception, removal and repatriation;

(q) "Immigration Officer"-- shall refer to any person appointed under Section 29 of this Act or any employee of the Authority designated by the Director General to perform the powers, duties and functions of an Immigration Officer as specified under this Act;

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

(s) "Naturalization" - means either a judicial or administrative process by which a foreign national acquires Philippine citizenship;

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

(u) "Passport" - shall refer to a document issued by the Philippine government to its citizens and requesting other governments to allow its citizens to pass safely and freely, and incase of need to give him all lawful aid and protection;

- (v) "Person" - shall refer to natural and juridical person such as partnerships, corporations, companies, and associations;
- (w) "Port of entry" - shall refer to any port designated by competent authority in accordance with law through which a foreigner may apply to the immigration officer thereat for admission into the Philippines;
- (x) "President" - shall refer to the President of the Republic of the Philippines;
- (y) "Refugee" - shall refer to a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country;
- (z) "Seaman," "Seafarer" or "Crewmember" - shall mean a person actually employed in the operation or service in any capacity on board a vessel;
- (aa) "Secretary" -shall refer to the Secretary of the Department of Justice;
- (bb) "Stateless Person" - a person who is not considered a national by any state under the operation of its laws;
- (cc) "Travel document" - shall refer to a certification or identifying document containing the description and other personal circumstances of its bearer, issued for direct travel to and from the Philippines valid for short periods or a particular trip. It is issued only to persons whose claim to Philippine citizenship is doubtful or who fall under the category enumerated in Section 13 of the Philippine Passport Act;
- (dd) "Vessel" - shall refer to all means of conveyances, whether aircraft or sea craft; and
- (ee) "Visa" - shall mean an endorsement on a passport or any travel document issued by a consular officer abroad authorizing the holder thereof to proceed to a designated port of entry in the Philippines and there to apply for entry and admission under the status specified therein; or Immigration status granted and/or issued to foreigners by the Board under this Act.

TITLE II

PHILIPPINE IMMIGRATION AUTHORITY

Chapter 1 -The Authority

SEC. 4. *Creation.* - A Philippine Immigration Authority is hereby created which shall be principally responsible for the administration and enforcement of

immigration, alien registration, citizenship laws, including but not limited to those dealing with the admission, exclusion, registration, removal and repatriation of foreigners, and the implementation of all laws, rules, regulations or orders of any competent authority concerning the entry and admission into, stay in, and the departure from the Philippines of all persons. For administrative purposes, the Authority shall be under the supervision of the Department of Justice or under any other executive department which the President may subsequently determine.

SEC. 5. Composition and Qualification. -The Authority shall be administered by a Board of Directors General, headed by the Director General as chairman, and four (4) Deputy Directors General as members, all of whom shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age, holders of a college degree and with proven capacity for administration. After completion of their term, they shall be entitled to retirement benefits as that in the manner of the Constitutional Offices.

Chapter 2 -The Board of Directors General

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

- (a) Decide on removal cases;
- (b) Act on applications or recommendations for revocation of immigration status;
- (c) Act on applications for recognition of Philippine citizenship by reason of marriage, birth, repatriation or reacquisition under Republic Act No. 9225;
- (d) Act on petitions/applications for issuance, conversion, adjustment, amendment, extension or waiver of immigrant, non-immigrant and special non-immigrant visas, as the case may be;
- (e) Decide on applications for legalization of residence;
- (f) Decide applications for refugee status or asylum;
- (g) Prescribe rules governing proceedings before it;
- (h) Punish for contempt in accordance with the pertinent provisions of the Revised Rules of court;
- (i) Prepare and publish an organizational policy and procedures manual, to include requirements, time periods and fees for the perfection of all transactions entered into by the Authority with the public;
- (j) For the purpose of public policy, public interest and the efficient administration of immigration laws,

create visa and special permits, not otherwise provided for in this Act;

- (k) Formulate policies, directives, programs and projects, as well as the rules and regulations and guidelines to implement the provisions of this Act; and
- (l) Perform such other functions and powers as may be provided by existing laws, rules and regulations of the Authority not inconsistent with any of the provisions of this Act and other existing laws.

SEC. 7. Decisions of the Board. - In any case or proceeding before the Board of Directors General, the decision of the majority of those present shall prevail. Decisions of the Board shall become final and executory fifteen (15) days from receipt thereof. A motion for reconsideration may be filed with the Board before the finality of the said decision. No further motion for reconsideration shall be allowed. Decisions in removal cases may be appealed to the Office of the President, within fifteen (15) days from receipt thereof, whose decision shall be final and executory unless stayed by an order of the Court of Appeals on certiorari under Rule 65 of the Revised Rules of Court. The appeal shall stay the execution of the decision appealed from unless the Board, in the interest of national security and/or public safety, directs its execution pending appeal.

SEC. 8. Period for Decision by the Board. - The Board of Directors General shall decide removal cases within thirty (30) days from the date they are submitted for decision or resolution.

SEC. 9. Meetings of the Board. - In all cases, the Board of Directors General shall convene and act as a collegial body in all matters referred to in Section 10 of this Act. The Board shall meet at least twice a month, or as the need arises. Members of the Board shall be notified accordingly and the presence of the Chairman and two (2) members shall constitute a quorum.

SEC. 10. Board Executive Office and Secretariat. - That Board shall be assisted by the Board Executive Office and Secretariat headed by a Director who shall be appointed by the President, upon the recommendation of the Director General. He must be a member of the Philippine Bar in good standing for at least three (3) years prior to his designation. He shall set the agenda for the regular meeting of the Board of Directors General; prepare the Minutes of the Meeting of the Board of Directors General and shall be in charge of the implementation of approved petitions/application for issuance, conversion, adjustment, amendment, extension of visa approved by the Board of Directors General; He shall also keep a docket book for removal cases, applications for revocation of immigration status, applications for recognition of Philippine citizenship by reason of marriage, birth, repatriation or reacquisition under Republic Act No. 9225, applications for legalization of residence, and applications for refugee status or asylum.

Chapter 3 -The Director General

SEC. 11. Appointment, Rank and Tenure of the Director General. - The Director General shall be appointed by the President and shall hold office for a term of seven (7) years without reappointment. He shall have the rank, salary, and privileges equivalent to an undersecretary of a department. At the expiration of the term of the Director General, the most senior Deputy Director General shall

temporarily assume and perform the duties and functions of the Director General until a permanent Director General is appointed by the President. Any vacancy prior to the expiration of the term of the Director General shall be filled for the unexpired term only.

SEC. 12. Powers and Functions of the Director General. - In addition to his duties as Chairman of the Board of Directors General, the Director General of Immigration shall exercise the following powers and functions:

- (a) Supervise, direct and coordinate the overall operations of the Authority;
- (b) Exercise immediate control, direction and supervision of all officers and personnel of the Authority;
- (c) Issue (i) letter orders after determination of the existence of probable cause; (ii) commitment or release orders; (iii) writ of removal; (iv) hold departure orders in cases of pending preliminary investigation, for a non-extendible period of 60 days or upon the date of the order of resolution of the prosecutor handling the case, whichever is shorter; (v) allow entry or departure orders; (vi) orders for blacklisting; and (vii) orders implementing watch list orders issued by the Department of Justice;
- (d) Delegate authority to subordinate officers and employees of the Authority;
- (e) Act on petitions for declaration of indigency,
- (f) Declare such control posts, landing places, airports or ports/points of entry or exit, whether limited or unlimited, as may be deemed necessary;
- (g) Increase, reduce or waive immigration fees, fines, penalties and other charges;
- (h) Participate and decide in all petitions before the Special Committee on Naturalization created under Republic Act No. 9139, as member thereof;
- (i) Issue certificates of identification to foreigners who have obtained Filipino citizenship;
- (j) Issue letter orders and permits to carry firearms, ammunition and communications equipment to authorized immigration operatives for use in enforcement operations and in the execution of warrants: *Provided*, That such firearms are owned and issued by the Authority;
- (k) Inspect or through his duly authorized representatives the documents of person and the premises and records of entity covered by this Act, subject to the provisions of existing laws, rules and regulations;

- (l) Deputize any official or employee of the national and local government unit, including uniformed personnel of the Armed Forces of the Philippines, Philippine National Police and Philippine Coast Guard to perform immigration duties and functions subject to the concurrence of the Board;
- (m) Authorize and prescribe the forms and the amount of cash bonds for the provisional release of respondents in removal proceedings;
- (n) Authorize immigration employees to do overtime work at rates fixed by him when the services rendered is to be paid for by the shipping companies, airlines or other persons served;
- (o) For and in behalf of the Authority, accept donation of materials, equipment or technical services from any foreign government, international or domestic organization, to upgrade its efficiency and operations;
- (p) Accredite schools and learning institutions that can officially accept and enroll foreign students;
- (q) Accredite law firms, liaison officers, travel agencies, and other individuals and organizations transacting with the Authority;
- (r) Submit to the President, and to Congress, annually or as may be directed, a report on the number and the status of foreigners in the Philippines; on foreigners admitted or granted change of status as permanent residents; on foreigners who have been excluded or removed from the Philippines; on the number of foreigners estimated to be present illegally in the Philippines in each calendar year and actions taken to arrest them; and other such transactions of the Authority;
- (s) Prepare and submit supplemental budget of the Authority for the consideration of the Department of Budget and Management;
- (t) Prescribe such rules, regulations or other administrative issuances to govern proceedings or to carry out the provisions of this Act and the resolutions and policies approved by the Board;
- (u) Prescribe such forms and bonds, reports, entries, and other papers; and
- (v) Perform such other functions inherent to the Director General.

