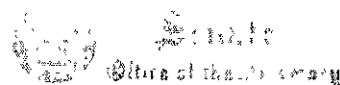


FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )



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SENATE

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Prepared Jointly by the Committees on Justice and Human Rights; Civil Service and Government Reorganization and Finance, with Senator Escudero, Trillanes, the Committee on Rules, Angara, Enrile, Estrada and Drilon, as Authors thereof.

### PHILIPPINE IMMIGRATION ACT OF 2013

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

1   **TITLE I**

2   **GENERAL PROVISIONS**

3            **SECTION 1. Title of the Act.** – This Act shall be known as the "Philippine  
4 Immigration Act of 2013".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (n) "Foundling" refers to a deserted or abandoned infant or child whose  
23 parents, guardian or relatives are unknown; or a child committed to an orphanage or  
24 charitable or similar institution with unknown facts of birth and parentage and  
25 registered in the Civil Registrar as a "foundling";

26 (o) "Hold Departure Order" refers to (1) a directive that commands the  
27 Commissioner to prevent a foreigner from leaving the territorial jurisdiction of the

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

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

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

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

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

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

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

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

1 (w) "Passport" refers to document issued by the Philippine government to its  
2 citizens requesting other governments to allow its citizens to pass safely and freely, and  
3 in case of need to give him all lawful aid and protection;

4 (x) "Person" refers to natural and juridical person such as partnerships,  
5 corporations, companies, and associations;

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

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

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

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

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

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

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

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

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

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

## 12 TITLE II

### 13 COMMISSION ON IMMIGRATION

#### 14 CHAPTER 1

#### 15 THE COMMISSION

16 *SEC. 4. Creation.* – The Commission on Immigration is hereby created. It shall  
17 be principally responsible for the administration and enforcement of this Act, and the  
18 implementation of all laws, rules, regulations or orders of any competent authority  
19 concerning the entry and admission into, stay in, and the departure from the  
20 Philippines of all persons. The Commission shall be under the general supervision of  
21 the Office of the President.

22 *SEC. 5. Composition and Qualification.* – The Commission shall be  
23 administered by the Board headed by the Commissioner as Chairperson, and four (4)  
24 Deputy Commissioners as members, all of whom shall be natural-born citizens of the  
25 Philippines and, at the time of their appointment, at least thirty-five (35) years of age,  
26 holders of a college degree and with proven capacity for administration: *Provided, That*

1 the majority or three (3) members including the Chairperson of the Commission shall be  
2 members of the Philippine Bar in good standing for at least five (5) years.

## 3 CHAPTER 2

### 4 THE COMMISSIONER

5 *SEC. 6. Appointment and Rank of the Commissioner.* – The Commissioner shall  
6 be appointed by the President and shall have the same rank, salary, and privileges of an  
7 Undersecretary of a Department.

8 *SEC. 7. Powers and Functions of the Commissioner.* – In addition to the duties as  
9 Chairperson of the Board, the Commissioner shall exercise the following powers and  
10 functions:

11 (a) Supervise, direct and coordinate the overall operations of the  
12 Commission;

13 (b) Appoint, and exercise control and supervision over, the officers and  
14 personnel of the Commission, subject to existing civil service laws, rules and  
15 regulations;

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

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

25 (e) Act on applications for issuance and revocation of immigrant visas;

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

27 (g) Declare such control posts, landing places, airports or ports as points of

- 1 entry or exit, whether limited or unlimited;
- 2 (h) Increase, reduce or waive immigration fees, fines, penalties and other  
3 charges;
- 4 (i) Participate as member of the Special Committee on Naturalization  
5 pursuant to Section 6 of Republic Act No. 9139 otherwise known as "The  
6 Administrative Naturalization Law of 2000";
- 7 (j) Act on applications for retention or reacquisition of citizenship under  
8 Republic Act No. 9225 otherwise known as "Citizenship Retention and Re-acquisition  
9 Act of 2003";
- 10 (k) Issue Certificate of Identification to foreigners who have obtained Filipino  
11 citizenship;
- 12 (l) Issue letter orders and permits to carry firearms, ammunition and  
13 communications equipment to authorized immigration operatives for use in  
14 enforcement operations and in the execution of warrants: *Provided*, That such firearms  
15 and ammunition are owned and issued by the Commission;
- 16 (m) Inspect the documents, premises and records of persons covered by this  
17 Act;
- 18 (n) Deputize any official or employee of the national government and local  
19 government units, including uniformed personnel of the Armed Forces of the  
20 Philippines, the Philippine National Police and the Philippine Coast Guard to perform  
21 immigration duties and functions subject to the concurrence of the Board;
- 22 (o) Authorize and prescribe the forms and the amount of cash bonds for the  
23 provisional release of respondents in deportation proceedings;
- 24 (p) Impose reasonable fines and penalties for violation of immigration and  
25 alien registration laws in accordance with this Act and the guidelines adopted by the  
26 Commission;



1 (q) Provide an express lane for the rendition of services upon payment of  
2 prescribed fees by airlines/shipping companies or other persons served and to deposit  
3 in a government authorized depository bank all such fees received under a trust fund  
4 that may be made available for the payment of allowances to employees of the  
5 Commission, subject to existing accounting and auditing rules and regulations;

6 (r) Accept donation of materials, equipment or technical services from any  
7 foreign government, international or domestic organization, to upgrade the efficiency  
8 and operations of the Commission;

9 (s) Submit to the President and Congress, annually or as may be directed, a  
10 report on the: (1) number and status of foreigners in the Philippines; (2) foreigners  
11 admitted or granted change of status as permanent residents; (3) foreigners who have  
12 been excluded or deported from the Philippines; (4) estimated number of illegal  
13 foreigners in the Philippines in each calendar year and actions taken to arrest them, by  
14 nationality grouping, for each region in the Philippines; and (5) such other transactions  
15 of the Commission;

16 (t) Prepare and submit supplemental budget of the Commission for the  
17 consideration of the Department of Budget and Management;

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

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

22 (w) Perform such other functions inherent to the Commission; and

23 (x) Act on applications for recognition of Philippine citizenship on  
24 foundlings.

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## CHAPTER 3

### THE DEPUTY COMMISSIONERS

*SEC. 8. Appointment and Rank of Deputy Commissioners.* – There shall be four

(4) Deputy Commissioners who shall be appointed by the President. They shall have the same rank, salary and privileges of an Assistant Secretary of a Department. Provided, that a plantilla for one (1) Deputy Commissioner shall be created which shall be occupied by a career officer from the Commission.