Chapter 4 -The Deputy Directors General

SEC. 13. Appointment, Rank and Tenure of the Deputy Directors General. - There shall be four (4) Deputy Directors General who shall be appointed by the President and shall hold office for a term of seven (7) years without reappointment. The first two (2) appointed Deputy Directors General shall hold office for seven (7) years and the next two (2) for five (5) years, without reappointment. They shall have the rank, salary and privileges equal to an assistant secretary of a Department. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

SEC. 14. Duties of the Deputy Directors General. - In addition to their duties as members of the Board of Directors General, the Deputy Directors General shall exercise powers and functions, as may be assigned to them by the Board, in the following areas of concern as:

- a. Deputy Director General for Administration, Finance, Planning, Legal and Information and Communications Technology;
- b. Deputy Director General for Regional Operations, Registration, Immigration Regulation and Visa and Special Permit;
- c. Deputy Director General for Intelligence, Enforcement, Fraud Prevention and Complaint and Prosecution; and
- d. Deputy Director General for International Policies, Cooperation and Social Integration.

Chapter 5 -The Executive Director

SEC. 15. Appointment; Tenure; Rank. - There shall be an Executive Director of the Authority who shall likewise be appointed by the President upon the recommendation of the Director General, with a rank, salary and benefits of Director III, who shall exercise administrative supervision over different departments of the Authority. He must be a natural born citizen of the Philippines, at least thirty five (35) years of age with at least five (5) years of experience performing supervisory and executive functions. He shall be assisted by a Deputy Executive Director II.

Chapter 6 -The Board of Special Inquiry

SEC. 16. Constitution of a Board of Special Inquiry. - Twelve (12) Boards of Special Inquiry are hereby constituted, each to be composed of a chairman and two (2) members. Each Board shall be designated according to their areas of specialization, to be determined by the Board.

SEC. 17. Appointment; Qualification and Tenure of the Members of the Board of Special Inquiry. - The Chairmen and members of the Boards of Special Inquiry shall be appointed by the Secretary upon the recommendation of the Director General, all of whom shall be natural-born citizens of the Philippines, and at the time of their appointment, at least thirty (30) years of age, members of the Philippine Bar in good standing, with at least three (3) years in actual practice. They shall hold office during good behavior, unless sooner removed for cause.

SEC. 18. Powers and Functions of the Board of Special Inquiry - The Boards of Special Inquiry shall:

- (a) Administer oaths;
- (b) Punish for contempt in accordance with the pertinent provisions of the Rules of Court;
- (c) Issue subpoena duces tecum and subpoena to witnesses to appear in a case being heard by the Board of Special Inquiry;
- (d) Recommend to the Board the imposition, waiver or reduction of fees, fines, penalties, and other charges subject to existing laws, rules and regulations;
- (e) Exercise original authority to hear and recommend to the Board for final resolution of the following cases:
 - 1. Removal;
 - 2. Applications for revocation of immigration status;
 - 3. Applications for recognition of Philippine citizenship by reason of marriage, birth, repatriation or reacquisition under Republic Act No. 9225;
 - 4. Applications for legalization of residence; and
 - 5. Applications for refugee status or asylum;
 - 6. Perform such other functions and duties as may be directed by the Board or the Director General.

SEC. 19. Proceedings Before the Board of Special inquiry. - The proceedings before the Boards of Special Inquiry shall be public and faithfully recorded. In all cases, each of the Boards of Special Inquiry shall meet and act as a collegial body. Only members of the Philippine Bar in good standing shall appear for and in behalf of any party before the Boards of Special Inquiry.

SEC. 20. Resolutions of the Board of Special inquiry. - Cases before the Boards of Special Inquiry shall be resolved within five (5) working days from the date the same are submitted for resolution. Said resolution shall be submitted immediately to the Board for action.

Chapter 7 - Directorates and Personnel of the Authority

SEC. 21. Directorates and Other Operating Office of the Authority. – The Authority shall have the following directorates and other operating offices, namely: (a) Directorate for Administration; (b) Directorate for Finance; (c) Directorate for Information and Communications Technology; (d) Directorate for Planning and Research; (e) Directorate for International Policies and Cooperation; (f) Directorate for Social Integration; (g) Directorate for Intelligence; (h) Directorate for Law Enforcement; (i) Directorate for Fraud Prevention; (j) Directorate for Legal; (k) Directorate for Immigration Regulation; (l) Directorate for Registration; (m) Directorate for Visa and Special Permit; (n) Directorate for Complaint and Prosecution (o) Internal Audit Office; (p) National Operations Center; and (4) Immigration Academy of the Philippines.

SEC. 22. Heads of the Directorate and Other Operating Offices. – Each directorate and other operating offices shall be headed by a Director; *Provided*, however, That the Director for Directorate for Legal and Directorate for Complaint and Prosecution shall be members of the Philippine Bar in good standing and the Director for Directorate for Finance Department shall be a Certified Public Accountant.

SEC. 23. Duties and Functions of the Directorates and Other Operating Offices. - The different Directorates and other operating offices of the Authority shall operate in accordance with their respective duties and functions as defined by the Director General, subject to the requirements of efficiency, economy, transparency, accountability and effectiveness, and pertinent budget and civil service laws, rules and regulations.

Chapter 8 -The Field Offices

SEC. 24. Field Offices of the Authority. - The Authority shall operate and maintain a Regional Immigration Office in each of the administrative regions including the National Capital Region and also a Provincial Immigration Office in every province of the country. The Regional and Provincial Immigration Offices of the Authority shall each be headed by a Regional Immigration Officer and Provincial Immigration Officer, respectively, all of whom shall be appointed by the Secretary upon the recommendation of the Director General.

SEC. 25. Border Control Stations - There shall be established Border Control Stations which shall be manned by Border Control Officers. The Border Control Stations shall be placed in specific areas in the Philippines which will be determined by the Board. Border Control Officers shall be appointed by the Secretary of Justice, upon recommendation of the Director General. Their duties and responsibilities shall also be determined by the Board.

SEC. 26. Changes in the Composition, Distribution of Assignment of Field Offices. - The Director General may make changes in the composition, distribution and assignment of field offices, as well as its personnel, based on the demographics of Philippines' foreigner population and as the exigency of the service may require.

Chapter 9 -Other Officers of the Authority

SEC. 27. Philippine Immigration Representatives - The positions of Philippine Immigration Representatives are hereby created. No person shall be appointed to the position of Immigration Representative unless he has attended the training program prescribed by the Authority for such position and has the

appropriate qualifications as that of the *Attache* prescribed in the Qualification Standards by the Civil Service Commission. He shall also have the rank, salary and emoluments equivalent to an *Attache*. He shall perform functions as may be provided by the Board.

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

- (a) Examine, with the assistance and advice of medical authorities in appropriate cases, foreigners at the port of entry concerning their admissibility to enter and their qualifications to remain in the Philippines;
- (b) Exclude foreign nationals not properly documented, and to admit foreign nationals complying with the applicable provisions of immigration and related laws;
- (c) Administer oaths in connection with the performance of their duties;
- (d) Board and search for foreign nationals on any vessel believed to be used to illegally bring foreign nationals into the Philippines, and to arrest without warrant any foreigner who in his presence or view is entering or is about to enter the Philippines in violation of immigration and related laws, rules and regulations;
- (e) Act as control officer with authority to prevent the departure of passengers not complying with the departure requirements: and
- (f) Perform such other functions as may be assigned by the Director General from time to time.

SEC. 29. *Appointment and Designation of Employees.* - The appointment of all other personnel of the Authority, including the designation of Acting Immigration Officers, shall be vested in the Secretary upon the recommendation of the Director General; *Provided*, that the Director General may designate or assign any employee to other offices within the Authority and/or assign him additional or other duties as the best interest or exigency of the service may require.

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

SEC. 31. *Manning Levels* - On the average nationwide, the manning levels of the Authority shall be approximately in accordance with immigration officer-to-

number of arrival or port of entry ratio, whatever is deemed practicable which will be determined by the Board. *Provided*, That the number of employees, as provided in the staffing pattern in accordance with Section 127 of the Act, shall not be decreased.

TITLE III
IMMIGRATION
Chapter 1 - Non-Immigrants

SEC. 32. *Categories of Non-immigrants and Types of Visa Issued.* – Foreign nationals departing from any place outside the Philippines who are otherwise admissible and who qualify within one of the following categories may be admitted as non-immigrants:

- (a) Temporary visitors (A Visas) - Visitors coming to the Philippines for a temporary period for reasons of business, pleasure or health:
 - 1. Business (A-1 visa) - Temporary visitors engaged in activities of a commercial or professional nature for a foreign employer or for themselves that will not result in gainful employment in the Philippines. As used herein, the term "business" refers to conventions, conferences, consultations and other legitimate activities of a commercial or a professional nature, but does not include local employment or labor for hire;
 - 2. Pleasure (A-2 visa) - Stay in the Philippines for holiday, including sightseeing, recreation or visiting relatives; and
 - 3. Health (A-3 visa) - Stay in the Philippines to avail of medical treatment.
- (b) Transit Persons (B Visa) - Persons passing through the Philippines solely for a "stop over" who have confirmed connecting flight to another country or passengers in immediate and continuous transit through the Philippines to a destination outside thereof;
- (c) Crew members (C Visa) - Members of the crew of vessels required for the normal operation and servicing of the vessels, who come to the Philippines temporarily as part of their jobs either arriving with or coming to join the vessels;
- (d) Treaty Traders (D-1 Visa) & Treaty Investors (D-2 Visa) - Citizens and their family members from a country that has a trade treaty with the Philippines and coming to work in the Philippines for either a company they own or one that is at least fifty percent (50%) owned by other nationals of their home country and which company is engaged in substantial trade between the Philippines and their home country shall

be granted a D-1 visa. Citizens and their family members of a country that has an investor treaty with the Philippines and coming to work in the Philippines for a business they own or one that is at least fifty percent (50%) owned by other nationals of their home country and which business is supported by a substantial investment from nationals of their home country shall be granted a D-2 visa;

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

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

- a. Heads of the State and Heads of Government and their personal representatives;
- b. Members of reigning royal families recognized by the Philippine Government;
- c. Governors-general, governors, and high commissioners of dependent territories and their personal representatives;
- d. Cabinet ministers and their deputies and officials with cabinet rank of ministers;
- e. Presiding officers of national legislative bodies;
- f. Justices of the highest national judicial bodies;
- g. Diplomats and career consular officials;
- h. Diplomatic couriers regularly and professionally employed as such;
- i. Military, naval, air and other attaches' assigned to a diplomatic mission;
- j. All members of official *ad hoc* missions of a diplomatic character;
- k. Representatives of international organizations who have diplomatic status and bearing diplomatic passports issued by their governments;
- l. Officials of international organizations bearing diplomatic passports when traveling on official business;

- m. Members of delegations proceeding to or from an international conference of an official nature;
 - n. Accompanying wives and unmarried minor children of foreigners within the abovementioned categories; and
 - o. Such other officials going to the Philippines on Diplomatic missions.
2. Persons entitled to E-2 Visa - The E-2 visa shall be issued to any other person not included in the foregoing list, who is an officer of a foreign government recognized by the Philippines, is a national of the country whose government he represents, and is proceeding to the Philippines in connection with official business for his government. This category includes, inter alia, the members of the staff of an embassy or consulate, the staff of international organizations, and official students or participants in programs under the auspices of the Philippine Government or recognized international institutions. The family members of the abovementioned persons shall also be issued E-2 Visa.
3. Persons entitled to E-3 Visa - The E-3 Visa shall be issued to the members of the household, the attendants, servants and employees of persons to whom E-1 and E-2 visas have been granted;
- (f) Students (F Visa) - Foreign students having means sufficient for their support and education in the Philippines who seek to enter the Philippines temporarily for the sole purpose of taking up a course of study higher than high school at a university seminary, academy or college accredited for such foreign students by the Director General: *Provided*, That the Director General shall, in collaboration with the Commission on Higher Education, regularly monitor the status and activities of said foreign national students in the Philippines under such arrangements as may be agreed by the two agencies;
- (g) Foreigners under Prearranged Employment (G Visa) - Foreign nationals coming to the Philippines on prearranged employment, including their family members accompanying or following to join them within the period of their employment. These include intra-company transferees, professionals, performing artists and athletes, and cultural exchange workers under a work exchange program;
- (h) Religious Workers (H Visa) - Duly ordained or professional missionaries and religious ministers including members of their family coming to the

Philippines to join a religious congregation or denomination duly registered with the Securities and Exchange Commission, upon invitation, sponsorship or guarantee of such religious congregation or denomination, solely for the purpose of propagating, teaching and disseminating the doctrines, dogmas or tenets of their faith or religion;

- (i) Representatives of International Organizations and Government Agencies (I Visa) - Officials and principal representatives and foreign workers of accredited international organizations as well as missions, including their family members, staff and servants. As used herein, the term "accredited international organization" includes any public international organization in which the Philippines participates pursuant to any treaty or under the authority of any act of the Congress of the Philippines authorizing such participation or making an appropriation for such participation and such other international organizations, institutions, agencies, programs, foundations and entities which are recognized by the government of the Republic of the Philippines, including those existing and already recognized as such at the time of the effectivity of this Act. The term "servants" refers to members of the households and employees of persons to whom the E-3 visa has been granted;
- (j) Media Workers (J Visa) - Foreign media personnel or correspondents, duly accredited by the government agency concerned, who are bona fide representatives of a foreign press, radio, satellite, television, film, or other information media, and are coming to the Philippines solely to engage in gathering unrestricted information principally for dissemination abroad, including their family members accompanying or following to join them during the period of the assignment in the Philippines;
- (k) Exchange Visitors (K Visa) - Foreign nationals entering the Philippines to teach, study, observe, conduct research or receive training in a specific Exchange Visitor Program duly approved by the Philippine Government;
- (l) Refugees (L-1 Visa) & Stateless Persons (L-2 Visa) - Refugees as defined in Section 3(x) hereof shall be issued L-1 Visa. Stateless persons, whose admission for humanitarian reasons and not inimical to public interest has been approved by the Director General or the President in such class of cases and under such conditions as he may prescribe, shall be issued L-2 Visa; and
- (m) Special Non-Immigrants (M Visas) - Such other foreign nationals including their family members who

may be admitted as non-immigrants under special laws or foreign nationals not otherwise provided for by this Act who are coming for temporary periods only, and whose admission is authorized by the Director General or the President in the interest of the public or for humanitarian considerations and under such conditions as he may prescribe.

Chapter 2 –Immigrants

SEC. 33. Quota Immigrants. - Subject to conditions set forth in this Act, there may be admitted into the Philippines, immigrants, termed "quota immigrants", not to exceed two hundred (200) of any one nationality based on immigration reciprocity for any one calendar year, and upon allotment by the Director General of the corresponding quota number. In the allotment of quota numbers, the following order of preference shall be observed:

- (a) First Preference - those whose service and qualifications show high educational attainment, technical training, specialized experience, or exceptional ability in the sciences, arts, professions, or business as would reasonably enhance and contribute substantial benefits prospectively to the national economy, or cultural or educational interests or welfare of the Philippines, including their family members, accompanying or following to join them, who shall likewise be allotted individual quota numbers;
- (b) Second Preference - Parents of a naturalized Philippine citizen;
- (c) Third Preference - Spouses or minor children of foreign nationals who are lawful permanent residents of the Philippines; and
- (d) Fourth Preference - Parents of foreign nationals who are lawful permanent residents of the Philippines.

SEC. 34. Allotment of Quota. - The Director General shall, in allotting quota numbers for the first preference, allot not more than fifty percent (50%) of the annual quota allotment up to the end of June each year: *Provided*, however, That if the fifty percent (50%) is not utilized by the first preference, the balance thereof shall be given to the second and third preferences following the order of preference specified under Section 31 of this Act. Any unused quota allotment for a calendar year cannot be carried over and utilized for the ensuing calendar year.

SEC. 35. Basis in Determination of Quota Allotment. - The nationality of an immigrant whose admission is subject to the numerical limitation imposed by Section 31 of this Act shall be that of the country of which the immigrant is 'a national or a citizen. The nationality of an immigrant possessing dual nationality may be that of either of the two countries regarding him as a national or citizen if he applies for a visa in a third country. If he applies for a visa within one of the two

countries regarding him as a national or citizen, his nationality shall be that of the country in which he shall file his application for a visa to enter the Philippines.

SEC. 36. *Non-Quota Immigrants.* - The following immigrants, termed "nonquota immigrants", may be admitted without regard to numerical limitation and immigration reciprocity:

- (a) The spouse of a Philippine citizen: *Provided, however,* That the abandonment and failure to give support by the foreign spouse to his Filipino wife and family, legal separation, or termination of the marital status by annulment or divorce where the cause is attributable to the foreign spouse, shall constitute grounds for cancellation of the immigrant visa issued to the foreign spouse;
- (b) A child born to a foreign mother during her temporary visit abroad, the mother being a lawful permanent resident of the Philippines, if accompanied by or coming to join the mother who applies for admission within five (5) years from the birth of the child;
- (c) A child born subsequent to the issuance of the immigrant visa of the accompanying parent, the visa not having expired or revoked;
- (d) A foreign national who had been previously lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines; and
- (e) A natural born citizen who becomes a naturalized citizen of a foreign country, and is returning to the Philippines for permanent residence therein, including his spouse and minor children accompanying or following to join him, except those who have re-acquired or retained their Philippine citizenship pursuant to Republic Act No. 9225.

SEC. 37. *Status of Children Born to Foreign Nationals.* - A child born in the Philippines to parents who are foreign nationals and lawful residents of the Philippines shall be deemed a native-born permanent resident. *However,* a child born to parents who are both non-immigrants shall be deemed a native-born non-immigrant or temporary resident and may remain in the Philippines only during the period of authorized stay of the parents, unless he reaches the age of eighteen (18) years while continuously residing in the country, in which case he may apply for an appropriate visa or naturalization under existing laws.

Chapter 3 -Adjustment of Status

SEC. 38. *Conditions for Adjustment of Status of Foreign Nationals.* - The status of a foreign national admitted into the Philippines as non-immigrant may be adjusted by the Board, in their discretion and under such regulations as

the Director General may prescribe, to that of a foreigner lawfully admitted for permanent residence if: (a) the foreigner makes an application for such adjustment; (b) the foreigner is eligible to receive a quota or non-quota immigrant visa and is admissible to the Philippines for permanent residence; and (c) a quota immigrant visa, if such is the case, is immediately available to him at the time his application is filed, without the need of first departing from the Philippines. In all such cases, the personal appearance of the foreigner shall be required during the consideration of his application.

SEC. 39. *Effect of Approval on Application for Adjustment.* - Upon the approval of an application for adjustment of status under the preceding section, the Director General shall record the foreign national's lawful admission for permanent residence as of the date of approval of the application. The Director General shall reduce by one the number of the preference immigrant visa authorized to be issued under Section 33 of this Act within the class to which the foreign national is chargeable for the calendar year then current, if such be the case.