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

(a) Deputy Commissioner for Administration, Finance, Planning, Legal and Information and Communications Technology;

(b) Deputy Commissioner for Regional Operations, Registration, Immigration Regulation and Visa and Special Permit;

(c) Deputy Commissioner for Intelligence, Enforcement, Fraud Prevention and Complaint and Prosecution; and

(d) Deputy Commissioner for International Policies, Cooperation and Social Integration.

## CHAPTER 4

### THE BOARD OF COMMISSIONERS

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

(a) Decide on deportation cases;

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

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

(d) Act on applications for recognition of Philippine citizenship by reason of birth

1 or marriage;

2 (e) Act on applications for recognition of Philippine citizenship of foundlings;

3 (f) Decide on applications for legalization of residence in accordance with law;

4 (g) Prescribe and promulgate rules of proceedings before it;

5 (h) Cite and punish for contempt any person in accordance with the Rules of  
6 Court;

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

9 (j) Formulate policies, directives, programs and projects of the Commission; and

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

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

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

21 *SEC. 12. Period for Decision by the Board.* - The Board shall decide  
22 deportation cases within thirty (30) days from the date they are submitted for decision  
23 or resolution.

24 *SEC. 13. Meetings of the Board.* - In all cases, the Board shall convene and act as a  
25 collegial body in all matters referred to in Section 10 of this Act. The Board shall meet  
26 at least once a week or, if necessary, twice a week. Members of the Board shall be  
27 notified accordingly and the presence of the Chairperson and two (2) members shall

1 constitute a quorum.

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

9   **CHAPTER 5**

10   **THE EXECUTIVE DIRECTOR**

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

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

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

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

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

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

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

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CHAPTER 6

THE BOARD OF SPECIAL INQUIRY

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

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

*SEC. 19. Powers and Functions of the Boards of Special Inquiry.* - The Boards of Special Inquiry shall:

- (a) Administer oaths;
- (b) Cite and punish for contempt in accordance with the Rules of Court;
- (c) Issue subpoena in cases 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 exclusive original authority to hear and recommend to the Board for final resolution the following cases:

- (1) Deportation;
- (2) Applications for revocation of immigration status;
- (3) Applications for recognition of Philippine citizenship by reason of birth or marriage;

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

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

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

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

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

14 **CHAPTER 7**

15 **DIVISIONS OF THE COMMISSION**

16 **SEC. 22. *Divisions and Other Operating Offices of the Commission.*** – The  
17 Commission shall have the following divisions and other operating offices, namely: (1)  
18 Administration; (2) Finance; (3) Information and Communications Technology; (4)  
19 Planning and Research; (5) International Policies and Cooperation; (6) Social  
20 Integration; (7) Intelligence; (8) Law Enforcement; (9) Fraud Prevention; (10) Legal; (11)  
21 Immigration Regulation; (12) Registration; (13) Visa and Special Permit; (14) Complaint  
22 and Prosecution; (15) Internal Audit Office; (16) National Operations Center; and (17)  
23 Immigration Academy of the Philippines.  
24

25 **SEC. 23. *Heads of the Divisions and Other Operating Offices.*** – Each Division  
26 and other operating offices shall be headed by a Director to be appointed by the  
27 Secretary, upon recommendation of the Commissioner: *Provided, however,* That

1 Directors for the Division for Legal and the Division for Complaint and Prosecution  
2 shall be members of the Philippine Bar in good standing, and must have been engaged  
3 in the practice of law for at least three (3) years. The Director for Finance Division shall  
4 be a Certified Public Accountant in good standing for at least three (3) years.

5 **SEC. 24. Duties and Functions of the Divisions and Other Operating**  
6 **Offices.** - The different divisions and other operating offices of the Commission shall  
7 operate in accordance with their respective duties and functions as defined by the  
8 Commissioner, subject to the requirements of efficiency, economy, transparency,  
9 accountability and effectiveness, and pertinent budget and civil service laws, rules and  
10 regulations.

## 11 CHAPTER 8

### 12 REGIONAL OFFICES

13 **SEC. 25. Field Offices of the Commission.** - The Commission shall operate and  
14 maintain a Regional Immigration Office in each of the administrative regions including  
15 the National Capital Region.

16 The Regional Immigration Offices of the Commission shall each be headed by a  
17 Regional Immigration Officer, all of whom shall be appointed by the Secretary upon the  
18 recommendation of the Commissioner.

19 **SEC. 26. Border Control Stations** - There shall be established Border Control  
20 Stations which shall be manned by Border Control Officers appointed by the  
21 Commissioner. The Border Control Stations shall be placed in specific areas in the  
22 Philippines which shall be determined by the Board. Their duties and responsibilities  
23 shall be determined by the Commissioner.

24 **SEC. 27. Changes in the Composition, Distribution of Assignment of Regional**  
25 **Offices.** - The Commissioner may make changes in the composition, distribution and  
26 assignment of Regional Offices, as well as its personnel, based on the demographics of  
27 the Philippines' foreigner population and as the exigency of the service requires.

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

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

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

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

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

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

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

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

24           *SEC. 30. Assignment of Employees to do Overtime Work.* - The Commissioner  
25 may assign immigration employees to do overtime work or services pursuant to rules  
26 and regulations to be prescribed and at the rates fixed by the Commissioner when the



1 work or service to be rendered is to be paid by the airline, shipping companies or other  
2 persons served.

3 **SEC. 31. *Deployment of Immigration Personnel Abroad.*** - Within ninety (90) days  
4 from the effectivity of this Act, the Department of Foreign Affairs and the Commission  
5 shall enter into a Memorandum of Agreement pertinent to the assignment and  
6 deployment of immigration personnel to select consular posts abroad who shall  
7 perform immigration duties, except diplomatic and consular functions.

8 **SEC. 32. *Manning Levels*** - On the average, the manning levels of immigration  
9 officers of the Commission nationwide shall be in accordance with the number of  
10 arrivals in each port of entry as determined by the Board: *Provided*, That the number of  
11 employees, as provided in the staffing pattern in accordance with Section 130 of the Act,  
12 shall not be decreased.

### 13 TITLE III

### 14 IMMIGRATION

### 15 CHAPTER 1 - NON-IMMIGRANTS

16 **SEC. 33. *Categories of Non-immigrants and Types of Visa Issued.***- Foreign nationals  
17 departing from any place outside the Philippines who are otherwise admissible and  
18 who qualify under any one of the following categories may be admitted as non-  
19 immigrants:

20 (a) Temporary visitors (A Visas): Visitors coming to the Philippines for a  
21 temporary period for reasons of business, pleasure or health:

22 1. Business (A-1 visa): Temporary visitors engaged in activities of a  
23 commercial or professional nature for a foreign employer or for  
24 themselves that will not result in gainful employment in the Philippines.  
25 As used herein, the term "business" refers to conventions, conferences,  
26 consultations and other legitimate activities of a commercial or a

1 professional nature, but does not include local employment or labor for  
2 hire;

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

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

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

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

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

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

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

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

- 4           a. Heads of the State and Heads of Government and their personal  
5           representatives;
- 6           b. Members of reigning royal families recognized by the Philippine  
7           Government;
- 8           c. Governors-General, Governors, and High Commissioners of  
9           dependent territories and their personal representatives;
- 10          d. Cabinet ministers and their deputies and officials with cabinet rank  
11          of ministers;
- 12          e. Presiding officers of national legislative bodies;
- 13          f. Justices or judges of the highest national judicial bodies;
- 14          g. Diplomats and career consular officials;
- 15          h. Diplomatic couriers regularly and professionally employed as such;
- 16          i. Military, naval, air and other attaches assigned to a diplomatic  
17          mission;
- 18          j. All members of official special missions of a diplomatic character;
- 19          k. Officials of international organizations bearing diplomatic  
20          passports when traveling on official business;
- 21          l. Representatives of international organizations who have  
22          diplomatic status and bearing diplomatic passports issued by their  
23          governments;
- 24          m. Members of delegations proceeding to or from an international  
25          conference of an official or diplomatic nature;
- 26          n. Accompanying spouses and unmarried minor children of  
27          foreigners within the abovementioned categories; and

1           o. Such other officials going to the Philippines on diplomatic  
2           missions.

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

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

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

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

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

25          (g) Prearranged Employment (G Visa): Foreign nationals coming to the  
26          Philippines on prearranged employment, including their family members  
27          accompanying or following to join them within the period of their employment. This

1 category includes intra-company transferees, professionals, performing artists, athletes,  
2 and cultural exchange workers under a work exchange program;

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

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

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

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

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

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

15 **SEC 33-A. Visa Policy.** - The policies governing the issuance, extension, renewal  
16 and conversion of visas referred to in Section 33 hereof shall be jointly formulated by  
17 the Commission and the Department of Foreign Affairs and, when appropriate, the  
18 Commission and the Department of Foreign Affairs shall consult with the concerned  
19 government agencies or offices relative thereto.

20 Any visa policy or guidelines to be implemented abroad shall be done by the  
21 Department of Foreign Affairs, with due notice to the Commission and other concerned  
22 agencies and/or offices.

23 **SEC. 33-B. Visa Issuance Overseas.**- All non-immigrant visas issued outside of  
24 the Philippines shall be done by Consular Officers of the Department of Foreign Affairs  
25 duly assigned at Philippines posts abroad. Immigrant visas, whenever issued abroad,  
26 shall be done by the Consular Officers upon the approval of the Commission through  
27 the Department of Foreign Affairs.

1 CHAPTER 2

2 IMMIGRANTS

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

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

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

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

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

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

1            *SEC. 36. Basis in Determination of Quota Allotment.* — The nationality of an  
2 immigrant whose admission is subject to the numerical limitation imposed by Section  
3 34 of this Act shall be that of the country of which the immigrant is a national or a  
4 citizen. The nationality of an immigrant possessing dual nationality may be that of  
5 either of the two countries regarding him/her as a national or citizen if he/she applies  
6 for a visa in a third country. If he/she applies for a visa within one of the two countries  
7 regarding him/her as a national or citizen, his/her nationality shall be that of the  
8 country in which he/she files his/her application for a visa to enter the Philippines.

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

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

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

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

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

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



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

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

### 14 CHAPTER 3

#### 15 ADJUSTMENT OF STATUS

16 **SEC. 39. Conditions for Adjustment of Status of Foreign Nationals.** -- The status  
17 of a foreign national admitted into the Philippines as non-immigrant may be adjusted  
18 by the Board to that of a foreigner lawfully admitted as a permanent resident if: (a) the  
19 foreigner makes an application for such adjustment; (b) the foreigner is eligible to  
20 receive a quota or non-quota immigrant visa and is admissible to the Philippines as a  
21 permanent resident; and (c) a quota immigrant visa, if such is the case, is immediately  
22 available to him/her at the time of his/her application, without the need of first  
23 departing from the Philippines. In all such cases, the personal appearance of the  
24 foreigner shall be required during the consideration of his/her application.

25 **SEC. 40. Effect of Approval of Application for Adjustment.** -- Upon the approval  
26 of an application for adjustment of status under the preceding section, the  
27 Commissioner shall record the foreign national's lawful admission as a permanent

1 resident as of the date of the approval of the application and shall be included as part of  
2 the quota for the calendar year in accordance with Section 34 of this Act.

3 **SEC. 41. *Adjustment of Status, When Not Allowed.*** — Adjustment of status  
4 under Section 39 of this Act shall not be applicable to (a) a foreign crewmember, (b) a  
5 foreign national who has violated or is in violation of immigration laws, rules and  
6 regulations unless the same is through no fault of his/her own or for purely technical  
7 reasons, (c) a foreign national admitted as a temporary visitor without visa, and (d)  
8 transients.

#### 9 CHAPTER 4

#### 10 DOCUMENTATION AND ADMISSION OF NON-IMMIGRANTS

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

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

1            *SEC. 44. Conditions for Issuance of Pre-arranged Visas.* – A foreigner who is  
2 coming to the Philippines for prearranged employment shall not be issued a non-  
3 immigrant visa referred to in Section 33 (g) until the Consular Officer shall have  
4 received authorization for the issuance of the same. Such authorization shall be given  
5 only upon the filing of a petition with the Board establishing, among others, that no  
6 person can be found in the Philippines willing and competent to perform the work or  
7 service for which the foreigner is desired and that his/her admission would be  
8 beneficial to the public interest. The petition shall be under oath by the prospective  
9 employer or his/her representative in the form and manner prescribed by the Board.