SEC. 40. *Adjustment of Status, When Not Allowed.* - Adjustment of status under Section 36 of this Act shall not be applicable to (a) a foreign crewman, (b) a foreign national who hereafter continues in or accepts unauthorized employment prior to filing of his application or who is in unlawful immigration status on the date of filing of his application or who has failed (other than through no fault of his own or for technical reasons) to maintain continuously a lawful status since entry into the Philippines, (c) a foreign national admitted as a temporary visitor without visa, and (d) transients.

Chapter 4 - Documentation and Admission of Non-Immigrants

SEC. 41. *Documentary Requirements of Non-immigrants.* - Non-immigrants must present for admission into the Philippines valid passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations and a valid visa granted by the Authority or Philippine Consular Officer, if required under existing laws, rules, regulations, or multi-lateral or bilateral agreements.

SEC. 42. *Conditions and Period of Authorized Stay of Temporary Visitors.* - The initial period of authorized stay of a foreign national admitted as a temporary visitor under Section 30, paragraph (a) of this Act shall not exceed two (2) months from the date of arrival. Extensions of authorized stay may be granted under terms and conditions as may be prescribed by the Director General *Provided*, That the total period of authorized stay shall not exceed twenty-four (24) months: *Provided further*, That during the foreign national's authorized stay: (a) he shall not take any employment, whether paid or unpaid; (b) he shall not establish or join in any business; or (c) he shall not enroll and become a student at a school, college, university, academy, or other educational institution, unless he is granted, upon proper application, a conversion to another immigration status provided under this Act.

SEC. 43. *Conditions for Issuance of Pre-arranged Visas.* - A visa for a Non-immigrant referred to in Section 30, paragraph (9) of this Act who is coming to the Philippines for prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only upon petition filed with the Board establishing that no person can be found in the Philippines willing and

competent to perform the work or service for which the nonimmigrant is desired and that the non-immigrant's admission would be beneficial, to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations, by the prospective employer or his representative. The petition shall state fully the nature of the work or service for which the nonimmigrant is desired, the probable length of time for which he is to be engaged, the salary and other compensation which he is to receive, the reasons why a person in the Philippines cannot be engaged to perform the work or service for which the nonimmigrant is desired and why the non-immigrant's admission would be beneficial to the public interest. The petition shall be accompanied by a certified copy of any written contract or agreement entered into for the non-immigrant's service and shall contain such additional information as may be deemed material. Substantiation of all the allegations made in the petition shall be required and the allegations that no person can be found in the Philippines willing and competent to perform the work or service for which the nonimmigrant is desired and that the non-immigrant's admission would be beneficial to the public interest shall be established beyond doubt by convincing and satisfactory evidence. If the Board finds that the petition complies with the requirements of the preceding paragraph and that the petitioner has established the facts entitling him to the authorization, the Board shall grant the petition and he shall so inform the petitioner and promptly transmit authorization to the Consular Office at which the non-immigrant is to apply for a visa.

SEC. 44. Submission of Crew List and Passenger Manifest to the Authority. - Simultaneous to the departure from the vessel's port of origin, the master, captain, agent, owner or consignee of any commercial vessel arriving to the Philippines shall submit to and received by the Authority within a reasonable time prior to such arrival, the crew lists, passenger manifests and such other information concerning the persons arriving on such vessel. In the same manner and condition, the master, captain, agent, owner or consignee of any commercial vessel departing from any port in the Philippines shall submit to the Authority within a reasonable time prior to such departure, the crew list, passenger manifest and such other information concerning the persons departing on such vessel. The crew lists, of an incoming sea craft shall be duly visaed by the appropriate Philippine official abroad.

SEC. 45. Inspection of Crewmembers. - It shall be the duty of the master, agent, owner or consignee of any vessel arriving in the Philippines to have available on board, for inspection by the immigration officer, any foreign crewmember employed on such vessel and to detain such crewmember on board after inspection and to remove such crewmember when required by the immigration authorities. No crewmember employed on board such vessel shall be paid off or discharged while the vessel is in port without the permission of the Director General.

SEC. 46. Permission for temporary landing of foreign crewmembers. - A foreign crewmember employed on a vessel arriving in the Philippines may be permitted to land temporarily under such conditions as shall be prescribed by the Authority. The expenses incurred while on land or awaiting repatriation, for medical treatment in a hospital or elsewhere, burial in the event of death, and for transfer to the vessel in the event of return of any crewmember shall be borne by the master, captain, agent, owner or consignee of the carrying vessel.

Chapter 6 –Asylum

SEC. 47. *Asylum Seekers, Grant of Refugee Status.* - Asylum seekers may apply for recognition of refugee status upon seeking admission at any port of entry or at any reasonable time after admission. Refugee status shall be granted after a determination by the Board that an applicant meets the qualifications of a refugee as defined in Section 3 hereof. Refugee status shall not be granted to an applicant if:

- (a) He has committed a crime against peace, a war crime, or crime against humanity as defined in international laws;
- (b) He has committed a serious non-political crime outside the Philippines prior to his admission as a refugee; or
- (c) He has been guilty of an act contrary to the purposes and principles of the United Nations.

SEC. 48. *Cessation of Refugee Status.* - Refugee status granted under the previous section shall cease if a refugee:

- (a) Voluntarily re-availed of the protection of the country of his nationality, or having lost his nationality voluntarily re-acquired the lost nationality, or voluntarily re-established himself in the country he left or outside of which he remained owing to fear of persecution;
- (b) Acquired a new nationality and enjoys the protection of the country of the new nationality; or
- (c) Can no longer continue to refuse to avail the protection of the country of his nationality or, not having a nationality, is able to return to the country of former habitual residence in view of the cessation of the reasons that resulted to his being a refugee: *Provided*, That this ground shall not apply if a refugee is able to invoke compelling reasons arising out of previous persecution for his refusal to avail of the protection of his country of habitual residence or nationality.

SEC. 49. *Effect of Grant of Refugee Status to Refugee Dependents.* - A spouse, minor child, and other dependents of a refugee who is granted asylum may, if not otherwise eligible for asylum under Section 45, be granted the same status as the refugee to assure family unity or when it is in the public interest.

SEC. 50. *Confidentiality of Information.* - In proceedings for the recognition of asylum or refugee status, the confidentiality of information shall be respected and no information relating to the refugee or asylum seekers shall be shared with the country of origin, directly or indirectly.

SEC. 51. *Burden of Proof.* - In proceedings for the recognition of asylum or refugee status, the burden of proof lies with the applicant, subject to the principle of non-refoulement.

SEC. 52. Stay of Exclusion or Removal of Asylum Seeker. - Notwithstanding the provisions of Sections 75 and 83, the exclusion from entry and removal of a foreigner shall be stayed during the pendency of an application for asylum, refugee, or humanitarian status. Where grounds under Section 75 are present, the asylum seeker or refugee shall be allowed entry and the application shall be immediately referred by the Immigration Officer to the Board of Special Inquiry.

SEC. 53. Detention of Asylum Seeker. - Detention of asylum seekers shall only be resorted to in cases arising out of illegal entry or unauthorized stay after consideration of other alternatives, as may be determined by the Director General.

Chapter 6 - Documentation and Admission of Immigrants

SEC. 54. Documentary Requirements of Immigrants; Instances when not required. - Immigrants must present for admission into the Philippines valid passport or travel documents issued by the government of the country to which they owe allegiance, showing their origin and identity and valid visas issued by the Board or Philippine consular officer indicating the date of issue and the period of validity thereof. Immigrant visas, however shall not be required of the following:

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

Chapter 7 -Visa Issuance

SEC. 55. Nature of Visa. - Nothing in this, Act shall be construed to automatically entitle any foreign national to whom a visa or other travel document has been issued to enter the Philippines if, upon arrival at a port of entry, he is found to be inadmissible under this Act or any other law.

SEC. 56. Requirements for Issuance of Visa. - Under the conditions and subject to the limitations prescribed in this Act or regulations issued hereunder, the Board may approve the issuance of the following visa, upon the recommendation of a consular officer:

- (a) A non-immigrant visa to a foreign national who has made proper application therefor, which shall specify the classification of the non-immigrant under Section 30 of this Act, the period during which the visa shall

be valid, and such additional information as may be required; and

- (b) An immigrant visa to a foreign national who has made a proper application therefor, which shall specify the foreign country, if any, to which quota the number is charged, the immigrant's particular status in such country, the preference to which the foreigner is classified, the date on which the validity of the visa shall expire, and such additional information as may be required.

SEC. 57. Requirements for Physical and/or Mental Examination Prior to Issuance of Immigrant Visa. - Prior to the issuance of an immigrant visa to any foreign national, the consular officer shall require such person to submit to a physical and mental examination in accordance with such regulations as may be prescribed by the Board.

SEC. 58. Validity of Visa. -A non-immigrant or immigrant visa issued by a consular officer abroad pursuant to the immediately preceding section shall be valid for a period not exceeding six (6) months. In prescribing the period of validity of a non-immigrant visa, the consular officer shall, insofar as practicable, accord to such nationals the same treatment upon a reciprocal basis as such foreign country accords to citizens of the Philippines who are within a similar class. An immigrant visa may be replaced under the original number during the calendar year in which the original visa was issued for a foreigner who establishes to the satisfaction of the consular officer that he was unable to use the original immigrant visa during the period of its validity for reasons beyond his control: *Provided*, That the foreign national is found by the consular officer to be eligible for another immigrant visa and has paid all the fees.

SEC. 59. Denial of Visa, Grounds Thereof - The consular officer may deny the application for visa (a) if it appears from the statements in the application or in the documents submitted the applicant is not entitled to a visa under this Act; or (b) if he fails to comply with the requirements of the provisions of this Act.

SEC. 60. Revocation of Visa issued by Consular Officer. - The Director General may, for valid cause, revoke the visa issued by any Philippine consular office and the latter shall be notified thereof through the Secretary of the Department of Foreign Affairs. If the notice of revocation is not received and the visa holder applies for admission into the Philippines, his admissibility shall be determined by the Immigration Officer upon his arrival at the port of entry.

Chapter 8 - Re-entry and Emigration Clearance

SEC. 61. Reentry. - Every time a registered foreign national, except a temporary visitor, departs or about to depart temporarily from the Philippines with intention to return must pay a re-entry fee, emigration clearance fee and head tax: *Provided*, That said foreign national returns to the Philippines within a period of one (1) year from his departure in order to maintain his visa category, otherwise, he shall apply for an extension of the period within which to return prior to its expiration and pay the prescribed fees and charges therefor: *Provided, further*, that if his authorized stay is less than one (1) year, he shall pay a special return fee, emigration clearance fee and head tax for every departure: *Provided*, finally, that in both cases, if the registered foreign national depart permanently from the Philippines, he shall surrender all his Philippine immigration documents to the

Authority, and apply for and be issued an Emigration Clearance Certificate upon payment of the prescribed fees and charges therefor, subject to the following conditions:

- (a) He has no pending obligation with the government or any of its agencies or instrumentalities;
- (b) He has no pending criminal, civil, or administrative proceeding which requires his continued presence in the country: and
- (c) There is no ongoing legislative inquiry where he is called upon to testify as a witness.

SEC. 62. *Emigration Clearance.* - Any temporary visitor departing from the Philippines shall, after the expiration of his initial authorized stay, apply for emigration clearance with the Authority and pay the prescribed fees and charges therefor.

Chapter 9 - Presidential Prerogatives

SEC. 63. *Presidential Prerogatives.* - Any provision of this Act notwithstanding, the President may:

- (a) Deny the entry and admission into the Philippines of any foreign national or a class of foreign nationals whenever the President finds that the entry would be detrimental to the interest of the Philippines or impose such restrictions as he may deem appropriate;
- (b) Waive passport and/or documentary requirements for non-immigrants and immigrants under such terms and conditions as he may prescribe;
- (c) Change the status of non-immigrants by, allowing them to acquire permanent residence status without necessity of a visa;
- (d) Deport any foreign national, subject to the requirement of due process;
- (e) Admit non-immigrants not otherwise provided for in this Act, for humanitarian consideration and when not detrimental to public interest, under such terms and conditions as he may prescribe;
- (f) Prohibit the departure from the Philippines of any person who is likely to disclose national security information, or who is likely to organize a rebellion abroad against the Philippines: or whose presence in the country is necessary to face or be a witness in criminal proceedings; and

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

TITLE IV
PROVISIONS RELATING TO ENTRY
Chapter 1 -Classification of Port of Entry

SEC. 64. Authority to Classify Ports. - The Director General shall classify and designate, from among the ports of entry established by law for immigration purposes, limited or unlimited ports of entry through which foreigners may be admitted into the Philippines. Only such classes of foreigners as provided under the rules and regulations prescribed by the Director General may be admitted at limited ports of entry. The Director General may, after due notice to the public, close designated ports of entry in the interest of national security or public safety.

Chapter 2 -Procedures on Arrival

SEC. 65. Inspection by Immigration Officer. - A foreigner seeking admission or readmission shall present his valid passport and visa, if required, to the immigration officer at the port of entry to the Philippines and shall be subject to primary inspection. The decision of the examining immigration officer, if favorable to the admission of any foreigner, may be challenged by another immigration officer. The final determination of admissibility of such foreigner shall be determined by a Director General, in case no resolution is reached between the immigration officers on the challenged admission. In case of admission, the immigration officer shall indicate in the passport the date, the port of entry and the identity of the vessel boarded.

SEC. 66. Detention or Quarantine for Examination. - For the purpose of determining whether a foreigner arriving at any port in the Philippines belongs to any of the classes excludable under this Act, by reason of being afflicted with any of the contagious or communicable disease or mental disorder set forth under Section 75(a) of this Act or whenever the Director General has received information showing that foreigners are coming to the Philippines from a country or have embarked at a place where any of such diseases are prevalent or epidemic, the foreigner shall be detained or quarantined for a reasonable period of time to enable the immigration and medical officers to subject such person to observation and examination.

SEC. 67. Medical Examination Requirement - Any arriving foreign national whom the examining immigration officer believes to belong under the class of excludable foreign nationals specified in Section 78(a) herein shall be referred to designated medical officers for physical and mental examination. Such medical officer shall certify his medical findings for the information of the immigration officer.

SEC. 68. Arrival Notice Requirements of Vessel. - The immigration authorities shall be furnished with an advance notice of the arrival of any civilian vessel at or nearest such place of first landing before such vessel comes into any area in the Philippines from any place outside thereof. If dependable facilities for giving such notice are not available before departure from the port of origin, any

communication equipment or device in the vessel shall be used in giving advance notice of vessel's arrival, otherwise a landing shall be made at a place where the communication facilities exist. Such advance notice shall not be required in the case of vessels with scheduled arrivals filed with the immigration officer in charge at the international port of entry. If, upon arrival in any area other than the designated port and there is no available immigration officer therein, the master, pilot, captain, agent or consignee shall not allow the passengers and crew members to disembark or leave the primary inspection area until the immigration officer shall have conducted the primary inspection formalities.

SEC. 69. Contents of Notice of Arrival. - The advance notice of arrival required in the preceding section shall specify the following:

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

Chapter 3 - Foreign Crewmember

SEC. 70. Conditional Permit to Disembark. - A foreign crewmember of a vessel under Section 30, paragraph (c) of this Act, may be granted a conditional permit, in a form prescribed by regulations, to disembark temporarily from the vessel on which he arrived while such vessel remains in port under terms and conditions as may be prescribed by the Director General.

SEC. 71. Confiscation and Cancellation of Permit; Removal from the Philippines. - Upon the determination that the foreigner is not a *bona fide* crewmember or does not intend to depart on the vessel that brought him, the Director General shall cancel and confiscate the conditional permit already issued, take such foreigner into custody, and require the owner, operator, captain, master, pilot, agent or consignee of the vessel on which the foreigner arrived to receive and detain him on board. The expenses for his removal, including the cost of detention and other expenses incidental thereto, shall be borne by the owner, operator, captain, master, pilot, agent or consignee of such vessel.

SEC. 72. Liability for Overstaying Foreign Crewmen. - A foreign crewmember who remains in the Philippines in excess of the period allowed in the conditional permit issued to him shall be solidarity liable with owner, operator, captain, master, pilot, agent or consignee of the vessel to pay the penalties prescribed in Section 124 of this Act.

SEC. 73. Liability for Unauthorized Pay-off or Discharge Foreign Crewmen. – It shall be unlawful for any person, including the owner, operator, captain, master, pilot, agent or consignee of any vessel to pay-off or discharge any foreign crewman employed on board a vessel arriving in the Philippines and whilst in port, without first obtaining the permission of the Director General, otherwise, such person or owner, operator, captain, master, pilot, agent or consignee of the vessel shall pay the Authority such fine as may be prescribed in Title VI, Chapter 7 of this Act. No such vessel shall be granted clearance from any port in the Philippines while such fine remains unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fine as approved by the Director General.

SEC. 74. Duty to Report Desertion or Illegal Landing of Foreign Crewmen. – The owner, operator, captain, master, pilot, agent or consignee of any vessel shall immediately report, in writing, to the immigration officer all cases of desertion or illegal disembarkation in the Philippines from the vessel, together with a description of such foreigner and any information that shall result in his apprehension.

SEC. 75. Requirement for Submission of List of Newly Employed, Discharged and Illegally Landed. – Prior to the departure of any vessel from the last port in the Philippines destined to any place outside thereof, the owner, operator, captain, master, pilot, agent or consignee thereof shall deliver to the immigration officer at that port a list containing: (a) the names of foreign crewmen who were not employed thereon at the time of the vessel's arrival on such port but will depart thereat on the same vessel; (b) the names of those, if any, who have been paid off or discharged; and (c) those who have deserted or illegally landed at that port, if any, the Director General may require said list to contain additional information as he deems necessary.

SEC. 76. Liability for Failure to Submit Complete, True and Correct Report. – In case the owner, agent, consignee, or captain fails to submit a true and complete lists or report of foreigners, or to report cases of desertion or illegal landing as required by Sections 75 and 76 of this Act, such owner, agent, consignee, or captain shall pay to the Authority such sum as may be prescribed in Title VI, Chapter 7 hereof. No such vessel. Shall be granted clearance from any port in the Philippines while such fine remains unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fine as approved by the Director General.