10            If the Board finds that the petition complies with the requirements of the  
11 preceding paragraph and of other regulations, it shall grant the petition and shall  
12 promptly transmit the authorization to the Department of Foreign Affairs and/or the  
13 Consular Office concerned.

14            *SEC. 45. Submission of Crew List and Passenger Manifest to the Commission.* –  
15 Simultaneous to the vessel's departure from the port of origin, the master, captain,  
16 agent, owner or consignee of any commercial vessel arriving to the Philippines shall  
17 submit to the Commission, within a reasonable time prior to such arrival, the crew lists,  
18 passenger manifests and such other information concerning the persons arriving on  
19 such a vessel. In the same manner and condition, the master, captain, agent, owner or  
20 consignee of any commercial vessel departing from any port in the Philippines shall  
21 submit to the Commission, within a reasonable time prior to such departure, the crew  
22 list, passenger manifest and such other information concerning the persons departing  
23 on such vessel. The crew list of an incoming sea craft shall be duly visaed by the  
24 appropriate Consular Officer.

25            *SEC. 46. Inspection of Crewmembers.* – It shall be the duty of the master, captain,  
26 agent, owner or consignee of any vessel arriving in the Philippines to have available on  
27 board, for inspection by the Immigration Officer, any foreign crewmember employed

1 on such vessel and to detain such crewmember on board after inspection and to remove  
2 such crewmember when required by the immigration authorities. No crewmember on  
3 board such vessel shall be discharged while the vessel is in port without the permission  
4 of the Commissioner.

5 *SEC. 47. Permission for Temporary Landing of a Foreign Crewmember.* – A  
6 foreign crewmember on a vessel arriving in the Philippines may be permitted to land  
7 temporarily under such conditions as may be prescribed by the Commissioner. All  
8 expenses incurred by the Commission while the crewmember is on land shall be borne  
9 by the master, captain, agent, owner or consignee of the carrying vessel.

## 10 CHAPTER 5

### 11 REFUGEE STATUS

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

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

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

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

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

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

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

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

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

10 **SEC. 51. *Confidentiality of Information.*** - In proceedings for the recognition of  
11 refugee status, the confidentiality of information shall be respected and no information  
12 relating to the refugee shall be shared with the country of origin or country of former  
13 habitual residence, directly or indirectly.

14 **SEC. 52. *Burden of Proof.*** - In proceedings for the recognition of refugee status,  
15 the burden of proof lies with the applicant, subject to the principle of non-refoulement.

16 **SEC. 53. *Stay of Exclusion or Deportation.*** - Notwithstanding the provisions of  
17 Sections 78 and 86, the exclusion from entry and deportation of a foreigner shall be  
18 stayed during the pendency of an application for refugee status. Where grounds under  
19 Section 78 are present, the refugee shall be allowed entry and the application shall be  
20 immediately referred by the Immigration Officer to the Board.

21 **SEC. 54. *Detention of Refugee.*** - Detention of applicants for refugee status shall  
22 only be resorted to in cases arising out of illegal entry or unauthorized stay after  
23 consideration of other alternatives, as may be determined by the Commissioner.

## 24 CHAPTER 6

### 25 DOCUMENTATION AND ADMISSION OF IMMIGRANTS

26 **SEC. 55. *Documentary Requirements of Immigrants; Instances When Not***  
27 ***Required.*** - Immigrants must present for admission into the Philippines valid

1 passports or travel documents issued by the government of the country to which they  
2 owe allegiance, showing their nationality and identity and valid visas issued by the  
3 Consular Officer indicating the date of issue and the period of validity thereof.

4 Immigrant visas shall not be required of the following:

5 (a) A child born subsequent to the issuance of a valid immigrant visa to the  
6 accompanying parent;

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

11 (c) A foreigner who is returning to an unrelinquished lawful permanent  
12 residence in the Philippines after a temporary residence abroad and presents for  
13 admission a valid reentry permit.

14 **Chapter 7 – Visa Issuance**

15 *SEC. 56. Nature of Visa.* – Nothing in this Act shall be construed to  
16 automatically entitle any foreign national to whom a visa or other travel document has  
17 been issued to enter the Philippines if, upon arrival at a port of entry, he/she is found to  
18 be inadmissible under this Act or any other law.

19 *SEC. 57. Requirement of Issuance of Visa.* – Under the conditions and subject to  
20 the limitations prescribed in this Act or regulations issued hereunder, the  
21 Commissioner may approve the issuance of an immigrant visa upon the  
22 recommendation of a Consular Officer in the following manner:

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

1 (b) The Department of Foreign Affairs, through its Consular Office abroad  
2 and through the Office of the Visa Director, shall approve the issuance of a non-  
3 immigrant visa to a foreign national who has made a proper application therefor in  
4 accordance with Section 33 of this Act.

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

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

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

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

22 **SEC. 59. Validity of Visa.** - A non-immigrant or immigrant visa issued by a  
23 Consular Officer abroad pursuant to Section 57 of this Act shall be valid for a period not  
24 exceeding six (6) months. In prescribing the period of validity of a non-immigrant visa,  
25 the Consular Officer shall, insofar as practicable, accord to such nationals the same  
26 treatment on a reciprocal basis as such foreign country accords to citizens of the

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

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

11 **SEC. 61. Revocation of Visa Issued by Consular Officer.** – The Commissioner  
12 may, for valid cause and upon confirmation of the Secretary of Foreign Affairs, revoke  
13 the visa issued by any Philippine Consular Office. If the notice of revocation is not  
14 received and the visa holder applies for admission into the Philippines, his/her  
15 admission or entry shall be determined by the Immigration Officer upon his/her arrival  
16 at the port of entry.