Chapter 4 – Exclusions

SEC. 77. Exclusion Grounds. – The following classes of foreign nationals shall not be allowed entry and shall be excluded from the Philippines:

(a) Health Related Grounds

1. Those who are found to be suffering from a communicable, dangerous or contagious disease;
2. Those who are found to be suffering from mental disorder or associated behavior that

may pose threat to persons or danger to property;

3. Those who are found to be suffering from addiction to prohibited or regulated substance;

(b) Economic Grounds

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

(c) Moral Grounds

1. Those coming to the Philippines to practice polygamy or who advocates the practice of polygamy unless his religion allows such practices;
2. Those who are pedophiles, sexual perverts or those coming to the Philippines for immoral purposes;
3. Those who are engaged or who seek to engage in prostitution or to procure or attempt to procure prostitutes, or who receives in whole or in part the proceeds of prostitution;
4. Those who at the time of primary inspection by the immigration officer exhibit any obnoxious behavior, contempt or disrespect for the said officer or any government official or authority;

(d) Criminal and Security Grounds

1. Those who have been convicted of a crime involving moral turpitude or who admit to the immigration officer having committed such crime, or who attempt and conspire to commit the crime;
2. Those who have been convicted, or who admit having committed, or are committing acts which constitute the elements of a violation or conspiracy to violate any law or regulation of the Philippines or a foreign country relating to controlled, regulated or prohibited substance, or who attempt or conspire to commit the crime;

3. Those that the Philippine government knows or has reason to believe is a trafficker in any controlled, regulated or prohibited substance or knows or has reason to believe is or has been a knowing assister, abettor, conspirator or colluder with others in the illicit trafficking in any controlled, regulated or prohibited substance;
4. Those coming to the Philippines to engage in any other unlawful commercialized vice;
5. Those who are fugitives from justice;
6. Those who seek to enter the Philippines to engage in;
 - a. Espionage or sabotage, or a violation or evasion of any laws prohibiting export of goods, technology or sensitive information;
 - b. Any activity aimed to promote membership in an organization of syndicated criminal activities;
 - c. Any activity, the purpose of which is to overthrow the Philippine government by force, violence or other unlawful means; and
 - d. Any other unlawful activity.
7. Those who are engaged or believed to be engaged or likely to engage in, aid, abet or finance any terrorist activity and members or representatives of a foreign terrorist organization;
8. Those who have been identified by competent authorities, local or foreign, as having engaged or are engaging in human trafficking and smuggling;
9. Those who under fifteen years of age, unaccompanied by or not coming to a parent, except that they may be admitted in the discretion of the Director General, if otherwise admissible; and
10. Those who have been identified by competent authorities, local and foreign, as having engaged or are engaging in importation of contrabands and other prohibited articles into the country.

SEC. 78. *Temporary Detention of Excludable Foreigners.* - For the purpose of ascertaining whether a foreigner arriving in the Philippines belongs to any of the excludable classes of foreigner provided in this Act or related laws, the immigration officer may temporarily detain for investigation such foreigner, either

on board the vessel or at a place designated for the purpose at the expense of the master, captain, agent owner or consignee of the carrying vessel.

SEC. 79. Finality of Exclusion Order. - An order by the immigration officer to exclude a foreign national who is excludable under Section 75 hereof is final and executor unless revoked by the Director General upon a timely appeal prior to the implementation of the exclusion order.

SEC. 80. Authority to Waive Grounds for Exclusion. - Except for grounds of exclusion under Section 78, paragraph D, subparagraphs 1 to 8 and subparagraph 10, the Director General may waive any of the grounds for exclusion mentioned thereof.

SEC. 87. Procedure of Removal and Cost Thereof. -Any foreign national arriving in the Philippines who is ordered excluded shall be immediately removed, in the same accommodation to the country where he boarded the. Vessel on which he arrived, unless the Director General determines that immediate removal is not proper and practicable. The cost of detention and other expenses incident thereto shall be borne by the owner, operator, master, pilot, captain, agent or consignee of the vessel in which he arrived.

SEC. 82. Country Where Removal is to be Directed. - If the government of the country designated in the preceding section will not accept the foreign national into its territory, his removal shall be directed by the Director General, in his discretion and without necessarily giving or preference, either to:

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

SEC. 83. Obligation of Captain or Transport Operator. - It shall be unlawful for an owner, operator, master, captain, pilot, agent, or consignee of a vessel to refuse or fail to:

- (a) board a foreigner ordered excluded and removed under Section 78 hereof in the same vessel or another vessel owned or operated by the same company;
- (b) detain a foreign national on board any such vessel at the port of arrival when required by this Act or when so ordered by a immigration officer;
- (c) deliver a foreign national for medical or other examination when so ordered by such officer;
- (d) remove a foreign national from the Philippines to the country to which his removal has been directed; or

- (e) pay the cost of detention and other expenses incidental thereto of a foreign national incurred while being detained as required by Section 79 of this Act or other costs necessary or incident to his removal as provided in subsequent sections of this Act.

SEC. 84. *Penalty for Non-compliance of Obligation.* - The owner, operator, master, captain, pilot, agent, or consignee of a vessel who violated Section 84 hereof shall pay the fine imposed in Title VI, Chapter 7 of this Act. No such vessel shall be granted clearance from any port in the Philippines while such fine remains unpaid or while the validity thereof is being determined: *Provided*, That clearance may be granted prior to such determination upon deposit of a sum or cash bond sufficient to cover such fine as approved by the Director General.

TITLE V REMOVAL

Chapter 1 - Removable Foreign Nationals

SEC. 85. *Classes of Foreigners Subject of Removal.* - The following foreigners shall be arrested upon the order of the Director General and removed after hearing and recommendation by the Board of Special Inquiry and approval by the Board of Directors General:

- (a) Those who entered the Philippines by means of false and misleading statements or documents, misrepresentations, or without inspection and admission by the immigration authorities;
- (b) Those who entered the Philippines who were not lawfully admissible at the time of entry;
- (c) Those who engage, abet or aid in the practice prostitution including the owner, manager or inmates of a house of prostitution or are procurers, pedophiles, or sexual perverts;
- (d) Those who, at any time after the date of entry, have become a public charge;
- (e) Those who remain in the Philippines in violation of any period of limitation or condition under which they were admitted;
- (f) Those who believe in, advise, advocate or teach the overthrow by force and violence of the government of the Republic of the Philippines, or duly constituted authority, or who do not believe in or are opposed to organized government, or those who advise, advocate, or teach the assault or assassination of public officials because of their office, or who advise, advocate, or teach the unlawful destruction of property, or who are members of or affiliated with any

organization entertaining, advocating or teaching such doctrines or who in any manner whatsoever lend assistance, financial or otherwise, to the dissemination of such doctrines;

- (g) Those who at any time after entry engage in, abet, aid or finance terrorist activity;
- (h) Those who commit any violations of the provisions of this Act, independent of any criminal action which may be brought against them; Provided, however, That in the case of a foreigner who for any reason is convicted and sentenced to suffer both imprisonment and removal, said foreigner shall first serve the entire period of his sentence before being removed; Provided, further, That the imprisonment may be waived by the President, and upon payment by the foreigner concerned of such costs, fines and/or damages suffered by the government or any aggrieved party;
- (i) Those who, at any time after entry, are engaged in acts or omissions punishable under Philippine penal laws cognizable by the Regional Trial Court;
- (j) Those who, at any time after entry, are convicted by final judgment of a crime punishable under Philippine penal laws cognizable by the Municipal Trial Court;
- (k) Those who are guilty of any offense penalized under the naturalization laws of the Philippines or any law relating to the acquisition of Philippine citizenship;
- (l) Those who defraud their creditors by absconding or alienating properties to prevent their attachment or execution;
- (m) Those who were admitted as non-immigrants and who obtained an adjustment of their admission status for convenience, or through fraud, falsification of documents, misrepresentations, or concealment of material facts;
- (n) Those who violated Philippine labor and taxation laws, rules and regulations;
- (o) Those who, upon prior investigation and hearing, are found to be undesirable and whose further stay in the Philippines is inimical to public welfare and interest, or the

dignity of the Filipinos, or the Republic of the Philippines as a sovereign nation;

- (p) Those who forge, counterfeit, alter, or falsely make any document; or use, attempt to use, possess, obtain, accept, or receive or provide any forged, counterfeit, altered, or falsely made document; or use or attempt to use or provide or attempt to provide other than the possessor (including a deceased individual); or accept or receive or provide any document lawfully issued to a person other than the possessor (including a deceased individual) for the purpose of satisfying or complying with the requirements for his stay in the Philippines; and
- (q) Those whose presence or activities in, the country may result in adverse consequences to Philippine foreign policy as determined by the Secretary of the Department of Foreign Affairs.

SEC. 86. Rules on Prescription in Removal Cases. - The right of the State to initiate at any time removal proceedings for causes mentioned in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (m), (n) and (o) of Section 86 of this Act, shall not prescribe: *Provided*, That no removal proceedings may be initiated under any other paragraphs of the aforesaid Section 86, unless the apprehension in the removal proceedings is made within (5) years after the cause for removal arises. Removal for causes mentioned in paragraphs (a), (c), (g), (i), (l), (o) and (q) of the same section shall not be effective, unless the court when sentencing the foreigner recommends otherwise.

Chapter 2 - Detention and Removal of Foreign Nationals

SEC. 87. Issuance of Summons. - If the Director General determines that there exists a reasonable ground to remove a foreigner pursuant to Section 86 of this Act, he may issue summons requiring the foreigner to appear in person before the designated investigating officer at the time, date, and place stated therein.

SEC. 88. Authority to Issue Letter Order. -The Director General may issue a letter order if he determines that a probable cause exists for the filing of removal charges against a foreigner for violation of the immigration and other related laws, rules and regulations or there is a strong probability that a removable foreigner may flee from his place of abode, go into hiding or surreptitiously leave the country.

SEC. 89. Formal Charge of Removal. -A formal charge for removal shall be issued upon determination of the existence of a *prima facie* case against the foreigner. Pending final determination of his removal case, the foreigner shall, upon the discretion of the Director General: (a) remain under detention; or (b) be released on bail or recognizance. The bail may be revoked and confiscated in favor of the government if there is sufficient evidence that the foreigner is evading

the proceedings or is attempting to abscond, in which case, *he shall be taken into custody and detained under the same letter order.*

SEC. 90. *Detention of Foreigner Convicted of a Felony or an Offense.* – After service of his sentence or compliance with the conditions of his parole or probation, as the case may be, the foreigner shall be taken into custody and, placed under detention by order of the Director General. Pending final determination of his removal case, he may be ordered released under such terms and conditions prescribed by the Director General.

SEC. 91. *Voluntary Removal, When Authorized.* - In case the foreigner does not contest the formal charge and opts to voluntarily leave the country at his own expense, the Board may waive the removal proceedings and order his departure within the period specified therein: *Provided*, That said foreigner shall be barred from re-entering the county without prior written authorization from the Director General.

SEC. 92. *Contents of a Writ of Removal.* - The writ of removal shall be in the prescribed form and shall state the grounds therefor, the specific place where the foreigner is to be removed and the period within which to execute such order.

SEC. 93. *Period to Enforce Writ of Removal.* - The writ of removal shall be enforced immediately, but in no case shall exceed the period of three (3) months, from the date it has become final and executory. If removal is not enforced within the prescribed period for reasons beyond the control of the Authority, the foreigner shall remain in custody.

SEC. 94. *Suspension of Writ of Removal.* - Upon application and payment of prescribed fees, the Director General may suspend the enforcement of the writ of removal of a foreigner and order his release for good cause taking into account the following factors:

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

SEC. 95. *Reinstatement of the Writ of Removal.* - A Writ of Removal previously enforced against a foreigner who unlawfully re-entered the Philippines shall be deemed reinstated and shall be re-enforced in accordance with the provisions of this Act. This provision shall apply to a foreigner who departed voluntarily under Section 92 hereof.

SEC. 96. *Country of Destination of a Person Subject of Removal.* - Except as provided for under existing treaty or international agreement, the foreigner shall be removed to the country of which he is a citizen or national, or to the country of his birth, or to the country of which he is a resident, or to the country from which he embarked for the Philippines, subject to the acceptance by the receiving country.

SEC. 97. Existence of Danger in Country Where Foreigner is to be Removed. - No foreigner shall be removed to a country where there exists a danger to his life or freedom on account of race, religion, nationality, political opinion, or membership in a particular political or social group, except in the following circumstances:

- (a) The foreigner participated, induced, or cooperated in the persecution of any person on account of race, religion, nationality, political opinion, or membership in a particular political or social group in the country where he is to be removed;
- (b) The foreigner is a fugitive from justice in the country where he is to be removed;
- (c) The foreigner committed a serious non-political crime in the country where he is to be removed:
or
- (d) The foreigner is an undesirable and/or a danger to the national security of the Philippines.

SEC. 98. Cost of Removal. -The cost of removal shall be shouldered by the vessel in the case of its foreign crewmember who is to be removed for violation of Section 69 of this Act. In all other cases, the cost of removal shall be borne by the person subject of removal himself, the concerned consular office, non-government organizations or people's organization with which the Authority has an agreement on this matter, or from the appropriations for the enforcement of this Act.

SEC. 99. Liability of Vessel. - Failure or refusal on the part of the owner, operator, captain, agent, or consignee of a vessel to take on board, guard safely, and transport the person subject of removal to his country of destination, or to shoulder the cost of removal of the foreign crewmember as provided in Section 101 hereof, shall be punished by an administrative penalty prescribed in Title VI, Chapter 7 of this Act.

SEC. 100. Expenses of the Accompanying Person. - The Director General may, by reason of the mental or physical condition of the person subject of removal, direct an employee of the Authority to accompany such person subject of removal to the country of his destination, subject to provisions of the immediately preceding sections.

Chapter 3 - Indigent Foreigners

SEC. 101. Removal of Indigent Foreigners. - At any time after entry, the Director General may remove indigent foreigners from the Philippines to the country, of which they are citizens or nationals, or country of birth, or country of residence, as the case may be. The cost of such removal shall be charged against the available funds of the Authority. Any foreigner removed under this section shall be barred re-admission, except upon written authorization of the Director General.

TITLE VI

MISCELLANEOUS PROVISIONS

Chapter 1 -Registration of Foreign Nationals

SEC. 102. Requirement of Registration. - Temporary foreign visitors must register with the Authority or Office of the Regional Immigration Officer or Provincial Immigration Officer nearest to his place of residence, on or before the sixtieth (60th) day from arrival in the Philippines.

SEC. 103. Registration Form and Oath. - Application for registration shall be under oath and in such form as prescribed by the Authority. Upon registration, a certificate of registration in such form and containing such particulars as prescribed by the Authority shall be issued to the registrant. In case of loss or destruction of the certificate, a replacement thereof shall be issued by the Authority, upon application.

SEC. 104. Amendment of Registration. - A registered foreign national shall notify the Authority in writing of any change of information in his registration documents not later than seven (7) days thereof.

SEC. 105. Presentation of Certificate of Registration. - Every foreigner required to register under this Act or the parent or guardian of such foreigner shall, upon demand of any authorized immigration official, present his certificate of registration, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

SEC. 106. Reportorial Requirement. - Every foreigner registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Authority, subject to the payment of annual report fee as prescribed by the Authority. The parent or legal guardian of foreigners below fourteen (14) years of age shall have the duty to comply with the requirements prescribed under this Act.

SEC. 107. Failure to Comply with the Requirements. - A foreigner, or his parent or guardian, as the case may be, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by him to be false, or who utilizes registration documents other than his own, shall be dealt with in accordance with the provisions this Act and other existing laws.

SEC. 108. Cancellation of Registration of Foreign National. - In case of death of a foreigner registered under the provisions of this Act, his legal heir, representative or administrator must inform the Authority within sixty (60) days from date of death and the Authority shall cancel such registration. The Local Civil Registrar or other civil registry officer of the locality where said foreigner died shall furnish the Authority with a copy of the Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements of this section shall be dealt with pursuant to the provisions of this Act.

Chapter 2 - Head Tax

SEC. 109. Head Tax. - Every foreign national who is at least fourteen (14) years of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days shall pay a head tax in amount the of Five Hundred Pesos (PhP 500.00).

Chapter 3 - Bonds and Deposits

SEC. 102. Requirement of Registration. - Temporary foreign visitors must register with the Authority or Office of the Regional Immigration Officer or Provincial Immigration Officer nearest to his place of residence, on or before the sixtieth (60th) day from arrival in the Philippines.

SEC. 103. Registration Form and Oath. - Application for registration shall be under oath and in such form as prescribed by the Authority. Upon registration, a certificate of registration in such form and containing such particulars as prescribed by the Authority shall be issued to the registrant. In case of loss or destruction of the certificate, a replacement thereof shall be issued by the Authority, upon application.

SEC. 104. Amendment of Registration. - A registered foreign national shall notify the Authority in writing of any change of information in his registration documents not later than seven (7) days thereof.

SEC. 105. Presentation of Certificate of Registration. - Every foreigner required to register under this Act or the parent or guardian of such foreigner shall, upon demand of any authorized immigration official, present his certificate of registration, and failure to do so without justifiable cause shall be dealt with in accordance with the provisions of this Act.

SEC. 106. Reportorial Requirement. - Every foreigner registered under this Act shall, within the first sixty (60) days of every calendar year, report in person to the Authority, subject to the payment of annual report fee as prescribed by the Authority. The parent or legal guardian of foreigners below fourteen (14) years of age shall have the duty to comply with the requirements prescribed under this Act.

SEC. 107. Failure to Comply with the Requirements. -A foreigner, or his parent or guardian, as the case may be, who, without justifiable reason, fails to comply with all the requirements under this Act, or who files an application for registration containing statements known by him to be false, or who utilizes registration documents other than his own, shall be dealt with in accordance with the provisions this Act and other existing laws.

SEC. 108. Cancellation of Registration of Foreign National. - In case of death of a foreigner registered under the provisions of this Act, his legal heir, representative or administrator must inform the Authority within sixty (60) days from date of death and the Authority shall cancel such registration. The Local Civil Registrar or other civil registry officer of the locality where said foreigner died shall furnish the Authority with a copy of the Certificate of Death within thirty (30) days from issuance thereof. Failure on the part of the persons concerned to comply with the requirements of this section shall be dealt with pursuant to the provisions of this Act.

Chapter 2 - Head Tax

SEC. 109. Head Tax. - Every foreign national who is at least fourteen (14) years of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days shall pay a head tax in amount the of Five Hundred Pesos (PhP 500.00).

Chapter 3 - Bonds and Deposits

SEC. 110. Bonds, When Exacted. - The Authority shall have the power to exact cash bond in such amounts and under such conditions as it may prescribe:

- (a) To control and regulate the admission into, and departure from, the Philippines of foreigners applying for temporary admission;
- (b) To insure against foreign passengers liable to be excluded as likely to become public charges; and
- (c) To insure the appearance of foreigners released from custody during the course of removal proceedings instituted against them.

SEC. 111. Requirement of Cash Deposits for Overtime Services. - The Authority shall likewise have the power to require cash deposits in such amounts as may be necessary from vessel's owners, operators, captains, agents, or consignees or other persons served to cover payments for overtime services to be performed by officers and employees of the Authority.

SEC. 112. Cancellation and Forfeiture of Bonds. - When the conditions of the bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming a public charge when the Director General decides that the likelihood no longer exists, or naturalization as Philippine citizen, or death of the foreigner in whose behalf the bond is posted, the bond shall be cancelled and refunded to the depositor or his legal representative. In case of violation of the conditions of the bond, the same shall be forfeited and deposited in a trust fund account which may be utilized for the purchase of tickets of indigent person subject of removal and to cover the costs of operations in the arrest of the person subject of removal who jumps bail.

Chapter 4 – Recognizance

SEC. 113. Petitions for Recognizance, Sanction for Breach of Conditions. - The Director General may order the release of a foreigner upon recognizance of his lawyer or a person who is of good standing in the community, under such terms and conditions as he may prescribe. Failure to comply with the terms and conditions of the recognizance shall subject said lawyer or person to a fine of not less than Fifty Thousand (P50,000.00) pesos but not more than One Hundred Thousand pesos (P100,000.00), without prejudice to other administrative sanctions and/or proceedings against the erring party.