## 17 CHAPTER 8

### 18 RE-ENTRY AND EMIGRATION CLEARANCE

19 **SEC. 62. Re-entry.** – Every time a registered foreign national, except a  
20 temporary visitor, departs or is about to depart temporarily from the Philippines with  
21 the intention to return, he/she must pay a re-entry fee, emigration clearance fee and  
22 head fee: *Provided*, That said foreign national returns to the Philippines within a period  
23 of one (1) year from his/her departure in order to maintain his/her visa category.  
24 Otherwise, he/she shall apply for an extension of the period within which to return  
25 prior to its expiration and pay the prescribed fees and charges therefor: *Provided, further*,  
26 That if his/her authorized stay is less than one (1) year, he/she shall pay a special  
27 return fee, emigration clearance fee and head fee for every departure: *Provided, finally*,



1 That in both cases, if the registered foreign national departs permanently from the  
2 Philippines, he/she shall surrender all his/her Philippine immigration documents to  
3 the Commission and apply for and be issued an Emigration Clearance Certificate upon  
4 payment of the prescribed fees and charges therefor, subject to the following conditions:

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

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

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

11 **SEC. 63. *Emigration Clearance.*** – Any temporary visitor departing from the  
12 Philippines shall, after the expiration of his/her initial authorized stay, apply for  
13 emigration clearance with the Commission and pay the prescribed fees and charges  
14 therefor.

## 16 CHAPTER 9

### 17 PRESIDENTIAL PREROGATIVES

18 **SEC. 64. *Presidential Prerogatives.*** – Any provision of this Act to the contrary  
19 notwithstanding, the President may:

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

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

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

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

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

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

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

11  
12 **TITLE IV**

13 **PROVISIONS RELATING TO ENTRY**

14 **CHAPTER 1**

15 **CLASSIFICATION OF PORTS OF ENTRY**

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

23 **CHAPTER 2**

24 **PROCEDURES ON ARRIVAL**

25 *SEC. 66. Inspection by Immigration Officer.* - A foreigner seeking admission or  
26 readmission shall present his/her valid passport and visa, if required, to the  
27 immigration officer at the port of entry and shall be subject to primary inspection. The

1 decision of the examining Immigration Officer, if favorable to the admission of any  
2 foreigner, may be challenged by another Immigration Officer. The final determination  
3 of admissibility of such foreigner shall be determined by the Commissioner in case no  
4 resolution is reached between the Immigration Officers on the challenged admission. In  
5 case of admission, the Immigration Officer shall indicate in the passport the date, the  
6 port of entry and the identity of the vessel boarded.

7 *SEC. 67. Detention or Quarantine for Examination.* – For the purpose of  
8 determining whether a foreigner arriving at any port in the Philippines belongs to any  
9 of the classes excludable under this Act by reason of being afflicted with any of the  
10 contagious or communicable disease or mental disorder set forth under Section 78(a) of  
11 this Act or whenever the Commissioner has received information showing that  
12 foreigners are coming from a country or a place where any of such diseases are  
13 prevalent or widespread, the foreigner shall be detained or quarantined for a reasonable  
14 period of time to enable the immigration and medical officers to subject such person to  
15 observation and examination.

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

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

26 If, upon arrival in any area other than the designated port and there is no  
27 available Immigration Officer therein, the master, pilot, captain, agent or consignee

1 shall not allow the passengers and crew members to disembark or leave the primary  
2 inspection area until the immigration officer shall have conducted the primary  
3 inspection formalities.

4 **SEC. 70. Contents of Notice of Arrival.** – The advance notice of arrival required  
5 in the preceding section shall specify the following:

6 (a) Type of vessel and registration marks;

7 (b) Visaed crewlist;

8 (c) Passenger manifest;

9 (d) Port of last departure;

10 (e) International port of intended destination, or other place authorized by the  
11 Commissioner;

12 (f) Estimated time of arrival; and

13 (g) Authorized agent or representative at the place of arrival.

### 14 CHAPTER 3

#### 15 FOREIGN CREWMEMBER

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

21 **SEC. 72. Confiscation and Cancellation of Permit; Deportation from the**  
22 **Philippines.** – Upon the determination that the foreigner is not a *bona fide* crewmember  
23 or does not intend to depart on the vessel that brought him, the Commissioner shall  
24 cancel and confiscate the conditional permit already issued, take such foreigner into  
25 custody, and require the owner, operator, captain, master, pilot, agent or consignee of  
26 the vessel on which the foreigner arrived to receive and detain him/her on board. The  
27 expenses for his/her removal, including the cost of detention and other expenses

1 incidental thereto, shall be borne by the owner, operator, captain, master, pilot, agent or  
2 consignee of such vessel.

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

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

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

24 *SEC. 76. Requirement for Submission of List of Newly Employed, Discharged*  
25 *and Illegally Landed Foreign Crewmember.* — Prior to the departure of any vessel from  
26 the last port in the Philippines destined to any place outside thereof, the owner,  
27 operator, captain, master, pilot, agent or consignee thereof shall deliver to the

1 Immigration Officer at that port a list containing: (a) the names of crewmembers who  
2 were not employed thereon at the time of the vessel's arrival on such port but will  
3 depart thereat on the same vessel; (b) the names of those, if any, who have been  
4 discharged; (c) the names of those who have deserted or illegally landed at that port, if  
5 any; and (d) such other additional information as the Commissioner deems necessary.

6 **SEC. 77. Liability for Failure to Submit Complete, True and Correct Report.** — In  
7 case the owner, operator, captain, master, pilot, agent, or consignee, fails to submit a  
8 true and complete list or report of foreigners, or to report cases of desertion or illegal  
9 landing, he/she shall pay to the Commission such sum as may be prescribed under this  
10 Act. No such vessel shall be granted clearance from any port in the Philippines while  
11 such fines remain unpaid or while the validity thereof is being determined: *Provided,*  
12 that clearance may be granted prior to such determination upon deposit of a sum or  
13 cash bond sufficient to cover such fines as approved by the Commissioner.

#### 14 CHAPTER 4

#### 15 EXCLUSIONS

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

- 18 (a) Health Related Grounds
- 19 1. Those who are found to be suffering from a communicable, dangerous or  
20 contagious disease;
  - 21 2. Those who are found to be suffering from mental disorder or associated  
22 behavior that may pose threat to persons or danger to property;
  - 23 3. Those who are found to be suffering from addiction to prohibited or  
24 regulated substance;
- 25 (b) Economic Grounds
- 26 1. Those likely to become a public charge;

1           2. Those seeking entry for the purpose of performing skilled or unskilled  
2           labor, without a permit from the Secretary of the Department of Labor and  
3           Employment as required by law;

4           (c) Moral Grounds

5           1. Those coming to the Philippines to practice polygamy or who advocate  
6           the practice of polygamy unless his/her religion allows such practices;

7           2. Those who are pedophiles, sexual perverts or those coming to the  
8           Philippines for immoral purposes;

9           3. Those who are engaged or who seek to engage in prostitution or to  
10          procure or attempt to procure prostitutes, or who receives in whole or in  
11          part the proceeds of prostitution;

12          4. Those who, at the time of primary inspection, by the Immigration Officer  
13          exhibit any obnoxious behavior, contempt or disrespect for the said officer  
14          or any government official or Commission;

15          (d) Criminal and Security Grounds

16          1. Those who have been convicted of a crime involving moral turpitude or  
17          who admit to the Immigration Officer having committed such crime, or  
18          who attempt and conspire to commit the crime;

19          2. Those who have been convicted, or who admit having committed, or are  
20          committing acts which constitute the elements of a violation or conspiracy  
21          to violate any law or regulation of the Philippines or a foreign country  
22          relating to a controlled, regulated or prohibited substance, or who attempt  
23          or conspire to commit the crime;

24          3. Those that the Philippine Government knows or has reason to believe is a  
25          trafficker of any controlled, regulated or prohibited substance or knows or  
26          has reason to believe is or has been an accomplice, accessory, abettor, or

- 1 co-conspirator in the illicit trafficking of any controlled, regulated or  
2 prohibited substance;
- 3 4. Those who are fugitives from justice;
- 4 5. Those who seek to enter the Philippines to engage in:
- 5 a. Espionage or sabotage, or a violation or evasion of any laws  
6 prohibiting export of goods, technology or sensitive information;
- 7 b. Any activity aimed to promote membership in an organization of  
8 syndicated criminal activities;
- 9 c. Any activity, the purpose of which is to overthrow the Philippine  
10 government by force, violence or other unlawful means; and
- 11 d. Any other unlawful activity.
- 12 7. Those who are engaged or believed to be engaged or likely to engage in, aid,  
13 abet or finance any terrorist activity and members or representatives of a  
14 foreign terrorist organization;
- 15 8. Those who have been identified by competent authorities, local or  
16 foreign, as having engaged or are engaging in human trafficking and  
17 smuggling;
- 18 9. Those who are under fifteen (15) years of age and unaccompanied by or not  
19 coming to a parent, except that they may be admitted in the discretion of the  
20 Commissioner, if otherwise admissible; and
- 21 10. Those who have been identified by competent authorities, local and foreign,  
22 as having engaged or are engaging in importation of contrabands and other  
23 prohibited articles into the country.

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



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

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

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

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

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

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

1 (a) The country which he/she is a citizen or national;

2 (b) The country of birth;

3 (c) The country of his/her habitual residence; or

4 (d) The country willing to accept the foreign national into its territory, if removal  
5 to any of the foregoing countries is impractical or impossible.

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

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

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

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

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

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

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

1 TITLE V

2 DEPORTATION

3 CHAPTER 1

4 DEPORTABLE FOREIGN NATIONALS

5 *SEC. 86. Classes of Deportable Foreigners.* - The following foreigners shall be  
6 arrested upon the order of the Commissioner and deported upon recommendation by  
7 the Board of Special Inquiry and approval by the Board:

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

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

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

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

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

19 (f) Those who believe in, advise, advocate or teach the overthrowing by force and  
20 violence of the Government of the Republic of the Philippines, or duly constituted  
21 authority, or those who do not believe in or are opposed to organized governments, or  
22 those who advise, advocate or teach the assault or assassination of public officials by  
23 reason of their office, or those who advise, advocate or teach the unlawful destruction  
24 of property, or those who are members of or affiliated with any organization  
25 entertaining, advocating or teaching such doctrines, or those who in any manner  
26 whatsoever extend assistance, financial or otherwise, in the dissemination of such  
27 doctrines;

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

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

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

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

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

18 (l) Those who defraud their creditors by absconding or alienating properties to  
19 prevent their attachment or execution;

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

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

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

27 (p) Those who forge, counterfeit, alter or falsely make any document; or use,

1 attempt to use, possess, obtain, accept or receive or provide any forged, counterfeit,  
2 altered or falsely made document; or use, attempt to use, provide, attempt to provide,  
3 accept or receive a genuine document, even of another person, without authority to do  
4 so for the purpose of satisfying or complying with the requirements for his/her stay in  
5 the Philippines; and

6 (q) Those whose presence or activities in the country may result in adverse  
7 consequences to Philippine foreign policies as determined by the Secretary of Foreign  
8 Affairs.

9 **SEC. 87. *Non-Prescription of Deportation Cases.*** – The right of the State to  
10 initiate at any time deportation proceedings shall not prescribe: *Provided*, That no  
11 deportation proceedings and orders shall be had against foreigners facing preliminary  
12 investigation, prosecution and trial before competent authorities.

## 13 CHAPTER 2

### 14 DETENTION AND DEPORTATION OF FOREIGN NATIONALS

15 **SEC. 88. *Issuance of Summons.*** – If the Commissioner determines that there exists  
16 a reasonable ground to deport a foreigner pursuant to Section 86 of this Act, he/she  
17 may issue summons requiring the foreigner to appear in person before the designated  
18 investigating officer at the time, date and place stated therein.

19 **SEC. 89. *Authority to Issue Letter Order.*** – The Commissioner may issue a letter  
20 order for the detention of a foreigner if he/she determines that a probable cause exists  
21 for the filing of deportation charges against a foreigner for violation of immigration and  
22 other related laws, rules and regulations or there is a strong probability that a  
23 deportable foreigner may flee from his/her place of abode, go into hiding or  
24 surreptitiously leave the country.

25 **SEC. 90. *Formal Charge of Deportation.*** – A formal charge for deportation shall be  
26 issued upon determination of the existence of a *prima facie* case against the foreigner.  
27 Pending final determination of his/her deportation case, the foreigner shall, upon the

1 discretion of the Commissioner: (a) remain under detention; or (b) be released on bail or  
2 recognizance. The bail may be revoked and confiscated in favor of the government if  
3 there is sufficient evidence that the foreigner is evading the proceedings or is  
4 attempting to abscond, in which case he/she shall be taken into custody and placed  
5 under detention by order of the Commissioner.

6 **SEC. 91. Detention of a Foreigner Convicted of a Felony or an Offense.** – After  
7 service of his/her sentence or compliance with the conditions of his/her parole or  
8 probation, as the case may be, the foreigner shall be taken into custody and placed  
9 under detention by order of the Commissioner. Pending final determination of the  
10 deportation case, the foreigner may be ordered released under such terms and  
11 conditions prescribed by the Commissioner.