Chapter 5 -Coordination With Law Enforcement, Security and Other Offices

SEC. 114. Coordination With Law Enforcement, Security and Other Offices. - The Director General shall have authority to maintain direct and effective coordination with the National Security Council, National Intelligence Coordinating Agency, Philippine National Police, National Authority of Investigation and other law enforcement and security offices of the government. The Director General shall maintain direct and effective coordination with the Office of Consular Affairs of the Department of Foreign Affairs for the purpose of monitoring the implementation and administration of this Act and all other immigration and citizenship laws.

Chapter 6 -Fees and Charges

SEC. 115. Authority of the Director General to Prescribe, Impose and Collect Fees and Charges. - The Director General is authorized to prescribe, impose and collect fees and charges for services rendered pursuant to the provisions of this Act, which shall take effect fifteen (15) days after the last publication thereof for two (2) consecutive weeks in a newspaper of general circulation.

Chapter 7 - Administrative Fines Against Vessels

SEC. 116. Fines for Failure to Submit Crew List or Passenger Manifest, or Failure to Account Every Passenger and Crew. - Any pilot, master, agent, owner or consignee of a vessel arriving at any port in the Philippines from a place outside thereof who fails to submit to the immigration authorities a complete and accurate crew list or passenger manifest, or fails to produce or account every crewmember or passenger whose name appears in said list or manifest shall be subject to fines of One Hundred Thousand pesos (P100,000.00) and Fifty Thousand pesos (P50,000.00) for each unaccounted person, respectively.

SEC. 117. Fine for Violation of Obligation on the Landing or Removal of Foreigners. -A pilot, master, agent, owner or consignee of any vessel arriving at a port of the Philippines from a place outside thereof who violates Sections 81 and 96 of this Act shall be fined not less than Fifty Thousand pesos (P50,000.00) but not more than Two Hundred Thousand pesos (P 200,000.00) for each violation.

SEC. 118. Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted with Communicable or Contagious Disease, or Suffering from Mental Disorder. - The pilot, master, agent, owner or consignee of the vessel arriving at a port in the Philippines from a place outside thereof bringing on board an undocumented -foreigner shall be fined One Hundred Thousand pesos (P100,000.00) for each foreigner. If the foreigner is afflicted with a communicable or contagious disease or is suffering from mental disorder, the fine shall be not less than Two Hundred Thousand pesos (P200,000.00) but not more than Three Hundred Thousand pesos (P 300,000.00) for each foreigner.

SEC. 119. Fine for Bringing a Foreigner to Assist His Illegal Entry or Misrepresenting a Foreigner as a Member of the Crew. -The pilot, master, agent, owner or consignee of the vessel arriving at any port in the Philippines from a place outside thereof bringing on board a foreigner bound for the Philippines to assist his illegal entry, or misrepresenting the foreigner to the immigration officer at the port of arrival as a bona fide member of the crew, shall be fined not less than One Hundred Thousand pesos (P100,000.00) not more than Two Hundred Thousand pesos (P 200,000.00)for each foreigner.

SEC. 120. Fine for Violation of Other Provisions of this Act. - The pilot, master, agent, owner or consignee of any vessel arriving at any port of the Philippines from a place outside thereof who violates any other provision of this Act not specifically provided in this Chapter shall be fined not less than Fifty Thousand pesos (P50,000.00) but not more than Two 7 Hundred Thousand pesos (P 200,000.00)for each violation.

Chapter 8 -Other Penal Provisions

SEC. 121. Other Prohibited Acts and Penalties Thereof. - Any person who shall commit any of the acts specified hereunder shall, upon conviction, suffer the penalty of *prision correccional* in its maximum period to *prision mayor* in its minimum period or a fine of not less than One Hundred Thousand pesos (PhP 100,000.00) but not more than Five Hundred Thousand pesos (PhP 500,000.00) or both, at the discretion of the court:

- (a) Impersonates another individual, or falsely appears in the name of a deceased individual, or evades the immigration laws by using an assumed or fictitious name when applying for an immigration document;
- (b) Issues or otherwise disposes of an immigration document or an immigration accountable form, to any person not authorized by law to receive such documents;
- (c) Obtains, manufactures, prints, accepts or uses any immigration or travel document knowing it to be false or uses immigration accountable form that is not legally issued;
- (d) Enters the Philippines without inspection and admission by the immigration authorities, or obtains entry into the Philippines by fraud, misrepresentation, or concealment of material facts;
- (e) Represents himself to be a Philippine citizen;
- (f) Knowingly makes under oath any false statement regarding any immigration matter; or
- (g) Brings into, or lands in the Philippines, or conceals, harbors, employs, or gives comfort to any person not duly admitted by any immigration officer or not lawfully entitled to enter into or resides within the Philippines, or attempts, conspires with, or aids another to commit any such acts. Where the offender of any acts specified in paragraph (9) hereof is a corporation, company, partnership or other juridical entity, the president, general manager, managing partner, or chief executive officer thereof shall be held liable. Dismissal by the employer before or after apprehension shall not relieve the employer of the offense. If the offender who commits any of the acts specified under paragraph (9) hereof of this section is the pilot, master, agent, owner, consignee, or other person in charge of the vessel which brought the alien into the Philippines from any place outside thereof, the fine imposed under the first paragraph hereof shall constitute a lien against the vessel which may be enforced in the same manner as fines are collected and enforced under existing laws. Such vessel shall not be allowed to depart without prior clearance issued by the Authority. Where forfeiture

is justified under the particular circumstances of the case, the forfeiture of the vessel in favor of the government in lieu of the fine shall be decreed. Conviction by final judgment of any offense punishable under this Act or other laws arising therefrom shall result in the automatic revocation or cancellation of any immigration issued to the offender, including that of his wife and unmarried children, if applicable.

SEC. 122. *Penalty for Non-compliance of a Subpoena.* - Any person who, having been duly served with a subpoena or subpoena *duces tecum*, fails to comply without valid and justifiable reason with the requirements thereof shall, upon conviction, suffer the penalty of imprisonment of not more than fifteen (15) days or a fine of not more than One Thousand pesos (P1,000.00), or both, at the discretion of the court.

SEC. 123. *Penalty for Overstaying Crewmen.* - Any foreign crewman who willfully remains in the Philippines beyond the period allowed him for temporary landing shall upon conviction, suffer the penalty of imprisonment of six (6) months or fine of not less than Fifty Thousand pesos (P50,000.00) but not more than One Hundred Thousand pesos (P 100,000.00), or both, at the discretion of the court.

Chapter 9 – Funding

SEC. 124. *Funding.* - In addition to its annual budget under the General Appropriations Act, the Authority is hereby authorized to retain and use thirty percent (30%) of its income derived from collection of immigration fees, fines, penalties and charges for maintenance and other operating expenses, intelligence and law enforcement, information and communication technology infrastructure, and transportation facilities. The Authority is likewise hereby authorized to retain and use its income in excess of the prescribed collection target.

Chapter 10 -Transitory Provisions

SEC. 125. *Staffing Pattern and Salary Schedule.* - To carry out the provisions of this Act, the Director General will recommend to the Secretary a new staffing pattern and salary schedule for personnel services in accordance with the Salary Standardization Law and other applicable laws under the National Compensation and Classification Plan, for approval by Secretary of the Department of Budget and Management.

SEC. 126. *Reorganization of the Authority.* - Upon approval of this Act, all employees of Bureau of Immigration covered by the civil service law and regulations shall continue to hold their present positions pending the reorganization of the Authority in accordance with the new staffing pattern: Provided, That in the event that the positions are abolished in accordance with the reorganization, the affected employees shall be given first priority in the appointment or promotion to the newly created positions to which they may qualify: Provided further, that no incumbent qualified employee of the Bureau of Immigration shall be unjustly separated from service: Provided furthermore, that any qualified employee who cannot be absorbed by the Authority shall be entitled to, a separation pay equivalent to two (2) months salary for every year of service and other benefits under existing retirement laws, at the option of the personnel

concerned: Provided *finally*, that employees who have been dismissed for cause will no longer qualify for any position in the Authority.

SEC. 127. *Inventory and Transfer of Properties to the Authority.* - All buildings, equipment, facilities, records, and other properties of the Bureau of Immigration as reorganized under this Act shall be properly inventoried and transferred to the Authority.

SEC. 128. *Treaty or Agreement.* - Any treaty or agreement entered into between the Philippines and any foreign state before the effectivity of this Act shall remain in force and effect.

SEC. 129. *Pending Cases.* -That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceeding brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the effectivity of this Act are continued in force and effect: *Provided, further,* That as to such prosecutions, suits, actions, or proceedings, or as to such acts, things, or matters, the procedure provided for by this Act or by regulations prescribed there under shall be followed insofar as the same may be applicable.

SEC. 130. *Implementing Rules and Regulations.* - The Board, subject to the approval by the Secretary, shall promulgate the rules and regulations for the effective implementation of this Act within ninety (90) days from its effectivity.

Chapter 11 - Repealing Clause

SEC. 131. *Repealing Clause.* - Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended, is hereby repealed. Section 70 of Act No. 279, otherwise known as the Revised Administrative Code, Republic Act No. 750, Letter of Implementation No. 20, and all other laws, presidential decrees, executive orders, proclamations, memorandum orders, instructions, rules and regulations, or parts thereof, inconsistent with this Act or any of the provisions thereof are hereby repealed, superseded, or modified accordingly.

Chapter 12 -Separability Clause

SEC. 132. *Separability Clause.* - If any of the provisions of this Act is held invalid or unconstitutional by competent authority, the other provisions thereof not affected thereby shall continue to be in force and effect.

Chapter 13 - Effectivity Clause

SEC. 133. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation.

Approved,