12 **SEC. 92. Voluntary Deportation, When Authorized.** – In case the foreigner does  
13 not contest the formal charge against him/her and opts to voluntarily leave the country  
14 at his/her own expense, the Commissioner may waive the deportation proceedings and  
15 order the departure within the period specified in the voluntary deportation order,  
16 except in cases of violations of laws such as Republic Act No. 8042 otherwise known as  
17 the “Migrant Workers and Overseas Filipinos Act of 1995”: *Provided, That* he/she has  
18 not committed any criminal offense or has no pending case in court: *Provided, further,*  
19 That the said foreigner so deported shall be barred from re-entering the country  
20 without prior written authorization from the Commissioner.

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

25 **SEC. 94. Period to Enforce Order of Deportation.** – The order of deportation shall  
26 be enforced immediately but in no case shall exceed three (3) months from the date it  
27 has become final and executory. If deportation is not enforced within the prescribed

1 period for reasons beyond the control of the Commissioner, the foreigner shall remain  
2 in custody.

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

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

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

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

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

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

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

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

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

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

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

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

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

## 26 CHAPTER 3

## 27 INDIGENT FOREIGNERS



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

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

## 11                                **TITLE VI**

### 12                            **MISCELLANEOUS PROVISIONS**

#### 13                               **CHAPTER 1**

#### 14                               **REGISTRATION OF FOREIGN NATIONALS**

15           **SEC. 103.** *Requirement of Registration.* - A temporary foreign visitor must  
16 register with the Commission or any Immigration Office nearest his/her place of  
17 residence on or before the sixtieth (60<sup>th</sup>) day of his/her arrival in the Philippines.

18           **SEC. 104.** *Registration Form and Oath.* - Applications for registration shall be  
19 under oath and in such form as prescribed by the Commission. Upon registration, a  
20 certificate of registration shall be issued by the Commission to the registrant. In case of  
21 loss or destruction of the certificate, a replacement thereof may be issued by the  
22 Commission upon proper application and payment of prescribed fees.

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

26           **SEC. 106.** *Presentation of Certificate of Registration.* - Every foreigner  
27 required to register under this Act or the parent or guardian of such foreigner shall,

1 upon demand of any authorized immigration official, present his/her certificate of  
2 registration, and failure to do so without justifiable cause shall be dealt with in  
3 accordance with the provisions of this Act.

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

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

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

## 24 CHAPTER 2

### 25 BONDS AND DEPOSITS

26 *SEC. 110. Bonds, When Required.* — The Commission shall have the authority to  
27 require cash bonds in such amounts and under such conditions as it may prescribe:

1 (a) To control and regulate the admission into, and departure from, the  
2 Philippines of foreigners applying for temporary admission;

3 (b) To insure against foreign passengers liable to be excluded as likely to become  
4 public charges; and

5 (c) To insure the appearance of foreigners released from custody during the  
6 course of deportation proceedings instituted against them.

7 **SEC. 111. Requirement of Cash Deposits for Overtime Services.** - The  
8 Commission shall likewise have the authority to require cash deposits in such amounts  
9 as may be necessary from vessel's owner, operator, captain, master, pilot, agent, or  
10 consignee or other persons served to cover payments for overtime services to be  
11 performed by officers and employees of the Commission.

12 **SEC. 112. Cancellation and Forfeiture of Bonds.** - When the conditions of the  
13 bond are fulfilled, or in case of a bond posted to insure against a foreigner becoming a  
14 public charge, when the Commissioner decides that the likelihood no longer exists, or  
15 death of the foreigner in whose behalf the bond is posted, the bond shall be cancelled  
16 and released to the depositor or his/her legal representative. In case of violation of the  
17 conditions of the bond, the same shall be forfeited and deposited in a trust fund account  
18 which may be utilized for the purchase of passage tickets of indigent deportees and to  
19 cover the costs of operations in the arrest of a deportee who jumps bail.

20 **CHAPTER 3**

21 **RECOGNIZANCE**

22 **SEC. 113. Petitions for Recognizance, Sanction for Breach of Conditions.** -  
23 The Commissioner may order the release of a foreigner upon recognizance of his/her  
24 lawyer or a person who is of good standing in the community, under such terms and  
25 conditions as he/she may prescribe. Failure to comply with the terms and conditions  
26 of the recognizance shall subject said lawyer or person to a fine of not less than Fifty  
27 thousand pesos (P50,000.00) but not more than One hundred thousand pesos

1 (P100,000.00), without prejudice to other administrative sanctions and/or proceedings  
2 against the erring party.

#### 3 CHAPTER 4

#### 4 COOPERATION AND COORDINATION WITH OTHER OFFICES

5 *SEC. 114. Working Cooperation with the Department of Foreign Affairs.* – For  
6 purposes of efficient implementation and administration of this Act, the Commission  
7 shall maintain a working cooperation with the Department of Foreign Affairs.

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

12 *SEC. 116. Coordination with Law Enforcement, Security and Other Offices.* –  
13 The Commissioner shall have authority to maintain coordination with the National  
14 Security Council, the Philippine National Police, and other law enforcement agencies of  
15 the government.

#### 16 CHAPTER 5

#### 17 FEES AND CHARGES

18 *SEC. 117. Authority of the Commissioner to Prescribe, Impose and Collect Fees*  
19 *and Charges.* – The Commissioner is authorized to prescribe, impose and collect fees  
20 and charges for services rendered pursuant to the provisions of this Act, which shall  
21 take effect fifteen (15) days after the last publication thereof for two (2) consecutive  
22 weeks in a newspaper of general circulation.

23 *SEC. 118. Head Fee.* – Every foreign national who is at least fourteen (14) years  
24 of age and admitted to the Philippines for a temporary stay exceeding sixty (60) days  
25 shall pay a head fee in an amount to be fixed by the Board.

26

1 CHAPTER 6

2 ADMINISTRATIVE FINES AGAINST VESSELS

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

11 SEC. 120. *Fine for Violation of Obligation on the Landing or Removal of*  
12 *Foreigners.* — A pilot, master, agent, owner or consignee of any vessel arriving at a  
13 port of the Philippines from a place outside thereof in violation of this Act shall be  
14 fined not less than Fifty thousand pesos (P50,000.00) but not more than Two hundred  
15 thousand pesos (P200,000.00) for each violation.

16 SEC. 121. *Fine for Bringing Undocumented Foreigner, or Foreigner Afflicted with*  
17 *Communicable or Contagious Disease, or Suffering from Mental Disorder.* — The pilot,  
18 master, agent, owner or consignee of the vessel arriving at a port in the Philippines  
19 from a place outside thereof bringing on board an undocumented foreigner shall be  
20 fined One hundred thousand pesos (P100,000.00) for each foreigner. If the foreigner is  
21 afflicted with a communicable or contagious disease or is suffering from mental  
22 disorder, the fine shall be not less than Two hundred thousand pesos (P200,000.00) but  
23 not more than Three hundred thousand pesos (P300,000.00) for each foreigner.

24 SEC. 122. *Fine for Bringing a Foreigner to Assist His Illegal Entry or*  
25 *Misrepresenting a Foreigner as a Member of the Crew.* — The pilot, master, agent,  
26 owner or consignee of the vessel arriving at any port in the Philippines from a place  
27 outside thereof bringing on board a foreigner bound for the Philippines to assist his/her

1 illegal entry, or misrepresenting the foreigner to the immigration officer at the port of  
2 arrival as a *bona fide* member of the crew, shall be fined not less than One hundred  
3 thousand pesos (P100,000.00) but not more than Two hundred thousand pesos  
4 (P200,000.00) for each foreigner.

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

## 10 CHAPTER 7

### 11 OTHER PENAL PROVISIONS

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

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

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

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

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

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

2 (f) Knowingly makes under oath any false statement regarding any immigration  
3 matter; or

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

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

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

25 **SEC. 125. Penalty for Non-compliance of Subpoena.** — Any person who, having  
26 been duly served with a *subpoena*, fails to comply without valid and justifiable reasons  
27 shall, upon conviction, suffer the penalty of imprisonment of not more than fifteen (15)

1 days or a fine of not more than One thousand pesos (P1,000.00), or both, at the  
2 discretion of the court.

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

8 *SEC. 127. Imposition of Maximum Penalty, When Applicable.* – A person  
9 convicted under Republic Act No. 3019, as amended, otherwise known as the “Anti-  
10 Graft and Corrupt Practices Act”, or other laws against corruption and bribery who  
11 shall violate or circumvent any provisions of this Act shall, upon conviction, suffer the  
12 maximum penalty for such offense as provided under this Act.

## 13 CHAPTER 8

### 14 FUNDING

15 *SEC. 128. Funding.* – In addition to its annual budget under the General  
16 Appropriations Act, the Commission is hereby authorized to retain and use fifty  
17 percent (50%) of its income derived from collection of immigration fees, fines, penalties  
18 and charges to pay hazard pay, subsistence allowance and other monetary benefits at  
19 rates fixed by the Commissioner and for maintenance and other operating expenses,  
20 intelligence and law enforcement, information and communication technology  
21 infrastructure, transportation facilities and other capital outlay expenditures. The  
22 Commission is likewise hereby authorized to retain and use its income in excess of the  
23 prescribed collection target.

## 24 CHAPTER 9

25 *SEC. 129. Staffing Pattern and Salary Schedule.* – To carry out the provisions  
26 of this Act, the Commissioner shall submit a new staffing pattern and salary schedule  
27 for personnel services to the Secretary of the Department of Budget and Management



1 for approval, which shall be in accordance with the Salary Standardization Law and  
2 other applicable laws under the National Compensation and Classification Plan.

3 **SEC. 130. Reorganization of the Commission.** – Upon approval of this Act, all  
4 employees of the Bureau of Immigration covered by the civil service law and  
5 regulations shall continue to hold their present positions pending the  
6 reorganization of the Commission in accordance with the new staffing pattern:  
7 *Provided,* That the salaries, wages, allowances and other benefits of incumbent officers  
8 and employees of the Commission shall not be subject to diminution: *Provided, further,*  
9 That in the event that the positions are abolished in accordance with the  
10 reorganization, the affected employees shall be *retained.* *Provided, finally,* That  
11 employees who have been dismissed for cause shall no longer qualify for any position  
12 in the Commission.

13 **SEC. 131. Inventory and Transfer of Properties, Accounts, Assets, Liabilities and**  
14 **Obligations to the Commission.** – All buildings, properties, equipment, facilities,  
15 accounts, other assets, liabilities and other obligations as well as records of the Bureau  
16 of Immigration shall be properly inventoried and transferred to the Commission.

17 **SEC. 132. Treaty or Agreement.** – Any treaty or agreement entered into  
18 between the Philippines and any foreign state before the effectivity of this Act shall  
19 remain in force and effect.

20 **SEC. 133. Pending Cases.** – Any prosecution, suit, action, proceeding, or any act  
21 or matter, civil or criminal, pending at the time of the effectivity of this Act shall not be  
22 affected by the provision of this Act unless otherwise applicable.

23  
24 **CHAPTER 10**

25 **ADMINISTRATION AND IMPLEMENTATION**

26 **SEC. 134. Administration and Implementation Abroad.** – The administration and  
27 implementation of this Act abroad, including the rules and regulations as well as

1 policies arising from it shall be the responsibility of the Department of Foreign Affairs  
2 through Philippine diplomatic and consular establishments.

3

4 *SEC. 135. Implementing Rules and Regulations.* – The Commission, upon  
5 consultation with the Department of Foreign Affairs and other concerned government  
6 agencies or offices and subject to the approval by the Secretary, shall promulgate the  
7 rules and regulations for the implementation of this Act within one hundred twenty  
8 (120) days from its effectivity.

9

## 10 CHAPTER 11

### 11 FINAL PROVISIONS

11

12 *SEC. 136. Separability Clause.* – If any of the provisions of this Act is held  
13 invalid or unconstitutional the other provisions not affected thereby shall continue to be  
14 in force and effect.

15

16 *SEC. 137. Repealing Clauses.* – (a) Commonwealth Act No. 613, otherwise  
17 known as the Philippine Immigration Act of 1940, as amended, is hereby repealed; (b)  
18 All laws, presidential decrees, executive orders, proclamations, memorandum orders,  
19 instructions, rules and regulations or parts thereof inconsistent with this Act are hereby  
20 amended or modified accordingly.

21 *SEC. 138. Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
22 its complete publication in the Official Gazette or in two (2) newspapers of general  
23 circulation.

24 *Approved,*